

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS) issued on April 21, 2017 for the proposed East Harlem Rezoning.

Oral and written comments were received during the public hearing on the DEIS held by the New York City Department of City Planning (DCP) on August 23, 2017 at the Manhattan Municipal Building, 1 Centre Street, New York, New York 10007. The DEIS hearing is required under City Environmental Quality Review (CEQR) and was held in conjunction with the City Planning Commission's (CPC) Citywide public hearing pursuant to Uniform Land Use Review Procedure (ULURP). The comment period remained open until September 5, 2017.

Section B lists the organizations and individuals that provided comments relevant on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the heading structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Written comments are included in **Appendix J**, "Comments Received on the Draft Environmental Impact Statement."

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS**ELECTED OFFICIALS²**

1. Gale A. Brewer, Manhattan Borough President, letters dated August 2, 2017 (Brewer_005), August 3, 2017 (Brewer_006), and oral testimony delivered August 23, 2017 (Brewer_063)
2. Melissa Mark-Viverito, Speaker, New York City Council, letter dated June 23, 2017 (Mark-Viverito_NYCC_001)

AGENCY OFFICIALS

3. Gregg Bishop, Commissioner, New York City Department of Small Business Services, oral testimony delivered August 23, 2017 (Bishop_SBS_105)
4. La'Shawn Brown-Dudley, Acting Assistant Commissioner, East Harlem Neighborhood Health Action Center, oral testimony notes submitted August 23, 2017 (Brown-Dudley_EHNHAC_030) oral testimony delivered August 23, 2017 (Brown-Dudley_EHNHAC_064)

¹ This chapter is new to the EIS.

² Citations in parentheses refer to internal comment tracking annotations.

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5. Kim Darga, Associate Commissioner, New York City Department of Housing Preservation and Development, oral testimony notes submitted August 23, 2017 (Darga_HPD_035) and oral testimony delivered August 23, 2017 (Darga_HPD_073)
6. Jordan Dressler, Civil Justice Coordinator, New York City Human Resources Administration, oral testimony notes submitted August 23, 2017 (Dressler_HRA_038) and oral testimony delivered August 23, 2017 (Dressler_HRA_076)
7. Deborah Goddard, Acting Executive Vice President, New York City Housing Authority, oral testimony delivered August 23, 2017 (Goddard_NYCHA_058)
8. Alyson Grant, Chief of Staff, Administration of Children's Services of Early Care & Education, oral testimony notes submitted August 23, 2017 (Grant_ACS_028) and oral testimony delivered August 23, 2017 (Grant_ACS_066)
9. Jessica Katz, Associate Commissioner for New Construction, New York City Department of Housing Preservation and Development, oral testimony notes submitted August 23, 2017 (Katz_HPD_034) and oral testimony delivered August 23, 2017 (Katz_HPD_074)
10. Paul McCulloch, Staff Attorney, New York City Commission on Human Rights, oral testimony delivered on August 23, 2017 (McCulloch_056)
11. Nick Molinari, Chief of Planning & Neighborhood Development, New York City Department of Parks and Recreation, oral testimony notes submitted August 23, 2017 (Molinari_NYCParks_032) and oral testimony delivered August 23, 2017 (Molinari_NYCParks_051)
12. Vito Mustaciuolo, Deputy Commissioner, New York City Department of Housing Preservation and Development, oral testimony notes submitted August 23, 2017 (Mustaciuolo_HPD_033) and oral testimony delivered August 23, 2017 (Mustaciuolo_HPD_067)
13. Kevin Parris, New York City Department of Housing Preservation and Development, oral testimony delivered August 23, 2017 (Parris_HPD_108)
14. Ashley Putnam, Economic Development Advisor, Mayor's Office of Workforce Development, oral testimony notes submitted August 23, 2017 (Putnam_WKDEV_039) and oral testimony delivered August 23, 2017 (Putnam_WKDEV_065)
15. Sydney Renwick, Manhattan and Bronx Director, New York City Department of Education's Office of Intergovernmental Affairs, oral testimony notes submitted August 23, 2017 (Renwick_DOE_029)
16. Luis Sanchez, Manhattan Borough Commissioner, New York City Department of Transportation, oral testimony notes submitted August 23, 2017 (Sanchez_DOT_031) and oral testimony delivered August 23, 2017 (Sanchez_DOT_050)
17. Margaret Sheffer Brown, Assistant Commissioner, New York City Department of Housing Preservation and Development, oral testimony notes submitted August 23, 2017 (Sheffer-Brown_HPD_036) and oral testimony delivered August 23, 2017 (Sheffer-Brown_HPD_075)
18. Maria Torres Springer, Commissioner, New York City Department of Housing Preservation and Development, oral testimony notes submitted August 23, 2017 (Torres-Springer_HPD_037) and oral testimony delivered August 23, 2017 (Torres-Springer_HPD_106)

COMMUNITY BOARD

19. Diane Collier, Chair, Community Board 11, letters dated June 26, 2017 (Collier_CB11_004) and June 29, 2017 (Collier_CB11_003) and oral testimony submitted August 23, 2017 (Collier_CB11_052)

ORGANIZATIONS AND BUSINESSES

20. Alexander Adams, CIVITAS, oral testimony notes submitted August 23, 2017 (Adams_CIVITAS_041) and oral testimony delivered August 23, 2017 (Adams_CIVITAS_090)
21. Ilene Brettler, Member, DREAM Family Action Council, oral testimony notes submitted August 23, 2017 (Brettler_021) and oral testimony delivered August 23, 2017 (Brettler_114)
22. Christopher Cirillo, Executive Director, Northern Manhattan Collaborative, letter dated September 5, 2017 (Cirillo_NMC_101)
23. East Harlem Neighborhood Plan Steering Committee, oral testimony notes submitted August 23, 2017 (EHNPS_023) (EHNPS_055) and letter dated September 5, 2017 (EHNPS_107)
24. Equitable Neighborhoods Practice of the Community Development Project, email dated September 5, 2017 (CDP_097)
25. Diane Fane, The Fane Organization, email dated September 5, 2017 (FO_100)
26. Fred Harris, Jonathan Rose Companies, oral testimony delivered August 23, 2017 (Harris_JRC_109)
27. Bethany Hogan, Government Relations and Special Projects Manager, New York Restoration Project, oral testimony notes submitted August 23, 2017 (Hogan_NYRP_027) and oral testimony delivered August 23, 2017 (Hogan_NYRP_060)
28. Landmark East Harlem, oral testimony notes submitted August 23, 2017 (LEH_024)
29. Lynn Lewis, founding board member, East Harlem El Barrio Community Land Trust, oral testimony delivered August 23, 2017 (Lewis_CLT_082)
30. Kimberly Libman, Director for Prevention and Community Development, The New York Academy of Medicine, oral testimony notes submitted August 23, 2017 (Libman_NYAM_026) and oral testimony delivered August 23, 2017 (Libman_NYAM_068)
31. Wagner Matarrita, Vice President, DREAM Family Action Council, oral testimony notes submitted August 23, 2017 (Matarrita_045)
32. Rafael A. Matis, Volunteer, Community Voices Heard, Comment Sheet submitted August 23, 2017 (Matis_019)
33. Deborah Moelis, Handel Architects, oral testimony delivered August 23, 2017 (Moelis_HA_110)
34. Andrew Morgan, Board President, Maple Plaza HDFC, Web Form submitted August 23, 2017 (Morgan_043)
35. Municipal Art Society of New York, oral testimony notes submitted August 23, 2017 (MAS_009) and oral testimony notes delivered August 23, 2017 (MAS_053)
36. David Nocenti, Executive Director, Union Settlement Association, oral testimony notes delivered and submitted August 23, 2017 (Nocenti_USA_007, Nocenti_USA_008, Nocenti_USA_061, Nocenti_USA_111)
37. Emily Parkey, Director of Family Engagement, Community and Government Affairs, DREAM, oral testimony notes delivered and submitted August 23, 2017 (Parkey_DREAM_022, Parkey_DREAM_059, Parkey_DREAM_113)
38. Picture the Homeless, oral testimony notes submitted September 5, 2017 (PTH_099)
39. Raul Russi, CEO, Acacia Network, oral testimony notes delivered and submitted August 23, 2017 (Russi_AN_016, Russi_AN_112)

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40. Paula Segal, Attorney in Equitable Neighborhoods, Community Development Project, oral testimony notes submitted and delivered August 23, 2017 (Segal_CDP_018, Segal_CDP_087)
41. Lo Van Der Valk, Carnegie Hill Neighbors, oral testimony delivered August 23, 2017 (CHN_092)
42. Rahn Wade, Executive Board Member, 32BJ Service Employees International Union, oral testimony notes submitted August 23, 2017 (Wade_SEIU_015) and oral comments delivered August 23, 2017 (Wade_SEIU_057)
43. Chris Walters, Rezoning Technical Assistance Coordinator, Association for Neighborhood and Housing Development, oral testimony notes submitted and delivered August 23, 2017 (Walters_ANHD_017, Walters_ANHD_088)

GENERAL PUBLIC

44. Omar Arias, Web Form submitted August 23, 2017 (Arias_011)
45. Leon Bligen, oral testimony delivered August 23, 2017 (Bligen_072)
46. Eva Chan, web form submitted September 9, 2017 (Chan_115)
47. Viveca Diaz, oral testimony delivered August 23, 2017 (Diaz_077)
48. Paul Ferrer, Web Form submitted August 23, 2017 (Ferrer_013)
49. Roger Hernandez, oral testimony notes submitted August 23, 2017 (Hernandez_040) and oral testimony delivered August 23, 2017 (Hernandez_086)
50. George Janes, oral testimony delivered August 23, 2017 (Janes_054) and web form submitted August 31, 2017 (Janes_048)
51. Larry Lawrence, Web Form submitted August 23, 2017 (Lawrence_010)
52. Adriane Mack, oral testimony delivered August 23, 2017 (Mack_080)
53. Rafael Muttiz, oral testimony delivered August 23, 2017 (Muttiz_078)
54. Hai Nguyen, web form submitted September 2, 2017 (Nguyen_098)
55. Michelle Nguyen, web form submitted August 29, 2017 (Nguyen_047)
56. Marina Ortiz, oral testimony notes submitted on August 23, 2017 (Ortiz_025) and oral testimony notes delivered August 23, 2017 (Ortiz_081)
57. Dennis Osorio, oral testimony delivered August 23, 2017 (Osorio_071)
58. Maria Pacheco, oral testimony delivered August 23, 2017 (Pacheco_069)
59. Kaila Paulino, oral testimony delivered August 23, 2017 (Paulino_085)
60. Juan Peralta, oral testimony delivered August 23, 2017 (Peralta_084)
61. Raniel Perez, Web Form submitted August 23, 2017 (Perez_014)
62. Nancy Perkins, Web Form submitted August 23, 2017 (Perkins_042)
63. Atune Plummer, oral testimony delivered August 23, 2017 (Plummer_070)
64. Mahfuzur, Rahman, oral testimony delivered August 23, 2017 (Rahman_079)
65. Ray Rogers, oral testimony delivered August 23, 2017 (Rogers_089)
66. Shi Rong-Chong, oral testimony delivered August 23, 2017 (Rong-Chong_091)
67. Joseph Sanderson, email dated April 26, 2017 (Sanderson_002)
68. Richard Sanford, web form submitted June 15, 2017 (Sanford_102)
69. Rachel Silang, oral testimony delivered August 23, 2017 (Silang_083)
70. Ray Tirado, oral testimony notes submitted August 23, 2017 (Tirado_020) and oral testimony delivered August 23, 2017 (Tirado_062)
71. Tara Tonini, web form submitted August 31, 2017 (Tonini_049)
72. Kaitlin Tyrrill, web form submitted August 23, 2017 (Tyrrill_046)
73. Sophia Weissmann, Web Form submitted August 23, 2017 (Weissmann_012)

PETITION

74. People’s Congress of Resistance and Justice Center en El Barrio (PCR_044)³

C. COMMENTS AND RESPONSES

COMMUNITY ENGAGEMENT AND BACKGROUND

Comment 1:

While the City’s plan contains some virtues, overall it thoroughly disregards the recommendations made by East Harlem stakeholders after years of multilateral planning in favor of a top-down approach that ignores East Harlem’s concerns. (Collier_CB11_004)

[CB11 has] been there from the beginning. We have been from 2013—I mean 2013 Park Avenue corridor rezoning. We participated in the EHNP. We’ve had late night presentations, and believe me, 5-hour discussions about this project for the past 2 ½ years. On the night of the critical vote I was never more proud of them than I was then that they endured the intense adversity, but yet they maintained composure, just like civil rights pioneers of the past, to make sure that our voices were going to be heard, that our vote was going to be taken and that we submit our recommendations based on everything that we have learned and participated in. (Collier_CB11_052)

The EHNP called for a modest upzoning, enough to trigger mandatory inclusionary housing (MIH). The proposal calls for a large upzoning, to the highest densities. It got so bad that one of the main community partners in the EHNP actually protested the community meetings organized by CPC. Every Commissioner should review those tapes of those meetings or the wild community board hearing for yourself. This was supposed to be easy. What happened? (Janes_054)

Response:

In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the “City’s Neighborhood Initiative”). As discussed in Chapter 1, “Project Description,” of the EIS, this approach includes the Proposed Actions, and investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community. The EHNP Steering Committee process as well as the East Harlem Neighborhood Initiative provided an opportunity for City agencies to review the work they were currently doing in the neighborhood and how these services could be tailored and improved to address concerns raised throughout the process. As a result, there were a number of areas where

³ The petition, as submitted at the CPC public hearing, contained approximately 900 signatures.

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the City has already been able to respond and bring resources to bear in East Harlem. Please see Chapter 1, “Project Description,” of the FEIS for further discussion on the City’s Neighborhood Initiative.

Comment 2: [The City should] engage the community before, during, and after construction, with regular reports to Community Board 11 (CB11) to track progress on goals. (Collier_CB11_004)

Response: Comment noted.

Comment 3: Community engagement is a cornerstone of New York City Housing Preservation and Development’s (HPD) work. We are able to both communicate and improve our policies and procedures and applicant resources through community presentations and partnerships. On average, our Marketing staff conducts three community presentations per week in response to requests from various groups and stakeholders. Recent examples in East Harlem include a winter 2017 preparedness workshop at the housing forum organized by Council Speaker Mark-Viverito, and the 116th Street Block Association’s “Ready to Rent” Housing Ambassador event in May. We are open to participating in future tenant resource fairs in the community in the future, continuing our engagement with East Harlem partners, and we look forward to supporting the Housing Ambassadors in doing the same. (Sheffer-Brown_HPD_036)

Response: Comment noted.

Comment 4: We are deeply proud of the work that the Steering Committee has delivered. Together, we have produced a comprehensive neighborhood plan that is built off of excellent community engagement, and conveys a carefully composed and ambitious local vision. This plan includes a rezoning, but it also outlines key investments to support the growth of the existing community. (Hogan_NYRP_027)

Response: Comment noted. As stated in Chapter 1, “Project Description,” of the FEIS, the Steering Committee’s recommendations in the EHNP identified the following priority objectives: Preserve important East Harlem buildings and reinforce neighborhood character, allow for increased density in select places to create more affordable housing and spaces for jobs, and improve and create more services and amenities for the East Harlem community through any new development on private and public sites. The City’s Proposed Actions incorporate the priority objectives put forth by the Steering Committee, concerns raised by the community, and take a comprehensive approach in addressing the neighborhood’s needs.

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Comment 5: Outreach and engagement with community partners and building owners is a critical part of our preservation strategy. The Division of Preservation works closely with the Office of Neighborhood Strategies, as well as other parts of the agency on outreach and community engagement. (Darga_HPD_035)

Response: Comment noted.

Comment 6: New York City Department of Parks and Recreation (NYC Parks) has been working with our partner City agencies and with local stakeholders to better understand this community's open space priorities and opportunities. We participated in City Council Speaker Mark-Viverito's community engagement process, through the open space subcommittee, which led to the production of the EHNP in February 2016. The EHNP recognizes the significant park assets in this neighborhood, but also acknowledges a need for improved connections to Harlem River Park and Randall's Island; the unmet potential of the waterfront to become a world class destination for local residents and the city at large; and the vulnerability of East Harlem to climate change and extreme weather events. (Molinari_NYCParks_032)

Response: Comment noted.

Comment 7: In addition to our regular community coordination, and communication with the Speaker, the Borough President and all of the representatives of this area, my office has been working with the Steering Committee and several working groups for more than a year in an effort to make this rezoning a success. Given the area's strengths in the realm of transportation, the investments we've already made and will be making, we will be working closely with the DCP to develop a broad, comprehensive plan for the neighborhood that builds on the strengths of the plans that have emerged from this community led effort. I believe the East Harlem Rezoning will be a success, and again, New York City Department of Transportation (DOT) supports it. (Sanchez_DOT_031)

Response: Comment noted.

Comment 8: In order to align with the recommendations of the EHNP and with support from the New York State Health Foundation we partnered with the New York Academy of Medicine and Mount Sinai to facilitate a participatory decision making process whereby resident panelists selected grantees to implement health-related projects. A total of \$275,000 in funding was allocated to eleven East Harlem organizations.

This funding has had an impact. During the one year grant period, funded organizations contributed to the EHNP recommendations by

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hosting 315 activities, and reaching almost 7,000 community members. Activities included food and nutrition workshops; youth programs; an emergency preparedness communications campaign; walking groups; and job training. Organizations and residents found this inclusive decision making experience to be informative and empowering, and we hope to expand it in the future. (Brown-Dudley_EHNPAC_030)

Response: Comment noted.

Comment 9: DCP has engaged all City agencies to ensure the best possible outcome for the residents of East Harlem. As such, the New York City Department of Education (DOE) continues to work as a partner with the EHNP committee and its stakeholders to continue to provide a high-quality education for District 4 students and to align, as best as possible, with the objectives and recommendations set forth in their plan. A priority of the EHNP was the expansion of Community Schools and better access to existing resources in East Harlem, and we are pleased that three new Community Schools will open in District 4 in the 2017–2018 school year.

The DOE has engaged with community residents and the EHNP subcommittee, and participated in several meetings, including a formal presentation in December and smaller subcommittee meetings in March and May. We are committed to the success of the EHNP and will continue to work with the District 4 school community and the residents of East Harlem to provide a high quality education to the children of El Barrio. (Renwick_DOE_029)

Response: Comment noted.

Comment 10: I am here today to testify on behalf of the Administration for Children’s Services (ACS) in favor of the East Harlem Rezoning Proposal. ACS is pleased to be here today and to have been an ongoing partner in the East Harlem Neighborhood Study.

Our participation in the East Harlem Neighborhood Study has focused on several objectives identified by the Steering Committee—in short, related to our work in providing subsidized child care to this community. ACS presented to the Steering Committee in February, sharing an overview of our work and answering their questions. (Grant_ACS_028)

Response: Comment noted.

Comment 11: However “participatory” the planning process may appear, encouraging massive increases in the number of high-priced properties in low-density and low-income communities of color like East Harlem/EI

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Barrio is the antithesis of “inclusionary.” Real estate is all about the money. Developers are primarily concerned with what tomorrow’s market will bear, not the people who live here today. (Ortiz_025)

Both the EHNP and the current rezoning plan are middle-class housing plans. The “community” planning process was skewed and overtly politicalized. Neither plan reflects the actual needs of our community. (Ortiz_025)

The United States is a prime example of a capitalist country. Under capitalism, companies live by the profit motive. They exist to make money that is all that counts—people do not count, just profits. In the end the rezoning will happen and people get hurt. Why pretend listening to concerns? Just implement the rezoning. (Lawrence_010)

Response: As stated in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are one component of a larger neighborhood study which is a part of the Mayor’s *Housing New York* initiative. The study also includes coordination with other agencies, community stakeholders and the EHNP Steering Committee to prioritize and target neighborhood investments. Approximately 1,500 East Harlem residents participated in eight public visioning workshops and over 40 meetings. The process resulted in the EHNP, which provided more than 200 recommendations to the City based on 12 key neighborhood topics ranging from open space to housing to zoning and land use.

Comment 12: To increase transparency and aid public oversight, Municipal Art Society of New York (MAS) recommends that DCP make public all its mapping and geographic information system (GIS) data related to the proposal. This includes shapefiles for the project and study areas, potential and projected sites, and other pertinent files. Making this data accessible will encourage more informed recommendations by the public. (MAS_009)

Response: All figures and maps that are included in the Final Environmental Impact Statement are made available to the public on the Department of City Planning’s website. The Department will explore making the requested data available.

Comment 13: Throughout the community engagement process, New York City Department of Small Business Services (SBS) has played an active role to ensure the needs of small businesses, commercial corridors, and job seekers were incorporated into the planning process. (Bishop_SBS_105)

Response: Comment noted.

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Comment 14: SBS is also a member of the East Harlem Community Alliance, a diverse group of neighborhood stakeholders led by Union Settlement Association (USA). We have continued to engage with the East Harlem Community Alliance and its members through the various initiatives implemented in this neighborhood, in direct response to the recommendations from the EHNP. (Bishop_SBS_105)

Response: Comment noted.

Comment 15: SBS has worked closely with East Harlem community based organizations, merchants, and residents over the past 2 years to implement new investments that respond directly to the community's objective of protecting and enhancing the viability of East Harlem's small businesses and increasing economic activity overall. Chief among the new investments is Neighborhood 360, a new program created to identify, develop, and launch commercial revitalization projects in partnership with local stakeholders. Through the Neighborhood 360, SBS provided funding and technical assistance to Union Settlement, New East Harlem Merchants Association, and Hope Community, Inc. to conduct commercial district needs assessment to highlight the existing business landscape development of East Harlem traffic corridors, with community identified strengths, challenges, and opportunity for commercial revitalization. Results from the East Harlem CNA directly guided the East Harlem funding priorities for the New Neighborhood 360, Inc. rent, which included recommendations from the EHNP, such as direct business services, district marketing, and merchant organizing. (Bishop_SBS_105)

Response: Comment noted.

Comment 16: While the current administration is undoubtedly better than the last one when it comes to community engagement, I don't think community planning or even well done community plans like the EHNP have a place of respect in our process. It's an issue of culture. We don't have a culture of community partnership and working collaboratively with the community. And that's a problem. If the trouble of this rezoning teaches us anything it is that we need to change this culture and embrace community planning. (Janes_054)

Response: Please see the response to Comment 1. As noted in Chapter 1, "Project Description," of the FEIS, the East Harlem Neighborhood Initiative takes a comprehensive approach to addressing neighborhood needs and incorporates the priority objectives identified by the Steering Committee. The East Harlem Neighborhood Initiative addresses the need for affordable housing and housing preservation, provides resources for health related concerns (including those concerns of senior

members of the community), commits the City to improving the quality of East Harlem Schools, creates new and improves existing open spaces, provides for improvements to transportation and safety of residents and lastly connects neighborhood residents with opportunities for economic development through small business initiatives and access to quality jobs.

Comment 17: Another of the community’s priorities for the EHNP was to improve engagement, communication, and information to New York City Housing Authority (NYCHA) residents. NYCHA’s resident engagements extend to all areas of our work. It’s a cornerstone of our efforts to rebuild and repair public housing, and to build affordable housing. As part of our preservation in affordable housing development, residents have a seat at the table and guide the work that provides and improves for their homes and communities. (Goddard_NYCHA_058)

Response: Comment noted.

Comment 18: In East Harlem there are 100,000 people, 100,000 people living in East Harlem, yet I hear a bunch of people coming up to the microphone being proud about the community engagement and they spoke to 1,000 people. [There are] 100,000 people living in East Harlem and the most important thing to them is where they live. [There are] 100,000 people that don’t know what’s going on right now. These meetings are being held behind their backs. Truly behind their backs because they do not have the voice. (Peralta_084)

Response: Comment noted.

Comment 19: We went out for 2 weeks, 2 weeks and we got 900 signatures. We spoke to people that didn’t know about any of the public hearings, didn’t know about the Community Board. The Community Board itself—which we’ve gone multiple times and they seem mediocre—they came out today and said they were against it, but they didn’t look like it when we were going at these meetings. (Peralta_084)

Response: Comment noted.

Comment 20: People that were not elected by the community, people that were appointed, people that were not democratically elected are choosing whether or not to sell out East Harlem. People that have their so-called stakeholders, which means they got the money, they own the businesses, they own the buildings. But they are not the ones that are putting in the work, living in the buildings, living in the NYCHA buildings. (Peralta_084)

Response: Comment noted.

PROJECT DESCRIPTION

GENERAL

Comment 1-1: With respect to La Marqueta and the Park Avenue Commercial Corridor, the City should advance the East Harlem community’s recommendations by supporting (a) the construction of capital improvements to the City-owned lots underneath the Metro North viaduct, (b) the creation of a contiguous corridor that has integrated design and use standards for those lots, and (c) the creation of a local governance structure for overseeing the implementation of the community’s recommendations for the development and operations of this local community asset. (Collier_CB11_004)

The City must engage in efforts to find better uses and designs for the area underneath the Park Avenue railroad tracks as a necessary complement to the Proposed Actions. Any up-zoning of the Park Avenue corridor adjacent to the tracks must convert current parking lots, vacant space and other city uses into opportunities for local business to better serve the needs and interests of the residents of the potential developments as well as the East Harlem community as a whole. It must further make additional investments in La Marqueta so that this important market can better serve the needs of the existing and new community that will be created along Park Avenue. (Collier_CB11_004)

Response 1-1: As noted in Chapter 1, “Project Description,” of the FEIS, the Proposed Actions are being carried out in concert with additional investments identified in the Steering Committee’s EHNP, and City’s East Harlem Initiative, and the outreach process. DCP plans to compile agency responses and other recommendations to improve the public realm within East Harlem, including underutilized publicly owned property beneath the Park Avenue Viaduct. The ground-floor provisions of the Special East Harlem Corridors (EHC) District would require ground-floor uses for developments in certain portions of the district to be active and non-residential. The Proposed Actions would specify non-residential—as opposed to strictly commercial—uses in order to allow community facility uses that would also serve to activate the streetscape. This would apply to affected areas on Park Avenue between East 115th and East 132nd Streets, in addition to all other areas of the Special District.

Comment 1-2: Consideration should be given to the former presence of a grocery store at the intersection of Lexington Avenue and 116th Street and efforts should be made to encourage the development of a grocery store in the ground floor of any new development. (Collier_CB11_004)

Response 1-2: East Harlem is located within an area where zoning and discretionary tax incentives are available to encourage the development of grocery stores under the Food Retail Expansion to Support Health Program (FRESH). As discussed in Chapter 2, “Land Use, Zoning, and Public Policy,” of the DEIS, the FRESH program promotes the establishment and expansion of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to eligible grocery store operators and developers.

Comment 1-3: Beyond standard economic practices, engagement with neighborhood based [Minority and Women-owned Business Enterprises] (M/WBEs) would engender a more widespread approach to the memorialized positions of CB11. Those small businesses and organizations catering to the needs of the community would create opportunities for both local hiring and commodities acquisition. Locally owned businesses become the economic web for the community. As well as the cultural elements, many of these businesses cater to various economic bands within the community. By incorporating more locally owned M/WBEs from the community, the City will maintain a necessary component to maintaining the community fabric during the rezoning process. All the while, these businesses attract those outside of the community with a more robust disposable income. Additionally, these businesses trend towards hiring locally, which only engenders more economic opportunity for the community. The City should fully incorporate CB11’s recommendations regarding local businesses and requests that align with the District Needs Statements, EHNP, and any and all positions memorialized by CB11. (Collier_CB11_004)

Response 1-3: Comment noted. Local hiring provisions are beyond the scope of the Proposed Actions. However, as noted in Chapter 1, “Project Description,” of the FEIS, the City has already taken action in East Harlem, as part of its Neighborhood Initiative, to address concerns raised about improving the access to quality jobs and improving the overall economic development opportunities in the district. The Department of Small Business Services (SBS), under their Neighborhood 360 Grant, has chosen a local East Harlem nonprofit partner to organize the merchants along East 116th Street. As a part of the program and partnership, a plan will be developed and implemented that is customized to these local merchants’ needs over the next three years. Additionally, SBS will improve East Harlem residents’ access to job opportunities by opening a Workforce1 Satellite Center in the district. SBS offers industry specific training programs in high-demand industries, including healthcare, technology, and industrial and manufacturing. The Department of City Planning, as well as other

interagency partners including SBS and the Mayor's Office of Workforce Development, will continue to engage and work with the community regarding the recommendations included in the East Harlem Neighborhood Plan.

In addition, HPD is implementing the HireNYC and M/WBE Build Up program, in order to create career pathways and M/WBE opportunities in affordable housing. Please refer to the testimonies of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, and Ashley Putnam, Economic Development Advisor for the Mayor's Office of Workforce Development in **Appendix J** of the FEIS.

Comment 1-4:

When the DCP certified [the ULURP] application, it was obvious that there were some major differences [with the EHNP] that we hoped could be resolved. But at this point, despite the community planning process they participated in, the administration has not made sufficient progress in resolving these differences.

After careful review, the application in its current form still does not represent a plan that I believe ensures a better future for East Harlem and for that reason I cannot support it. While the application shares broader themes with the EHNP about the need for required affordable housing, active street walls, and concentrating new commercial use along the viaduct to better utilize that area, there remain significant points of disagreement.

The EHNP was submitted to the administration in February 2016. The City made its proposal in the fall of 2016, and while there were some significant differences, members of the EHNP believed these differences could be resolved. My office and the rest of the members of the EHNP spoke to the Administration early about our disagreement with this application's proposed densities along portions of Park and Third Avenues. We also voiced our concern that there were no specifics on how the potential gap between the affordability of the lower-income housing proposed to be developed and the incomes of the current residents would be addressed.

Unfortunately, months of meetings did little to resolve differences on the environmental analysis, the geographic boundaries, and additional density proposed by the City. Given the difficulty involved in coming to the consensus in the EHNP, the failure to make headway on significant differences with the administration lead us to conclude that the City's proposal is inappropriate. (Brewer_005)

Separate from the zoning—but almost equally important—are the policy, capital, and programmatic recommendations in the EHNP that

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were made to offset impacts from any proposed rezoning. While the administration committed to some significant items, key priorities that were outlined by the EHNP steering committee still remain unaddressed and even more are awaiting further discussion. (Brewer_005)

While we agree on the principles, we are far apart on the specifics as to how these goals should be achieved. At this point in the process not enough of the critical community concerns have been addressed to allow me to support this proposal. (Brewer_005)

The proposed rezoning will ruin the neighborhood, throwing up buildings much too tall for a decent living environment, adding way too much density for existing services, forcing out small businesses, and worst, removing people from their homes. (Perkins_042)

Say no to the plan to “upzone” 96 blocks of East Harlem to allow 30–35 story buildings, mostly of market-rate apartments. This plan will destroy the very fabric of what has historically been an affordable, tenement community serving immigrants and low-income people of color. (Ortiz_025, PCR_044)

Black and Latinx East Harlem residents will lose their precious cultural legacy and political leverage if either of these rezoning plans are approved. (Ortiz_025)

Response 1-4: For further information regarding land use rationale, density and geographic boundaries of the Proposed Actions, please refer to the responses to Comment 1-6 and Comment 1-164. For further information regarding affordability and indirect residential displacement, please refer to responses to Comments 1-67, 1-68, and 3-1.

Comment 1-5: This application does not address many of the needs identified by the community, including a viable cultural and historic building landmark plan. (Brewer_005)

Response 1-5: LPC identified a number of culturally significant resources as National Register-eligible and LPC eligible properties. The agency will consider designation of eligible properties in the context of the agency’s priorities in all five boroughs.

Comment 1-6: While the EHNP recommended that even a larger area [be] rezoned, it generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. The purpose of this recommendation was to ensure that when new development occurred, affordable housing would be required. In large portions of the rezoning area, the Proposed Zoning brings the highest density residential districts allowed by law to both Third Avenue and Park Avenue, much more

than necessary to trigger MIH. In these areas, the proposed zoning introduces densities considerably higher than the density recommended by the EHNP, and much higher than the Park Avenue Rezoning recommendations. (Collier_CB11_004)

After reviewing the DCP's East Harlem rezoning proposal, we feel that it fails to address many of the priorities of our plan. We still believe the lower density rezoning proposal we developed better achieves the balance between creating new affordable housing and preserving the existing character of the community. The scale of the CPC rezoning proposal would adversely impact the character of our community. We believe that it is imperative that DCP and the Administration reduce the zoning density on Park and Third Avenues, and make commitments to invest in community priorities identified through the EHNP. (Hogan_NYRP_027)

Our Steering Committee does not support this ULURP application in its current state. We encourage the CPC to reduce the density of the rezoning proposal on Park and Third Avenues to be more consistent with our neighborhood plan, and request that the Administration direct its City agencies to respond more meaningfully to our prioritized recommendations, making the necessary commitments to advance a comprehensive neighborhood plan. We believe a balanced approach that plans for the current needs of our existing low-income households, as well as the future impacts of growth in a strengthening real estate market, is still possible. We hope the CPC and Administration will partner with us in an effort to achieve these shared goals. (EHNPS_C_023)

The lower density rezoning proposal outlined in the EHNP achieves a better balance between creating new affordable housing and preserving the existing character of the community.

DCP and the Administration must reduce the zoning density on Park and Third Avenues, and make commitments to invest in community priorities identified through the EHNP. (Libman_NYAM_026)

Our steering committee does not support this ULURP application in its current state. We encourage the CPC to reduce the density of the rezoning proposal on Park and Third Avenues, to be more consistent with our neighborhood plan, and request that Administration direct its City agencies to respond more meaningfully to our prioritized recommendations, making the necessary commitments to advance a comprehensive neighborhood plan. (EHNPS_C_055)

Response 1-6:

The Proposed Actions build upon the recommendations in the Zoning and Land Use section of the EHNP for R10-equivalent densities in

select areas of both Park and Third Avenues. With respect to Park Avenue, the intersection of Park and East 125th Street is a major regional transit node today due to the presence of the Harlem-125th Street Metro North station and the 125th Street stop of the Lexington Avenue subway line one block away. This status will only be strengthened with the eventual construction of the Second Avenue Subway terminus, as current Metropolitan Transit Authority (MTA) plans locate the platform along this stretch of East 125th Street. Given that this is a particularly transit-rich location, the Proposed Actions include transit-oriented development (TOD) strategies that would increase the density to levels more appropriate for this largely under-developed transit hub. The proposed R10-level densities in this section of Park Avenue provide increased capacity for job generating uses, in addition to providing additional opportunities to require permanently affordable housing pursuant to the MIH program. Accordingly, the proposed zoning along Park Avenue tapers down to R9-equivalent densities in areas further away from East 125th Street.

Along Third Avenue, similar levels of opportunity exist to accommodate added density and create opportunities for requiring significant amounts of permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs. Third Avenue has a width of 100 feet, 70 feet not including sidewalks, which makes it among the widest streets in Manhattan. There are a large number of potential development opportunities along Third Avenue, as the rezoning to R8-level densities along this corridor that was approved in 2003 did not result in the level of development anticipated at the time. Third Avenue also lies between two major transit corridors, and the existing scale and context of Third Avenue provides an appropriate setting for an increase in density that would provide more consistency to the existing built context.

The proposed R10 and R10-equivalent districts along both corridors would allow new residential developments at 12 floor area ratio (FAR) in most areas, which maximizes the amount of permanently affordable housing that can be created under MIH. With the proposed increase in density, a combination of factors—including the capacity of these corridors, their proximity to transit, and the presence of a number of significant sites with potential for redevelopment—would enable the construction of income-restricted apartment buildings to expand the neighborhood’s supply of subsidized housing.

Comment 1-7: Create a tax incentive program for commercial property owners to ensure growth of small businesses (Collier_CB11_004)

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- Response 1-7:** Comment noted. Tax incentive programs are beyond the scope of the Proposed Actions.
- Comment 1-8:** The DEIS indicates that some significant bus and subway impacts are likely, but that they would be negated if the Second Avenue subway is completed in East Harlem. In the FEIS and rezoning text, I urge the City to consider ways to leverage the new development that the rezoning will allow to fund that extension. For example, all buildings upzoned as a result of the rezoning will likely increase their market value. By including a special assessment district in the rezoning plan to recapture that value and dedicate it to transportation improvements such as the Second Avenue subway and bus improvements, the rezoning could provide a funding source for those improvements. (Sanderson_002)
- Response 1-8:** Comment noted. A Special Assessment District is beyond the Scope of the Proposed Actions.
- Comment 1-9:** The FEIS and eventual rezoning should consider ways to use transfers of development rights to achieve important policy goals. For example, the MTA owns large amounts of land in East Harlem, including the Metro North Viaduct, 125th Street station, and bus depots and garages. By ensuring that those facilities are able to transfer excess development rights to other projects either in East Harlem or elsewhere in Manhattan, the City can again provide funding for transit improvements in East Harlem. (Sanderson_002)
- Response 1-9:** MTA is currently able to transfer excess development rights to adjacent property owners and will continue to be able to do so following the rezoning.
- Comment 1-10:** Even though the waterfront was left out of the City's proposal, it must be addressed to prepare for East Harlem's growth. We had hoped to see a funding strategy for esplanade repair and maintenance below East 116th Street and a long-term rebuild plan for the East 107 Street Pier by this time. (Brewer_005)
- Response 1-10:** Recognizing the importance of the East River Esplanade as an asset to the community, NYC Parks is currently making needed repairs to segments between 114th and 117th Streets and at 125th Street. NYC Parks is also planning interim improvements for the 107th Street Pier, which include removing the pavilion, fencing off the structurally deficient eastern half of the pier, and temporarily restoring the western half to allow for safe public use.

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Comment 1-11: There are no firm commitments on naturally occurring retirement community (NORC) project funding for the neighborhood. (Brewer_005)

Response 1-11: NORC Service Programs are not within the scope of the Proposed Actions and within the jurisdiction of the CPC. However, as noted in Chapter 1, “Project Description,” of the FEIS, the East Harlem Neighborhood Initiative provided an opportunity for City agencies to view the cumulative work being done in the neighborhood and determine how these services could be tailored and improved to address concerns raised by the communities being served. The New York City Department of the Aging currently operates seven senior centers (and one Innovation Senior Center). As a part of Thrive NYC, the DFTA has also launched the “Friendly Visiting Program” to combat social isolation among seniors.

Comment 1-12: Arts Bonus for Park Avenue Hub—this element of the proposal has not been discussed at length and we would like to examine alternatives to ensure that the intent of creating arts space along 125th Street is not compromised. (Mark-Viverito_NYCC_001)

Response 1-12: The proposal extends the applicability of the Art Bonus provision to any development within the Park Avenue Hub Subdistrict to encourage the utilization of the Arts Bonus provision. Developments within the Subdistrict have the option to either comply with the Art bonus provisions or to comply with the 2.0 FAR non-residential use requirement which is identical with the floor area requirement of the Special East Harlem Corridors District.

Comment 1-13: Landmarks East Harlem (LEH) supports the zoning recommendations contained in the EHNP, which were developed through a community-based planning process. We strongly oppose the rezoning proposal developed by the DCP. (LEH_024)

Our Steering Committee continues to advocate for our neighborhood plan, which includes a rezoning, but also includes key investments that are important to the future of our community. Neighborhoods are more than just zoning and planning isn’t just about real estate. We have prioritized 46 recommendations from our original neighborhood plan, which includes a comprehensive strategy to proactively preserve existing affordable housing, along with our cultural heritage, build new affordable housing on publicly owned sites, invests in the human capital pipeline from day care to employment, and considers the open space, health, and environmental needs required to improve our quality of life. (EHNPS_023)

Response 1-13: In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs. This approach includes the Proposed Actions, and investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community. The EHNP Steering Committee process as well as the East Harlem Neighborhood Initiative provided an opportunity for City agencies to view the work they were currently doing in the neighborhood and how these services could be tailored and improved to address concerns raised throughout the process. As a result, there were a number of areas where the City has already been able to respond and bring City’s resources to bear in East Harlem. Please see Chapter 1, “Project Description,” of the FEIS for further discussion on the City’s Neighborhood Initiative.

Comment 1-14: We reiterate that our support for the rezoning and housing plan is conditioned upon the incorporation of our recommendations in the proposal and FEIS evaluation. Given the current socioeconomics of the area and huge influx of new residents and workers expected with the rezoning, we want to ensure that all potential opportunities for preserving existing and creating new affordable housing have been explored and that the neighborhood’s character will be maintained. (MAS_009)

The draft Housing Plan outlines strategies for preserving affordable units [in multifamily building with rent-stabilized units], but MAS believes these measures do not go far enough to ensure that rent-stabilized units would not be lost. (MAS_009)

We encourage HPD to commit to working with the community and locally based non-profit affordable housing providers to create a comprehensive preservation plan for all publicly assisted affordable housing in East Harlem. A similar commitment was made in the East New York rezoning and there is no less urgency to this request in East Harlem. (Cirillo_NMC_101)

Response 1-14: The City’s affordable housing preservation and creation efforts in East Harlem have been led by HPD and partners, and are outlined in the draft East Harlem Housing Plan. These initial strategies build on the East Harlem Neighborhood Plan recommendations as well as conversations with EHNP Steering Committee sub-groups, and continue to be refined with community feedback. Measures aimed at preservation include, but are not limited to, more robust and proactive outreach to property owners, including those not currently receiving government assistance or with known expiring regulatory agreements, about HPD’s preservation programs; the launch of the Landlord Ambassadors Pilot to

provide technical assistance to property owners to preserve affordability; the provision of \$4.6 million in East Harlem (annually through fiscal year 2021) for free tenant legal services; improving tenant education of their rights and resources, including the outreach of the Tenant Support Unit in likely rent-stabilized buildings in around the rezoning area; the surveying of distressed properties in East Harlem (aka “Block Sweeps”), including those referred by community groups and elected officials; and improved coordination of preservation efforts in the neighborhood. In addition, HPD and its partners are supporting the East Harlem El Barrio Community Land Trust (CLT) with \$500,000 to acquire and rehabilitate properties and additional funding to build the capacity of CLTs across the city. The City is also providing resources to tenants in rent-stabilized units through the Tenant Support Unit and free legal services, and studying the feasibility of a Certificate of No Harassment (CONH) program in East Harlem. With respect to new construction, the City has prioritized the development of over 2,400 affordable homes on publicly owned land including at least 20 percent of units affordable to households below 30 percent of area median income (AMI) on sites including Lexington Gardens II, Sendero Verde, and the 126th Street Bus Depot. The City continues to explore the feasibility and appropriateness of affordable housing development on other available public sites in the neighborhood. HPD is also implementing new term sheets that reach deeper levels of affordability, and new request for proposals (RFP) policies that make it easier for community development organizations to compete. For further information, please refer to the testimony of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS. HPD continues to be open to feedback on refining the strategies before the final Housing Plan in conjunction with the end of the ULURP Process.

Comment 1-15: We are an incredibly creative city. We can find solutions to homelessness by making permanently affordable housing a priority. We can keep families together and help our children raise their families around the corner instead of being forced into a shelter or even a jail.

This nation was founded on the violent displacement of people of color. We cannot let that practice continue. Please find it in your hearts to do the right thing and say no to any rezoning! (Ortiz_025)

Response 1-15: Comment noted.

Comment 1-16: I urge you to support the East Harlem Neighborhood Rezoning because I see this as our best chance of controlling the development of this neighborhood.

MIH requirements should not be higher than those being sought elsewhere in the City or developers will pass us over for better opportunities in other neighborhoods. We (Maple Plaza HDFC) own one of the properties along Park Avenue that is being considered for upzoning and it would be a significant boon to us if this plan goes through.

We have quite a few shareholders on a fixed income who would not be able to afford the increased maintenance payments necessary when our property tax kicks in. The passage of this plan could provide us new opportunities to keep our maintenance costs low and allow dozens of our most price-sensitive residents to stay in the neighborhood. (Morgan_043)

Response 1-16: Comment noted.

Comment 1-17: Mayor [Bill de Blasio] is proposing a \$48 billion plan geared to private for profit developers to build 250,000 apartments that will rent for more than 75 percent of household median incomes within communities too poor to be able to afford to participate in his big plans. Not-for-profit housing groups are not invited to participate based on the high degree of public land being gifted to a few developers connected to the Mayor's administration. This is a rip off of precious public funds now being offered to the profitable NYC private real estate industry to savor the vibrant healthy communities created by our not-for-profit [community-based organizations] CBOs. The premise of all this proposed exorbitant NYC public money and relaxed zoning to create structures three times larger than now has exacerbated a speculative market that is now way out of control. (Hernandez_040)

Don't give this public land to for-profit organizers. Let the non-profits get a crack at this. I've seen where they build with community hiring, union [labor], and affordability... isn't this what we want? (Tirado_020)

Response 1-17: HPD has implemented new RFP policies that make it easier for community development organizations to compete in the RFP selection process. In addition, the City has awarded \$500,000 for the development of the East Harlem/El Barrio Community Land Trust (CLT). The East Harlem/El Barrio CLT is working with affordable housing developer Banana Kelly to acquire and rehabilitate a group of buildings for low-income rental housing in East Harlem that would be owned and operated as a CLT.

Comment 1-18: [With respect to the proposals], there are no legally binding assurances in place or any commitment from the City or any developer with regards any of the community's concerns. (Ortiz_025)

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- Response 1-18:** Affordability through the MIH program is required through zoning. Deeper affordability beyond the income bands provided under MIH would be provided through public subsidy in accordance with the City's term sheets. The City subsidy program that provides the deepest affordability is the Extremely Low and Low-Income Affordability (ELLA) program. Under the City's subsidy programs, affordability is required through applicable Regulatory Agreements between HPD and/or New York City Housing Development Corporation (HDC) and the developer. Affordability on public sites will be required through Land Disposition Agreements (LDA) between the City and a selected developer. The mechanisms listed above (zoning, Regulatory Agreements and Land Disposition Agreements) are legally binding.
- Comment 1-19:** HPD is committed to leveraging our investments in affordable housing to promote economic opportunity and serve neighborhood needs by promoting active ground floor uses, local hiring incentives, and MWBE procurement requirements. (Katz_HPDP_034)
- Response 1-19:** Comment noted.
- Comment 1-20:** The rezoning proposal fails to adequately take into account East Harlem's existing conditions—rising rents, residential and commercial displacement, tenant harassment, lack of public open space, higher incomes coming to the neighborhood, schools that are over capacity, poor conditions of school facilities, multiple public health issues, high asthma rates, over-crowded subway stations, dangerous intersections, multiple sanitation facilities, and overall disinvestment in this community for decades. As a result, the proposed rezoning will exacerbate, rather than ameliorate, these conditions. (Nocenti_USA_008)
- Response 1-20:** The DEIS 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 the environmental analysis in the DEIS. As noted throughout the DEIS, rents have been rising in East Harlem and the neighborhood has experienced increased development of market-rate housing. The Proposed Actions have been crafted in response to the established trend of rising rents and the development of market-rate housing in East Harlem and present the most effective opportunity to provide significant amounts of affordable housing which would counter this trend.
- Comment 1-21:** All developers of new sites or significant renovations should be required to replace all adjacent sidewalks along their street/avenue frontages,

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install a standard approved street lighting, landscaping, and replace Americans with Disabilities Act (ADA) ramps at street/avenue corners to current standards. (Adams_CIVITAS_041)

Response 1-21: Where a new building or alteration is underway—work that will result in a new or amended Certificate of Occupancy—the sidewalks and portions of the streets facing those new building or alteration lots must be improved or refurbished. These public rights-of-way are primarily under the jurisdiction of the DOT, though other agencies may regulate different infrastructural systems and streetscape components. Changes to these public areas must be submitted to the New York City Department of Buildings (DOB) in a Builders Pavement Plan (BPP) application.

Comment 1-22: NYC Parks recognizes the importance of our parks and open spaces in improving the quality of life for residents in East Harlem, and in supporting the goals for mixed income and affordable housing advanced by Mayor de Blasio’s housing plan. (Molinari_NYCParks_032)

Response 1-22: Comment noted.

Comment 1-23: The Neighborhood Health Action Center represents a permanent investment and is committed to advancing health equity and the health of East Harlem. Through our dedicated facilities, personnel, and programming and together with the DCP, sister government agencies, community partners, and residents, the New York City Department of Health is committed to ensuring that the comprehensive neighborhood plan responds to community identified needs and improves the health of East Harlem residents. (Brown-Dudley_EHNHAC_030)

Response 1-23: Comment noted.

Comment 1-24: It’s very clear that when the DCP presented their East Harlem framework that it was a bold plan, and I underscore bold. They certainly didn’t play it safe, especially when it came to the height. But clearly they have the goal of stimulating much needed economic growth; they have the goal of contributing significantly to the City’s affordable housing goals. And it would be a fine plan if there was a clean slate. But East Harlem is not. There are families, there are buildings, and there’s heritage there.

So we recognize that the proposal is in context of EHNP to some degree, but some degree is not good enough. Especially when the community, especially when you hear the community expressing pain and fear of being displaced from their home. (Collier_CB11_052)

Response 1-24: Comment noted.

Comment 1-25: [In order of priority, the concerns of CB11 are] less density, deeper affordability. You heard me say preservation. Strengthen those preservation programs that you're presenting to us. Clearly, capital investments, and I think we documented that in our document, regardless of the height restriction. Extend the boundaries, and I know we included that as part of it. Open space in perpetuity. And clearly economic development, local jobs, local hiring, workforce development, apprenticeship programs, I can go on and on as it relates to that. And certainly continued community engagement, because without the community engagement, you will not develop the East Harlem vision as we saw it, and we will become just a memory. (Collier_CB11_052)

Response 1-25: Comment noted.

Comment 1-26: Our Steering Committee continues to advocate for our neighborhood plan, which includes a rezoning, but also includes key investments that are important to the future of our community. Neighborhoods are more than just zoning, and planning isn't just about real estate. We have prioritized 46 recommendations from our original neighborhood plan, which includes a comprehensive strategy to proactively preserve existing affordable housing, along with our cultural heritage; build[ing] new affordable housing on publicly owned sites; invest[ing] in the human capital pipeline from day care to employment; and consider[ing] the open space, health, and environmental needs required to improve our quality of life. (EHNPS_C_055)

Response 1-26: Comment noted.

Comment 1-27: In terms of priorities, again, it's the heights, but it's also the affordability, right. So I think that we've investigated a lot, had a lot of talks with HPD and other folks about affordability, you know. Not all affordable housing is affordable. It has to be a plan that speaks to our actual neighborhood number, you know, and what our levels of affordability are. So I think that's really where the priority is. And, you know, I think all 46 recommendations are important. They're not all CPC things, right.

So I think one of the things we're looking for is CPC and the Administration to really push agencies to do some of these things. We've had some good meetings with agencies, but other ones have not been so positive. So again, you know, a lot of time and thought was taken to the steering committee recommendations. It was a true discussion with the community. These weren't things that I thought of and that, you know, other members of the steering committee. It's stuff we heard from the community that are important to the community.

And so I think, again, the affordability is maybe the number one issue that we'd like you to look at. And also I think there's a way to balance height across the district and look at some of the things that we didn't look at. So I'd say those are kind of the priorities. (EHNPS055)

Response 1-27:

Comment noted. In response to community concerns about the height and scale of buildings that could result from the rezoning, DCP has prepared and filed an amended zoning text application or "A-Text" (ULURP application N 170359(A) ZRM). The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues.

Comment 1-28:

I do not support the [East Harlem Rezoning] ULURP application as I do not believe that it goes far enough to create housing for the low-income residents that live in our neighborhood, and that a nonprofit like mine serve. Ninety-one percent of our school's children receive free and reduced lunch, and very few would be able to live in the neighborhood with the current rezoning plan. I would like to encourage the City Commission to re-look at the EHNP and follow both the recommendations and prioritize focus areas that our group proposed. (Parkey_DREAM_059)

A few years ago the rezoning of 125th Street was approved. Now the consequence of that has come into fruition. The result, I now walk down the streets I grew up on and don't recognize them. My community doesn't feel like home anymore. It's so disheartening to see the locations of businesses that were owned by my neighbors replaced by stores I can't afford to shop in and restaurants I can't afford to eat in.

I've also lost neighbors throughout the years since the neighborhood has gotten more expensive. These changes were so transparently not for the residents of Harlem, and what Harlem has gone through is modest compared to this proposal. (Plummer_070)

I grew up in El Barrio. I remember the neighborhood and how it was like when I moved in in 1997, it was a different place back then. As a skinny Chinese kid with a funny name, it was an intimidating place to live. Crime was pervasive, and I remember the shuttered storefronts and abandoned buildings and I remember that we only had one store that sold food that you could barely even call a supermarket. But today the neighborhood has changed. The neighborhood is very different, but the danger is still present. Instead of violent street criminals, we traded them for landlords and real estate speculators. I don't worry about

getting mugged, but I worry about being homeless and not being able to afford a place to live. (Rong-Chong_091)

I am opposed to the current plan because it does not take into account the real needs of most of the long-term residents of East Harlem. Affordable housing is not low income housing. “The plan would produce 4,500 market-rate and luxury apartments, and about 1,500 apartments "affordable" to those that make an average \$50,000 a year. Most residents of El Barrio make less than \$33,000 a year. This plan would lead to mass displacement of families without anywhere else to go!” (Tyrrill_046)

Response 1-28:

As noted in Chapter 1, “Project Description,” of the DEIS, the Proposed Actions reflect DCP’s on-going engagement with Community Board 11, the East Harlem Steering Committee, DCP’s interagency partners, and local elected officials. The Proposed Actions seek to facilitate a vibrant, inclusive residential neighborhood with a wide variety of local and regional commercial activities, job opportunities, and attractive streets that are safe and inviting for residents, workers, and visitors.

The Proposed Actions would make Mandatory Inclusionary Housing (MIH) applicable to much of the Project Area. As noted during the public review process for the zoning text amendments establishing the MIH program, reaching the lowest income levels with affordable housing requires operating subsidy, because rents do not support operating expenses, and this cannot be accomplished through the MIH program alone. The provision of permanently-affordable units through the MIH program will serve as a baseline of affordability for years to come. 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. On public sites and on private sites, where feasible, additional subsidies could be provided to reach deeper levels of affordability than mandated by the MIH Program.

Comment 1-29:

I would love for you to vote “no” to the City plan so I can stay here. My children can stay here, my daughters can’t afford—there’s nowhere for them to go, they can’t afford these new apartments. (Pacheco_069)

Response 1-29:

Comment noted.

Comment 1-30:

If the time comes that I cannot afford to live where I am, I wouldn’t even have the option of moving a mile south to another community close to where I grew up. I don’t want to see the residents of East Harlem suffer a worse fate when there’s so much room and need for actual positive change. So please bear them my experience, vote “no” on the East Harlem displacement plan. (Plummer_070)

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Response 1-30: Please see the response to Comment 1-28. 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.

Comment 1-31: I'm coming to this whole opposition late in the process, because I wasn't aware that there was rezoning that was being scheduled for East Harlem. How I found out about it is a parking lot next to my house, an open air parking lot, and they were digging in the parking lot one day and the building felt like it was about to fall in.

They were digging to do exploratory work to see if a 30-story building could be put in the parking lot, and that drew me to this process, because then I went to the Community Board to find out what was happening.

Here's the reality, nobody was interested in East Harlem until recently. Now all the big money is interested in East Harlem. They trying to displace the residents.

I fully understand now what the Native Americans must have felt like when those ships from Europe landed here and said they discovered the place that people were already existing. (Bligen_072)

Response 1-31: Comment noted.

Comment 1-32: I'm hoping that [CPC], which I understand is made up a lot of appointees of the Mayor, I don't understand how DCP could come up with a plan totally opposite of what was submitted by the Community Board or by the Steering Committee, totally the opposite. Which says to me that they're in the pocket of big money and we have to stand up to fight that. (Bligen_072)

Response 1-32: Comment noted.

Comment 1-33: Me and 1,500 members of the community have dedicated hundreds of hours to hammer out a shared vision for the future of East Harlem. This resulted in the EHNP.

Soon afterwards, the City presented its proposal for the rezoning that not only ignored the plan, but insulted the hundreds of hours of work we all put into it.

They ended up dividing up the neighborhood into richer and poorer areas. The richer whiter areas were protected from the rezoning, while the poorer areas where families and people of color live are being targeted by it.

Not only does this undermine the spirit of the MIH, which is supposed to ensure that affordable housing is built in areas where it's historically kept out, but it cast a shadow over the very idea of rezoning, which is now seen as something designed to get low-income and working class people of color out of their homes so we can be replaced. (Osorio_071)

Response 1-33:

In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the "City's Neighborhood Initiative"). This approach includes the Proposed Actions, and investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community. Please also see the response to Comment 1-28.

Comment 1-34:

Community Voices Heard (CVH) members created a platform with a series of demands. These are:

Neighborhood-wide CoNH;

Thirty percent of all new development to be available at 30 percent AMI and below;

Forty percent extremely low-income housing and below when public land is involved, that's permanently affordable;

A \$200 million down payment towards a \$1 billion need for NYCHA buildings in East Harlem; and

Thirty percent local hiring and union opportunities with public land.

The EHNP expected the City to make commitments before starting ULURP so we can make informed decisions on whether rezoning would be worth it or not and to ensure that there would be substantial benefits to the community. (Osorio_071, CDP_097)

Response 1-34:

As noted in Chapter 1, "Project Description," of the FEIS, in response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the "City's Neighborhood Initiative"). As part of the City's Neighborhood Initiative, the strategies in the draft East Harlem Housing Plan build on the underlying concerns and recommendations raised throughout the East Harlem Neighborhood Planning Process. While the budgetary and legislative constraints of a Certificate of No Harassment pilot in the neighborhood are currently being analyzed, the three other demands CVH raised pose questions of feasibility and sustainability. HPD has a variety of term sheets that achieve a range of affordability, including affordability levels deeper than what MIH provides. A mix of incomes is needed to ensure the financial viability of each project over the long term.. Regarding hiring

practices, projects receiving HPD subsidy over \$2 million will be required to participate in the HireNYC program and procure 25% of funding to M/WBEs. RFPs for public sites also require a targeted hiring plan as part of the competitive review of each proposal. HPD will pursue deep levels of affordability on public sites and has committed to providing 20 percent of units at 30 percent of AMI for the following projects: Harlem African Burial Ground, Sendero Verde, and Lexington Gardens II.

Comment 1-35: This rezoning proposal will not get us what the community needs. What can, is the smart use of our public land. We at CVH have gathered over 400 petitions around the use of public land for public good. We can reach higher numbers of permanently affordable units at deeper levels of affordability, do local hiring with living wage jobs, certified apprenticeship opportunities, and first preferences for housing and jobs for local residents. I encourage everyone here from East Harlem to find me and sign up. (Osorio_071)

Response 1-35: As noted in Chapter 1, “Project Description,” of the FEIS, in response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the “City’s Neighborhood Initiative”). This approach includes the Proposed Actions, and investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community. Beyond MIH, the City has committed to subsidizing deeper affordability in East Harlem and is exploring the possibility of PILOT Citywide Certificate of No Harassment.

Comment 1-36: I’m a mother. I’m a grandmother. My children cannot afford to live in the neighborhood, I’m their primary co-caregiver for my grandson who is 11 years old, plays basketball in East Harlem, just graduated from elementary school in East Harlem, goes to the Boys’ Club.

My kids had to move outside of the neighborhood. They have jobs, they have good jobs. My daughter works at a community college, cannot afford to live in the community. The community is people that live there. So every person that’s displaced is a tear in the neighborhood. (Lewis_CLT_082)

Response 1-36: The Proposed Actions would expand the supply of affordable housing in East Harlem and are not expected to result in significant adverse impacts related to residential displacement.

Comment 1-37: We look at Williamsburg, we look at the City and other parts of the City that have already been rezoned, we know what happens. Our people

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leave, our communities leave. And where do we go? We go further uptown hoping for better rent, but there's no better rent. (Silang_083)

Response 1-37: The Proposed Actions would expand the supply of affordable housing in East Harlem by requiring permanent affordable housing through MIH. The Proposed Actions are intended to keep rents affordable to residents of East Harlem so that they can remain in the community. Deeper levels of affordability would be provided through City subsidy programs.

Comment 1-38: If you are going to vote yes to this rezoning plan, you are absolutely voting to make my students homeless. You are absolutely voting to make sure that more and more of our communities and our people are being pushed out. (Silang_083)

Response 1-38: Comment noted.

Comment 1-39: The reality is that we need 100 percent affordable housing. These streets belong to us. We work here, we live here. The reality is we make the City run, and without us who would clean the streets? Who would teach our students? Who would take care of our children? Who would do anything without us? But we are the ones who get the short end of the stick. (Silang_083)

Response 1-39: Comment noted.

Comment 1-40: We need to be able to stand up for our communities and we're going to keep organizing, we're not going away. This doesn't stop here. These are our petitions. We have 900 people who signed in two weekends. Better believe tomorrow we can get 1,000 more and the next day and we're going to keep coming out and keep getting these petitions, and we're going to fight. We demand a meeting with people on the Commission. (Silang_083)

Response 1-40: Comment noted.

Comment 1-41: We are sympathetic to the East Harlem rezoning proposal. (CHN_092)

Response 1-41: Comment noted.

Comment 1-42: Do not darken the character of El Barrio. Remember Manhattan is only an island, and back in the day you would never come and visit me, you would never pass 96th Street. But what's left today on this earth is land, and it's the only thing that gained and that man can conquer and can profit from. So I stand here today. So I stand here today to be counted as one of the many East Harlem residents that is saying no to rezoning. (Diaz_077)

Response 1-42: Comment noted.

East Harlem Rezoning

- Comment 1-43:** You Commissioners are not serving this community or the City if you don't vote "no" with no conditions. (Rahman_079)
- Response 1-43:** Comment noted.
- Comment 1-44:** I am here to say I'm opposing the rezoning 'cause of all the aspects you've already heard, and I don't want to repeat them. (Mack_080)
- Response 1-44:** Comment noted.
- Comment 1-45:** This whole rezoning—and I'm sorry I'm getting emotional—I'm actually not sorry, we have every right to be emotional. These are our communities, they're being destroyed. The people that are coming in do not have our best interest at heart. You know this because you all scratch each other's backs because you pay each other's checks. (Paulino_085)
- Response 1-45:** Comment noted.
- Comment 1-46:** The moment that this rezoning plan is passed, if you choose, because you do have the power to choose to say no or say yes. If you choose to approve the rezoning of East Harlem, everything will be a poor door. We will be in a revolving poor door because it will no longer be our communities. (Paulino_085)
- Response 1-46:** Comment noted.
- Comment 1-47:** We don't want to be your slaves. We're not asking to be your slaves. We've fought very hard for what we have, which to you may not be a lot because then you come in with your white savior complex telling us what we need. Even though we've always known what we needed, but you would not give us the resources to organize within our own communities. (Paulino_085)
- Response 1-47:** Comment noted.
- Comment 1-48:** If you really care about our communities, you will start giving resources to fix the houses that are already there. The fact that ACS is over here talking about their further rezoning is a damn shame because everybody that works in ACS has gone into these City buildings and has seen how they're deteriorating and people are raising their families in these subhuman conditions because you do not want to put money for our, you know, dignified living. (Paulino_085)
- Response 1-48:** Comment noted.
- Comment 1-49:** What about compromising and corrupting our political system with dirty money? That's REBNY, the Real Estate Board of New York. They

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are a bunch of bullies and racketeers. And if you people up there at this podium listen to REBNY and follow their policies, then dammit there's something wrong with every one of you 'cause they're tearing this city apart. (Rogers_089)

Response 1-49: Comment noted.

Comment 1-50: What did the rezoning policies do under REBNY's leadership? They exacerbated the homelessness crisis and lack of affordable housing. (Rogers_089)

Response 1-50: Comment noted.

Comment 1-51: What does REBNY's policies do for small businesses? About 1,000 small businesses a month, I understand, are shutting down because of their policies. Just look at all the empty buildings and storefronts and mom and pop places up in East Harlem. Where's the Small Business Shops Survival Act. You want to help empower small business? Why is the Mayor and head of City Council not allowing that to come to a vote even though more than half the City Council sponsored that bill? (Rogers_089)

Response 1-51: Comment noted.

Comment 1-52: East Harlem has a beautiful social network and attracts people to its community for its personal touch. Gentrification, over-sized monstrous buildings and disregard for the local flavor of a community is quickly destroying our city. NO gentrification of East Harlem. Let the local people decide how they want to live their life! (Sanford_102)

Response 1-52: Comment noted.

Comment 1-53: Please approve this plan. We all know income diversification prevents problems. I think sky rises will make the neighborhood safer and schools better. When there is income isolation (i.e., Upper East Side vs East Harlem) you have the social problems you have now. (Nguyen_098)

Response 1-53: Comment noted.

Comment 1-54: I am opposed to the East Harlem Rezoning. (Tonini_049)

Response 1-54: Comment noted.

Comment 1-55: Please keep East Harlem natives in East Harlem. (Nguyen_047)

Response 1-55: Comment noted.

Comment 1-56: The Steering Committee maintains its position for DCP to incorporate EHNP recommendations for zoning districts into its proposal. The [Steering Committee] will not consider greater density absent other commitments and a clear preservation strategy, as well as additional resources to be made available for more and deeper levels affordability on East Harlem’s publicly owned sites. In addition to a preservation strategy, a detailed study of residential relocation opportunities for any direct displacement from new development should be conducted within the study area. (EHNPS_107)

Response 1-56: HPD’s preservation strategy and programmatic commitments are outlined in the draft East Harlem Housing Plan. HPD continues to refine these strategies and work with the Steering Committee and other partners to strengthen coordination on preservation. Part of HPD’s Request for Proposals (RFP) process is an evaluation of financing proposals, with preferences for projects achieving deep and long-term levels of affordability with limited subsidy. Broadly, the Proposed Actions would expand the supply of affordable housing in East Harlem and are not expected to result in significant adverse impacts related to residential displacement.

Regarding potential direct displacement, the Reasonable Worst-Case Development Scenario of the Proposed Actions, as provided in Chapter 3, “Socioeconomic Conditions,” of the EIS, could displace an estimated 27 residents living in 11 dwelling units. The City is also committed to assisting tenants in rent stabilized buildings understand and exercise their legal rights through education, direct assistance, and legal representation. HPD will pursue deep levels of affordability on public sites and has committed to providing 20 percent of units at 30 percent of AMI for the following projects: Harlem African Burial Ground, Sendero Verde, and Lexington Gardens II.

Comment 1-57: Discourage speculation and encourage community centric development with an anti-warehousing policy (Council Bill intros 1034, 1036, and 1039 and Investor/Purchaser transfer tax) (EHNPS_107)

Response 1-57: Comment noted.

Comment 1-58: We are frustrated by the DEIS’s failure to recognize the housing needs of households below 30 percent AMI, detailed below, who will not be served by the existing MIH framework and who are imminently at risk of displacement and homelessness.

The DEIS implies that MIH would be a substantive mitigation for households who are already at risk of displacement, however it fails to

acknowledge that many households in East Harlem are not eligible for MIH and in precarious housing situations.

The most recent 5-year American Communities Survey estimates that 7,080 households in East Harlem earning under \$20,000/year (below 30 percent AMI) are paying 50 percent or more of their household earnings towards rent.

These households are neither benefiting from subsidized affordable housing or public housing (where rents are typically capped at 30–35 percent of income), and who may be imminently at-risk of losing rent regulated housing.

If we expand this universe to include households earning under \$35,000/year, or households at or below approximately 40 percent AMI, that number increases to 9,273 households. (EHNPS_C_107)

Response 1-58:

MIH and the permanently affordable units created under the program are not characterized as mitigation in the DEIS. 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 East Harlem would not occur absent the rezoning. Chapter 3, “Socioeconomic Conditions” of the DEIS concludes that there is no potential for significant adverse impacts associated with direct or indirect residential displacement; therefore no mitigation is required.

Comment 1-59:

Support and build the collective capacity of local artists and arts and culture organizations (Building Cultural Capacity Program).

Department of Cultural Affairs (DCLA) has a new initiative for neighborhoods in transition, the Building Cultural Capacity program. East Harlem lost out in its first iteration; DCLA committed to dedicating resources to see a second round come to fruition. The subgroup is working to identify a local lead organization that would be a good fit for the program and the arts community in East Harlem.

Increase the exposure of local visual and performing art events through East Harlem. We will be following-up with NYC & Company to get more ideas for concrete asks. (EHNPS_C_107)

Response 1-59:

Comment noted. The provision of local visual and performing arts programs is beyond the scope of the Proposed Actions.

Comment 1-60:

Address capital and repair needs of facilities for youth programs—especially within public buildings. Prioritize pre-K, day care, and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building, for repairs or relocation. Conduct a comprehensive inventory and review of these facilities in East Harlem, so that repair needs can be

prioritized. Ensure that facilities have needed infrastructure upgrades including internet and phone capacity to support a 21st century learning environment. (EHNPS_C_107)

Increase Universal Pre-K capacity for 0–3 year olds. Expand Universal Pre-K initiatives to include more 0–3 year old seats for center-based care and programming. (EHNPS_C_107)

Increase afterschool program capacity. Increase the amount of afterschool program seats in East Harlem for both existing residents and in anticipation of new residents from increased density. (EHNPS_C_107)

Response 1-60: As noted in Chapter 1, “Project Description,” of the FEIS, the Proposed Actions are being carried out in concert with additional investments identified in the Steering Committee’s EHNP, and City’s East Harlem Initiative, and the outreach process. In response to community needs, ACS has converted two classrooms at 28 locations in East Harlem in order to serve more toddlers in the East Harlem community. Please refer to ACS ECE’s testimony in **Appendix J** of the FEIS.

Comment 1-61: The Transportation, Environment and Energy subgroup of the EHNP and led by WEACT for Environmental Justice, identified five priorities they would like the CPC to focus on. Improve streetscapes for transit connectivity. Improve pedestrian safety. Consolidate sanitation garages into one enclosed facility. Create more sustainable and resilient spaces in NYCHA and throughout the neighborhood by building green infrastructure in public and private development. Improve sanitation along commercial corridors. (EHNPS_C_107)

Response 1-61: The Proposed Actions are intended to improve pedestrian conditions by activating the areas sidewalks with new commercial activity. In addition, DOT will construct a new East 125th Street Plaza under the Park Avenue viaduct, between East 124th and 126th Streets. The DOT implemented Vision Zero pedestrian safety improvements along the Park Avenue viaduct, most recently at East 110th Street and the Department of Design and Construction will, in cooperation with DOT, begin constructing two new bus bulbs for Select Bus Service.

Comment 1-62: In terms of policing, the potential for strong collaboration exists between the police and local groups, but more extensive neighborhood-specific training and deeper local partnerships and increased community policing approaches are needed to make efforts work properly. Improve emergency preparedness and ensure that residents and business owners know how to access resources in the event of a disaster. Invest in the empowerment of East Harlem youth as a primary tool of violence reduction in the district. Ensure that there are alternative approaches to

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addressing issues that affect vulnerable populations, in addition to policing efforts. (EHNPS_107)

Response 1-62: Comment noted.

Comment 1-63: To address the priority health and aging issue in East Harlem in the context of the proposed rezoning, the City Council and Agencies should:

Implement all aspects of the East Harlem Aging Improvement District action plan.

Build capacity for residents of the Franklin Plaza NORC to reach out to local businesses about adopting age friendly retail strategies.

Add City benches to the East Harlem Community Walking Trail.

Build an intergenerational playground in one of the neighborhood's parks.

Ensure East Harlem residents have access to healthy and affordable housing (These are in addition to the recommendations by the NYCHA, Housing Preservation, and Housing Affordability sub-groups).

Increase access to mental health services.

Provide Mental Health First Aid training to teachers, CBO staff, law enforcement, and health care providers.

Coordinate service delivery across hospitals and health centers, with an emphasis on leveraging Metropolitan Hospital as a publicly funded service provider.

Promote healthy eating and local food systems in East Harlem, starting with investment in La Marqueta.

Establish a year round comprehensive farmer's market in La Marqueta that is affordable to residents and businesses.

Establish a wash, chop, and bag facility that can cater to schools, senior centers, and other places that regularly prepare large quantities of food as part of their programs.

Invest in the infrastructure of La Marqueta in a manner that facilitates local governance, public/private partnerships, and access to diversified capital in order to enhance the community development capacity of La Marqueta and East Harlem's Park Avenue commercial corridor (EHNPS_107)

Response 1-63: Comment noted. Though the above-described recommendations are beyond the scope of the Proposed Actions, the City has taken a comprehensive approach to address the recommendations put forth by the EHNP Steering Committee and concerns raised by the community (the "City's Neighborhood Initiative"). As discussed in Chapter 1,

“Project Description,” of the FEIS, this approach includes investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community, including responses to the health-related recommendations in the EHNP. Please see Chapter 1, “Project Description,” of the FEIS for further discussion on the City’s Neighborhood Initiative.

Comment 1-64: I support rezoning of East Harlem because there are too many rundown buildings and the population density does not support enough businesses to open shops. Especially 116th Street corridor is dilapidated, full of trash, and closed storefronts. The 20 percent low-income housing in high-rise development should absorb most people to be displaced. It is not clear to me why the people to be displaced do not prefer a better environment overall for their children? (Chan_115)

Response 1-64: Comment noted.

Comment 1-65: Increase resources for social/emotional services and academic remediation to meet needs of East Harlem students. Create more community schools in East Harlem. Increase Career and Technical Education opportunities. Address existing capital needs of East Harlem schools. (EHNPS_107)

Response 1-65: The request is beyond the scope of the Proposed Actions.

Comment 1-66: The City must allocate a substantial increase in funding for community treatment programs specializing in asthma or mental health, as well as facilities offering basic, low-cost preventative care. (Collier_CB11_004)

Response 1-66: The provision of community treatment programs is beyond the scope of the Proposed Actions. However, as noted in Chapter 1, “Project Description,” of the FEIS, the Department of Health and Mental Hygiene (DOHMH) has opened a new East Harlem Neighborhood Health Action Center as part of the City’s Neighborhood Initiative. This center will serve as a multiservice facility with a host of health and social related services. Additionally, the DOHMH has also provided over \$200,000 in grants to eleven local East Harlem organizations to address some of the major health-related concerns in the community.

AFFORDABILITY—MANDATORY INCLUSIONARY HOUSING (MIH), HPD, AND NYCHA

Comment 1-67: [The City’s draft preservation plan for East Harlem] falls short [of] what the EHNP and other stakeholders requested to have in place prior to the push for more density. (Brewer_005)

A central idea behind all of the Administration’s neighborhood rezonings is to create opportunities for new development that include

significant amounts of required affordable housing in areas that are experiencing major development pressures. A plan to preserve affordable units is essential to ensure that these plans actually result in a net gain of affordable housing and not merely an attempt to tread water against strong currents of incoming market rate housing and outgoing regulated units. (Brewer_005)

Land use applications for the redevelopment of East Harlem constitute only one piece of the neighborhood plan necessary to achieve the complement of preservation and growth the neighborhood desperately needs and has been promised. The Mayor's 10-year housing plan commits to aggressive preservation strategies including legal services, other anti-harassment programs, and funding for rehabilitation of existing housing. While there are some City-wide programs and strategies available for housing preservation, the programs are not comprehensive, sufficiently funded, or tailored to meet the preservation challenges of the East Harlem community. East Harlem is a community in which three-quarters of all housing is regulated in some form, units are rapidly being deregulated and landlords are warehousing properties subject to regulations. What is more, some 28 percent of residents live in distressed NYCHA properties. So there is a clear need for more aggressive and tailored strategies. (Brewer_005)

HPD should work to identify privately owned buildings that could most benefit from an injection of city funds, such as those in need of major repairs, and also those that have rent limits due to regulatory agreements in place between the landlord and the City, which are buildings whose owners may be amenable to the refinancing of their mortgages in exchange for an extension of the regulatory agreement. (Collier_CB11_004)

[The City should] greatly increase HPD outreach on HPD's role in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues. (Collier_CB11_004)

Response 1-67:

The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are outside of the scope of the Proposed Action. As noted in Chapter 1, "Project Description," of the FEIS, HPD drafted a Housing Plan for East Harlem in response to EHNP recommendations and other concerns raised during the planning process pertaining to affordable housing and housing preservation. The Draft Housing Plan released by HPD in May 2017 outlines the strategies the City is implementing to preserve existing affordable housing in East Harlem, including proactive and strategic outreach to private property owners that could

benefit from HPD’s preservation programs, robust code enforcement, and tenant education. For further information on HPD’s preservation strategies, please refer to the testimony of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS.

Comment 1-68:

This application fails to demonstrate that the target of 20 percent of newly developed affordable housing will be affordable to East Harlem residents earning below 30 percent of AMI.

The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on City-owned land. If we cannot do it there, success is less likely on private development. Thus, from the community’s perspective, their fears of too much luxury development are compounded by fears that even the affordable development will remain out of reach. (Brewer_005)

The EHNP recognizes that the City’s current affordable housing development tools leverage the private market and balance affordable unit production with market-rate unit production. Our plan called for at least 50 percent of all units produced in East Harlem to be affordable to extremely low-income up to middle income residents and a minimum of 20 percent of those units to be affordable to those at or below 30 percent of AMI. (Brewer_005)

According to the EHNP’s recommendations, all future rezoning plans should be done in conjunction with each other to ensure that 50 percent of the new housing on private rezoned and public sites is affordable to a variety of low- and moderate-income levels. More specifically, the EHNP recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no higher than 30 percent of AMI. (Collier_CB11_004)

There is significant doubt that MIH alone will deliver on the units we need for East Harlem families searching for affordable housing. Option 1 and Option 3, the most likely designations for this area, are set at 60 percent of AMI with a required tranche of 20 percent of MIH units at 40 percent AMI. These levels of affordability do not go deep enough to provide housing for our most vulnerable communities. (Brewer_005)

Even the units that are called “affordable” fail to provide housing that is actually affordable to the current residents of East Harlem. As CB11 has previously indicated through its disapproval of MIH during the ULURP process, MIH’s requirements for affordable housing are important first steps but fail to address the actual affordability needs of the East Harlem

community. As indicated above, the median income of East Harlem is \$31,422. Deeper levels of affordability are needed for housing that does not create rent burdens for existing residents. (Collier_CB11_004)

With the exception of the limited number of units potentially set-aside at the 40 percent of AMI level, the MIH affordability set-asides fail to create affordable housing for those residents of East Harlem at the district's median income, let alone for those residents below the median income. In addition, MIH does not provide any benefit to those residents of East Harlem whose incomes exceed the highest income threshold for affordable unit set-asides (families earning in excess of 115 percent of AMI) though these families are nonetheless often rent burdened. The deepest level of affordability under MIH is a set-aside of 25 percent of any new residential development averaging to 60 percent of AMI. Of this 25 percent, 10 percent will be required at 40 percent of AMI. (Collier_CB11_004)

DCP has explained that applying the proposed zoning districts would ensure any value realized by these particular owners will at least result in the minimum affordable housing requirements of MIH and maybe more if HPD term sheets are considered by the developers of those sites. While this is encouraging, the minimum 25 percent of required affordable housing that would be created at these locations is not sufficient. If new development occurs here, mechanisms should be explored to require additional affordable housing to reflect the disinvestment these buildings represented for the community. While the City has pushed back against applying modified versions of their inclusionary housing program, exploring this concept in East Harlem for these sites could send a strong message against speculation and warehousing. (Brewer_005)

Although the City has committed to deeper levels of affordability for the following projects: Lexington Gardens II, Sendero Verde (SustaiNYC), and MTA Bus Depot sites, where at least 20 percent of all units will be set aside for households earning up to \$24,480 for a three-person family (30 percent of AMI), the plan doesn't specify income bands for the remaining 80 percent of units. MAS concurs with the EHNP recommendations to maximize deep levels of affordability and target income bands that reflect the neighborhood median income. Furthermore, we encourage the City to ensure that the units created on City-owned property at the Sendero Verde development would be permanently affordable. (MAS_009)

[The Steering Committee would like to see more than] 20 percent [at deeper affordability]. (EHNPS_055)

The DEIS also presents MIH as a tool that will keep rents from rising. While MIH will regulate some of the new units that will be built if the Proposed Actions are taken, it will have no impact at all on rents in existing unregulated apartments or new market-rate units. The units that MIH will apply to do not yet exist and cannot be considered as part of the impact of the action on the rental trends for the existing community. These apartments will not be reserved specifically for those who are displaced, either when their landlords push them out of the neighborhood to capitalize on the opportunity to rent at much higher rates or sell their properties to be demolished and rebuilt as luxury housing. (CDP_097)

Response 1-68:

The MIH program seeks to promote the private creation of permanently affordable housing without unduly affecting the production of new housing supply, consistent with the Mayor's housing plan. The MIH options are based on an analysis by Bay Area Economics, a national real estate economics consulting firm with expertise in inclusionary housing analysis as well as in a wide range of related market rate and affordable housing feasibility studies. The purpose of the "NYC MIH Market and Financial Study" was to evaluate what effects the application of a MIH program, if implemented in conjunction with land use actions to promote increased housing, would have on the financial feasibility of new residential development projects under a range of currently representative market conditions. Although real estate market conditions are dynamic, the relationships between rents/sale prices, development costs, and financial feasibility tend to move in tandem in most market cycles. The MIH options available were determined to meet feasibility thresholds in order to be effective under recent market conditions, and are therefore consistent with the Purpose and Need of the Proposed Action.

The City understands the need for deeper affordability in the East Harlem community and additional initiatives have been developed to address the need in ways that are outside the scope of the Proposed Action. As noted in Chapter 1, "Project Description," of the FEIS, HPD drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing and housing preservation. The Draft Housing Plan released by HPD in May 2017 outlines several strategies the City is working on to preserve existing affordable housing in East Harlem. As part of the outreach, HPD launched a Landlord Ambassadors pilot program to provide technical assistance for small property owners who are interested in, but unfamiliar with, the process of securing a loan from HPD to fix up their buildings and preserve affordability. For further information, please refer to the testimonies of Maria Torres Springer, Commissioner of the

Department of Housing Preservation and Development, and Kim Darga, Associate Commissioner of the Department of Housing Preservation and Development Division of Preservation, in **Appendix J** of the FEIS.

Comment 1-69: Since taking office, making affordable housing accessible to working people and vulnerable communities has been one of my top priorities. Along with other elected officials and community partners, the Borough President's Office has introduced legislation that strengthens enforcement against code violations and seeks to stem the turnover of previously income-restricted units. (Brewer_006)

Response 1-69: Comment noted.

Comment 1-70: In addition to the development of increased affordable housing, it is imperative that New York City improve and expand efforts to preserve affordable housing. (Collier_CB11_004)

It is not sufficient to simply build new affordable housing and lose existing affordable housing; instead, [the City] must commit to increasing efforts to preserve the existing affordable housing. Specifically, concurrent with the potential approval of the Proposed Actions, [the City] must (1) commit additional resources to renovate existing affordable units; and (2) improve and expand tenant protection efforts (including, but not limited to, even further expanding the guarantee of universal access to legal representation for Housing Court to support East Harlem renters that are at or above the \$50,000 threshold, enforcement by HPD and other city agencies to protect against landlord harassment, funding to promote tenant organizing efforts as well as increased tenant rights awareness efforts. (Collier_CB11_004)

[The East Harlem Rezoning] application fails to provide a significant enough upfront preservation effort to stem the loss of existing affordable housing in East Harlem. (Brewer_005)

Response 1-70: Please see the response to Comment 1-14. The City understands the need for deeper affordability in the East Harlem community and additional initiatives have been developed to address the need in ways that are outside the scope of the Proposed Action. As noted in Chapter 1, "Project Description," of the FEIS, HPD drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing development and housing preservation. The East Harlem Housing Plan includes strategies that have increased resources to safeguard and finance affordability, protect tenants through more tenant education and increased funding for free legal services, and improve housing quality through more robust code enforcement and

coordinated preservation efforts. For further information on preservation, please refer to the testimonies of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, of Kim Darga, Associate Commissioner of HPD's Division of Preservation, and of Vito Mustaciuolo, Deputy Commissioner of HPD's Division of Enforcement and Neighborhood Services, in **Appendix J** of the FEIS.

Comment 1-71: MIH's requirements are insufficient for East Harlem. MIH does not provide affordable housing for the lowest-income households in East Harlem. Despite MIH, there remain vast swaths of the East Harlem community that will remain unable to obtain affordable housing, and this needs must be addressed concurrently with any Proposed Actions. (Collier_CB11_004, MAS_009)

Even the best options for affordable units produced under MIH fail to serve almost half the neighborhood. The median household income for Community District 11 (CD11) is under \$31,000 (American Community Survey 5-Year, DP03). AMI calculations that use this citywide average as a baseline then are bound to prove a mismatch for our neighborhood—serving income levels much higher than what is needed here.

None of the City's MIH options serve the 43 percent of the East Harlem community making less than 30 percent AMI. The best of MIH's two primary options—25 percent of units at 60 percent AMI (Option 1)—leaves out the 65 percent of neighborhood households that make less than \$50,000 a year. The deepest affordability MIH option (Option 3—which is not required to be mapped) would require no more than 20 percent of new apartments at or below 40 percent AMI—even though 54 percent of households in CD11 earn less than \$35,000 a year (over 40 percent AMI for a family of three). (CDP_097)

Response 1-71: Please see the responses to Comment 1-67 and Comment 1-68.

Comment 1-72: It is clear that both low-income and moderate-income East Harlem residents would benefit from housing preservation strategies. Landlords have a financial incentive to deregulate apartments so as to maximize profits, often doing so by harassing existing rent-regulated tenants. This reality is worsened when the City proposes an upzoning of the community—as is the case here with the Proposed Actions—as property owners sell to developers at sharply increased prices. As the law currently stands, all rent-stabilized apartments—ones that give tenants an array of protections, including a right to a renewal lease and limits on how much the landlord can raise the rent—can be removed from rent-stabilization if the apartment becomes vacant and the monthly rent

crosses the threshold of \$2,700. Additionally, in buildings with limits on rents that can be charged because of subsidies from the HPD, limited rents are only offered as long as the regulatory agreement between the landlord and HPD is in place, and some of those agreements last for only 30 years. After the regulatory agreement expires, landlords are no longer bound to offer the affordable rent. While these realities potentially paint a dire picture, make it all the more important that the City engage in serious preservation efforts. (Collier_CB11_004)

Response 1-72:

The City has significantly increased its preservation, anti-displacement, and anti-harassment efforts in East Harlem. HPD has expanded its preservation programs and its tenant protection and code-enforcement efforts in conjunction with a marketing, outreach, and technical support strategy to inform East Harlem landlords of financing programs which may be available to them. Together, the City's increased efforts will work to ensure that existing units remain affordable and East Harlem residents remain in the neighborhood. While HPD's programs preserve affordability for a range of households, its foremost priority is the preservation of current affordable units. HPD's Low Income Housing Tax Credit Preservation Program ensures the future financial and physical viability and preserves the long-term affordability of Low Income Housing Tax Credit ("tax credit") properties that are reaching or have reached the end of the initial tax credit compliance period. HPD's HUD Multifamily Program leverages public resources and private sector financing to rehabilitate, recapitalize, and preserve privately owned HUD-assisted rental housing. New preservation programs intended to preserve the affordability of unregulated buildings include the Green Housing Preservation Program, which targets smaller multi-unit properties and no- or low-interest loans to facilitate improvements to energy efficiency and water conservation improvements to lower operating costs.

With respect to homelessness prevention, in addition to increases in tenant legal services over the last few years, some of the most important prevention-related enhancements the City has already made include providing a greater amount of emergency rental assistance so that rent-burdened New Yorkers at risk of eviction can stay in their homes; expanding the City's nationally recognized Homebase program so that more New Yorkers can maintain housing in their community; developing the TSU, which since its launch has reached more than 194,000 New Yorkers through its proactive outreach on critical services to prevent homelessness among renters facing housing-related problems; and creating a new Homelessness Prevention Administration (HPA) within the HRA—of which the Office of Civil Justice is a part—that brings homelessness prevention, rental assistance, and early

intervention all under one roof to improve program management and effectiveness.

In CD11, HPD has conducted outreach to approximately 2,600 properties through calls and letters and has held three events within the past few years, including two Landlord Resource Fairs in partnership with local elected officials and one property owner information session with Speaker Mark-Viverito. HPD recently launched its Landlord Ambassadors Pilot to provide technical assistance to property owners to preserve affordability. HPD's Housing Ambassadors program is a network of community-based organizations that provide free assistance to New Yorkers applying for affordable housing; they partner with HPD, primarily on a volunteer basis, to receive training, distribute informational materials, and relay feedback about the application and lottery process from their work with applicants. Regarding increased code enforcement efforts, HPD began conducting "Block Sweeps" in East Harlem, where it proactively surveyed distressed properties using data and community referrals, and at the same time walked the entire block to ensure proper upkeep. Through its Block Sweeps initiative, HPD conducted building visits to more than 400 occupied residential buildings in concentrated areas in East Harlem between August 2016 and July 2017. In Fiscal Year 17, HPD conducted almost 16,000 inspections, citing 10,772 violations, and conducting emergency repairs as necessary to ensure that tenants can remain safely in their homes. Currently, HPD has comprehensive litigation seeking the correction of conditions and civil penalties in progress against 14 properties. Lastly, the City has created a program to provide legal assistance to low-income tenants who are being harassed by landlords who are trying to take advantage of zoning changes by getting rid of tenants, including tenants residing in East Harlem zip codes 10029 and 10035, who may call the New York City Tenant Protection Hotline at (917) 661-4505, Monday–Friday: 10:00 AM–4:00 PM. Please refer to testimony from Vito Mustaciuolo, Deputy Commissioner, Kim Darga, Associate Commissioner, and Margaret Sheffer Brown, Assistant Commissioner, all of the New York City Department of Housing Preservation and Development, and Jordan Dressler, Civil Justice Coordinator for the Human Resources Administration, in **Appendix J** of the FEIS.

Comment 1-73:

The administration has failed to commit to an up front and rigorous housing preservation program for the neighborhood. The City's plan for housing preservation in East Harlem remains in draft form and has been criticized for needing to be more tailored to East Harlem. To feel confident about the preservation program it would need to:

Permanently increase enforcement and building sweeps by HPD in East Harlem; Integrate more mission-driven developers and CLTs into city sponsored new development on city-owned land; Rely on those same partners to rehabilitate distressed and abandoned properties for use as affordable housing; and Create an anti-eviction/anti-harassment district modeled on the Clinton Special District. (Brewer_005)

It is imperative that, in order to ensure East Harlem's long-term housing vitality and accessibility to our low- and moderate-income, the Proposed Actions include both robust strategies to enforce and expand existing legal protections for tenants aimed at preserving existing affordable housing and provisions for the construction of additional permanent affordable housing in any new development. (Collier_CB11_004)

A commitment [from the City is needed] that strengthens the anti-harassment protections afforded to tenants in situations where bad landlords are creating unsafe conditions and trying to remove tenants to achieve higher rents. For tenants, the burden of providing proof of harassment is extraordinary, with most judges requiring an extensive history laid out in excruciating detail for a case to be seriously considered. Recommendation 1.7 of the EHNP called for an East Harlem anti-harassment/anti-eviction district, modeled after the Special Clinton District on Manhattan's West Side with the funds to support tenant organizers that will monitor for abuse. At our first meeting with HPD after the release of the report, my office made clear that this would be essential to any support for this proposal. In response, we were told that a citywide answer to the request for anti-harassment districts was being crafted. However, several deadlines have passed and we have nothing yet to assure us that it will be in place. (Brewer_005)

The City must create a citywide CoNH. Under this program, landlords would have to attain a CoNH prior to alteration or demolition of a building that contained any rent-regulated unit within the last ten years. In order to attain a CoNH, landlords seeking to demolish a building containing formerly rent-regulated units would have the burden of proving that they have no history of tenant harassment. At a minimum, in the interim the City must expand the applicability of the current CoNH program to include CD11. The City must include the entirety of CD11 to account for the potential effects of the Proposed Actions on the areas outside of the study area. (Collier_CB11_004, CDP_097, EHNPS_107, PTH_099, Tirado_062)

The City itself must aggressively identify and penalize incidents of tenant harassment. The need for a proactive stance by the City in this realm is reflected in the EHNP as well as in the positions adopted by community organizations. (Collier_CB11_004)

According to the draft Housing Plan, 75 percent of East Harlem homes are rent-stabilized, rent-controlled, and/or receive some form of governmental assistance that limits the amount of rent that can be charged. The stated priority of the Housing Plan is to protect residents who want to remain in East Harlem. To achieve this goal, HPD aims to maintain affordable units in their portfolio by proactively informing owners about financial incentives the City can provide. The Housing Plan also outlines a number of forward thinking strategies that we find worth pursuing, including the implementation of CLT models, expansion of legal representation for tenants, and execution of the [CoNH].

While these ideas have great potential, we recognize that they are for the most part in exploratory phases or will be included as pilot programs. Therefore, we strongly urge the City to employ these preservation strategies in concert with the rezoning. (MAS_009)

Response 1-73:

The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are outside of the scope of the Proposed Action. HPD's draft East Harlem Housing Plan includes commitments tailored to the needs of East Harlem as well as citywide programs and policies that arose from the EHNP planning process. The document is in draft form because it will continue to be refined according to community feedback received during the ULURP process; a final plan will be released at its conclusion. HPD's strategies are ongoing, including the identification and evaluation of distressed properties.. HPD has also funded \$500,000 for the East Harlem El Barrio CLT to acquire and rehabilitate properties. Additionally, see the responses Comment 1-67, Comment 1-70, Comment 1-112, Comment 1-119, and Comment 1-120 for further details on HPD's refinements to the housing plan since it was issued on May 1st, see the testimony of Maria Torres-Springer, in **Appendix J** of the FEIS.

Comment 1-74:

We must call for more affordability on our City-owned sites since we are limited in our ability to push for changes in how the MIH program is implemented. In these projects, we would work with mission-driven developers and/or the East Harlem/El Barrio CLT to get to those tiers that are below 30 percent and require entire projects to be 100 percent affordable. Together with projected private development under MIH we could target for 50 percent of the new housing on private rezoned and public sites to be affordable at a variety of low- and moderate-income levels. This model still encourages the building of desperately needed moderate and middle-income units and targets our housing policy and [scarce] city-owned land where it is needed most. (Brewer_005)

- Response 1-74:** The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are outside of the scope of the Proposed Action. HPD has a variety of financing programs for public and private sites that provide subsidy in exchange for affordability beyond MIH requirements. Affordability requirements serve a range of incomes, from extremely low to moderate and middle incomes, as well as seniors, special needs, and formerly homeless. When combined with MIH, the programs will require deeper and more permanent affordability. Further, HPD’s RFP process for public sites reviews competitively deep and long term affordability with limited subsidy.
- Comment 1-75:** CB11 firmly advocates that the City incentivizes and subsidizes the 50/30/20 model, so that 20 percent of new residential units will be available to residents earning less than 30 percent of AMI and 30 percent of new residential units will be set aside for residents earning between 30 percent and 120 percent of AMI. CB11 further calls on City and State subsidies that are directed toward deeper MIH affordability to be insulated against federal budget cuts. Particular in today’s federal political climate, it is imperative that the City build a financial bulwark against the whims of the federal government. (Collier_CB11_004)
- Response 1-75:** HPD has committed to financing 20% at 30% of AMI at three sites, including Sendero Verde, Lexington Gardens II, and the 126th Street bus Depot. HPD recently issued updated term sheets that reach deeper levels of affordability in all projects, serving a wide range of incomes that meet the underlying goals of model proposed. On other public sites and on private sites, where feasible, additional subsidies could be provided to reach deeper levels of affordability than mandated by the MIH program. See also the response to Comment 1-74.
- Comment 1-76:** CB11 maintains that the City is capable of incentivizing and encouraging the development of affordable housing by local non-profit developers; specifically, the City must give preference to local non-profit developers for any RFP for development on public land, as well as provide other financial incentives and relief for non-profit developers and their investors, in light of the fact that non-profit developers are more likely to maintain permanent affordability than their for-profit counterparts. (Collier_CB11_004)
- Response 1-76:** Recently, HPD issued reforms to its RFP policies, including preference for groups with community development experience, as well as a “remainder interest” provision to ensure future City control of public land at the end of a regulatory term Please also see the responses to Comment 1-68 and Comment 1-74.

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Comment 1-77: We support the development of additional senior and supportive housing. We also believe that HPD needs to work with CB11 and locally based non-profit developers to find ways to increase homeownership opportunities in the neighborhood. (Cirillo_NMC_101)

Response 1-77: Comment noted.

Comment 1-78: As part of their analysis of conditions on the ground, the HPD’s Office of Enforcement and Neighborhood Services (OENS), the Neighborhood Planning and Preservation Unit, the New York City Division of Neighborhood Preservation (DNP) coordinated to do “block sweeps” and additional enforcement visits as part of the development of the proposed rezoning. The results included a more robust list of distressed properties that can be stabilized through subsidized repairs or proactive identification of places that need tenant services, violations correction, or litigation. While the temporary increase in services were welcome it still is unclear if this heightened level of involvement is permanent for an area that has needed it for some time and will need it even more moving forward. (Brewer_005)

Response 1-78: HPD is committed to continuing block sweeps on buildings referred to by the community through the Proactive Preservation Initiative.

Comment 1-79: The City should identify those unregulated buildings containing between one and five residential units that may be suitable for entry into an affordable housing preservation program. (Collier_CB11_004)

Response 1-79: The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are outside of the scope of the Proposed Action. HPD has developed an outreach strategy specifically targeting property owners in East Harlem, with needs but may not be currently government assisted, through owner’s outreach events, mailings, calls, etc., about its preservation programs. HPD and its partner Enterprise have also recently launched the Landlord Ambassadors program to reach out and provide technical assistance to small to medium multi-family property owners.

Comment 1-80: The City must continue to fund the current expansion of free legal representation for those families making under 200 percent of the federal poverty line. To this end, the City must continue to vigorously fund the Tenant Rights Coalition (TRC)—a project established by Legal Services NYC and The Legal Aid Society through City funds—which has a mission specifically targeted to combating displacement forces of gentrification in the largely low- and moderate-income communities of color that are slated for up-zoning. The City must extend the TRC

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contract on terms that enable legal services providers to meet realistic benchmarks. CB11 is particularly interested in the renegotiation and extension of the TRC contract given the City’s designation of zip codes that encompass East Harlem neighborhoods. (Collier_CB11_004)

Response 1-80: As part of the draft East Harlem Housing Plan, the Human Resources Administration (HRA) has committed to financing \$4.6 million annually to East Harlem for free legal services for tenants, as well as universal access to right to counsel for tenants facing evictions.

Comment 1-81: The City should provide funding to allow legal services providers to maintain East Harlem storefront offices and/or satellite offices in area community-based organizations for a period of no less than 5 years from the date of approval of the Proposed Actions, if ultimately approved. (Collier_CB11_004)

Response 1-81: Comment noted.

Comment 1-82: One particular stock of existing housing within the rezoning boundaries that has remained inaccessible to East Harlem residents is the warehoused units kept unoccupied by various property owners throughout the neighborhood. One *Crain’s* article estimates at least 50 properties throughout East Harlem fit this description. These units—many of which are located between East 106th and East 116th Streets and between Lexington and Third Avenues—have been off line for decades and residents and business owners view them as blighted. Based on the age and size of these buildings and their similarity to occupied buildings in the area, there is reason to believe these units, if they were in circulation, would constitute a much-needed pool of rent-regulated apartments. Despite that, a lack of concern for the surrounding area has resulted in owners of these warehoused buildings keeping those units vacant and limiting activity to the commercial ground floor simply to keep up with tax bills. Now the rezoning we are considering would award those same owners for their speculative actions. (Brewer_005)

Response 1-82: Comment noted.

Comment 1-83: A 2012 report, *Banking on Vacancy*, initiated by Picture the Homeless (PTH), found that 3,551 vacant buildings that were surveyed could potentially house 71,707 people. There are several recommendations in the report, including some legislative solutions that should be piloted as part of the East Harlem Preservation Plan. The Housing Not Warehousing Act is a package of three City Council bills that create a mandatory registry for all landlords holding their property vacant, mandate the City to do an annual count of all vacant property, and require a report of all city, state, federal, and authority-owned vacant

property suitable for the development of affordable housing. The report would also include recommendations on how to turn these City-owned properties into affordable housing as soon as possible. These underutilized properties should be targeted for extremely low to middle-income families and kept permanently affordable under the direction of mission-driven developers and/or CLTs. (Brewer_005, PTH_099)

Response 1-83: Comment noted.

Comment 1-84: The City must exercise its power to institute an anti-warehousing tax and/or additional tax on the transfer of warehoused residential properties. Such a tax would disincentivize the practice of allowing residential spaces to remain vacant for long periods of time. Implementation of an anti-warehousing tax will lead to productive use of property and increase the housing stock for the community. (Collier_CB11_004)

Response 1-84: As noted throughout the DEIS, rents have been rising in East Harlem and the neighborhood has experienced increased development of market-rate housing. The Proposed Actions have been crafted in response to the established trend of rising rents and the development of market-rate housing in East Harlem and present the most effective opportunity to provide significant amounts of affordable housing, which would counter this trend, and is expected to encourage new investment.

Comment 1-85: It is important that developers meet MIH requirements within each building. That is, developers cannot be permitted to offset failure to meet the affordable housing targets by making up for the shortfall off-site. Permitting developers to transfer the shortfall to offsite projects serves to reinforce socioeconomic segregation, which reinforces notions of second-class status and defeats the purpose of mixed-income housing. (Collier_CB11_004)

Response 1-85: MIH allows developers to build off-site in the same community district or within a ½-mile of the project, but disincentivizes the practice by requiring more affordable housing at off-site locations than would be required if the affordable units were provided on-site.

Comment 1-86: For any development on public land, including NYCHA in-fill proposals, CB11 demands that such development offer 100 percent affordable housing, with bands targeting a spectrum from 10 percent of AMI to 120 percent of AMI. (Collier_CB11_004)

Response 1-86: As noted in Chapter 1, “Project Description,” of the DEIS, the proposed commercial overlays on NYCHA campuses represents only one step towards the allowing of commercial development in these areas. This

action would establish a zoning district that would enable NYCHA to pursue certain additional approvals and initiate processes that could advance commercial development on these campuses. In the event that any development plans are pursued, the disposition (including long-term leases) of NYCHA property for redevelopment must occur in accordance with Section 18 of the U.S. Housing Act of 1937, as amended, which requires submission of an application to HUD for disposition of NYCHA public housing authority (PHA) property with a NYCHA Board resolution authorizing such application, following consultation with residents and the community.

Comment 1-87: I believe that DCP’s inclusion of the [commercial] overlays [on NYCHA property] was intended to be responsive but it did not reflect the recommendation in the Plan. The EHNP concluded that such a drastic change to NYCHA’s built environment required separate and direct engagement with the residents who live there. The proposal uses too broad a brush and applies the overlays without considering fears related to displacing residents, playgrounds, and open space. (Brewer_005)

Response 1-87: Please see the response to Comment 1-86. As noted in Chapter 1, “Project Description,” of the DEIS, the proposed commercial overlays on NYCHA campuses represents only one step towards the allowing of commercial development in these areas. No displacement of existing NYCHA residents would occur with the mapping of the proposed commercial overlays. The mapping of commercial overlays would allow local retail uses on NYCHA property. Further procedures are required under federal regulations, including extensive engagement with NYCHA tenants regarding any contemplated future use and disposition of NYCHA property. NYCHA has no intention of displacing tenants. It is expected that any playground features and seating lost as a result of commercial development along Park, Lexington, Third and Second Avenue frontages of NYCHA properties would be replaced in coordination with tenants.

Comment 1-88: Any process that could yield development of NYCHA land must include the affected NYCHA residents and development should not occur without those NYCHA residents’ approval. (Collier_CB11_004)

Response 1-88: Please see the responses to Comment 1-86 and Comment 1-87.

Comment 1-89: [The City should] increase the number of HPD inspectors as well as convenience of inspection times, and ensure adequate follow-up on whether violations were cured, efficiently issuing fines where the violations go uncorrected beyond the time allowed by law; importantly,

HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord. (Collier_CB11_004)

Response 1-89: Comment noted.

Comment 1-90: Any final proposal that moves forward with a growth plan for this community should identify a significant down payment toward bringing [East Harlem NYCHA] developments back to a state of good repair. Without a commitment at this stage, the plan lacks a central piece advocated for by residents. (Brewer_005, Pacheco_069)

We agree with the EHNP NYCHA subgroup’s recommendation that the city should make a minimum commitment of \$200 million for rehab at NYCHA developments in East Harlem. (Cirillo_NMC_101)

Allowing NYCHA buildings in East Harlem to broadly transfer their development rights could enhance funding for affordable housing improvements. (Sanderson_002)

Response 1-90: The City is aware of the need for additional capital investments in public housing and continues to provide investments that are outside of the scope of the Proposed Action. NYCHA has committed that a portion of the revenue generated through any potential redevelopment of NYCHA sites will be re-invested back into existing buildings to provide for needed repairs and improvements. In addition, NYCHA requires all real estate development projects to include a Resident Hiring Plan and Marketing Plan to insure NYCHA residents are connected to economic and housing opportunities related to the new development.

Comment 1-91: The EHNP identified at least five public sites for the City to review. We should receive a commitment to target these sites, and any other remaining city-parcels for mission-driven developers and CLT partners who share our goal of creating housing inclusive of all families, regardless of total income. (Brewer_005)

Response 1-91: The City is aware of the need for additional capital investments in public housing and continues to provide investments that are outside of the scope of the Proposed Action. As noted in Chapter 1, “Project Description,” of the FEIS, HPD drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing and housing preservation. In response to EHNP recommendations for more technical assistance for mission-driven and faith-based developers, HPD will partner with Enterprise Community Partners to pilot a Landlord Ambassadors Program to contract with community-based organizations who will conduct outreach and provide

technical assistance to owners of multifamily buildings in Upper Manhattan (including East Harlem). HPD also recently issued a Request for Expressions of Interest (RFEI) to identify qualified groups who are interested in forming a Community Land Trust. For further information, please refer to the testimony of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS.

Comment 1-92: The [Housing Plan for East Harlem] includes new approaches by our agency and represents by far the most robust set of neighborhood housing strategies that this city has seen in recent years. (Torres-Springer_HPDP_037)

Response 1-92: Comment noted.

Comment 1-93: The Housing Plan is only a draft, meaning that it is a work in progress, and I welcome any feedback or ideas for improvement. (Torres-Springer_HPDP_037)

Response 1-93: Comment noted.

Comment 1-94: Affordable housing, a precious resource, is permanently lost to the City when tenants are evicted from rent-regulated and rent-controlled apartments and rent is increased above affordable levels. Protecting these affordable units throughout New York City for families and seniors and protecting tenants in non-rent-regulated buildings is critical. And the financial and human costs we avert when tenants avoid eviction and preserve their tenancies are substantial; every family that stays in their home spares the City the expense of emergency shelter services—but more importantly spares the family the trauma of homelessness, including disruption of education, employment, and medical care. Our legal services programs are aimed at keeping these New Yorkers in their homes, preventing displacement, and preserving and protecting the City’s affordable housing stock. (Dressler_HRA_038)

Response 1-94: Comment noted.

Comment 1-95: We would like to see the final version of the Housing Plan include examples of projects in which preservation incentives for affordable housing have been successfully implemented in light of significant development and deregulation pressures. (MAS_009)

Response 1-95: The East Harlem Housing Plan spotlights The Hope East of Fifth Resyndication project, which closed on new financing in 2016 to extend affordability for residents of 506 apartments across 39 existing buildings in East Harlem. As part of the transaction, eight different entities affiliated with Hope Community, Inc., transferred ownership to

Hope East of Fifth Housing Development Fund Company, Inc. (HDFC). This project will use City financing to rehabilitate the properties, including kitchen and bathroom upgrades; roof replacement and/or repairs; window replacement; façade restoration; hot water heater replacement; boiler replacement; plumbing and electrical upgrades; elevator modernization; accessibility upgrades to 26 units for tenants with mobility impairments; and upgrades to 11 units for tenants with hearing and/or vision impairments. In addition, the borrower entered into a regulatory agreement with HDC and HPD that restricts rents to 50 percent of AMI for 106 units and 60 percent of AMI for 392 units, with eight units reserved for superintendents. The regulatory agreement also requires 102 units to be set aside for homeless individuals and families.

Comment 1-96: HPD committed to expediting the construction of 2,400 new affordable homes on public sites, including committing to 20 percent of units to be affordable for those earning less than \$25,770 for a family of three (30 percent of AMI) at three sites. Meanwhile, we are rigorously exploring the feasibility of additional public sites that neighborhood stakeholders have identified as appropriate for housing. (Torres-Springer_HPDP_037)

Response 1-96: Comment noted.

Comment 1-97: I am opposed to the rezoning plan because it does not provide *any* affordable housing options for the majority of people currently living in East Harlem. (Weissmann_012)

Response 1-97: With approval of the rezoning and MIH, affordable housing for thousands of low- and moderate-income New Yorkers would be required throughout East Harlem, including many East Harlem residents. Deeper affordability would be achieved through the provision of subsidies to provide housing for those households in the lowest income bands.

Comment 1-98: Even at the lowest annual AMI being offered (30 percent AMI=\$32,000), rezoning would provide Zero apartments for those who truly need affordable housing and would exclude our homeless population entirely. (Ortiz_025)

Prioritize the development of extremely low-income housing—including housing for households at 10 percent, 15 percent, and 20 percent of the area median income in all East Harlem development opportunities. Guarantee that a minimum of 40 percent of all new housing units are dedicated to housing and rehousing extremely low-income and homeless community members. (PTH_099)

Response 1-98:

The MIH program seeks to promote the private creation of permanently affordable housing without unduly affecting the production of new housing supply, consistent with the Mayor’s housing plan. The MIH options are based on an analysis by Bay Area Economics, a national real estate economics consulting firm with expertise in inclusionary housing analysis as well as in a wide range of related market rate and affordable housing feasibility studies. The purpose of the “NYC MIH Market and Financial Study” was to evaluate what effects the application of a MIH program, if implemented in conjunction with land use actions to promote increased housing, would have on the financial feasibility of new residential development projects under a range of currently representative market conditions. Although real estate market conditions are dynamic, the relationships between rents/sale prices, development costs, and financial feasibility tend to move in tandem in most market cycles. The MIH options available were determined to meet feasibility thresholds in order to be effective under recent market conditions, and are therefore consistent with the Purpose and Need of the Proposed Action.

In addition to the Proposed Actions, HPD has a variety of programs that serve seniors, individuals with special needs, and formerly homeless households, referred by the Department of Social Services, and integrated with on-site or nearby supportive services. For example, HPD’s Supportive Housing Loan Program (SHLP) makes loans to non-profit and for-profit developers of permanent supportive housing with on-site social services. Projects developed with SHLP funding must provide 60 percent of units for homeless, disabled individuals or homeless families with a disabled head-of-household. The remaining 40 percent can be rented to households from the community earning up to 60 percent of the AMI. HPD’s Division of Special Needs Housing works with sponsors to help secure additional sources of financing, including Low Income Housing Tax Credits, private loans or other subsidies. Projects may involve new construction or renovation on City-owned or privately owned land. Supportive housing is permanent, affordable rental housing with on-site supportive services. Supportive housing allows formerly homeless and disabled persons to live independently, and provides affordable housing for New Yorkers earning low incomes. All tenants have leases and pay an affordable rent for their apartment.

Comment 1-99:

Since 2014, HPD has financed or incentivized the construction of 844 of the new affordable homes in East Harlem.

To expand upon this progress, we need to utilize the scarcest resource available—land—in the most effective ways possible. This is why we

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are prioritizing the use of City-owned sites for the development of new affordable housing. As part of the draft East Harlem Housing Plan, we have already committed to more than 2,400 new affordable homes on East Harlem's public sites, many of which are already underway. Based on feedback from the local community, we continue to explore affordable housing development on additional public sites throughout the neighborhood. (Katz_HPDP_034)

Response 1-99: Comment noted.

Comment 1-100: HPD is instituting reforms in its RFP process to ensure future public control of all affordable housing developed on City-owned sites and to make it easier for community-based developers to compete for publicly owned land. (Katz_HPDP_034, Torres-Springer_HPDP_037)

Response 1-100: Comment noted.

Comment 1-101: HPD issued new marketing guidelines has trained two additional organizations, Hope Community and East Harlem Council for Community Improvement, to serve as Housing Ambassadors in East Harlem to help residents apply for affordable housing. (Torres-Springer_HPDP_037)

Response 1-101: Comment noted.

Comment 1-102: HPD is working to remove barriers to qualifying for affordable housing through the policies and procedures of the marketing, lottery, and lease-up or sales process. These are published in the HPD/HDC Marketing Handbook, which we updated last fall, taking into account feedback from community partners, applicants, and agency partners. (Sheffer-Brown_HPDP_036)

Response 1-102: Comment noted.

Comment 1-103: The updated Handbook also restricts the credit and background criteria developers may use to evaluate applicants, ensuring that the New Yorkers who need affordable housing most are able to access it. Changes include limited look-back periods and more inclusive criteria related to debt. For example, Applicants may not be rejected based on credit score alone, but only if the complete picture of their credit history fails certain thresholds. Applicants may not be rejected simply for having a Housing Court history, nor because they were taken to Housing Court by a landlord for a case that did not result in a judgment of possession against the tenant.

When it comes to reviewing justice-related information on background reports, HPD confirms, prior to advertising or qualifying applicants, that

developers' criteria are in line with HUD's 2016 guidance on use of criminal records by housing providers. This states that landlords may not count prior arrests that do not result in convictions, and when reviewing conviction records, they must consider the nature of the offense (that is, whether it has any relation to protecting resident safety or property), as well as its severity and recency. (Sheffer-Brown_HPD_036)

Response 1-103: Comment noted.

Comment 1-104: To improve access to people with disabilities or language access needs, HPD now requires that developers must make specific efforts to reach people with disabilities in advertising and demonstrate that standards for accessibility, privacy, and data security will be upheld in the applicant qualification process. As part of their marketing plans, developers/marketing agents must submit a form including the measures they will take to provide translation and interpretation services throughout marketing and lease-up, and they are required to use translated templates for communication at an applicant's request. (Sheffer-Brown_HPD_036)

Response 1-104: Comment noted.

Comment 1-105: Our partners in East Harlem drew our attention to the fact that more multi-language information is needed on construction site signs during the lottery application period, and so we are in the process of redesigning the site signs to include full advertisements in multiple languages. (Sheffer-Brown_HPD_036)

Response 1-105: Comment noted.

Comment 1-106: EHCCI is closely involved as a development affiliate and community partner for the upcoming Acacia Gardens development, which is currently under construction. And Hope Community, a longtime HPD partner, has recently come aboard as an Ambassador; they are a partner in the recent preservation of 506 affordable apartments in East Harlem. Wheeling Forward is one of the first Housing Ambassadors for people with disabilities, an exciting recent expansion of the program. We are continually growing the Ambassadors program, and encourage you to connect organizations you think may be interested with us by emailing ambassadors@hpd.nyc.gov. (Sheffer-Brown_HPD_036)

Response 1-106: Comment noted.

Comment 1-107: The Housing Ambassadors program is a network of community-based organizations that provide free assistance to New Yorkers applying for affordable housing; they partner with HPD, primarily on a volunteer

basis, to receive training, distribute informational materials, and relay feedback about the application and lottery process from their work with applicants.

The current Housing Ambassadors in East Harlem are the 116th Street Block Association, Wheeling Forward (serving people with disabilities), EHCCI, and Hope Community. The 116th Street Block Association has been a valuable community resource in particular for people recently applying to the 51 affordable senior apartments at Draper Hall, and will continue to provide support in the next phase of lottery selection and eligibility reviews. They are also featured in a new short video about the Ambassadors program, which you can on HPD's website. (Sheffer-Brown_HPD_036)

Response 1-107: Comment noted.

Comment 1-108: Increasing transparency and access to information about the lottery process is a priority for HPD. Our online application system, Housing Connect, and the alternative paper option are available in seven languages, and we have gone beyond that to ensure that we're communicating with as many New Yorkers as possible: Our numerous materials about applying for affordable housing-videos, booklets, and information guides-are available in 17 different languages and in formats accessible to people with disabilities. All are posted on HPD's website, and we continue to add to the collection. (Sheffer-Brown_HPD_036)

Response 1-108: Comment noted.

Comment 1-109: In partnership with Enterprise, HPD allocated \$500,000 to the East Harlem/El Barrio CLT to acquire and rehab properties, including three City-owned properties, for affordable housing. (Torres-Springer_HPD_037)

Response 1-109: Comment noted.

Comment 1-110: We have supported the formation and expansion of CLTs across the City, including in East Harlem, and adjusted how we structure projects to maximize the length of the regulatory protections. (Darga_HPD_035)

Response 1-110: Comment noted.

Comment 1-111: HPD revised the ELLA and Mix and Match financing programs and allocated \$1.9 billion in additional capital to reach deeper affordability levels and require homes for formerly homeless families. We also continue to develop senior housing and supportive housing for those with special needs. (Torres-Springer_HPD_037, Katz_HPD_034)

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- Response 1-111:** Comment noted.
- Comment 1-112:** [HPD is] conducting more proactive and strategic outreach to property owners than ever before. To help build on that initial contact with property owners, this summer, we launched a Landlord Ambassadors pilot program to provide technical assistance for small property owners who are interested in, but unfamiliar with, the process of securing a loan from HPD to fix up their buildings and preserve affordability. East Harlem’s Ambassador, the Mutual Housing Association of New York (MHANY), began work this summer, and will begin conducting outreach in partnership with local stakeholders this fall. (Torres-Springer_HPD_037, Darga_HPD_035)
- Response 1-112:** Comment noted.
- Comment 1-113:** HPD expanded its preservation programs, and it is our hope that extensive tenant protection and code enforcement efforts paired with this multi-pronged strategy of marketing, outreach, and events, and technical support offered by Landlord Ambassadors will also expand the reach of these financing programs. (Darga_HPD_035)
- Response 1-113:** Comment noted.
- Comment 1-114:** The vast majority of the housing stock in East Harlem is already protected affordable housing regulated by governmental agencies. We actively seek to preserve the viability and affordability of this housing. We developed specific preservation programs, including our Low Income Housing Tax Credit (LIHTC) Preservation Program and HUD Multifamily Program, to address the unique characteristics of these properties, and we do proactive and targeted outreach to owners. For instance, we invite owners of LIHTC properties to a workshop on HPD’s LIHTC Preservation Program. For HUD-assisted properties, we participate in a working group and co-host events with HUD. (Darga_HPD_035)
- Response 1-114:** Comment noted.
- Comment 1-115:** We are also actively working to preserve the affordability of unregulated buildings. We have expanded eligibility in existing finance programs and launched a new Green Housing Preservation Program in mid-2015 so that we can assist more properties. In particular, the Green Housing Preservation Program, which targets smaller multifamily properties, provides no- and low-interest loans to enable owners to undertake energy efficiency and water conservation improvements in order to reduce operating costs. (Darga_HPD_035)
- Response 1-115:** Comment noted.

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Comment 1-116: HPD continues to host tenant and property owner events in the neighborhood. Our last East Harlem event in June attracted more than 100 property owners, who received help in dealing with their water bills, tax liens, foreclosure prevention, and other issues. (Torres-Springer_HPD_037)

Response 1-116: Comment noted.

Comment 1-117: In CD11, HPD has conducted outreach to approximately 2,600 properties through calls and letters. In addition, HPD has held three events within the past few years, including two Landlord Resource Fairs in partnership with local elected officials and one property owner information session with Speaker Mark-Viverito. HPD organizes Landlord Resource Fairs and similar events to provide property owners with information from a variety of city agencies and community-based organizations. (Darga_HPD_035)

Response 1-117: Comment noted.

Comment 1-118: HPD began conducting “Block Sweeps” in East Harlem, where we proactively survey distressed properties using data and community referrals, and at the same time walk the entire block to ensure proper upkeep. Through our Block Sweeps initiative, HPD’s DNP conducted building visits to more than 400 occupied residential buildings in concentrated areas (“blocks”) in East Harlem between August 2016 and July 2017. During the building visit, a preliminary physical assessment of the building was completed. Our staff spoke with the property owners and offered multilingual information about the types of loans and initiatives that HPD has available, including small home repair loans and anti-foreclosure programs. Staff also talked with tenants about their concerns, provided assistance with and referrals to information on tenant rights, the code enforcement and 311 process, rental assistance, and legal services. Ninety of those properties required more in-depth surveys and we are still in the process of conducting those surveys through the PPI. Of the surveys we have completed, six buildings will receive full building inspections from Code Enforcement, five resulted in comprehensive cases in Housing Court, and four will continue to be monitored by our DNP. We will continue to accept building referrals from East Harlem community groups and will survey buildings on an as-needed basis. (Mustaciuolo_HPD_033, Torres-Springer_HPD_037)

Response 1-118: Comment noted.

Comment 1-119: HPD’s everyday work in East Harlem includes both re-active activities (in response to complaints) and proactive activities. In Fiscal Year 17, HPD conducted almost 16,000 inspections, citing 10,772 violations, and

conducting emergency repairs as necessary to ensure that tenants can remain safely in their homes. Currently, HPD has comprehensive litigation seeking the correction of conditions and civil penalties in progress against 14 properties. (Mustaciolo_HPD_033)

Response 1-119: Comment noted.

Comment 1-120: The Alternative Enforcement Program (AEP), one of our most successful enhanced enforcement programs, is active at 11 properties. AEP targets the most distressed buildings citywide, and the AEP statute authorizes HPD to issue Orders, impose fees, and conduct enhanced repairs. (Mustaciolo_HPD_033)

Response 1-120: Comment noted.

Comment 1-121: The Administration has taken and is taking a “prevention-first” approach. In addition to increases in tenant legal services over the last few years, some of the most important prevention-related enhancements this Administration has already made include:

Providing a greater amount of emergency rental assistance so that rent-burdened New Yorkers at risk of eviction can stay in their homes.

Expanding the City’s nationally recognized Homebase program so that more New Yorkers can maintain housing in their community.

Developing the TSU, which since its launch has reached more than 194,000 New Yorkers through its proactive outreach on critical services to prevent homelessness among renters facing housing-related problems.

Creating a new HPA within the HRA—of which the Office of Civil Justice is a part—that brings homelessness prevention, rental assistance, and early intervention all under one roof to improve program management and effectiveness. (Dressler_HRA_038)

Response 1-121: Comment noted.

Comment 1-122: HPD’s preservation programs provide assistance to owners of privately owned properties, from one- to four- unit owner-occupied properties to multifamily properties with varying financial and physical conditions. Most of HPD’s preservation programs have very few eligibility restrictions, with the needs of the property determining which program is most applicable. The City assistance, typically a subsidy loan and/or property tax exemption, improves property conditions while maintaining affordability.

Owners that receive assistance are required to enter into a regulatory agreement that imposes rent and income limitations for the duration of the benefits, typically 30 or more years. While our programs preserve

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affordability for a range of households, our foremost priority is to preserve the current affordability for the current residents. Our preservation programs follow a no-displacement policy for existing residents. Rent and income limitations remain in place for decades so that affordability remains in the community for future residents as well. While owners are required to commit to affordability for the duration of any financial benefit, we aim for the longest possible term of affordability. (Darga_HPD_035)

Response 1-122: Comment noted.

Comment 1-123: HPD began convening an East Harlem Preservation Stakeholders group—bringing together tenant organizers, legal services, and local developers to better share information and more closely coordinate on preservation efforts in the neighborhood. (Torres-Springer_HPD_037)

Response 1-123: Comment noted.

Comment 1-124: HPD is working with the Speaker’s Office and the Steering Committee to enhance coordination around preservation efforts in East Harlem. (Torres-Springer_HPD_037)

Response 1-124: Comment noted.

Comment 1-125: By working to ensure that clients have access to the benefits they are eligible for, such as public assistance, SNAP (food stamps), Medicaid, and SSI, New Yorkers are connected to benefits that can weave a safety net to lift them out of poverty. The prevention programs HRA oversees expand and strengthen this safety net to include case management services like family mediation; educational advancement; employment; financial literacy services; early warning referrals from NYCHA, Adult Protective Services, and City Marshals for tenants on the verge of eviction; and finally emergency grants and rental assistance to keep families and individuals in their homes and prevent and alleviate homelessness.

In order to prevent evictions and displacement, HRA provides emergency grants, to keep thousands of New Yorkers in their homes. (Dressler_HRA_038)

Response 1-125: Comment noted.

Comment 1-126: HPD has launched nyc.gov/letsinvest, a new preservation marketing campaign targeting owners of smaller properties who may need help financing repairs to lower their operating costs and upgrade their properties, and are also willing to “partner” with the City’s to keep New York affordable. (Darga_HPD_035)

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- Response 1-126:** Comment noted.
- Comment 1-127:** HPD is exploring the possibility of including East Harlem in a CoNH pilot program. (Torres-Springer_HPD_037)
- Response 1-127:** Comment noted.
- Comment 1-128:** [I have experienced] continuous harassment and neglect by the landlord and management company and I live in a rent-stabilized apartment. For example, it took 11 years and two ceiling cave ins for the landlord to admit to and fix a leak in my bathroom ceiling. Ending last November, the landlord and management company had previously [taken] me to housing court for three full years because we failed to file a complaint with the New York State Division of Housing and Community Renewal (DHCR) because they took out the key hole to the front door of the building and replaced it with one key fob each per apartment in 2013. It took three years, but finally we won that case.
- [This is why we need a] neighborhood-wide CoNH. (Matis_019)
- Response 1-128:** Although new CoNH programs would be outside the scope of the Proposed Actions, the City understands the need to ensure appropriate safeguards for existing tenants and HPD is considering the feasibility of a CoNH in targeted areas of the City.
- Comment 1-129:** The HPD team is committed to robust code enforcement and continued coordination with community groups to ensure that East Harlem tenants are protected from harassment and deterioration of the existing housing stock. (Mustaciulo_HPD_033)
- Response 1-129:** Comment noted.
- Comment 1-130:** Through the Tenant Harassment Protection Task Force (THPT), a joint initiative of City and State agencies, including the New York State Attorney General's office, HPD conducts inspections at properties where owners may be creating conditions to harass tenants into leaving their homes. Each enforcement agency issues appropriate violations for physical conditions or conducts appropriate investigations into allegations of harassment. In East Harlem, the THPT has attempted to inspect eight properties and found illegal construction work at three. Referrals to the Task Force by community groups and elected officials have been instrumental in identifying some of the most egregious cases of harassment throughout the city, and HPD continues to encourage referrals. In general, Task Force inspections have led to the issuance of violations and orders, one arrest, and several ongoing investigations which may lead to prosecution of property owners who use these tactics. We have not, at this time, seen any indication that harassment is

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widespread in East Harlem but will continue to be vigilant regarding any uptick in reports. (Mustaciuolo_HPDP_033)

Response 1-130: Comment noted.

Comment 1-131: East Harlem was already rezoned in 2003 to allow higher-density buildings and encourage developers to build “affordable housing.” Rezoning to allow higher buildings will only encourage more landlords to tear down tenements, harass tenants, and find ways to remove units from rent stabilization. (Ortiz_025)

Response 1-131: 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 noted in Chapter 1, “Project Description,” of the FEIS, HPD drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing and housing preservation. The East Harlem Housing Plan recommends increasing resources that would protect tenants and provide free legal services and explore new ways of preserving the existing affordable housing stock through piloting a community land trust program and conducting a study on the feasibility of a Certificate of No Harassment. For information on HPD’s re-active and proactive activities in East Harlem, including the Alternative Enforcement Program, Proactive Preservation Initiative, Block Sweeps and the Tenant Harassment Protection Task Force, please refer to the testimony of Vito Mustaciuolo, Deputy Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS.

Comment 1-132: Since 2014, the de Blasio Administration has increased funding for free legal assistance programs for tenants from roughly \$6 million in Fiscal Year 2013 to approximately \$62 million in Fiscal Year 2017. This includes over \$33 million to support the City’s Anti-Harassment and Tenant Protection legal services program (AHTP), launched at HRA in 2015 in several neighborhoods across the City in which tenants face acute pressures of displacement, potential loss of affordable housing and harassment through disrepair, buyout offers, and threats by unscrupulous landlords.

One of those neighborhoods is East Harlem. Since October of 2015, our AHTP legal services providers—which include the Legal Aid Society, Legal Services NYC, and members of the LEAP coalition, including the Urban Justice Center, Lenox Hill Neighborhood House, Mobilization for Justice, New York Lawyers for the Public Interest, and Northern Manhattan Improvement Corporation (NMIC)—have served over 900 households in the East Harlem zip codes of 10029 and 10035, providing

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legal assistance, advice, and representation to more than 2,800 East Harlem residents in need, including over 1,100 children. In addition to legal representation in court, including eviction defense and affirmative cases seeking repairs or court intervention in building management, the AHTP program provides resources for tenant outreach and pre-litigation services with the goal of preventing displacement. AHTP legal services providers also offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits. (Dressler_HRA_038)

Response 1-132:

Comment noted.

Comment 1-133:

AHTP providers work closely with the City's TSU to assist households identified through TSU's outreach campaigns as in need of legal assistance or other housing-related needs. TSU specialists have been on the ground conducting outreach to tenants in East Harlem and other target neighborhoods since July of 2015, informing tenants of their rights, identifying housing-related issues faced by members of the community and making connections for tenants with legal and other services. The TSU approach involves case management of all issues until their closure, which includes referrals to legal services providers as well as outreach to HPD and other City agencies. Since July of 2015, TSU specialists have knocked on nearly 19,000 doors in the East Harlem zip codes of 10029 and 10035 and have provided assistance to 1,500 households in need. In addition to on-the-ground outreach, TSU also has ongoing partnerships and collaborations with local elected officials. (Dressler_HRA_038)

Response 1-133:

Comment noted.

Comment 1-134:

To support tenants, HRA extended free legal services and universal access to counsel for those facing housing court or eviction. And the TSU is going door-to-door advising tenants of their rights, reporting instances of harassment and poor building quality, and connecting tenants to free legal help where needed. (Torres-Springer_HPD_037)

Response 1-134:

Comment noted.

Comment 1-135:

Earlier this summer, the City enacted the nation's first Universal Access to Counsel law, making the City of New York the first city in the United States to provide access to legal services to all tenants facing eviction in court. Universal Access will provide free legal representation in court to New Yorkers facing eviction with household incomes at or below 200 percent of the federal poverty level (about \$50,000 for a family of four), and legal assistance and counseling to those earning more. The new investments to support Universal Access to Counsel will be

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implemented and phased in over the next 5 fiscal years, starting with an additional \$15 million in Fiscal Year 2018 that brings our current investment in tenant legal services to \$77 million, and reaching an overall investment of \$155 million by Fiscal Year 2022. (Dressler_HRA_038)

Response 1-135: Comment noted.

Comment 1-136: [Regarding addressing the East Harlem Proposal for the zoning versus additional protections that the community is seeking, in particular the CoNH], we share many of the concerns and sentiments that community residents have voiced, but we need to make sure with that we are as aggressive as we need to be in terms of preservation. It is in fact a real cornerstone of our plan. And our number one goal in this housing plan is to ensure that we are protecting residents who are vulnerable to displacement. It is why, in my opinion, we have not just outlined strategies to defend against these risks, but we are in fact, and I think this is unprecedented in how this administration has been addressing these issues, the work in that does not—will not start only when the rezoning has been approved. A lot of what I mentioned earlier, the proactive outreach to landlords, the block sweeps, the door knocking to speak with residents to make sure they're informed of those rights, that work has already started and will continue in this process. So it's a fundamental difference in approach that we have taken at this administration, one that we are extraordinarily committed to, and have been since the start of the process. (Torres-Springer_HPD_106)

Response 1-136: Comment noted.

Comment 1-137: [Regarding the appropriateness of delaying the implementation of the timing of the rezoning until a CoNH citywide legislation were in place] [I just want] to clarify the process for the pilot program for the CoNH, we have been working with, very actively with a number of stakeholders and the City Council on the pilot program that we hope will be targeted and effective and will really help deter property owners who have harassed tenants. That has been a process that we have undertaken over the course of the last year. It is moving ahead, and I think at a very positive pace. However, as effective as that is going to be, as meaningful as I think that's going to be, I view that as complimentary to the tools that we already have and will continue to use to prevent harassment and displacement. So I mentioned earlier, whether it's free legal representation for all tenants facing harassment or eviction, the TSU that's going door to door, the THPT that every day looks to ensure that all of the regulatory agencies, City and State, are working in a coordinated fashion to identify bad actor landlords and

pursue those investigations. So those are all tools that are part of—that are—will be complimentary, to the CoNH Pilot Program. And, therefore, given the need that I mentioned earlier to ensure that we have the types of protections in place like MIH, and given the needs of the neighborhood, I do believe that this rezoning proposal should move forward as planned, and that as we continue to aggressively get to finality of the MIH and formulate that, that it will just be a compliment to other tools. But it's certainly not the only thing that exists in order to achieve the shared goals of ensuring that harassment does not take place in this neighborhood. (Torres-Springer_HPD_106)

Response 1-137: Comment noted.

Comment 1-138: [NYCHA], through targeted investments in physical security enhancements and the efforts of our public safety advisory committee, is working to improve safety and security. For instance, Wagner Houses is receiving security cameras, exterior lighting, and layered access security controls as part of the Mayor's action plan for the neighborhood safety. Jefferson Houses is getting \$3 million in similar security enhancements. (Goddard_NYCHA_058)

Response 1-138: Comment noted.

Comment 1-139: It is incredibly critical to me as both a resident and a person who serves my community to ensure that low-income housing is preserved and that the kids and families who live in our neighborhood now are able to say there. (Parkey_DREAM_059)

Response 1-139: Comment noted.

Comment 1-140: I would like to see more nonprofits building, because then you would have, A, you would still have the building, because you do want jobs and you do want housing, but the issue is when you have to put the profit in there, then I can understand the challenges of the developer. At the very least maybe a public-private partnership where you have both entities purchasing and building. And certainly where we have public land I would love to see a nonprofit be the developer. That's one suggestion.

Then the second one is, I must admit this may not be popular, but I believe in the MIH, I understand the concept, but could we—do we have to go to the maximum, we have a little bit less housing, but we don't disturb the entire height of the situation. And we don't go to the maximum density, and then we don't also get maximum affordability, when we have to work more on preservation. But the nonprofit, I believe, would be a better way to go. Now let's talk about land trust and

so on. But we have to figure out a way that we have the buildings built where there's not as much profit necessarily, and the owners need it, but they need to work more with the nonprofit communities. (Brewer_063)

Response 1-140: HPD has a variety of programs to support mission-driven developers in affordable housing. HPD issued a prequalified list of Owner's Representatives to help mission-driven property owners, such as faith-based groups, with underutilized land to go through the affordable housing development process. In addition, HPD recently issued RFP reforms that preference for proposals with community development experience on their team. In terms of preservation, HPD has partnered with Enterprise Community Partners to pilot a Landlord Ambassadors Program to contract with community-based organizations who will conduct outreach and provide technical assistance to owners of multifamily buildings in Upper Manhattan (including East Harlem) to connect them to HPD's preservation programs. Further, in partnership with Enterprise, HPD awarded \$500,000 for the East Harlem El Barrio Community Land Trust to acquire and rehabilitate buildings.

Comment 1-141: HPD has proactively done block sweeps. When we go, we meet with the tenants in those building. We do hand out materials to them, we find out if there are harassment issues and we follow up on those.

In addition to HPD, I believe HRA may speak about the TSU, who I know has also been beating the streets in East Harlem, sending people into the buildings. There are posted notices in every building, required by law, advising the tenants that they can get an EBC of housing from HPD. And that document has a wealth of data on referrals, sources, places tenants can go, what the processes are for them to follow up on either maintenance issues or harassment issues.

Certainly with all the money put by the Administration into legal services, tenants should certainly reach out to those opportunities in their area. (Mustaciuolo_HPDP_067)

Response 1-141: Comment noted.

Comment 1-142: I am in a rent-controlled apartment and am being harassed. And I can go through the litany, but everybody else is going through, I'm sure I'm not the only one that's going through this. We started off with not picking up the garbage, not cleaning the building, let the stench continue. Then we started losing the cold water. Then we lose hot water. Then the boiler water breaks during the wintertime. I mean these are tactics that are in the playbook to get rid of us, out of Harlem. (Tirado_062)

I have reported [tenant harassment], and we're in court. But [the landlord's] pockets are much deeper than mine, and they could delay

this as much as they want or keep on delaying more or less. But we are in court, we're going a year in court right now. I still have no boiler. In the wintertime I'm still putting up plastic in my windows to keep myself warm in my room. I can't even have my kids stay with me because of the conditions that's in there. So it's horrendous. (Tirado_062)

Response 1-142:

The City has set up a Tenant Harassment Prevention Task Force (THPT) to investigate and bring enforcement actions—including criminal charges—against landlords who harass tenants by creating unsafe living conditions through illegal construction for numerous zip codes.

Additionally, the Administration and the City Council created a working group on tenant harassment in response to concerns raised during the public review of MIH and Zoning for Quality and Affordability (ZQA). The working group, a diverse group of housing data experts, tenant and housing advocates, and industry representatives, is currently evaluating the potential effectiveness, cost, and efficiency of refining and expanding the Certification of No Harassment policy now in effect in a few neighborhoods, and examining alternative tools to combat tenant harassment. Recommendations are expected to be released later this year.

For information on HPD's re-active and proactive activities in East Harlem, including the Alternative Enforcement Program, Proactive Preservation Initiative, Block Sweeps and the Tenant Harassment Protection Task Force, please refer to the testimony of Vito Mustaciuolo, Deputy Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS.

Comment 1-143:

I've been almost all my life in East Harlem, 70 years. And I seen the changes; some are good, but most of them are not because I don't see the seniors being taken into consideration with the City Planning. There's nowhere for us to go. (Pacheco_069)

Response 1-143:

Comment noted. As noted in Chapter 1, "Project Description," of the FEIS, the East Harlem Neighborhood Initiative provided an opportunity for City agencies to view the cumulative work being done in the neighborhood and determine how these services could be tailored and improved to address concerns raised by the communities being served. This includes the need for affordable housing and housing preservation as well as the need to provide resources for health related concerns (including those concerns of senior members of the community). The New York City Department of the Aging currently operates seven senior centers (and one Innovation Senior Center). As a part of Thrive

NYC, the DFTA has also launched the “Friendly Visiting Program” to combat social isolation among seniors.

Comment 1-144: I am a resident of East Harlem. I’m a homeowner in East Harlem. I’m a native New Yorker, grew up on the Lower East Side of New York, lived in East Harlem for the last 25 years, was fortunate to get a three-family house through an HPD initiative back in 2004. Even though it didn’t turn out to be what HPD promised it would be, it’s still a blessing. Me and my neighbors have had to put a lot of work into these houses to keep them from falling apart because they were built so poorly. (Bligen_072)

Response 1-144: Comment noted.

Comment 1-145: I want to talk about solutions, because the City has mentioned the Community Land Trust. We are in the process of negotiating with HPD with support from the Speaker’s office, as you heard, for three City-owned buildings. But there are other City-owned buildings and there are vacant lots owned by the City that aren’t even mentioned in the Neighborhood Plan. All those should be set aside for the Community Land Trust, because preserving is one thing—I live in a rent-stabilized apartment, I want it preserved—but that doesn’t create new units for people that are overcrowded, for people that are homeless, for people that want to come back to the neighborhood. And so therefore we need all the City-owned property set aside. We’re willing to engage in a planning process, we don’t want to warehouse those properties, but they cannot be given away. (Lewis_CLT_082)

Response 1-145: Comment noted.

Comment 1-146: The East Harlem El Barrio Community Land Trust has unanimously voted to oppose the rezoning of the neighborhood because—largely because it does not provide deep enough affordability. I will also note that the Neighborhood Plan does not provide deep enough affordability for folks that currently live there. (Lewis_CLT_082)

Response 1-146: As noted in Chapter 1, “Project Description,” of the EIS, the Proposed Actions would make Mandatory Inclusionary Housing (MIH) applicable to much of the Project Area. As noted during the public review process for the zoning text amendments establishing the MIH program, reaching the lowest income levels with affordable housing requires operating subsidy, because rents do not support operating expenses, and this cannot be accomplished through the MIH program alone. The provision of permanently-affordable units through the MIH program will serve as a baseline of affordability for years to come. 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. On public sites and on private sites, where feasible, additional subsidies could be provided to reach deeper levels of affordability than mandated by the MIH Program.

Comment 1-147: I want to give you three examples of the harassment that has been happening since I moved there in 1998, and to just give you an idea of why any of us are afraid to be displaced by yet another City plan.

So three examples. I filed a complaint with HCR in 2000 because there was a leak in my bathroom and it took 11 years for the management company to fix that. And two, the ceiling fan went down twice before they admitted that there was a leak and fixed it, it took 11 years. The other example is that when a luxury condo is built across the street, it is between 103 and 104 on Lexington, all the landlords in the area started prospecting to see how much they could charge the residents, how much more they could charge the residents.

And then in the last year, last November, the landlord and the management company had previously taken me to housing court for three full years because we had filed the HCR complaint when they took out the key hole from the front door of the building and replaced it with a key fob apparatus and they only gave us one key fob per apartment, which is in direct violation of the HCR rules and regulations.

But after three years, we finally won the case. So we are very afraid in El Barrio, the poor and working class residents of color are very afraid that this is yet another—it's just another giveaway to the developers and the landlords. And that's why I'm urging you to vote "no" on this rezoning plan and also to vote in favor of the neighborhood-wide CoNH. (Muttiz_078)

Response 1-147: Comment noted.

Comment 1-148: There are several significant failures in the rezoning plan. Looking at the MIH rules, this should be revised so that low-income New Yorkers in East Harlem have access to new development within the area. If we are to look at all things, a lot of New Yorkers in East Harlem don't even make 30 percent AMI requirements to even qualify for a little development. Please support anti-harassment, anti-displacement, and anti-eviction efforts. (Rahman_079)

Response 1-148: For MIH to be feasible, affordability cannot be reserved solely for the lowest income households. When MIH is used in tandem with affordable housing subsidy programs, deeper levels of affordability can be reached. Please see the response to Comment 1-72 regarding the City's anti-harassment, anti-displacement and anti-eviction efforts.

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Comment 1-149: [We should provide opportunities for] home ownership, not just rentals. And allowing our new young families, like mine, to purchase homes in East Harlem. (Mack_080)

Response 1-149: The Proposed Actions involve area-wide zoning changes of primarily privately owned property. The development of homeownership units is largely dependent on market conditions and is up to individual property owners and developers. Given its relatively low acquisition prices, public land is typically developed as rental housing in order to maximize the level of affordability and the number of affordable units developed in a building.

Comment 1-150: I've been in the NYCHA buildings. They have black mold, these buildings have vents that are completely dirty. They have two people working in these buildings and she's talking about putting up cameras? People are dying of cancer because of the black mold in the buildings and she's worried about cameras. The truth is we live in poverty and we live in crime because of it. (Peralta_084)

I live in NYCHA public housing. Today public housing is desperately in need of repairs and severely underfunded. My building itself, similar to so many other buildings in New York City under public housing, is suffering from chronic leaks and toxic mold. NYCHA has estimated that it would take \$17 billion to make the minimum repairs necessary just to bring the housing stock up to code. I would like to see a fulfillment of \$200 million for the City to East Harlem for the necessary repairs. (Rong-Chong_091)

Make significant capital investment in East Harlem NYCHA Developments to ensure they are in a state of good repair and for their long term preservation. 28 percent of East Harlem residents live in NYCHA developments, an important stock of permanent low-income affordable housing for this neighborhood. According to NYCHA's 2011 Physical Needs Assessment, there is an estimated \$1.88 billion (2017 dollars) in unmet needs throughout the 21 developments in CB11. The Steering Committee requests an investment from the City in order to maintain, preserve, and improve this valuable resource for the community.

We ask that NYCHA work with the EHNP NYCHA subgroup leadership and other TA leaders to ensure needs for each development are being accurately captured and appropriately prioritized. This investment must include a robust resident oversight council so that residents can weigh in on how funds are spent. (EHNPS_107)

Response 1-150: NYCHA's Capital Projects Division is currently involved in the Mayor's Action Plan (MAP), a program to promote neighborhood safety by installing new exterior lighting and security enhancements at

fifteen developments. According to the Mayor’s Office of Criminal Justice, these improvements have enhanced the quality of life and decreased reported crime by 11 percent.

In addition, Capital Projects Division recently published Design Guidelines for Rehabilitation of NYCHA Residential Buildings. The design principles focus on integrating NYCHA with the surrounding community and creating safe, accessible and attractive housing through physical improvements. Some of the design strategies look at opportunities to connect with the surrounding neighborhood. These strategies encourage better placement and installation of fencing to provide site amenities that activate the surroundings and to create areas like community gardens, which generate involvement.

Comment 1-151: The EHNP and Steering Committee recommended that commercial development on NYCHA land needs be initiated by its residents. While the DEIS states that DCP is proactively working with NYCHA to increase the supply of retail and commercial services, there are no specifics on how NYCHA residents will be engaged. (EHNPS_C107)

NYCHA must link any new infill development to a firm commitment to rehabilitate and preserve existing public housing. (Cirillo_NMC_101)

Response 1-151: As noted in Chapter 1, “Project Description,” of the DEIS, the proposed commercial overlays on NYCHA campuses represents only one step towards the allowing of commercial development in these areas. This action would establish a zoning district that would enable NYCHA to pursue certain additional approvals and initiate processes that could advance commercial development on these campuses. In the event that any development plans are pursued, the disposition (including long-term leases) of NYCHA property for redevelopment must occur in accordance with Section 18 of the U.S. Housing Act of 1937, as amended, which requires submission of an application to HUD for disposition of NYCHA public housing authority (PHA) property with a NYCHA Board resolution authorizing such application, following consultation with residents and the community.

Comment 1-152: MIH options on privately owned sites—Option 1 paired with Option 3 We recommend giving private developers two MIH options, each of which would mandate the creation of income-restricted housing at different affordability levels:

Option 1: 25 percent of total units at 60 percent average AMI, with 10 percent of total units at 40 percent AMI

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Option 3: 20 percent of total units 40 percent average AMI (this option cannot be used with subsidy unless more affordable housing is provided) (EHNPS_107)

Response 1-152: Comment noted.

Comment 1-153: Maximize deep and permanent affordability on all publicly owned sites

One hundred percent income-restricted with at least 20 percent of units at or below 30 percent AMI—We want to make sure public sites are developed to maximize deep levels of affordability, and target income bands that relate to the neighborhood medians, and do not exceed 130 percent AMI. Public Sites that are in the development pipeline:

East 111th Street (Sendero Verde—SustainNYC)
Harlem African Burial Ground (126th street Bus Depot)

Additional Public Sites not in Pipeline:

HRA multiservice Center
99TH St former Sanitation Garage
123RD St DSNY Site
Park Ave NYPD Parking Lot
Urban Assembly School

Requirements for development on Public Land:

Maximum and deep affordability
Permanent affordability strategies
Community Defined program and design requirements
Involvement of locally based nonprofit developers
Explore conveyance of vacant or underutilized city owned land to CLT
Increase the amount of city subsidy available to reach deep levels of affordability—ask HPD for a monetary commitment of resources they will use on identified public sites (EHNPS_107)

Response 1-153: Comment noted.

Comment 1-154: Enforcement and transparency of regulatory agreements. Ensure the enforcement of regulatory agreements that outline affordability requirements. Empower tenants and CBOs to be involved in such enforcement. Work with HPD to make regulatory agreements more accessible to the public, and provide annual reports to CB11, City Council, and the Manhattan Borough President's Office. (EHNPS_107)

Response 1-154: Comment noted.

Comment 1-155: While the application of MIH to private development sites will bring some much-needed income-restricted housing, the MIH options are not a great fit for this community, as they do not provide enough housing at very-low income brackets. This is why the Steering Committee urges the City to commit to maximizing deep levels of affordability on public sites, to mitigate the indirect displacement of residents that is already occurring in the No Action Condition. (EHNPS_C_107)

The EHNP supported reasonable up-zonings that would maximize the benefits of the City’s MIH program. The DCP’s proposal, in contrast, goes beyond those reasonable limits, and also misses many opportunities to provide for creation of affordable housing in other areas of East Harlem. (Nocenti_USA_008)

Response 1-155: As noted in Chapter 1, “Project Description,” of the DEIS, the Proposed Actions would make Mandatory Inclusionary Housing (MIH) applicable to much of the Project Area. As noted during the public review process for the zoning text amendments establishing the MIH program, reaching the lowest income levels with affordable housing requires operating subsidy, because rents do not support operating expenses, and this cannot be accomplished through the MIH program alone. The provision of permanently-affordable units through the MIH program will serve as a baseline of affordability for years to come. 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. On public sites and on private sites, where feasible, additional subsidies could be provided to reach deeper levels of affordability than mandated by the MIH Program.

Comment 1-156: Create a coordinated East Harlem neighborhood-wide preservation strategy—with the goal of developing a strategy for each building. Secure funding for a coordinator to help develop and coordinate the neighborhood strategy and maintain all existing anti-harassment and tenant protection legal services funding. (EHNPS_C_107)

Response 1-156: As noted in Chapter 1, “Project Description,” of the FEIS, HPD drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing and housing preservation. The Draft Housing Plan released by HPD in May 2017 outlines several strategies the City is working on to preserve existing affordable housing in East Harlem. Measures include continued financing and tax incentives to building owners for the repair and improvement of buildings to improve quality of housing and make buildings operate more efficiently. For buildings that are currently assisted or monitored

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by a government agency, HPD is taking a more proactive and strategic approach to engaging building owners who could benefit from our financing and tax incentives in exchange for maintaining affordable rents, including outreach events, mailings, emails, call, and surveys.

Comment 1-157: Expand resources for nonprofit/mission-driven housing providers to acquire, preserve, develop, rehabilitate, and continue to provide housing for extremely low-income households on both private and public sites. (EHNPS_107, Cirillo_NMC_101)

Response 1-157: Comment noted. See also the response to Comment 1-140.

Comment 1-158: Support the growth of the CLT in East Harlem. Provide adequate capital investments to existing rehabilitation projects and future projects on CLT land to enable units on CLT land to be affordable for 99 years and longer to local residents based on the neighborhood median income (~\$31,000/year). (EHNPS_107)

Response 1-158: Earlier this year, HPD issued a Request for Expressions of Interest (RFEI) for groups interested in forming Community Land Trusts. Building on the RFEI responses and working in partnership with Enterprise, HPD awarded \$500,000 for the East Harlem El Barrio Community Land Trust to launch, acquire, and rehabilitate buildings. Funding was also allocated to the New York City Land Initiative to facilitate capacity building and information sharing between community land trusts across the city.

Comment 1-159: Commit to transfer all existing public property in CB11 (city owned lots and land under city-owned buildings) to the EHEBCLT or a locally based mission driven non-profit owner, to facilitate the preservation/development of these sites as deeply and permanently affordable housing in partnership with mission-driven and qualified developers.

Engage in regular dialogue with the EHEBCLT regarding upcoming disposition and preservation opportunities in CB11 (including buildings in the tax lien sale, HDFCs in distress, and buildings in HPD enforcement programs), as well as preservation programs that may support existing housing on the CLT. (EHNPS_107, PTH_099)

Response 1-159: Comment noted.

Comment 1-160: Ensure there is a decision-making mechanism for NYCHA residents to approve and weigh-in on infill planning / developments. We would like NYCHA to develop an initiative, in collaboration with TA leadership, to create an acceptable voting structure and decision-making mechanism that will allow NYCHA tenants to decide on whether or not they want

infill on their development and the components of the development. This needs to involve transparency around tradeoffs associated with potential infill development, together with the solicitation of ideas from tenants on how potential new development could impact and address their needs. (EHNPS_C_107, Cirillo_NMC_101)

Response 1-160: As noted in Chapter 1, “Project Description,” of the EIS, the proposed commercial overlays on NYCHA campuses represents only one step towards the allowing of commercial development in these areas. This action would establish a zoning district that would enable NYCHA to pursue certain additional approvals and initiate processes that could advance commercial development on these campuses. In the event that any development plans are pursued, the disposition (including long-term leases) of NYCHA property for redevelopment must occur in accordance with Section 18 of the U.S. Housing Act of 1937, as amended, which requires submission of an application to HUD for disposition of NYCHA public housing authority (PHA) property with a NYCHA Board resolution authorizing such application, following consultation with residents and the community.

Comment 1-161: We support the development of the public sites identified in the EHNP, and encourage the City to commit to making them available for development as quickly as possible. We also support maximum and deep affordability; permanent affordability strategies; community-defined program and design requirements, including those for open space and community facilities, and housing for the homeless; substantive involvement of locally based non-profit developers/owners in all public site development teams; and exploring the conveyance of vacant and underutilized City-owned land to the East Harlem/El Barrio CLT. (Cirillo_NMC_101)

Response 1-161: Comment noted.

Comment 1-162: We strongly urge HPD to make a specific, multi-year financial commitment to affordable housing preservation in CB11. (Cirillo_NMC_101)

Response 1-162: Comment noted.

Comment 1-163: [With respect to the capital needs for repairs and major maintenance needs for NYCHA buildings in East Harlem,] I did not come prepared with the list. We can certainly get it for you. As you know, it’s a significant backlog across the portfolio. (Goddard_NYCHA_058)

Response 1-163: Comment noted.

STUDY AREAS AND EXTENT OF REZONING AREA

Comment 1-164: [The East Harlem Rezoning] application shrinks the boundaries of the rezoning to exclude East 96th Street to East 104th Street necessitating the higher densities on Park and Third avenues. (Brewer_005)

DCP has decided to allow the highest density residential districts allowed under state and city law in a limited geography—on Park Avenue and Third Avenue. Rather than spreading out a minimum up-zoning across the neighborhood, DCP left out the area south of 104th Street, all of First Avenue, as well as the lower stretches of Madison Avenue, all of which was included in the EHNP. (Collier_CB11_004)

There is significant concern about [excluding] the area south of East 104th Street [from the rezoning]. The southern area has been rising in value due to several factors such as its proximity to the Upper East Side, access to existing and new mass transit with the opening of the 96th Street Q train station and distance from the Manhattan Core. Institutions are even recognizing value here; Marymount had recently filed a [New York City Board of Standards and Appeals] (BSA) application to build a new campus. This strong market has also seen a decline in existing rent-regulated housing. Property tax data collected by programmer and cartographer John Krauss shows numerous buildings losing between 10 to 50 percent of their rent-regulated stock below East 104th Street and above East 96th Street. We believe current and potential market attraction to this area warrants preservation districts or mandatory housing requirements for new development in this area. (Brewer_005)

The boundaries of the Proposed Actions differ from those advised by the EHNP. CB11 has supported the principle of a rezoning that would spur affordable housing development in every new development. However, the Proposed Actions omitted the areas east of Second Avenue and south of 104th Street. The exclusion of these two areas shows a disregard for the recommendations of the EHNP, and the exclusion of the area south of 104th Street is particularly disconcerting as CB11 believes there are extensive market pressures here driving up rents, and this area needs affordable housing in every new development. The failure to use the larger rezoning area recommended by the EHNP is a missed opportunity to create more affordable housing in East Harlem. A rezoning that would map MIH areas to the east of Second Avenue, to the south of 104th Street, and perhaps areas along Madison Avenue as described in the EHNP should be discussed with the Community Board so that affordable housing can be a part of developments in these areas as well. (Collier_CB11_004)

MAS echoes comments made by Manhattan President Gale Brewer that the current and potential market attraction to [the area between East 96th and East 104th Streets] warrants its inclusion within the rezoning boundaries to create preservation districts and institute mandatory housing requirements for new development. (MAS_009)

DCP's study area exempts the avenues east of Second Avenue and all areas between 96th Street and 104th Street. These omissions seems arbitrary from a neighborhood planning perspective and we are concerned that this could be an attempt to bring in higher out-of-context zoning at a later date. CIVITAS asks DCP to expand their study area to include these areas in the current zoning study. The current scope of DCP's work will not create a unified neighborhood. CIVITAS advocates for the rezoning of 96th Street to 104th Street to effectuate a seamless transition between C1-8X on 95th Street and East Harlem's upzoning. (Adams_CIVITAS_041)

I encourage you to consider looking at the entire zone that we proposed, which includes the entire length of First Avenue between 96th and 104th Streets, and the lower stretches of Madison Avenue. (Parkey_DREAM_059)

We believe that there should be, inclusive to the scope, there should have been an expansion and inclusion, as people have said, of the rest of the entire neighborhood from 96th to 104th and east of Second Avenue. (Adams_CIVITAS_090)

In 2013 the Community Board recommended an upzoning to Park Avenue, which included the MIH areas where affordable housing was mandatory, with more and deeper affordability than the optional program. At the time the concept of MIH was just an idea. Bloomberg was still mayor, Housing New York was unwritten. These were radical ideas, and they came from the community. Ideas that people thought could not be done. Yet, 3 years later MIH is law, and the City is looking to map it in East Harlem, as the Community Board asked. The Speaker was supportive. Her office, along with the community partners, led the development of the EHNP. All of New York talked about how the EHNP could be used as a new model for planning and zoning in New York City. Unlike any other rezoning I think that's come before this board, this, the CPC, the table in East Harlem is set for success. Yet New York refused to sit at the table. The EHNP called for a large rezoning area. It wanted affordable housing in all new developments in East Harlem. Yet, the proposal called for a small area, leaving out large chunks of the community. (Janes_054)

Response 1-164:

At the outset of the rezoning process, DCP closely examined a large geography on a site-by-site basis that included the entirety of the East

Harlem neighborhood and EHNP study area. A variety of factors were considered, including the appropriateness of new development within the existing mix of uses and context in the neighborhood. The proposed rezoning boundaries were selected because the area within these boundaries provided the greatest opportunity to create additional mixed-income housing, and to promote and enhance the vitality of existing commercial corridors while preserving the existing built character in select areas. The East Harlem Rezoning is a targeted approach where growth strategies are focused in areas of the district that can sustain growth while avoiding more built-out areas of the district.

As described in the “Purpose and Need” Section of Chapter 1, “Project Description,” in the FEIS, the Proposed Actions are focused on the areas where zoning actions can have a meaningful effect on (1) affordable housing production through MIH, (2) the creation of space for job-generating uses, and (3) the preservation of built neighborhood character, without encouraging disruption to existing residential buildings and neighborhoods. This corridor-oriented approach aims to reflect the spirit of the EHNP zoning and land use recommendations. The proposed actions are tailored to the unique conditions of each corridor. Certain areas are more suited to increased density than others, for instance. Geographies where few opportunities for new higher-density new housing were found, such as south of East 104th Street and along First Avenue, were not included in the rezoning.

While an area-wide rezoning was deemed inappropriate for these areas, it is possible that discrete opportunities for targeted changes could exist in other areas.

In certain areas, zoning that better reflects the existing built form was determined to be desirable to preserve existing housing. These areas have an established and consistent physical character or a unique local context, where contextual zoning could help ensure that future development is not out-of-scale with existing buildings. As an example, the area north of East 126th Street and west of Park Avenue is well-suited to a preservation approach.

While the Proposed Actions look at a more targeted area, other City agency efforts that advance the EHNP’s recommendations are not limited to the same geography as the rezoning. For example, investments in education, health, open space, transportation, safety, and other programs or services are spread throughout the neighborhood. HPD is already taking necessary steps to promote new affordable housing development and preserve existing affordable housing across the neighborhood. For further details about HPD’s initiatives in the wider East Harlem area, please refer to the responses to Comment 1-14,

Comment 1-17, Comment 1-18, Comment 1-65, Comment 1-66, Comment 1-67, Comment 1-68, Comment 1-69, Comment 1-70, and Comment 1-71.

Comment 1-165: The Administration and the EHNP diverge from one another on the appropriate boundaries of the rezoning. As part of the EHNP process, the facilitators and steering committee members had difficult conversations with the public about the tradeoffs between density and affordable housing. The final position in the EHNP represented a compromise that would trigger the minimum amount of additional density required to create new affordable housing but spread out that new bulk throughout the neighborhood so that no specific corridor would be overly burdened with a drastic change in scale or pressure from new users. The City’s application narrows the boundaries—leaving out the area west of Second Avenue and below East 104 the Street—and calls for the maximum residential density allowed on swaths of Park Avenue and Third Avenue. Rezoning proposals at the start maximize their scope for the purpose of environmental review; but the City’s unwillingness to compromise from that maximum is not reasonable or in the best interest of the community. East Harlem needs new affordable housing is needed for the neighborhood, but the distribution and concentration of new development should reflect to recommendations that came out of the EHNP process in which so many local participants sought to balance growth and preservation. (Brewer_005)

Response 1-165: See the response to Comment 1-164. The proposed rezoning boundaries were selected because the area within these boundaries provided the greatest opportunity to create additional affordable housing units for a variety of households, and to promote and enhance the vitality of existing commercial corridors while preserving the existing built character in select areas.

Comment 1-166: Our plan included a modest upzoning, spread across the entire community, which would trigger the City’s MIH program. We believed spreading the impacts more broadly through a moderate increase in building scale, in exchange for affordable housing, could benefit the community, while also preserving the character of East Harlem and minimizing displacement. We were disappointed with the rezoning proposal that the DCP introduced in response to our rezoning framework. DCP proposed the highest residential density allowable for Third and Park Avenues, and ignored the Steering Committee’s proposal to upzone the entire length of First Avenue, the area between 96th and 104th Streets, and the lower stretches of Madison Avenue. These were two very different strategies—the community’s approach,

which spreads a modest rezoning over a larger area to minimize impacts, and the DCP approach that crams a maximum amount of density in a much smaller area, which will result in building scales that are completely out of context with rest of the community. (EHNPS_C_023)

CPC's proposal excludes wide swaths of the East Harlem from its scope, and as a result packs high-density development into a concentrated area that will completely change the character of those portions of the neighborhood. (Nocenti_USA_008)

The community's approach, which spreads a modest rezoning over a larger area to minimize impacts, and the CPC approach that crams a maximum amount of density in a much smaller area, which will result in building scales that are completely out of context with the rest of the community. We believe that was a missed opportunity. While neighborhood rezonings must create new opportunities for affordable housing, they must also preserve the integrity of existing communities. (EHNPS_C_055)

Response 1-166: See the responses to Comment 1-164 and Comment 1-6.

Comment 1-167: Since release of the EHNP, the Steering Committee consistently communicated that DCP expand the study area boundaries to include all of CD11 to develop a substantial amount of affordable units throughout—without compromising neighborhood character by inappropriately increasing density. The Steering Committee believes it is a missed opportunity to exclude higher market areas of the neighborhood south of 104th Street. Neglecting to include this area in the Proposed Actions will likely result in several separate private land use applications (spot rezoning) in the future. As environmental impact assessments that accompany these spot rezonings only consider its own development's effects, their collective adverse impacts on the community's physical and social infrastructure may not be accounted for.

Recognizing that expanding the boundaries may not be possible, DCP should commit to a follow-up study and rezoning of the areas south of 104th Street and east of Second Avenue, to respond to the goals and vision outlined in the EHNP, as well as consider how the East Harlem waterfront needs are studied and addressed. We also support preservation zoning wherever possible, as many of those districts recommended in the EHNP were left out in DCP's current proposal. (EHNPS_C_107)

We are disappointed that DCP chose to exclude large sections of East Harlem from its rezoning proposal; we urge you to commit to start a

follow-up rezoning study immediately to protect the areas of East Harlem not covered by the current rezoning proposal. (Cirillo_NMC_101)

Response 1-167: Comment noted.

ZONING AND OTHER LAND USE ACTIONS

Comment 1-168: The difference between the [EHNP] and the applicant's proposal in suggested density for Park and Third Avenues was one of the most difficult components to overcome. DCP put forward a proposal that would apply the highest floor area districts available along parts of Park Avenue between East 115th Street and East 132nd Street and Third Avenue between East 104th Street and East 122nd Street where our own community-driven process suggested a more contextual alternative that triggers MIH but is more closely aligned with the existing neighborhood character.

For Park Avenue between East 115th Street and East 132nd Street, the EHNP recommended MX/R7 or R8 districts, with some additional density above that around transit nodes. This works out to densities ranging from 7.2 to 10 FAR. The Administration proposed a R9, R10, and MX/R9 and R10 districts or densities ranging from 8.5 to 12 FAR. For Third Avenue between East 104th Street and East 122nd Street, the EHNP recommended R9 or R9A with densities of 8 and 8.5 FAR respectively. The Administration proposed an R10 and C4-6 (R10 equivalent) district with a maximum 12 FAR for residential use. (Brewer_005)

Response 1-168: Please see the response to Comment 1-6.

Comment 1-169: During negotiations with the Administration over potential height limitations my office was told that Federal Aviation Administration (FAA) regulations for this area prohibited buildings from going above specific heights identified in the La Guardia field Flight Obstruction Area Map. This would place an effective height-limit on buildings in the proposed R10 districts from achieving heights that might otherwise be allowed.

After reviewing the FAA obstruction area map, it was clear that the airport conical surface 18 that extends west from the airport over Manhattan only covered the northern proposed R10 districts (Above East 118th Street along Park Avenue and above East 116th Street up to East 124th Street along Third Avenue) while leaving the southern proposed R10 district untouched.

For the northern proposed R10 Districts that are covered by the FAA obstruction map, the effective height limit is approximately 400 feet and

much higher than what the community was comfortable with during height discussions in the EHNP process. (Brewer_005)

Response 1-169: Comment noted. Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 1-170: Height Limits and Density Framework on Park Avenue and Third Avenue—we need to have an option in place at the time of the Council’s vote that keeps within scope the R8A MIH height limits along the length of Park Avenue and the R9A MIH height limits along Third Avenue. We are still looking forward to feedback from stakeholders and have not arrived at a final determination but strongly believe that height limits are appropriate and that the proposed residential density needs to be reduced. By analyzing the above height limits options, we create more flexibility for the Council to respond to concerns about these aspects of the rezoning. (Mark-Viverito_NYCC_001)

Response 1-170: Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 1-171: Perhaps the most significant of all the issues continues to be density. Not only has the administration insisted on keeping large swaths of Third Avenue and Park Avenue with an R10 zoning designation, they have included a loosening of the tower-on-a-base rules so that even taller building heights can be achieved. These building forms—much more appropriate for luxury high-rise buildings than for building affordable housing—only further feed the community’s fears that the proposal is tipping the balance too far in favor of market-rate development. It is the opposite of how we should be adjusting this proposal. (Brewer_005)

Response 1-171: As outlined in Chapter 1, “Project Description,” of the FEIS, Park and Third Avenues present the greatest opportunity for the development of affordable housing. The width of the streets, access to transit, and the

presence of a number of significant sites with potential for redevelopment provide these corridors with the capacity to support significant growth. The zoning changes outlined in the Proposed Actions allow residential development at higher densities, would enable the construction of affordable apartment buildings along these corridors and would expand the neighborhood's supply of affordable housing.

Where appropriate, the modifications to certain bulk regulations are intended to facilitate a wider variety of built form. These modifications are consistent with the objectives outlined in the Statement of Purpose and Need related to the promotion of new, permanently affordable housing, and the preservation of existing built character.

Comment 1-172: The steering committee believes that a consistent mixed-use framework along Park Avenue that supports development beyond retail is important. Therefore, we would like the proposal to include an option that contains a use requirement for non-residential consistently along the corridor and limits the permitted use groups more tightly. (Mark-Viverito_NYCC_001)

Response 1-172: The Proposed Action would support 1.5 to 2.0 FAR of non-residential development, including uses beyond retail. A more specific use group requirement may hinder development that advances the purpose and need of the proposed action and fail to allow the market to respond to demands for a variety of non-residential uses.

Comment 1-173: The proposal should include a tighter set of requirements along the lines of the Manhattan Core rules to ensure that we do not build more parking than the community needs and that we create streetscapes that are oriented toward pedestrians. (Mark-Viverito_NYCC_001)

Response 1-173: The implementation of the above-cited parking regulations would require a more detailed analysis and the effect of such regulation would go beyond the purpose and need of the Proposed Action.

Comment 1-174: The application would allow public parking garages of up to 150 spaces as-of-right in districts where they are not currently allowed. This provision is in conflict with the policy of this office to disincentivize car use in areas with access to mass transit. Even in areas where the special permit is required, we have raised concerns with some of the study parameters and underlying assumptions of the residential parking study that accompanies those types of applications. My concern would only deepen if the public review component is removed. (Brewer_005)

Failure to require a special permit for parking garages—DCP should remove the provision for as-of-right parking garages within the

proposed special district. As in other city neighborhoods, public parking garages should only be allowed with a special permit. The Steering Committee was happy to see that there will be no parking requirement for developments tied to a residential use, but disappointed to see that public parking garages of up to 100 or 150 spaces will be permitted as of right. (EHNPS_107)

We strongly urge you to eliminate DCP's proposal to allow public parking garages as-of-right in the rezoning area. We believe DCP should eliminate the as-of-right parking garage proposal and all minimum parking requirements. Unnecessary and out-of-date parking requirements only drive up construction costs, which is counter to the City's stated goals of encouraging more residential construction. (Cirillo_NMC_101)

While there has been some support in the community for keeping some amount of accessory residential parking, there has never been any indication from CB11 that the community district needed more commercial parking garages. Large commercial parking garages would be terrible uses in this area: As a job producing non-residential use, they are large but produce very few jobs, taking away non-residential spaces from uses that might produce more jobs, or provide necessary local services. They deaden the streetscape and attract traffic to areas that are already congested. There is also a concern that if congestion pricing ever became law, the demand for parking garages in East Harlem could soar due to its easy proximity to Midtown, and push out higher and better uses that serve the needs of East Harlem residents. (Collier_CB11_004)

Response 1-174: The Special EHC District would allow limited public parking garages to be constructed as-of-right within proposed commercial and manufacturing districts, just as they are currently permitted in existing zoning districts, including C2-4, C4-4, C4-4D, C8-2, and M1-2 districts. The Proposed Actions would keep existing provisions in many areas of East Harlem in place that allow for the creation of public parking garages of up to either 100 or 150 spaces, in order to allow the market to accommodate the demand for parking spaces as needed and also to allow existing or new parking spaces to be available to the public.

Comment 1-175: Transit Entrances—the proposal should also include requirements for subway stair relocation as part of new development along Lexington Avenue to ensure improved pedestrian circulation. (Mark-Viverito_NYCC_001)

Response 1-175: It is outside of the scope of this proposal to amend the proposed text amendment to introduce the subway stair relocation requirements along

Lexington Avenue. Section 37-40 of the zoning text provides for off-street relocation or renovation of a subway stair where a development or an enlargement is constructed on a zoning lot of 5,000 square feet or more of lot area that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within one of several special districts in Manhattan, Brooklyn and Queens. While a special district has been created as a part of this rezoning, (“East Harlem Special Corridors District”) it does not include a subway stair relocation requirement.

As concluded in the EIS, the relocation of subway stair is not warranted to mitigate significant adverse impacts on pedestrian conditions under the Proposed Actions. As noted in Chapter 14, “Transportation,” of the EIS, the pedestrian conditions of the south sidewalk along East 126th Street between Park and Lexington Avenues would be significantly adversely impacted by the Proposed Actions in all four analyzed peak hours. The removal of a tree pit at a constrained point on the impacted sidewalk would fully mitigate the Proposed Actions’ significant adverse impact. No significant impacts were identified at corner areas or crosswalks in the Study Area. Implementation of this mitigation measure would be subject to review and approval by the NYC Department of Parks and Recreation at the time of its implementation.

Comment 1-176: If Third Avenue is rezoned to R9 (8.5 FAR), the large majority of the additional building bulk allowed will be for affordable housing. This is not true under the Proposed Rezoning, which will double the allowable FAR on Third Avenue, but only about half of that additional bulk will be for affordable housing. (Collier_CB11_004)

Response 1-176: The goals of the proposed action would promote the creation of new housing, which is vital to meet the needs of the growing population in the city and the neighborhood and to reduce upward pressure on rents in the city, and to assure that new housing increases affordable housing opportunities for lower-income households.

Comment 1-177: The goal of creating as much affordable housing as possible is laudable, but the increase to 12 FAR from 6 FAR on Third Avenue is just too much for a building that will only have approximately 25 percent of its units permanently affordable: CB11 recognizes that this amount of density will forever change the character of the community, and unless it was for 100 percent affordable housing, this is simply too much density for the District. (Collier_CB11_004)

Response 1-177: Comment noted. Please see the response to Comment 1-6 for further information regarding the land use rationale for proposed densities on Third Avenue.

Comment 1-178: To the extent new developments fail to provide 100 percent affordable housing—and affordable housing that is actually affordable to the residents of East Harlem—CB11 believes the maximum floor area ratio should not exceed 8.5 FAR on Third and Park Avenues, outside the 125th Street Special District. The only exception to CB11’s position on the 12 FAR districts are the changes proposed to the 125th Street Special District, which considering this area’s current and future proximity to transit, the high densities proposed by the City in the rezoning are appropriate. (Collier_CB11_004)

Response 1-178: Comment noted. The maximum floor area ratios contained in the proposed action are based on consideration of land use criteria such as the location and configuration of sites, context, and supporting infrastructure in the area. The legal basis for the Mandatory Inclusionary Housing program is to ensure that new development in areas where growth is planned supports neighborhood economic diversity. While City-controlled land and public subsidies are used to secure high shares of affordable housing, zoning cannot be used to compel the provision of 100 percent affordable housing on private land.

Comment 1-179: I am concerned that the new tower form proposed in the EHC Special District exacerbates the height and density issue even further. As currently written in the application’s “Proposed Actions,” the new text would allow thin, tall towers on a small base, a floor plate more appropriate for luxury and not affordable development. This further plays into the fears that the balance struck by the proposal has swung too far to the side of market-rate development. Instead, the text should require the tower-on-base regulation typically found in high-density districts or set high enough minimums where you have a building form that responds to the proximity of the viaduct, but also addresses the concern for excessive height in residential areas. (Brewer_005)

CB11 is concerned about the new tower form the Proposed Actions introduces. The proposed zoning text would allow thin, very tall towers on a small base, and not require the tower-on-base regulations that are currently described in the Zoning Resolution. Tower-on-base is the required tower form on avenues for most of the Upper East and Upper West sides. Because it has a track record, we understand how this building form performs and the types of buildings it produces. It is a mistake to abandon it in East Harlem to allow a new form that lowers the base height, removes provisions for minimum tower coverage and floor area located less than 150 feet. (Collier_CB11_004)

Very tall, thin towers permitted by the proposed zoning are both completely out of character, and because they are extremely expensive to build, are not appropriate for affordable housing. Consequently, the

Proposed Actions should adopt the existing tower-on-base building form, in addition to the quality housing envelope and not include the new tower form described in the Special [EHC] District; the East Harlem rezoning needs to promote building forms that make sense for affordable housing, not luxury housing. (Collier_CB11_004)

Response 1-179: Comment noted. The existing “tower-on-a-base” provisions do not apply to proposed C4-6 and C6-4 Districts. The existing bulk packing provisions would make it harder for mixed-use developments to accomplish a desirable mix of uses, which is the Initiative’s major goal. In addition, the existing regulations could facilitate the demolition of existing medium-scale buildings by disallowing potential density transfers. Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 1-180: There are elements of the proposed rezoning that were not a part of either the EHNP or the Park Avenue rezoning that are welcome new additions and these improvements should be acknowledged: The Park Avenue rezoning recommendations incentivized the development of nonresidential spaces along Park Avenue, but the proposed zoning text requires it, which is a better solution. Further, the limitation on the development of transient hotels appears to be a well-considered solution to the concern that higher density districts that allow non-residential uses would not produce affordable housing, job intensive commercial spaces, or services for the local community, but hotels designed to serve tourists. This limitation on transient hotels helps to ensure that the needs of East Harlem are met first. (Collier_CB11_004)

Response 1-180: Comment noted.

Comment 1-181: The Proposed Actions do not provide assurances that new commercial establishments will provide the services necessary for these new residents as well as the existing residents. East Harlem has historically lacked access to grocery stores, amongst other challenges, and an Enhanced Commercial District could be designed to encourage these historically underrepresented uses that are critical to the well-being of neighborhood residents, but new and existing. At minimum an Enhanced Commercial District should be designed to help preserve the

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very fine grained commercial uses along 116th Street. (Collier_CB11_004)

Response 1-181: Comment noted. As noted in Chapter 1, “Project Description,” of the EIS, the Proposed Actions include Enhanced Commercial requirements including transparency on building facades, limitations to curb cuts on wide streets and limitations on the widths of residential lobbies.

In East Harlem, many opportunities for new development exist, and the neighborhood contains many strong commercial corridors with ample room for growth. The Proposed Actions would also allow upper story commercial use in many areas, which encourages even more space to accommodate new retail uses to serve existing and future residents.

Comment 1-182: Since the release of DCP’s proposal in the fall of 2016, there has been no support for the City’s proposed R10 districts. One important reason why some preferred R9 or R9A was that the bulk of the extra density would go to create affordable housing, whereas R10 would have allowed for a greater ratio of market-rate units. Though asked by EHNP, our office and others to consider revisiting other, more modest alternatives, the administration has refused to amend their application. The opposition to change includes refusing to study height limits more generally as one of the alternatives so that we can identify other possibilities that could create affordable housing but also preserve neighborhood character. (Brewer_005)

Response 1-182: Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 1-183: The Proposed R10 district along the Third Avenue corridor is too dense housing. Instead, R9 in the southern portion and an R9 equivalent commercial district in the northern portion would more appropriately serve the needs of the community to simultaneously increase the number of affordable units while also minimizing the negative externalities of taller, larger, and denser buildings. The density proposed for Third Avenue must be lowered to equal that proposed for Second Avenue. (Collier_CB11_004)

Response 1-183: Please see the response to Comment 1-6. Along Third Avenue, there are opportunities to accommodate added density and create opportunities

for requiring significant amounts of permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs.

There are a large number of potential development opportunities along Third Avenue, as the rezoning to R8-level densities along this corridor that was approved in 2003 did not result in the level of development anticipated at the time. Third Avenue also lies between two major transit corridors, and the existing scale and context of Third Avenue provides an appropriate setting for an increase in density that would provide more consistency to the existing built context.

Comment 1-184: CB11 believes that a R10 district along the Park Avenue corridor is too dense without providing sufficient benefit to the community in the form of increased affordable housing. As with Third Avenue, CB11 believes that this corridor should not exceed R9 densities of 8.5 FAR. Increased height and density along the Park Avenue corridor poses considerable challenges and potential direct impacts on neighboring residents. (Collier_CB11_004)

We urge the DCP to make one change to the proposal, and extend R10 to the entire Park Avenue corridor up to East 132nd Street. The current proposal proposes R10 from East 116th Street through East 128th Street, but drops down to R9 for certain other blocks. We urge the DCP to reconsider and extend the proposed R10 zoning and 12 FAR to the entire corridor of Park Avenue up to East 132nd Street without the current cumbersome, discriminatory, block-by-block spot zoning approach. (FO_100)

Response 1-184: Please see the response to Comment 1-6. The proposed R10-level densities in this section of Park Avenue provide increased capacity for job generating uses, in addition to providing additional opportunities to require permanently affordable housing pursuant to the MIH program. Accordingly, the proposed zoning along Park Avenue tapers down to R9-equivalent densities in areas further away from East 125th Street.

Comment 1-185: The highest density district proposed is located directly abutting small (2.0 FAR and less) three family rowhouses built in 2002 on the midblocks between 118th Street, Park Avenue, 120th Street, and Madison Avenue. These units were built on property taken during Urban Renewal and their development was facilitated by HPD. While CB11 acknowledges that the existing parking lots on Park Avenue are not a desired use, the Urban Renewal Plan (URP) currently does not allow any new residential buildings in a portion of this area to be rezoned R10. To both amend the plan to allow residential uses, and then to allow those uses at the highest possible density, is too large of a change for the residents of this area: R9 zoning will activate the street,

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provide substantial new housing, and affordable housing, while lowering the impact on neighbors when compared with the City's R10 proposal. (Collier_CB11_004)

Response 1-185: Please see the response to Comment 1-6 for further information regarding the planning and land use rationale for the mapping of R10 districts along Park Avenue. The Department believes the R10 zoning designation to be appropriate, consistent with the objectives outlined in the Statement of Purpose and Need.

Comment 1-186: 127th Street between Lexington and Park Avenue should be remapped. This street was vacated during urban renewal, but with the density that is now being proposed, this one block—one block north of the Metro North station—should be remapped. Remapping 127th Street was a part of the 2013 Park Avenue Rezoning recommendations as a related ULURP action, and at that time it was found that a 60 foot street could be remapped without impacting existing buildings. The Proposed Actions is likely the City's last chance to correct this error and to provide a relief for the congestion this increased density proposed will bring. Further, by breaking up this superblock any future development on this site will be more in-scale with the surrounding neighborhood. (Collier_CB11_004)

Response 1-186: Comment noted. Because further analysis of the individual development potential of this site is needed in cooperation with HPD, the above-described mapping action is not covered by the Proposed Actions.

Comment 1-187: A commercial overlay (C1-4) should be mapped on the west side of Madison Avenue between 127th and 128th Streets. This change was identified in the Park Avenue rezoning recommendations in 2013 and was a comment included on the Draft Scope of Work. (Collier_CB11_004)

Response 1-187: Comment noted. Due to the predominantly residential character of this street and the preservation-oriented focus of our rezoning recommendations in this area, the inclusion of a commercial overlay along Madison Avenue between East 127th and East 128th Street is not a component of the Proposed Actions.

Comment 1-188: The application proposes changing the area surrounding the East 116th Street Station on the Lexington Line from a R7-2 to a R9 District. While the plan and my office encourages the theory that extra density is most appropriate near mass transit, this location is not properly prepared to accept that density. This location was one of three transit nodes identified as being adversely impacted under the DEIS. Mapping a TA

District, roughly similar to the subway improvement language of the Special Lincoln District, would mitigate this impact. (Brewer_005)

Response 1-188: Comment noted. The significant adverse impact noted for the S3/P3 stair at the East 116th Station on the Lexington on the Lexington Line would not be mitigated by the mapping of a TA District. Please also refer to the responses to Comments 14-4 through 14-9.

Comment 1-189: The south side of 124th Street between Park and Lexington should be rezoned as either R7D or C4-4D. The Proposed Actions omits northern midblock portion of western portion of block 1772 and leaves it as R7-2 with a C2-4 commercial overlay. All adjacent areas were either rezoned in 2008 or are now proposed to be rezoned. This small section of 124th Street is largely non-residential and the existing R7-2 is a poor fit for current uses and form. The Park Avenue rezoning recommendations called for the MX district on Park Avenue to “turn the corner” to cover this part of 124th Street, but considering Proposed Actions’ density for Park Avenue, this would be too dense for this narrow street. Instead, this block should be rezoned to either the R7D proposed on Lexington Avenue, or the C4-4D that is mapped on the north side of 124th Street. (Collier_CB11_004)

Response 1-189: Comment noted. The Proposed Actions include R9 and R9-equivalent densities along certain stretches of Park Avenue, which would have a maximum FAR of 8.5. Higher-density districts were proposed in areas closer to the East 125th Street transit node in order to promote transit-oriented development patterns.

Comment 1-190: Eugene McCabe playground or the Henry J Carter Specialty Hospital [should not be rezoned] to densities that produce unwanted development pressures on these sites. These sites on the west side of Park Avenue between 120th and 122nd Street and should not be rezoned. They were not recommended for rezoning in the EHNP and they should not be rezoned in the Proposed Actions. The Park Avenue rezoning noted the playground as a “Park,” reflecting 11-13 of the zoning resolution. The site of the Carter Hospital was recommended for rezoning in the Park Avenue recommendations, but the initial recommendation was made before the hospital was built. The playground should be left as open space and a rezoning to R10 or equivalent will put pressures on the Carter Hospital, which is a new facility and an asset to the community. There is concern that because the Eugene McCabe playground is a Jointly Operated Playground that the City will use it for development rights just as it has attempted to do at the ECF site on East 96th Street. Consequently, it should not be rezoned. (Collier_CB11_004)

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- Response 1-190:** Comment noted. While future development is highly unlikely on the west side of Park Avenue between East 120th and East 122nd Street due to the presence of a playground and the recently redeveloped Henry J. Carter Hospital, if for some unanticipated reason a redevelopment becomes necessary in the future the R10 district will provide opportunities that are consistent with the proposed planning framework along Park Avenue. The Proposed Actions are not intended nor expected to result in the displacement of current uses on either site within this geography.
- Comment 1-191:** The Urban Assembly school, which [occupies] the block bounded by Park Avenue, 127th Street, Madison Avenue, and 128th Street, [should be rezoned]. The Proposed Actions carves out this site, rezoning all land around it, but leaving this school as R7-2. This site was identified as a potential public development site in the EHNP and contains an outdated school facility that was built without windows. This is a prime location for increased density to support both substantial amounts of affordable housing, as well as for a new, updated school facility that would serve the northern part of the District and beyond. (Collier_CB11_004)
- Response 1-191:** In order to provide flexibility for potential future developments on the publicly held Urban Assembly site, the above-described changes are not included in the Proposed Actions. Though this site was recommended for a rezoning in the EHNP, further analysis of the site is needed before a rezoning is proposed.
- Comment 1-192:** Rezone the mid-block portion of the blocks bounded by 122nd Street, 124th Street, Lexington Avenue, and Third Avenue. Like the Urban Assembly School, these portions of blocks were inexplicably carved out of the rezoning while everything around them is proposed for rezoning. The R7-2 district here has been in place since 1961 and allows for community facility towers in the mid-block, and height factor buildings that are not considered the future of East Harlem. The midblock portion of the block bounded by 122nd Street, Lexington Avenue, 123rd Street and Third Avenue should be zoned R7B, just as 7 was proposed directly to the south. The mid-block portion of the block bounded by 124th Street, Lexington Avenue, 123rd Street, and Third Avenue was identified as a public site in the EHNP and should be rezoned as described in the EHNP (R8 or R8A) in anticipation for development with 100 percent affordable housing. (Collier_CB11_004)
- Response 1-192:** Comment noted. In order to provide flexibility for potential future developments on the publicly held Urban Assembly site, the above-described changes are not included in the Proposed Actions. Though

this site was recommended for a rezoning in the EHNP, further analysis of the site is needed before a rezoning is proposed.

Comment 1-193: Rezone the east side of Park Avenue from 128th Street to 131st Street. Like Park Avenue directly to the west and south, CB11 recognizes that this area that can accommodate growth: it is within easy walking distance to the Metro North station and the future terminus of the Second Avenue subway, as well as just a block from an exit of the Harlem River Drive. This area was identified for rezoning in the 2013 Park Avenue rezoning recommendations and in the EHNP, yet is inexplicably carved out of the Proposed Actions. The current zoning is M1-2, a low density manufacturing district that does not describe the desired future of this area. The current uses on these blocks that front Park Avenue include: the Addicts Rehabilitation Center (ARC), a Consolidated Edison substation, and the [New York City Department of Sanitation] (DSNY) garage for Community District 10 and are not appropriate. (Collier_CB11_004)

Response 1-193: The east side of Park Avenue between East 128th and East 131st Streets was studied by DCP at the beginning of the rezoning process. This particular area presented limited development or redevelopment opportunities, and the existing uses in this area include vital city services that would be extraordinarily difficult to relocate. This combination of factors led to the decision to draw the rezoning boundaries as they were presented in the DSOW.

In a general sense, the proposed rezoning boundaries were selected because the area within these boundaries provided the greatest opportunity to create additional affordable housing units for a variety of households, and to promote and enhance the vitality of existing commercial corridors while preserving the existing built character in select areas. The East Harlem Rezoning is a targeted approach where growth strategies are focused in areas of the district that can sustain growth while deliberately avoiding more vulnerable areas of the district that could potentially benefit from additional engagement with a range of city agencies.

Comment 1-194: Commercial overlays should not be mapped onto NYCHA housing estates. The Proposed Rezoning maps commercial overlays on most of the avenue portions of the NYCHA housing estates in the rezoning area. Mapping commercial overlays on NYCHA property was a draft recommendation of the EHNP that was overwhelmingly rejected by the Steering Committee. Any plan for future development on NYCHA estates needs to be developed directly with residents. To be clear, future development on NYCHA estates is not rejected, but only that any future

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development on NYCHA be planned in conjunction with NYCHA residents, CB11, and the larger community. Mapping a commercial overlay in these areas without any plan is a distraction that does nothing to further a development plan for these areas and should be abandoned. (Collier_CB11_004)

Response 1-194: Comment noted.

Comment 1-195: Modify the Park Avenue Hub Subdistrict of the 125th Street Special District and the proposed zoning changes to that subdistrict to exclude the New York City landmark at the northwest corner of 125th Street and Park Avenue. (Collier_CB11_004)

Response 1-195: Chapter 7, “Historic and Cultural Resources,” of the DEIS identifies significant historic and cultural sites in East Harlem. The assessment of historic and cultural resources contained in the DEIS was approved by the DCP and reviewed in detail by the Landmarks Preservation Commission. LPC-designated individual landmarks are not subject to redevelopment under the Proposed Action. For concerns regarding the unused development rights of that individually landmarked property in question, the Mount Morris Bank, please refer to the response Comment 7-2.

Comment 1-196: Currently, Eugene McCabe playground is within the R7-2 zoning, but is within the area planned to be rezoned to R10. In order to preserve and protect Eugene McCabe playground from being developed/redeveloped, CB11 recommends that this space is carved out of the rezoning Proposed Actions. (Collier_CB11_004)

Response 1-196: Comment noted. See the response to Comment 1-190. Eugene McCabe Field is not expected to be redeveloped under the Proposed Actions and no change in use attributable to the Proposed Actions would occur.

Comment 1-197: If 116th Street is rezoned, public transportation must be folded into the building envelope. (Collier_CB11_004)

Response 1-197: As noted in Chapter 1, “Project Description,” of the EIS, the Proposed Actions include remapping of the Special Transit Land Use District (TA) to accommodate the location of ancillary subway infrastructure associated with Phase II of the Second Avenue Subway within mixed-use buildings. The proposal will also exempt any floor area associated with subway infrastructure easements from FAR calculations, which will further encourage subway entrances and other facilities to be located within building envelopes. It is outside of the scope of this proposal to amend the proposed text to introduce the subway stair relocation requirements for properties along Lexington Avenue.

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Comment 1-198: The FEIS should consider the possibility of including additional incentive floor area and height for buildings that provide additional affordable housing or that fund a pre-selected menu of transit and public realm improvements. This has worked well elsewhere, and can work in East Harlem too. (Sanderson_002)

Response 1-198: Comment noted.

Comment 1-199: MAS encourages DCP to reconsider the R10 designation and special bulk, setback, and height regulations currently proposed under the zoning text amendment, and adopt R9 or R9A districts as recommended by the EHNP. (MAS_009)

DCP has proposed a maximum floor area R10 zoning district on the majority of Park and Third Avenues. CIVITAS does not support R10 zoning on the avenues within the study area. The only area that we support larger than R9 is the 125th Street Metro North station commercial overlay. R10 will encourage overdevelopment and luxury super tall housing typology. (Adams_CIVITAS_041)

We should not even be talking about R10, we should throw it off, it's immaterial except next to Metro North, and start with R9A, which is going to be a contextual zoning that allows for inclusionary housing. (Adams_CIVITAS_090)

CIVITAS wants to reaffirm our opposition to any R10 district and believes that sky exposure plane regulations provide for light and air to permeate the blocks. (Adams_CIVITAS_041)

We support the proposed densities and zoning district designations outlined in the EHNP, which the Steering Committee selected as the minimum required upzonings to trigger MIH. We are adamantly opposed to the proposed R10 zoning designations along Park and Third Avenues. (Cirillo_NMC_101)

Response 1-199: Comments noted. Please refer to the response to Comment 1-6.

Comment 1-200: The rezoning proposal before you today contravenes many of the tenets and principles set forth in the EHNP. (Nocenti_USA_008)

Response 1-200: Comment noted. Please refer to the response to Comment 1.

Comment 1-201: LEH is not opposed to rezoning or sensitive new development. We do believe, however, that the greatest neighborhoods are those that incorporate and celebrate older buildings and streetscapes. LEH supports upzoning only to the extent that it will trigger the implementation of MIH requirements in East Harlem. DCP's proposed upzoning for Third and Park Avenues would yield the maximum

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residential density allowed anywhere in New York City. LEH believes that the proposed rezoning gives developers license to build “as-of-right,” with no opportunity for community input to determine the appropriateness of such large structures. (LEH_024)

Response 1-201: Comment noted.

Comment 1-202: The first street wall setback of 20 feet on the wider street and 15 feet on the narrow streets (as established by NYC zoning precedent) should begin at a height no more than equal to the width of the public right-of-way (property line to property line, irrespective of pavement width or building setbacks) This creates a 1:1 ratio at the building’s edge. (Adams_CIVITAS_041)

Response 1-202: Comment noted.

Comment 1-203: Depth of lots can greatly influence the overall size of a building and potential bonuses that could be allowed. As such and consistent with allowing greater density on large intersections and near transit, we recommend that the depth of lots and lot aggregation be limited within the new zoning limits to 100 feet from the Avenue right-of-way line unless on a transit station corner or a wide cross street (96th, 125th). A minimum 10 feet rear setback should apply to all new buildings built along the avenues and adjacent to lower scale residential buildings on the cross streets. (Adams_CIVITAS_041)

Response 1-203: The depth of all proposed higher-density districts are 100 feet measured perpendicular to wide streets, with very limited exceptions. There is no transition rule today for higher density districts abutting R7 or higher districts. The introduction of the above-cited transition rule would result in a small residential floor plate, which is not a desirable building form for mixed-income housing developments.

Comment 1-204: The sky exposure plane as established by NYC zoning precedent should be limited to a maximum 2:1 angle (2 feet vertical allowance for every 1 foot horizontal setback) as established in other zoning across the city. (Adams_CIVITAS_041)

Response 1-204: The above-cited sky plane regulations do not apply to any zoning district proposed by this Project.

Comment 1-205: On Park and Third Avenues, guidelines for tower on a base have become more lenient and will produce taller towers and larger shadows. We suggest that a base plane and sky exposure plane approach is far superior and more consistent with not only the study area, but to the history of New York City high rises and other zoning parts of the City. (Adams_CIVITAS_041)

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- Response 1-205:** The above-cited sky exposure plan height and setback regulations would prevent a development from being able to produce an efficient (high lot coverage and consistent) residential floor plate that is critical for the success of the proposed Mandatory Housing program. Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text will be analyzed in the FEIS as an alternative.
- Comment 1-206:** CIVITAS recommends that Third Avenue, specifically the side streets, remain contextual to preserve East Harlem’s existing urban character. Contextual Districts allow a community to preserve its landmarks, culture, built identity, and integrity. (Adams_CIVITAS_041)
- Response 1-206:** Midblock areas between Second and Third Avenues would be rezoned to contextual R7B and R7D zoning districts under the Proposed Actions.
- Comment 1-207:** CIVITAS believes in supporting TOD, as well as high-density commercial overlays, on sites adjacent to the Metro-North station at 125th Street. (Adams_CIVITAS_041)
- CIVITAS recommends additional commercial FAR around the 125th Street subway station to facilitate TOD and retail mixed-use redevelopment. Specifically the intersections of Lexington and Third Avenues could include additional commercial FAR. (Adams_CIVITAS_041)
- Heights and FAR should be limited the farther away from a transit location and incentivized closer to the transit stations. (Adams_CIVITAS_041)
- Response 1-207:** Under the Proposed Actions, the highest density districts that allow the tallest buildings are located close to East 125th Street and other existing and planned transit nodes.
- Comment 1-208:** An incentive to add new schools, police, and fire facilities within or adjacent to new buildings should be considered as part of the overall bonus incentives. (Adams_CIVITAS_041)
- Response 1-208:** Comment noted.
- Comment 1-209:** We are suggesting a two-step approach similar to what is in effect today with some changes to the bonus categories and maximum bonus

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amount. We suggest focused bonuses that will improve the quality of life for the current and future residents, businesses, and tourists.

[Proposal should include bonus for affordable housing, transit, police and fire services, schools, and parks.] (Adams_CIVITAS_041)

Response 1-209: Comment noted.

Comment 1-210: CIVITAS believes that it is important to provide specific commercial incentives for grocery stores, pharmacies, and everyday necessities that should be coordinated with NYCHA to benefit its residents. Further partnerships with NYCHA will need to be established regarding the introduction of commercial and retail spaces on NYCHA properties. (Adams_CIVITAS_041)

Response 1-210: East Harlem is located within an area where zoning and discretionary tax incentives are available to encourage the development of grocery stores under the Fresh program. The FRESH program promotes the establishment and expansion of neighborhood grocery stores in underserved communities by providing zoning and financial incentives to eligible grocery store operators and developers. The mapping of commercial overlays would allow local retail uses on NYCHA property. Further procedures are required under federal regulations, including extensive engagement with NYCHA tenants regarding any contemplated future use and disposition of NYCHA property. NYCHA has no intention of displacing tenants. It is expected that any playground features and seating lost as a result of commercial development along Park, Lexington, Third, and Second Avenues frontages of NYCHA properties would be replaced in coordination with tenants.

Comment 1-211: So, finally, getting to the commercial overlay component of the East Harlem rezoning, which is the aspect of the rezoning that directly affects NYCHA, we want to really strongly endorse this aspect which will allow the zoning flexibility to provide more services and amenities for our residents. With this flexibility we anticipate future opportunities to attract businesses such as a pharmacy and a supermarket. (Goddard_NYCHA_058)

Response 1-211: Comment noted.

Comment 1-212: [NYCHA] really endorses the [proposed commercial] overlay as allowing us the opportunity to have plans when they come to the fore. As I said, all of our development proposals start with engagement of the residents, what their likes and dislikes are, and continue through the development process. At this point, we don't have any specific plans. (Goddard_NYCHA_058)

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- Response 1-212:** Comment noted.
- Comment 1-213:** [It is not premature to map the commercial overlays before engagement with NYCHA residents takes place.] I think it really creates the skeleton, in which—it says to us and to potential partners this is the skeleton in which we can operate. It says to our residents this is what’s possible. (Goddard_NYCHA_058)Comment noted.
- Comment 1-214:** The density being proposed also breaks with the spirit of the EHNP. We fought for a stronger MIH program that would create more housing that was truly affordable for East Harlem, and instead the City’s plan would allow for 30-story buildings where six-story buildings are the norm. This is out of scale, completely inappropriate, and would leave too many of us literally in the shadows of skyscraper buildings that we can’t afford and aren’t welcomed in. (Osorio_071)
- Response 1-214:** Please refer to the response to Comment 1. The proposed densities are necessary in order to maximize the number of affordable units. The greatest building heights and densities are proposed in areas proximate to existing and future transit nodes and along wide streets such as Third Avenue.
- Comment 1-215:** Currently with few restrictions, landlords can already build up to 12 stories, and instead of actual building, many just keep their properties boarded up and in a state of decay, sometimes even failing to maintain it and allowing dangerous debris to fall into the streets. Real estate speculators and landlords leave the lots empty while paying the real estate taxes, absorbing costs. They’re just waiting for a large payday when instead of being restricted by the building code, they can build as tall as they want. (Rong-Chong_091)
- Response 1-215:** Comment noted.
- Comment 1-216:** The proposed density on Third and Park Ave is too high.
The EHNP Steering Committee maintains its position that any upzoning throughout the neighborhood should only allow the minimum density increase to trigger MIH. This will help preserve East Harlem’s vibrant neighborhood character and guarantee permanent affordability in new MIH units. We believe this can be achieved through the following:
Third Avenue—DCP’s proposed density on Third Avenue is too high. The SC stands by its recommendation of an R9 zoning district.
Park Avenue—DCP’s proposed density on portions of Park Avenue is too high. The SC believes that the EHNP recommendation of an M1-6/R8 should be applied.

116th Street and Lexington Avenue—Considering its proximity to transit and the width of 116th Street, we are supportive of DCP’s proposed R9 zoning district, provided that subway improvements are required. This will move subway entrances into the building envelope and increase the width of an already crowded intersection. (EHNPS_107)

Response 1-216: Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 1-217: Without mandatory contextual districts and quality housing, there will be increased demolitions within the neighborhood, a lack of affordable housing preservation, and therefore displacement. This was brought up as a concern throughout the EHNP process and clearly articulated to DCP during the scoping period in the Fall 2016, but DCP did not revisit the idea of upzoning Third Avenue as a contextual district to preserve East Harlem’s landmarks and culture along this avenue. (EHNPS_107)

Response 1-217: Please refer to responses to Comment 1-179 and Comment 1-216. Non-contextual districts can have preservation benefits, when compared with contextual districts, by encouraging the transfer of development rights.

Comment 1-218: Vacant residential properties concentrated along Third Avenue should only be given the minimum amount of additional FAR to trigger MIH on these properties. Alternatively, the corridor could be carved out of the rezoning action entirely, as was done with the Arlington Village site in East New York. The City can and should explore options for acquisition and rehabilitation of these properties, including eminent domain and/or negotiated sale where possible. (EHNPS_107)

Response 1-218: Comment noted.

Comment 1-219: Proposed commercial overlays on NYCHA property:
The Steering Committee and NYCHA subgroup continue to be concerned with the blanket commercial overlay over NYCHA land between W 115th and W 112th Streets. The Department of City Planning should perform a finer-grain analysis of what is currently within the proposed commercial overlay areas and layout more specific boundaries which eliminate the possibility of displacing residents, playgrounds, and active common areas. Related to our priorities above,

NYCHA residents must be in these discussions and in agreement about potential uses in these areas. (EHNPS_C_107)

Response 1-219:

As noted in Chapter 1, “Project Description,” of the EIS, the proposed commercial overlays on NYCHA campuses represents only one step towards the allowing of commercial development in these areas. This action would establish a zoning district that would enable NYCHA to pursue certain additional approvals and initiate processes that could advance commercial development on these campuses. In the event that any development plans are pursued, the disposition (including long-term leases) of NYCHA property for redevelopment must occur in accordance with Section 18 of the U.S. Housing Act of 1937, as amended, which requires submission of an application to HUD for disposition of NYCHA public housing authority (PHA) property with a NYCHA Board resolution authorizing such application, following consultation with residents and the community. Under 24 CFR 970.9 (a) Resident consultation, “PHAs must consult with residents who will be affected by the proposed action with respect to all demolition or disposition applications. The PHA must provide with its application evidence that the application was developed in consultation with residents who will be affected by the Proposed Action, any resident organizations for the development, PHA-wide resident organizations that will be affected by the demolition or disposition, and the Resident Advisory Board (RAB). The PHA must also submit copies of any written comments submitted to the PHA and any evaluation that the PHA has made of the comments.”

While no major plans have been announced for NYCHA properties in East Harlem, resident engagement remains at the core of NYCHA’s redevelopment strategies elsewhere in the city. Through a comprehensive engagement process that includes meeting facilitation, direct outreach and canvassing, and visioning workshops, NYCHA will prioritize ensure resident consultation in areas of design, affordability, amenities, preference and other project attributes.

Comment 1-220:

In the DCP plan, the 1900 Park block is designated M1-6/R9. Typically M1-6 allows 10 FAR, with 8.5 residential FAR and 1.5 FAR non-residential. There is no rationale for treating this M1-6 differently than the others in the rest of the city. We urge the DCP to allow the M1-6 district to produce the same 10 FAR it does everywhere else in the city, instead of limiting it to 8.5 in this special district. (FO_100)

Response 1-220:

The proposed M1-6/R9 District would be mapped for the first time in the Park Avenue Subdistrict of the Special East Harlem Corridors District. To differentiate this District from the M1-6/R10 District, a

corresponding R9-equivalent density has been given to the M1-6/R9 district.

Comment 1-221: Retail, commercial, and community facility (i.e., non-residential) uses are allowed as-of-right in [MX] districts, and given the ability of many types of these non-residential uses to pay higher real estate prices, the DEIS should not assume that manufacturing uses will be established.

Therefore, while we applaud DCP for differentiating these mixed-use districts from its previous problematic “MX” versions of mixed-use that don’t have any provision for a minimum of non-residential uses, the fact that retail and commercial uses qualify as “non-residential” does not offer any particular tool for ensuring that manufacturing has a future in these districts. (CDP_097)

Response 1-221: Comment noted.

Comment 1-222: DCP is proposing the most dense residential district in the City’s Zoning Resolution for the majority of Park and Third Avenues, specifically, Park Avenue from East 115th Street to East 132nd Street and Third Avenue from East 104th Street to East 122nd Street. DCP is proposing that these avenues should be rezoned as R10 to allow 12 FAR, which would yield buildings in the range of 23-27 stories. However, because there is no height limit in R10 districts, those buildings could be in the range of 40 or more stories if developers choose smaller floor plates for towers. (EHNPS_107)

Response 1-222: Since the issuance of the DEIS, DCP has prepared and filed an amended zoning text application or “A-Text” (ULURP application N 170359(A) ZRM) that addresses issues raised after issuance of the DEIS. The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

JOB CREATION AND EMPLOYMENT

Comment 1-223: There is disappointment among many EHNP members on the slowness [on the part of the City] to embrace local purchasing requirements, requiring local hire provisions for projects receiving subsidies under \$2 million, as well as other labor demands, including good wages, apprenticeships, and safe working conditions. (Brewer_005)

East Harlem has a higher rate of unemployment than that of New York City and the country as a whole. The increase in development due to the City’s Proposed Actions presents employment opportunities. Without

requirements (and enforcement of those requirements) that developers hire local residents for their projects, East Harlem residents may experience a massive transformation of their community that largely leaves them on the economic sidelines, confirming a feeling of marginalization and exploitation. [The City should require] utilization of CBOs, located in East Harlem as a first source for workforce training, development, and placement on projects in East Harlem [and] provide reports to CB11 throughout the project in order to track progress on this initiative. (Collier_CB11_004)

Implement funding to establish pipeline capacity for required training qualifications acquisition, trainee opportunities, or any prerequisite requirement assistance through local CBOs to ensure East Harlem residents have the ability to qualify for such placements. Include in funding initiatives, support for business development for M/WBEs. Provide reports to CB11 throughout the project in order to track progress on this initiative. (Collier_CB11_004)

Ensure local community participation in all phases of development, not only during construction, but also in the pre- and post-construction phases. At a minimum, developers must hire East Harlem residents to be a minimum representation of 35 percent of their workforce. Utilize local businesses and M/WBEs or disadvantaged business enterprises (DBE). Minimum participation level should account for 33 percent of projects stemming from the Proposed Actions. Provide reports to CB11 throughout the project in order to track progress on this initiative. (Collier_CB11_004)

It is critical that the City provide additional funds for non-profit organizations engaged in reentry work so that they can train East Harlem residents reentering the community after their sentence to attain the requisite skills for employment opportunities stemming from the Proposed Actions. (Collier_CB11_004)

NYC's contracts with developers utilizing public land or receiving public subsidies must require the developers to (a) participate in the HireNYC program; (b) utilize specified East Harlem workforce development organizations for hiring; (c) prioritize interviews of candidates referred by those organizations; and (d) set targets for the percentage of candidates hired through those organizations. In addition, the contracts must contain liquidated damages in the event that the developers do not participate in HireNYC, do not utilize the designated East Harlem workforce development organizations, do not prioritize interviews of candidates referred by those organizations, and/or do not make good faith efforts to meet the established hiring targets. (Nocenti_USA_008)

There are three things the CPC can demand to address the quality of jobs created by the City’s proposal: (1) provide a guarantee from the City that any developer—including those at Sendero Verde—receiving public subsidies or building on public land will be required to pay the prevailing wage, (2) a guarantee from private developers that they too will pay the prevailing wage in their industry, and (3) a local hiring plan that prioritizes offering job placements to East Harlem residents. (Wade_SEIU_015, Wade_SEIU_057)

The City should open a satellite Workforce 1 Career Center in East Harlem. (Nocenti_USA_008)

The City should provide incentives to developers utilizing private land to pay the prevailing wage or living wage (whichever is the industry standard) for both construction jobs and permanent jobs on the project. (Nocenti_USA_008)

The City should issue a competitively bid RFP to provide funding for one or more organizations to provide job placement and career training services to East Harlem residents. (Nocenti_USA_008)

The City should issue a competitively bid RFP to provide funding for one or more organizations to encourage East Harlem businesses and nonprofits to purchase goods and services from East Harlem businesses. (Nocenti_USA_008)

CIVITAS advocates for preserving East Harlem’s local businesses. In East Harlem, there are 37,500 total employees, in which 2,700 are local residents.⁴ CIVITAS recognizes the importance of stimulating East Harlem’s local economy, supported by its local businesses and local employees. (Adams_CIVITAS_041)

I’m really here more to talk about making sure we preserve the employment opportunities in East Harlem, that we continue to provide funding for training and upscaling people, and we also provide opportunities for apprenticeships. (Mack_080)

The Steering Committee requests that the City make the following investments: Require local hiring in public and publicly subsidized development

Fund local job placement and career training services

Open a satellite Workforce 1 Center in East Harlem

Pay prevailing wages in private development

Encourage local purchasing. (EHNPS_C_107)

⁴ East Harlem District Commercial Needs Assessment, May 2016.

Response 1-223: Comment noted. Local hiring and job training provisions are beyond the scope of the Proposed Actions. However, as noted in Chapter 1, “Project Description,” of the EIS, the City has already taken action in East Harlem, as part of its Neighborhood Initiative, to address concerns raised about improving the access to quality jobs and improving the overall economic development opportunities in the district. The Department of Small Business Services (SBS), under their Neighborhood 360 Grant, has chosen a local East Harlem nonprofit partner to organize the merchants along East 116th Street. As a part of the program and partnership, a plan will be developed and implemented that is customized to these local merchants’ needs over the next three years. Additionally, SBS will improve East Harlem residents’ access to job opportunities by opening a Workforce1 Satellite Center in the district. SBS offers industry specific training programs in high-demand industries, including healthcare, technology, and industrial and manufacturing. The Department of City Planning, as well as other interagency partners including SBS and the Mayor’s Office of Workforce Development, will continue to engage and work with the community regarding the recommendations included in the East Harlem Neighborhood Plan.

In addition, HPD is implementing the HireNYC and M/WBE Build Up program, in order to create career pathways and M/WBE opportunities in affordable housing. Please refer to the testimonies of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, and Ashley Putnam, Economic Development Advisor for the Mayor’s Office of Workforce Development in **Appendix J** of the FEIS.

Comment 1-224: [HPD has] the new M/WBE Build Up Program, which requires developers to spend at least a quarter of all HPD-supported costs on certified M/WBEs. (Torres-Springer_HPDP_037)

Response 1-224: Comment noted.

Comment 1-225: In understanding the needs of job seekers in East Harlem, our office met with community organizations currently providing workforce services to the neighborhood. One such organization is The East Harlem Talent Network, which provides job placement services to East Harlem residents through partnership with the Upper Manhattan Empowerment Zone and CB11. Networks like these have been mentioned as a best practice for connecting workforce and economic development, as they can reach out to local businesses.

In addition to this resource, the City of New York provides workforce services to East Harlem through programs like Cornerstone, Young

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Adult Sectoral Employment Project, NYCHA's Office of Resident Economic Empowerment and Sustainability (REES), Summer Youth Employment Program, and others. (Putnam_WKDEV_039)

Response 1-225: Comment noted.

Comment 1-226: For many East Harlem residents, the need for living wage employment cannot wait for the opportunities that will be created by this rezoning. Thus, we reached out to anchor institutions that have been long-time members of the community and are committed to hiring local residents. Several months ago, our office met with the Mt. Sinai, the East Harlem Talent Network, the Speaker's Office, and the New York Alliance for Careers in Healthcare to discuss employment needs. Mt. Sinai has a strong commitment to recruiting East Harlem residents, hiring over 700 residents last year. By building on the partnership between Mt. Sinai and the East Harlem Talent Network, we hope to connect residents to higher-skilled, living wage careers in the health-care industry. (Putnam_WKDEC_039)

Response 1-226: Comment noted.

Comment 1-227: Thinking ahead to opportunities that will come into the neighborhood, the Mayor's Office is committed to connecting jobseekers to jobs created by development projects. In 2015 our office launched HireNYC, a program which requires that any developer or vendor receiving city subsidy engage with the workforce system in connecting with local talent. We are excited to partner with our colleagues at Workforce1 to ensure that development projects built in this neighborhood provide job opportunities to low-income New Yorkers. (Putnam_WKDEV_039)

Response 1-227: Comment noted.

Comment 1-228: One of my top priorities for the rezoning is making sure that quality jobs get created in East Harlem. East Harlem is a diverse community of working people like me. I know many of my neighbors are struggling with low wages or unemployment. People are seeing their rent increase while their wages stay the same.

New development that includes affordable housing for a mix of incomes and creates jobs that pay decent wages is the only way working people will be able to continue to live in East Harlem. The Sendero Verde development can offer this as can the East Harlem rezoning. (Wade_SEIU_015)

Response 1-228: Comment noted.

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Comment 1-229: SBS operates a network of 20 Workforce1 career centers that utilize a proven and successful demand driven model to help business meet hiring and training needs, and provide job seekers with recruitment, expertise, and skill building workshops. The centers leverage a deep understanding of employer needs, and the sector experience to recruit qualified New York City job seekers to employment opportunities. (Bishop_SBS_105)

Response 1-229: Comment noted.

Comment 1-230: For those residents who may not have the skills that employers are looking for, we have worked with the employer to develop trainings that bridge the skills gap. This ensures that residents from neighborhoods such as East Harlem are connected to available employment. Additionally, Workforce1 centers build and leverage community partnership networks with a range of organizations to deliver integrated services with the goal of connecting New Yorkers to employment. We will continue working locally to expand our community partner network to work providing high quality services to the residents of East Harlem through partners such as East Harlem Talent Network and the East Harlem Community Alliance. (Bishop_SBS_105)

Response 1-230: Comment noted.

Comment 1-231: The City also leverages SBS's network of Workforce1 centers to implement HireNYC, a policy that requires City contractors to consider New Yorkers for employment opportunities created through eligible City contracts. SBS Workforce1 Centers post these positions that help connect New Yorkers to open positions created through the City's purchases and investments. SBS is committed to serving the residents of East Harlem, and will continue to provide necessary services for the community's business owners and job seekers. (Bishop_SBS_105)

Response 1-231: Comment noted.

Comment 1-232: [Regarding additional training, such as adult education and literacy] when we look at our industry partnerships, and we have a number of them focus on some of the industries that are fast growing in New York City, including health care, technology, food and beverage services, construction, and industrial manufacturing. We are focused on ensuring that we make that connection in terms of understanding the skill sets that these industries are looking for. And working not only with our own training programs, but our community organizations that have similar workforce programs. And also our academic institutions, which includes colleges and universities that, also with the DOE, to ensure that the curriculum that they have, they're producing a workforce that

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actually matches the skill sets that the industries are looking for. So certainly we have launched a couple of programs that are what we consider pilots, and they've been very successful. And we intend to work closely with the community organizations that have robust programs in East Harlem to not only share that information but also serve as a pipeline for the training programs that we have created. (Bishop_SBS_105)

Response 1-232: Comment noted.

Comment 1-233: [Regarding additional funding for workforce development] Neighborhood 360 was look at the issues that the business—on the business side, and we were able to actually provide funding for that. But I think there is an opportunity to actually do more on the workforce side. (Bishop_SBS_105)

Response 1-233: Comment noted.

Comment 1-234: One of my top priorities for the rezoning is to make sure that quality jobs get created in East Harlem. New development that includes affordable housing for a mix of incomes and creates jobs that pay decent wages is the only way working people will be able to continue to live in East Harlem. (Wade_SEIU_057)

Response 1-234: Comment noted.

Comment 1-235: [NYCHA is] engaging residents and connecting them to services, opportunities in their plan. Another EHNP priority identified was for NYCHA to provide workforce training opportunities for its residents. Now, NYCHA has connected more than 6,000 residents to jobs and nearly 15,000 residents to partner services throughout the rezoned while, which is 11 community-based partners in East Harlem. (Goddard_NYCHA_058)

Response 1-235: Comment noted.

Comment 1-236: I think we should let go of those profit organizations, and let's get the nonprofit organizations in here to start working on these conditions that we are asking for, because I think they can share alike. Because, like I said, I've seen it done with nonprofit organizations, that they built union, hired from the community and have affordability. (Tirado_062)

Response 1-236: Comment noted.

Comment 1-237: How about the alarming increase in the death of construction workers. In 2015/2016, 29 to 31 deaths were on nonunion jobs. Why? 'Cause REBNY wants open shop. They don't want any unions, they're besting

the construction unions in the City, yet REBNY itself is a closed shop. (Rogers_089)

Response 1-237: Comment noted.

Comment 1-238: We need to link out-of-work youth in the community with the range of possible employment opportunities connected to the rezoning. Youth Action is working with such a population; the organization would be excited to establish formal linkages to developers as well as to contractors working on infrastructure and public works projects. (Cirillo_NMC_101)

Response 1-238: The Mayor's Office of Workforce Development has been engaged in the planning process for East Harlem and has met with community organizations currently providing workforce services to the neighborhood, including organizations such as East Harlem Talent Network, which provides job placement services to East Harlem residents through partnership with the Upper Manhattan Empowerment Zone and CB11. In addition to this resource, the City of New York provides workforce funding to services in East Harlem through programs like Cornerstone, Young Adult Sectoral Employment program, NYCHA Resident Services and Summer Youth Employment and adult literacy.

PURPOSE AND NEED

Comment 1-239: The Proposed Actions undoubtedly seek to increase the number of affordable units in East Harlem with its main mechanism an upzoning that increases density so that more units can be built. However, the goal of creating more affordable housing is not the only priority for East Harlem. It is also important to seek to preserve the character and culture of East Harlem and to minimize the disruption and difficulty associated with the increased density (both with regards to the increased number and size of buildings, and with the increased population that such development entails). Thus, CB11 strongly believes that greater consideration needs to be made as to whether the Proposed Actions appropriately balance the need for increased affordable housing with the need to preserve a sustainable, livable environment. In this regard, CB11 believes that less significant up-zoning would provide a better balance of the goal for increased affordable housing with the needs and interests of the East Harlem community. (Collier_CB11_004)

Response 1-239: As outlined in Chapter 1, "Project Description," of the DEIS, one of the primary objectives of the Proposed Actions is to create opportunities for requiring permanently affordable housing, which in turn ensures that the neighborhood continues to serve diverse housing needs. In order to

create a sustainable, livable and inclusive community, this objective must be balanced with targeted modifications to the existing zoning, where needed, to preserve the neighborhood's built character. One of the primary mechanisms to ensure this balance is the establishment of the Special District, which aims to improve the pedestrian experience and establish urban design controls that balance new development in response to existing neighborhood context and scale.

In addition, HPD is already taking necessary steps to preserve existing affordable housing across East Harlem. For further details about these initiatives, please refer to the responses to Comment 1-14, Comment 1-17, Comment 1-18, Comment 1-65, Comment 1-66, Comment 1-67, Comment 1-68, Comment 1-69, Comment 1-70, and Comment 1-71.

Comment 1-240: The impact of the Proposed Actions in their current form would be far-reaching and destructive for the overwhelming majority of East Harlem's current residents and would upend our community's vibrant culture and character. The City's plan to rezone our neighborhood is part of its plan to ensure housing stability and affordability throughout New York City; however, the years-long process that has yielded CB11's recommendations makes clear that a more nuanced and local approach is required. It is not enough for the City to say that it cares about low- and moderate-income New Yorkers; it must demonstrate that dedication through proposals that address the needs of the community as laid out by the community itself. (Collier_CB11_004)

Response 1-240: Comment noted. Please also see the response to Comment 1.

Comment 1-241: To prevent [large-scale displacement of East Harlem residents], our first priority is to preserve as much existing affordable housing as possible. Second, we need to ensure that new development creates housing that is affordable to neighborhood residents and to limit market rate development that speeds up displacement. Finally, we must, as I have always maintained, require that development respect the neighborhood character. (Brewer_005)

Response 1-241: Comment noted.

Comment 1-242: I support an East Harlem rezoning, but I cannot support the administration's ULURP application. I support most of what is contained in the EHNP, although it is not perfect. When I supported the administration's mandatory inclusionary housing program two years ago, I recognized that somewhat higher density would be required in order to build large amounts of new affordable housing. But the degree of density would have to be consistent with neighborhood context and community input. Here, the community gave extensive, thoughtful, and

informed input, but the administration could not see its way to support significant elements of the community's recommendations, which forces me to recommend a disapproval of the application. (Brewer_005)

Through the EHNP, we developed a simple rezoning framework and that embraced the City's new MIH program, supporting the minimum up-zoning needed to trigger MIH. We suggested up-zoning all avenues and 116th Street, intentionally deciding to spread a minimum increase in density throughout a large area, rather than a higher density rezoning in a limited area. We determined this would allow for development of affordable housing throughout the district, but not permit new development inconsistent with the existing community context. The Community Board and the EHNP Steering Committee were disappointed to learn that after two years of developing a community-based rezoning proposal, the DCP did not embrace all of the goals. While their proposal does rezone the community with the goal of developing affordable housing and economic stimulation, it does not preserve the existing character of the neighborhood. (Collier_CB11_004)

Response 1-242: Comment noted. Please also see the response to Comment 1.

Comment 1-243: According to the Administration's own Market and Financial Study that was done as part of the MIH program application, the southern portion of the district is considered a "strong market" identified by strong sales prices, robust land prices, and the ability to command attractive market-rate rents. 19 This is exactly the kind of area where we would fear out-of-context development. (Brewer_005)

Response 1-243: Comment noted. The area referenced is located outside the geographic scope of the Proposed Actions.

Comment 1-244: The need to develop affordable housing and job creation is not just an East Harlem goal, it is clearly a citywide goal, but DCP must approach this goal without impacting the community excessively and respecting its existing character. DCP instead chose to extend the same density found on the Upper East Side into East Harlem. CB11 feels strongly that the proposal as it is does not conform to our core values, the EHNP and the CB11 Park Avenue Recommendations. (Collier_CB11_004)

Response 1-244: Comment noted.

Comment 1-245: CB11 and East Harlem residents have expressed extensive concern that the Proposed Actions will create tall and massive buildings. The Proposed Actions call for large portions of East Harlem to be up-zoned to R10 and R10 equivalent districts, which allow buildings up to 12

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FAR, Third Avenue and Park Avenue. CB11 believes that R9 or R9 equivalent districts provide a more appropriate balance between supply of units, preservation of community character, and the mitigation of community impacts. R9 is the minimum density increase necessary to trigger MIH on Third Avenue. (Collier_CB11_004)

Response 1-245: Please refer to the response to Comment 1-6 for the planning and land use rationale behind proposed densities along Third Avenue. The environmental analysis conducted for the Proposed Actions reflect a conservative assessment of the Actions' anticipated impacts.

Comment 1-246: The City's population continues to grow rapidly. One of East Harlem's greatest assets is that about three quarters of its housing stock is regulated affordable housing. But as East Harlem families grow, and more people from neighboring boroughs and across the nation and the globe look for relatively affordable, diverse, and transit-rich places to call home, the demand for housing continues to place enormous pressure on the area's housing stock. Between 2002 and 2014, the median rent in East Harlem increased by approximately 40 percent, compared to only 24 percent across New York City as a whole. New market-rate development is occurring in East Harlem without any requirements for affordable housing, while more than half of all households are rent-burdened.

The rezoning proposal before you today is crucial to help address this high demand for housing by enabling growth on appropriate corridors in the neighborhood, while requiring permanently affordable apartments in all new developments in up-zoned areas. (Torres-Springer_HPD_037)

Response 1-246: Comment noted.

Comment 1-247: I support the proposed East Harlem rezoning, which, if approved, will decrease pressure on the existing stock by allowing more development to meet the demands for housing in the area while providing additional new affordable units. (Darga_HPD_035)

Response 1-247: Comment noted.

Comment 1-248: Existing residents of East Harlem are finding it increasingly difficult to afford to remain in their homes. While some have expressed concerns that the proposed rezoning may exacerbate the threat of displacement, HPD believes that in fact the City's East Harlem Initiative can help to reduce market pressures by enabling an increase in the overall amount of new permanent affordable housing produced in upzoned areas of East Harlem. We encourage you to approve the proposed plan. (Mustaciuolo_HPD_033, Katz_HPD_034)

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- Response 1-248:** Comment noted.
- Comment 1-249:** The continued growth of East Harlem has led to a problem of supply and demand in the neighborhood. Due to increased demand for housing over the past decade, rents in East Harlem have risen faster than the City-wide average. Too many East Harlem residents are rent burdened, spending more than a third of their incomes to remain in their homes. Unless we can substantially increase the neighborhood's supply of housing overall, these trends will persist unabated. (Katz_HPD_034)
- Response 1-249:** Comment noted.
- Comment 1-250:** HPD cannot adequately respond to the neighborhood's immense need for affordable housing using public land alone. The City must also approve measures that require developers to utilize privately owned land for additional affordable housing production, instead of for unregulated, market-rate housing, which private land owners can currently construct as-of-right. This is why we are also proposing to implement the new MIH program along the avenues within the rezoning areas, so that at least 20–30 percent of any new residential development on private land in these districts will include homes that are permanently affordable at levels much deeper than current asking rents. For example, a new construction two-bedroom apartment listing on the market today in East Harlem can cost about \$3,200 per month. MIH Option 1, on the other hand, would require developers to rent a comparable two-bedroom apartment at an average of about \$1,200 per month, with some units set aside at even lower rents: 10 percent of all new homes under MIH would rent for about \$740 per month for a two-bedroom unit. (Katz_HPD_034)
- Response 1-250:** Comment noted.
- Comment 1-251:** If approved, the City's East Harlem Initiative will help provide the neighborhood with new affordable homes in the near term and will implement mechanisms for the ongoing creation of affordable housing as the neighborhood continues to grow. For these reasons, I submit my support for both the rezoning and Sendero Verde proposals. (Katz_HPD_034)
- Response 1-251:** Comment noted.
- Comment 1-252:** Our community required a neighborhood plan, not only to address the anticipated growth in population, but to ensure that growth, coupled with strategic public investments, could support the needs of the existing lower-income community. Our Steering Committee worked for almost a year to develop the EHNP, which we believe achieved that

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balance—proposing a modest growth strategy that included much needed affordable housing and community investments, without adversely impacting neighborhood character. (EHNPS_C_023)

Response 1-252: Comment noted.

Comment 1-253: There are generous state and local subsidies already in place that offer financial incentives for developers to include “affordable” units in their developments. There’s no need to hand over huge city-owned lots, community gardens, ball-fields, and NYCHA lawns and playgrounds to private developers. Why especially reward vacant property owners who’ve warehoused buildings all along Third Avenue and neglected our needs for over 40 years by telling them the sky’s now the limit? (Ortiz_025)

Rezoning is not the answer. Encouraging mass construction of thousands of market-rate units that will likely remain vacant is not the solution. Catering to the real estate industry rather than people in need will not end the housing crisis. You will only exacerbate the problem. (Ortiz_025)

Response 1-253: See responses to Comments 1-99, 1-100, and 1-109.

Comment 1-254: The Mayor’s rezoning plan is a middle-class and luxury housing plan that will serve developers and speculators, not the neighborhood’s needs. (PCR_044)

East Harlem/El Barrio residents reject the Mayor and the Speaker’s rezoning plans, which are middle-class and luxury housing plans that do not reflect the neighborhood’s needs. We demand that the CPC and City Council unconditionally reject De Blasio’s rezoning plan, as Manhattan Borough President Gail Brewer has. (PCR_044)

I do not believe DCP cares at all about affordable housing. They care about pleasing the wealthy and bringing Midtown Manhattan vibes to a vulnerable neighborhood. The community is already on edge with landlords raising rents and offering to buy residents in order to get them out of the building for higher paying tenants. More 20+ foot towers do not belong in Harlem and no “incentive” will be enough to justify culture shifts as has happened in gentrified neighborhoods like Williamsburg. Local residents are not visiting these planning meetings to voice their concern. This is an immigrant population, a low-income population that needs good services without any strings attached like new buildings they will never afford to live in. Let’s be real, what good are 20 or 30 units of affordable housing when hundreds will get displaced. None of these agencies understand what it’s like to have these jobs and struggle to live in this neighborhood. Do not rezone East

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Harlem. What outreach has been done to even make residents aware of this? I can ask everyone I know who lives in East Harlem and I can guarantee you 90 percent will not know about the plans to rezone. (Arias_011)

Response 1-254: See responses to Comments 1-246 through 1-251.

Comment 1-255: To support East Harlem’s retail corridors, [HPD is] also encouraging developers to use our retail design guidelines to enable flexible commercial spaces, refer to the Commercial District Needs Assessment to better meet local retail service gaps, and connect with the Neighborhood 360 grantee, Union Settlement Association, to help identify potential tenants for new commercial spaces. (Torres-Springer_HPDP_037)

Response 1-255: Comment noted.

Comment 1-256: DOT supports the Proposed Actions because East Harlem possesses a foundation for growth. It has been a site for investment, and will see further growth and benefits as a result of the current effort. (Sanchez_DOT_031)

Response 1-256: Comment noted.

Comment 1-257: Like many neighborhoods in New York, East Harlem residents need access to job opportunities both now and in the future. Our office supports the East Harlem rezoning plan as it creates economic opportunities, and provides a pathway for local talent. We look forward to continuing to connect East Harlem residents to employment opportunities. (Putnam_WKDEV_039)

Response 1-257: Comment noted.

Comment 1-258: We work as closely as possible with our colleagues at NYCHA to make sure the investments and the strategies are ones that are—that are coordinated. And I should also mention that as part of the new approach of this administration, through the neighborhood development fund, this is not necessarily specific to NYCHA, but I think it speaks generally about the recognition this administration, that as we look at zoning issues and we include rezonings, that part of ensuring that we are strengthening the bones of the community is to really identify and then fund the underlying infrastructure needs of the neighborhood, be they parks, community facilities, sewer upgrades, schools, etc. And so I know that has already been a very significant part of the East Harlem planning process, and that will continue to be the case, because we have to make sure that as we add capacity for residential growth, that we are

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also making the types of investment in infrastructure that truly strengthen neighborhoods into the future. (Torres-Springer_HPD_106)

Response 1-258: Comment noted.

Comment 1-259: Our community required a neighborhood plan not only to address the anticipated growth in the population, but to ensure that growth, coupled with strategic public investments, could support the needs of the existing lower income community. Our Steering Committee worked for almost a year to develop the EHNP, which we believe achieved that balance, proposing a modest growth strategy that included much needed affordable housing and community investments, without adversely affecting impacting neighborhood character. Our plan included a modest upzoning, spread across the entire community, which would trigger the City's MIH program. We believed that spreading the impacts more broadly through a moderate increase in building scale, in exchange for affordable housing, could benefit the community while also preserving the character of East Harlem and minimizing displacement.

So we were disappointed with the rezoning proposal that the DCP introduced in response to our rezoning framework. DCP proposed the highest residential density allowable for Third and Park Avenues, and ignored the Steering Committee's proposal to upzone the entire length of First Avenue, the area between 96th and 104th Streets, and the lower stretches of Madison Avenue. These were two very different strategies. (EHNPS_055)

Response 1-259: Please refer to responses to Comment 1-6 and Comment 1-164.

Comment 1-260: I live in Mitchell-Lama housing. There are many existing problems with, you know, lack of transparency in housing lotteries and technology used in the system. As I understand it, those systems are being improved. And there's also existing lack of transparency for various boards in many of the affordable housing units.

Now, based off that and based on my experience on one of the boards, one cannot assume that current housing organizations want to engage or enrich the community. That's why the opportunity for more affordable housing provides an opportunity to actually further integrate with the community and bring the community together. (McCulloch_056)

Response 1-260: Comment noted.

Comment 1-261: There are existing problems with the current housing, it's an unsustainable model. Currently there are groups that have either multiple generations in their households or occupy sometimes eight,

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nine, or ten different apartments within the same housing complex as internal transfer is spent. So the lesson to that is current housing density is creating problems.

So, in sum, for this element the zoning plan is right for HPD, to help HPD refocus; to provide additional education to landlords; to provide additional guidance for the representation and protection of tenants. And in terms of the displacement issue, I think that more affordable housing makes it so that those people who would otherwise be more and more condensed into existing housing units have opportunity to expand and apply for affordable housing within the same neighborhood, and help the neighborhood retain its character that actually makes it really beautiful. (McCulloch_056)

Response 1-261: Comment noted.

Comment 1-262: The second element is basically property development. Some stores are closing or vacant. I mean there are some stores that are like the Bike Shop or the liquor store that sells to alcoholics, and some stores maybe should close, but there are others that are actively opening and they're doing great things for the neighborhood.

I think when it comes to the development of businesses, I think that the businesses that help contribute to positive character development will be good. . (McCulloch_056)

Response 1-262: Comment noted.

Comment 1-263: While I supported the Administration's mandatory inclusionary housing program two years ago, and I was one of the few electeds to do so, I recognized that somewhat higher density would be required in order to build a lot of affordable housing that's new. But the degree of density would have to be consistent with neighborhood context and community input. (Brewer_063)

Response 1-263: Comment noted.

Comment 1-264: The City tells us there's nothing they can do about affordable housing but rezone, and we know that's not true. We could down-zone. We could actually work together to strengthen rent laws and tenant protections at both the State and City levels. (Osorio_071)

Response 1-264: The Proposed Actions are needed to increase the supply of affordable housing in New York City and East Harlem. Regarding rent laws and tenant protections, please see response to Comment 1-73.

Comment 1-265: We all agree on the problem, the rezoning is not the solution because it does not provide the housing that folks that live in the neighborhood

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need. Thirty-eight percent of the neighborhood is left out of this plan. With all good conscience, I don't understand how anyone can support a plan for our neighborhood that leaves out 30 percent of the people that live there—38 percent. (Lewis_CLT_082)

Response 1-265: Comment noted.

Comment 1-266: My students are struggling with homelessness; they're struggling to figure out what they're going to eat the next day. And, in fact, the lunch they get in school is the only lunch sometimes they get all day, that's their food. My students are homeless. My students are struggling to survive. And the reality is that currently one in five students in East Harlem are homeless. And if you think for one minute that rezoning East Harlem is going to somehow make it so that we have less homeless students, you're wrong. (Silang_083)

Response 1-266: Comment noted.

Comment 1-267: Our students are the ones who don't get a good education, literally can't even leave their buildings sometimes. Our disabled students cannot even leave their buildings because the elevators are broken, they can't go to school. That's the reality. There's no money for our communities. There's no money for any of us, but now there's money. Now you have money 'cause you want to build a nice luxury apartment for people to come and move in, that's the truth. That's the truth. Honestly. (Silang_083)

Response 1-267: Comment noted.

Comment 1-268: Rezoning plans throughout New York City and East Harlem are a form of cruel and inhumane treatment for current residents and small businesses and the environment. These are not the Mayor's or the City Council's policies, these are REBNY's policies. They tell the Mayor and the head of the City Council and those local political leaders, who they fill their pockets with cash, what the policies—zoning policies of this city are going to be. And that has to stop and it has to stop now. (Rogers_089)

Response 1-268: Comment noted.

Comment 1-269: There is a real housing emergency in East Harlem. To end displacement, we demand (1) a new housing plan, developed from within the neighborhood, with 100 percent affordability for the existing residents, (2) using the area's many empty buildings and lots to expand public housing, and (3) strengthening tenant rights and services to stop landlords' abusive displacement strategies. (PCR_044)

Response 1-269: See the responses to Comment 1-273 and Comment 1-99.

Comment 1-270: The decisions taken now in rezoning East Harlem will reshape the landscape of the neighborhood for many years to come. Policies adopted now will either encourage or stunt economic development and population growth in the neighborhood. Until now, outdated zoning has kept Park Avenue depressed, and prevented residential development. The DCP Proposal correctly identifies the need for rezoning to encourage revitalization of the neighborhood. We strongly support this proposal. (FO_100)

Response 1-270: Comment noted.

OPEN SPACE REQUIREMENTS

Comment 1-271: The Open Space and Recreation subgroup of the EHNP and led by the New York Restoration Project (NYRP), identified four priorities they would like the CPC to focus on.

Make significant capital investments to existing open spaces to rehabilitate the Esplanade, Replace Pier 107, and renovate comfort stations in Parks throughout East Harlem.

Comfort Stations—There is an urgent need for a new comfort station at the Harlem River Park sports fields as well as renovation of existing ones like those at Marcus Garvey Park and Thomas Jefferson Park.

Preservation of Esplanade

Replacement of Pier 107

Create significant new open spaces starting with the Harlem River Greenway Link from 125th Street to 132nd Street

Improve open spaces in the public realm to create better access to Randall’s Island, and manage storm water.

Work with parks groups to better support maintenance and stewardship in East Harlem Parks. (EHNPS_C_107)

Response 1-271: In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the “City’s Neighborhood Initiative”). As noted in Chapter 1, “Project Description,” of the FEIS, this approach includes the Proposed Actions and investments in a wide range of City programs, services, infrastructure, and amenities to help foster a thriving community. In an effort to improve the quality and access to open spaces in East Harlem, NYC Parks continues to engage residents in the planning and design process for a number of initiatives they have in the district, including

the creation of an open space plan. NYC Parks, through its Community Parks Initiative, also has four capital projects where smaller neighborhood parks will be improved.

ANALYSIS FRAMEWORK AND RWCDS

Comment 1-272: Our office, the steering committee and the administration remain unable to agree on the appropriate criteria to determine projected and potential project sites in the DEIS. Key differences include the likelihood that houses of worship will build on these sites and the status of rent-stabilized buildings, which are often ruled out as developable sites by DCP. However our own research suggests these buildings might be susceptible to redevelopment. The City has recently launched the New York Land Opportunities Program (NYLOP), an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial institution, “to help mission-driven organizations with limited real estate experience form joint venture partnerships to develop affordable housing on their underused land.” Faith-based organizations constitute a significant category of these mission-driven organizations, a fact that underscores the potential for redevelopment of these properties. Underestimating the potential development universe will cause us to miss impacts we could have avoided. Moreover, failure to account for all development sites affects the calculations of the number of units of housing that can and will be created thereby impacting how much and where density is acceptable in East Harlem. (Brewer_005)

Response 1-272: As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RWCDS) was prepared in accordance with the criteria and guidance presented in the 2014 *CEQR Technical Manual*, in order to determine projected development sites and projected development sites. The criteria presented in the *CEQR Technical Manual* is considered to be conservative and reasonable in determining the projection of the amount of development that could result from the Proposed Actions. The 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 and without the Proposed Actions. As indicated in “General Criteria for Determining Development Sites” in Chapter 1, “Project Description,” sites containing houses of worship are considered unlikely to be redeveloped in the future with the proposed action; sites that are under the jurisdiction of the City of New York require additional discretionary approvals prior to being redeveloped. Some sites that are currently underbuilt already have available floor area per the existing zoning, and they have not been redeveloped on enlarged despite the ability to do so.

Comment 1-273: MAS finds the RWCDS, which frames the evaluation in the DEIS, does not accurately represent the most conservative potential development projection under the zoning proposal and thus could affect the accuracy of the socioeconomic conditions evaluation.

According to DCP MapPluto database, the rezoning area has 521 multifamily residential buildings that are underbuilt based on current zoning. This brings to light concerns that by increasing allowable density, the rezoning would put additional redevelopment pressure on these sites. The RWCDS identifies 102 projected and potential development sites, which excludes 66 percent of the aforementioned underbuilt residential buildings. While we acknowledge that there are reasonable arguments for excluding certain underbuilt multifamily buildings, such as lots that are currently under construction, the City’s calculation may underestimate future development facilitated by the rezoning. (MAS_009)

The DEIS authors explain that the exclusion of multi-unit buildings of six or more units from the analysis because “they are very unlikely to be redeveloped” is based on “the require relocation of tenants in rent-stabilized units.” This omission is impermissible because it is based on two fallacies: (1) that every building with six or more units is rent stabilized and (2) that tenants in rent-stabilized buildings will not be displaced, despite the inducement that the rezoning will provide for landlords to demolish buildings for new, higher density, development. (CDP_097)

Response 1-273: As noted in Chapter 1, “Project Description,” of the EIS, the RWCDS was created in accordance with the guidance contained in the *CEQR Technical Manual* and is considered to be a 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 and without the Proposed Actions.

As further clarified in the FEIS “Project Description,” the RWCDS excludes residential buildings with six or more units constructed before 1974. As defined by New York State Homes and Community Renewal, apartments are under rent stabilization if they are in buildings of six or more units built between February 1947 and December 1973. Tenants in buildings built before February 1947, who moved in after June 1971, are also covered by rent stabilization. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Owners found guilty of intentional actions to force a tenant to vacate an apartment are subject to both civil and criminal penalties. Unless there are known redevelopment plans (throughout the

public review process or otherwise), these buildings are generally excluded from the analysis frameworks, which are expected to be conservative as well as reasonable. For assemblages of multiple sites, buildings that were built before 1974 with a total of 10 or more residential units are excluded.

Comment 1-274:

Twenty-eight of the underbuilt properties contain rent-stabilized units registered with the DHCR, and another 72 are likely to contain rent-stabilized units that are not registered. This is important because East Harlem is already losing rent-stabilized units at a fairly rapid pace. Between 2007 and 2014, the area incurred a net loss of 5.4 percent of its rent-stabilized housing, and areas affected by the 2003 rezoning have seen a decline of 7.5 percent. Given the socioeconomic conditions of the area, MAS is concerned that the rezoning will exacerbate [the loss of rent-stabilized units].

The DEIS states that multifamily buildings with rent-stabilized units are unlikely to be demolished and redeveloped because of the requirement to relocate displaced tenants, and therefore excluded from the RWCDs. MAS agrees in that buildings with rent-stabilized units should not be developed. However, just because these sites are not included in the EIS theoretical analysis does not prevent them from being developed in reality. (MAS_009)

Response 1-274:

The proposed rezoning is not expected to exacerbate the loss of rent-stabilized units, as is concluded in Chapter 3, “Socioeconomic Conditions,” of the EIS. Concurrent with the Proposed Actions, and as described in the “Purpose and Need” section in Chapter 1, “Project Description,” of the EIS, the City is significantly increasing its preservation efforts in East Harlem. HPD has initiated several new measures related to the preservation of existing housing and the creation of new affordable housing. Measures aimed at preservation include the launch of the Landlord Ambassadors Pilot, which provides technical assistance to property owners to preserve affordability; the provision of \$4.6 million (annually through fiscal year 2021) for free tenant legal services for those facing harassment; and enhanced and increased surveying of distressed properties in East Harlem (aka “Block Sweeps”) and improved coordination with tenant organizers. Furthermore, the affordable units generated under MIH in the future with the Proposed Actions would be permanently affordable and would not be subject to expiration like many of the units that were previously made affordable through subsidy programs.

Comment 1-275:

[The RWCDs] excludes all sites where multi-unit buildings are currently located, based on the erroneous conclusion that “the required

relocation of rent-stabilized units” will make development of these sites unlikely. This means the City assumes that any building with six or more units is rent stabilized. This is simply not true. In CD11 hundreds of buildings with six or more residential units, totaling over 8,000 units, have left rent stabilization entirely, to say nothing of those buildings which were never rent stabilized to begin with. Tenants in these buildings, whether formerly stabilized or not, can be evicted anytime their lease is up; landlords can demolish these buildings at their discretion or sell to a developer who will. (Walters_ANHD_017)

Response 1-275:

The RWCDs does not exclude all sites containing multi-unit buildings. As stated in Chapter 1, “Project Description,” of the FEIS, the RWCDs excludes residential buildings with six or more units constructed before 1974. As defined by New York State Homes and Community Renewal, apartments are under rent stabilization if they are in buildings of six or more units built between February 1947, and December 1973. Tenants in buildings built before February 1947, who moved in after June 1971, are also covered by rent stabilization. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Owners found guilty of intentional actions to force a tenant to vacate an apartment are subject to both civil and criminal penalties. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis framework. For assemblages of multiple sites, buildings that were built before 1974 with a total of 10 or more residential units are excluded.

Comment 1-276:

There is no guarantee that rent-stabilized households are themselves free from displacement risk. In theory, these residents are protected from displacement because of the right to a lease renewal and limits on a rent increase. But in reality rent-stabilized tenants face a wide range of harassment tactics or legal loopholes used to drive them out of their homes, especially where there is a financial incentive to do so. (Walters_ANHD_017)

To strengthen the analysis of the DEIS, MAS recommends the RWCDs be amended to include underbuilt properties with rent-stabilized units as part of the selection criteria for development sites. This will provide a better understanding of potential direct residential displacement resulting from the rezoning. (MAS_009)

There are 308 buildings with rent-stabilized units in the project area registered with the DHCR and an additional 135 are likely to have rent-stabilized units that are not registered. Although many of these buildings are not considered underbuilt, and owners might not have the incentive to demolish and redevelop these properties, they may be

inclined to deregulate stabilized units or even illegally convert them into market-rate. (MAS_009)

Response 1-276: Please see the response to Comment 1-275. As indicated in Chapter 1, “Project Description,” of the EIS, buildings with six or more units are difficult to demolish due to tenant-relocation requirements. The exclusion of these sites from the RWCDS is a reasonable assumption. In terms of the analytical framework of the EIS, the RWCDS does not assume tenant harassment would occur, as this activity is illegal. The City has measures in place to address illegal tenant harassment from landlords. In connection with the rezoning, the City is increasing its efforts to combat tenant harassment in East Harlem with the provision of \$4.6 million (annually through fiscal year 2021) for free tenant legal services for those facing harassment; and enhanced and increased surveying of distressed properties in East Harlem (aka “Block Sweeps”) and improved coordination with tenant organizers.

Comment 1-277: Large Scale Planning-Zoning analysis should be based on future needs assessment of adding additional population to the area. The City should show quantitative analysis of how population and required city services will be impacted by the proposed zoning changes, including the impact for additional schools, parks or park crowding, fire, and police to name some primary examples. An increase to double much of the allowable FAR will have an impact. (Adams_CIVITAS_041)

Response 1-277: Chapter 4, “Community Facilities and Services,” of the EIS assesses the potential for the Proposed Actions to result in significant adverse impacts related to public schools, as well as fire services and police protection services, and concludes that significant adverse impacts to would not occur. Chapter 5, “Open Space,” of the EIS assesses the potential for the Proposed Actions to result in significant adverse impacts related to publicly accessible open space; the chapter concludes that significant adverse impacts to would not occur as a result of the Proposed Actions.

Comment 1-278: I do not believe that [MAS has] surveyed tenants [in the properties referenced in MAS’ testimony], but I will get back to you, our organization will get back to you in a letter with full answers to both that question and whether to expand it to all units. (MAS_053)

Response 1-278: Comment noted.

Comment 1-279: East Harlem has been an underserved community and has needed investments even before this proposed rezoning—something the DEIS does not capture. The baseline status quo for that study is East Harlem’s existing conditions: rising rents, residential and commercial

displacement, tenant harassment, lack of public open space, higher incomes coming to the neighborhood, schools that are over capacity, poor conditions of school facilities, multiple public health issues, high asthma rates, over-crowded subway stations, dangerous intersections, multiple sanitation facilities, and overall disinvestment in this community for decades. We fear that the mitigation of the significant adverse impacts of the rezoning, as defined by the DEIS, will only respond to this status quo and exacerbate the problems that already exist today. (EHNPS_C_107)

Response 1-279:

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 proposed zoning (future With Action) conditions for a 10-year period (analysis year 2027). 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 shadows, historic and cultural resources, transportation (traffic, pedestrians, and transit), 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 historic and cultural resources, traffic, transit and construction. The significant adverse pedestrian and transit (bus) impacts would be fully mitigated.

Comment 1-280:

Projected and Potential Development Sites are likely underestimated. There are several projected soft sites that were included in the EHNP, but were not identified by DCP in the RWCDs released with the Draft Scope of Work. Additionally, during the Scoping Period in the Fall 2016, the Steering Committee submitted a list of likely development sites that were not initially identified by DCP in the Draft Scope of Work. While the Department added some soft sites we suggested, they removed others from their initial proposal, keeping the RWCDs essentially the same. An accurate prediction of the RWCDs is crucial to understanding the impacts of the rezoning, so that significant adverse impacts can be accurately measured and mitigated. The Steering Committee believes that the thoroughness of this assessment was

compromised due to time constraints, which is unacceptable. (EHNPS_C_107)

Response 1-280: As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RW_CDS) was prepared in accordance with the guidance presented in the 2014 *CEQR Technical Manual* and is considered to be a conservative and reasonable projection of the amount of development that could result from the Proposed Actions. The 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 and without the Proposed Actions, as indicated in the EIS.

Comment 1-281: The City in its DEIS claims that on most of the lots that the proposed land use action would impact, nothing will change. (CDP_097)

Response 1-281: As stated in Chapter 1, “Project Description,” of the EIS, a RW_CDS was developed for both the current (future No Action) and proposed zoning (future With Action) conditions for a 10-year period (analysis year 2027). The incremental difference between the No Action and With Action Conditions serves as the basis for the impact analyses of the EIS. To determine the With Action and No Action Conditions, standard methodologies have been used following the *CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development.

Comment 1-282: There is no guarantee that actually rent-stabilized households are themselves free from displacement risk. As will be detailed further under Indirect Residential Displacement, there are numerous legal and illegal tactics landlords use to push rent-stabilized tenants out. For all these reasons the City must include multi-unit buildings in its RW_CDS. (CDP_097)

Response 1-282: Please see the response to Comment 1-273. As noted in Chapter 1, “Project Description,” of the FEIS, illegal tactics used to redevelop rent-stabilized properties are not assumed to occur. HPD has drafted a Housing Plan for East Harlem in response to concerns raised during the process pertaining to affordable housing and housing preservation. The East Harlem Housing Plan recommends increasing resources that would protect tenants and provide free legal services. Regarding legal protections for tenants, the Tenant Harassment Prevention Task Force was created in 2015 to investigate and take action against landlords who harass tenants. A joint initiative between the City and the State Attorney General and Tenant Protection Unit of the State Department of Homes and Community Renewal (HCR), the task force has initiative legal and

enforcement actions—including criminal charges—against the worst offenders.

Additionally, the Administration and the City Council created a working group on tenant harassment in response to concerns raised during the public review of MIH and Zoning for Quality and Affordability (ZQA). The working group, a diverse group of housing data experts, tenant and housing advocates, and industry representatives, is currently evaluating the potential effectiveness, cost, and efficiency of refining and expanding the Certification of No Harassment policy now in effect in a few neighborhoods, and examining alternative tools to combat tenant harassment. Recommendations are expected to be released later this year.

For information on HPD’s re-active and proactive activities in East Harlem, including the Alternative Enforcement Program, Proactive Preservation Initiative, Block Sweeps and the Tenant Harassment Protection Task Force, please refer to the testimony of Vito Mustaciuolo, Deputy Commissioner of the Department of Housing Preservation and Development, in **Appendix J** of the FEIS.

Comment 1-283: The City must include all lots larger than the 2,000 sf threshold in its RWCDs, regardless of whether they are “substantially underutilized” or not, in order to provide sufficient information for a reader to consider the true potential impact of the Proposed Actions. (CDP_097)

Response 1-283: In accordance with the guidelines for soft site criteria specified in the 2014 *CEQR Technical Manual*, generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 square feet or less, but the lot size criteria is dependent on neighborhood specific trends. As noted in Chapter 1, “Project Description,” of the EIS, development sites were identified based on lots located in areas where a substantial increase in permitted FAR is proposed, lots with a total size of 5,000 square feet or larger or where a smaller sized site (2,000 square feet or greater) is substantially underutilized, or lots located in areas where changes in use would be permitted with the Proposed Actions. Certain lots that meet these criteria have been excluded from the scenario based on site specific conditions.

Comment 1-284: The City is currently encouraging the development of properties where houses of worship are located via the NYLOP, an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial Institution “to help mission-driven organizations with limited real estate experience form joint venture partnerships to

develop affordable housing on their underused land.” Excluding these potential development sites in East Harlem masks the full picture of the influx of new residents that will likely happen in the No Action Condition and be likely much greater if additional FAR is added to those sites via the Proposed Actions. City agencies are actively partnering with houses of worship to overcome the barriers to development that the DEIS treats as ossified fact. Doing so belies that the authors did not take a broad view of potential development in East Harlem when deciding which sites to include in the RWCDs. (CDP_097)

Response 1-284: Please see response to Comment 1-272. As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RWCDs) was prepared in accordance with the guidance presented in the 2014 *CEQR Technical Manual* and is considered to be a conservative projection of the amount of development that could result from the Proposed Actions. The 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 and without the Proposed Actions. Known development applications seeking construction financing from HPD over the next several years were consulted and incorporated into the EIS. All privately owned sites that would seek construction financing for affordable housing in the future, or any public and private applications requiring ULURP, are subject to CEQR.

Comment 1-285: The City must include publicly owned sites in its RWCDs and do so in a manner that honors the planning efforts for these sites that have already been undertaken. The EHNP highlighted 13 public sites to be considered for development; only one of these (the Sendero Verde site) is included in the DSOW, and only as a potential alternative. These additional 12 sites should be analyzed by the City to see what opportunities they may provide for the creation of affordable housing and presented as part of the RWCDs in the FEIS. While it is true that “for government-owned properties, development and/or sale of these lots may require discretionary actions from the pertinent government agencies,” the additional FAR that the Proposed Actions will allow is likely be a sufficient inducement for public and private actors to lobby agencies to take such actions. (CDP_097)

Response 1-285: Please see the responses to Comment 1-272 and Comment 1-284.

Comment 1-286: Underestimating direct residential displacement by not counting current residents of multi-unit buildings.

Failing to consider the extent to which the neighborhood rezoning will contribute to rising rents.

Vastly underestimating the percentage of East Harlem’s current population who are vulnerable to displacement pressures.

Based on a RWCDs that misleadingly leaves out a significant number of soft sites for projected development, the DEIS concludes that less than 500 people are likely to be directly displaced by the rezoning. Excluding multi-unit buildings from projected soft sites allows the DEIS authors to vastly underestimate the number of residents who will be directly displaced by the rezoning. (CDP_097)

Response 1-286: Please see the response to Comment 1-272. As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RWCDs) was prepared in accordance with the guidance presented in the 2014 *CEQR Technical Manual* and is considered to be a conservative projection of the amount of development that could result from the Proposed Actions. The 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 and without the Proposed Actions.

Comment 1-287: DCP cannot rely on the flawed methodology memorialized in the *CEQR Technical Manual* when that methodology does not capture the actual impact of the Proposed Project on the environment. State law is not satisfied by regulations that do not actually require an applicant to capture the impacts SEQR requires be captured; omissions in the *CEQR Technical Manual* are not sufficient cover for agencies to hide from the State law requirement that impacts on the environment must be carefully considered before an action like the East Harlem Neighborhood Rezoning can be taken.

The FEIS must take a detailed view of this housing stock—identifying and including in its analysis all rent-stabilized households; government-subsidized buildings that are nearing the end of their term agreements; NYCHA buildings that are in a poor state of repair; and the effect of proposed federal budget cuts on all of these housing stock. The illusory mechanisms that the *CEQR Technical Manual* credits with protecting this housing stock must be tossed out in favor of an accurate assessment of the potential impacts. (CDP_097)

Response 1-287: City Environmental Quality Review, or “CEQR,” is New York City’s process for implementing the State Environmental Quality Review Act (SEQR), by which agencies of the City of New York review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. CEQR methodology and its requirements are defined through decisions of the state courts. CEQR includes certain requirements with regard to documentation of the study

of effects on the environment. Under certain circumstances, CEQR also gives the public a role in the assessment of potential environmental impacts. The level of detail appropriate for such study, the type of documentation, and the extent of public involvement vary depending on the project and its context. The RWCDS prepared for the Proposed Actions followed standard assumptions that have been used for area-wide rezoning actions throughout New York City.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 2-1: Acknowledging the great opportunity of East Harlem’s waterfront, NYC Parks has begun work on a conceptual design of the unbuilt 11-acre portion of Harlem River Park between East 125th and East 132nd streets. We held our first public meeting to hear the community’s priorities for this important waterfront opportunity site on July 12. We are now working with our consultants to develop design alternatives for this site. We will be meeting with the public again at our second community meeting on September 19, and will produce a final plan at the end of the year. (Molinari_NYCParks_032)

Response 2-1: Comment noted.

Comment 2-2: Recognizing the issues of coastal flooding and drainage facing this community, we are also working closely with the Mayor’s Office of Recovery and Resiliency to carry out a coastal and social resiliency study of East Harlem. Work will begin in winter of this year. (Molinari_NYCParks_032)

Response 2-2: Comment noted.

Comment 2-3: TOD is a zoning style that prioritizes density and intensity closer to the users of the transit system. The reasoning behind lifting parking requirements in downtowns, Central Business Districts, and urban cores is based on their being alternative transportation options readily available. This concept is identified in DCP’s analysis. Therefore zoning FAR bonuses should allow additional development rights within ¼-mile pedestrian walking shed of transit station entrances. The City’s zoning analysis should show clear ¼-mile circles around all current and proposed transit stations to show a planning nexus to the decision to reduce parking requirements. (Adams_CIVITAS_041)

Response 2-3: Comment noted. As noted in Chapter 2, “Land Use, Zoning, and Public Policy,” of the EIS, the analysis methodology is based on the guidelines of the *CEQR Technical Manual* and examines the effects of the Proposed Actions on land use, zoning, and public policy, and determines the potential for the Proposed Actions to result in significant adverse impacts. The analysis is based on a primary study area where

the land use effects of the Proposed Actions are direct, and a secondary study area where indirect effects may occur. The primary study area encompasses the blocks that would be directly affected by the Proposed Actions (i.e., properties within the Project Area). The secondary study includes neighboring areas within a ¼-mile boundary from the primary study area, which could experience indirect impacts.

Comment 2-4: Lack of detailed analysis of commercial overlays on NYCHA superblocks – The Steering Committee urged DCP to conduct a fine grain analysis of what is currently built within the proposed commercial overlays on NYCHA sites, with an eye toward proposing more specific boundaries that eliminate the possibility of displacing residents. DCP, however, did not change the commercial overlays on NYCHA between Draft Scope of Work and DEIS release. (EHNPS_C_107)

Response 2-4: The EIS assesses the potential development of local retail space on NYCHA property and concludes that no significant adverse impacts would result. The potential development of local retail space could enhance the streetscape and provide residents with expanded shopping opportunities. As noted in Chapter 1, “Project Description,” of the DEIS, there are no specific developments proposed at this time and any developments would be subject to a public engagement process with NYCHA tenants. Furthermore, commercial overlay districts are mapped throughout New York City at depths typically ranging from 100 to 200 feet. It is very common for overlay districts and zoning district boundaries in general to be mapped over existing buildings, including residential buildings, as well as commercial buildings, houses of worship, gardens and other open areas. Zoning district boundaries are not specifically drawn to avoid residential buildings or gardens anywhere in New York City and the boundaries for the proposed overlays on East Harlem NYCHA developments is no different. Lastly, the mapping of commercial overlays would not in and of itself result in any displacement of NYCHA housing.

SOCIOECONOMIC CONDITIONS

Comment 3-1: There are limited vacant development sites in East Harlem and the rezoning is mapped onto many occupied buildings, some of which are small and affordable. These smaller buildings will experience development pressures because of the rezoning, which will put these existing affordable units at risk. Further, new market rate development may cause affordable rents to increase, putting existing affordable, but unregulated units at risk. (Collier_CB11_004)

Response 3-1: 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 government 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 rent pressures. In terms of the analytical framework of the EIS, the RWCDs does not assume tenant harassment would occur, as this activity is illegal. 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. While the Proposed Actions could add new population with a higher average household income as compared with existing study area households, there is already a readily observable trend toward higher incomes and new market-rate residential development in the study area. According to U.S. Census data, the average and median gross rents in the study area have increased by approximately 38 and 34 percent, respectively, between 2000 and the 2011–2015 American Community Survey. These trends are expected to continue in the future no-action condition and unregulated units would be expected to turn over to higher income households. Further, 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 3-2: The City’s Proposed Actions will have a tremendous impact on the businesses and organizations located in East Harlem. As the City’s proposal stands, small businesses and non-profit agencies will likely face substantial challenges, such as steep increases in rent and non-renewal of lease agreements. Those small businesses and organizations that remain may experience further collateral consequences, such as the inability to retain employees due to the sharp increases in rent. (Collier_CB11_004)

Response 3-2: Chapter 3, “Socioeconomic Conditions,” of the EIS includes an assessment of the potential for indirect business displacement due to increases in rent. The assessment finds that the Proposed Actions would not result in significant adverse impacts due to indirect business displacement. The study area has well-established residential, retail, office, and manufacturing uses and markets such that the Proposed

Actions would not add a new economic activity or add to a concentration of a particular sector of the local economy enough to significantly alter or accelerate existing economic patterns. The Proposed Actions' increment of 133,426 square feet (sf) of retail space (grocery, restaurant, and destination retail) would be less than what would be added in the No Action Condition, and would not exceed the threshold to potentially alter or accelerate existing trends. The office space (an increment of 143,212 sf) and manufacturing space (an increment of 132,394 sf) would create opportunities for companies to locate in East Harlem, providing quality jobs to residents, and helping maintain the mixed-use character of the study area. The Proposed Actions would result in increasing economic activity in an area where commercial corridors are currently fragmented. Further, the Proposed Actions' estimated 8,371 residents and 1,544 employee populations generated by the Proposed Actions on the Projected Development Sites would become new customers at many of the existing retail businesses in the Project Area and study area, and the mix of market-rate and affordable DUs would maintain a diverse customer base to shop at retail stores offering products at a range of price points.

Comment 3-3: The City [should] foster local economic growth through issuing incentives to property holders. Working in tandem with the City and State through issuance of financial mechanisms incorporating financial floors, ceilings, sunset clauses, etc. for CD11 specific rezoning would engender community-based engagement. Such implementation would foster retention of many of these treasured businesses that have survived and create an environment for more businesses to invest in our community. Adopting a community-based preference mechanism in conjunction with the above methodology would allow for a more engaged and comprehensive approach. (Collier_CB11_004)

Response 3-3: Comment noted. The potential issuance of tax incentives and other financial mechanisms is outside the scope of the EIS and CEQR analyses.

Comment 3-4: The warehousing (holding of vacant residential units) concentrated along Third Avenue, and primarily by one owner, has been a blight on the community for decades and it is concerning that the DEIS did not address this housing stock in the context of socioeconomic impacts. (EHNPS_C107)

Response 3-4: 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 the environmental analysis in the EIS. As noted in

Chapter 3, “Socioeconomic Conditions,” of the EIS, rents have been rising in East Harlem and the neighborhood has experienced increased development of market-rate housing. The Proposed Actions have been crafted in response to the established trend of rising rents and the development of market-rate housing in East Harlem and present the most effective opportunity to provide significant amounts of affordable housing, which would counter this trend, and is expected to encourage new investment.

Comment 3-5:

The City cannot assume that NYCHA residents are free from displacement pressures. About 30 percent of the housing stock in East Harlem is NYCHA-owned: the highest concentration in Manhattan and the second highest concentration in all of New York City. And yet much of NYCHA housing as it currently exists in the neighborhood is in deplorable condition, with unmet repair needs and unhealthy living conditions. If living conditions in certain NYCHA developments continue to deteriorate, tenants may have no choice but to leave. The current state of NYCHA must be taken into account by the City when considering displacement pressures. Of further concern is the devastating federal budget cuts proposed by the Trump administration that public housing is currently facing. If these proposed cuts—a 68 percent decrease to public housing’s capital fund—were to go through, the effect on NYCHA would be catastrophic. (CDP_097)

Response 3-5:

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 the environmental analysis in the EIS. The Proposed Action would not affect the policies determining capital investments or tenancy of NYCHA properties.

The City is aware of the need for additional capital investments in public housing and continues to provide investments that are outside of the scope of the Proposed Actions. NYCHA has committed that a portion of the revenue generated through any potential redevelopment of NYCHA sites will be re-invested back into existing buildings to provide for needed repairs and improvements. In addition, NYCHA requires all real estate development projects to include a Resident Hiring Plan and Marketing Plan to insure NYCHA residents are connected to economic and housing opportunities related to the new development.

DIRECT RESIDENTIAL DISPLACEMENT

Comment 3-6: The City’s estimate that only a handful of apartments will be lost is a fallacy and proof that the City does not intend to honor any of our concerns. (Ortiz_025)

Response 3-6: Chapter 3, “Socioeconomic Conditions,” of the DEIS discloses the number of units and estimated population that would be directly displaced as a result of the Proposed Actions, which is an estimated 27 residents living in 11 DUs. It should be noted that the estimate of potential direct displacement associated with the RWCDs assumes that approximately 160 DUs could be displaced from Projected Development Sites in the future without the Proposed Actions (the No Action Condition). Under CEQR, the 160 DUs displaced under the No Action Condition would not be attributable to the Proposed Actions. In terms of the analytical framework of the DEIS regarding the estimated numbers of directly displaced residents, please see the responses to Comments 3-1 and 3-15.

Comment 3-7: Regarding residential displacement, this DEIS states that, under the RWCDs, the Proposed Actions “could directly displace an estimated 27 residents living in 11 DUs,” and “would result in the incremental development of 3,488 DUs, well over the 200-unit threshold warranting assessment of potential indirect residential displacement.” However, residential displacement is not addressed in the DEIS chapter on Identified Impacts for Mitigation. (Libman_NYAM_026)

Response 3-7: 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 3-8: The DEIS fails to account for the risk of displacement posed to these households by a major upzoning and upward shift in market conditions in East Harlem. While a No Action Condition does not necessarily address the conditions of these at-risk renters, an upzoning could add additional pressures on already precarious housing conditions in the district. (EHNPS_C_107)

Response 3-8: 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 the environmental analysis in the EIS. As noted in Chapter 3, “Socioeconomic Conditions,” of the EIS, rents have been rising in East Harlem and the neighborhood has experienced increased

development of market-rate housing. The Proposed Actions have been crafted in response to the established trend of rising rents and the development of market-rate housing in East Harlem and present the most effective opportunity to provide significant amounts of affordable housing through MIH. The Proposed Actions are intended to keep rents affordable to residents of East Harlem so that they can remain in the community.

Comment 3-9: MIH is not an “appropriate mitigation” as required by the *CEQR Technical Manual*, Sec. 330. The inappropriate mitigations proposed are a direct result of not doing the detailed socioeconomic assessment required in the DEIS to identify such measures for an action of the scope and impact of the proposed rezoning. The mitigation measures recited in the DEIS, without the foundation of the required detailed analysis, are therefore unsurprisingly insufficient.

The City claims that the creation of affordable housing through MIH will serve to mitigate indirect residential displacement, stating “there would likely be considerably less indirect residential displacement in the future With Action Condition than the future No Action Condition, thanks to the introduction of MIH and other measures designed to combat existing trends toward increased incomes and rent.” (CDP_097)

Response 3-9: MIH and the permanently affordable units created under the program are not characterized as mitigation in the EIS. 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 East Harlem 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; therefore no mitigation is required.

Comment 3-10: The DEIS discounts the impact of the Proposed Actions relative to the No Action Condition by stating that the neighborhood is already experiencing significant market pressure, which will likely displace low-income residents even absent a rezoning. This analysis is flawed and inadequate because it fails to account for the accelerating effect the rezoning may have on the trend of rising rents. (CDP_097)

Response 3-10: 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 the environmental analysis in the EIS. Population growth is contributing to a need for new housing citywide, increasing rents in many neighborhoods. Housing New York, the Mayor’s 10-year

housing plan, identified MIH in the context of rezoning efforts to increase supply of both market rate and permanently affordable housing. As described in Chapter 3, “Socioeconomic Conditions,” of the EIS, there is already evidence of increased housing demand and rising rents within the study area. These trends are expected to continue absent the Proposed Actions as population is expected to continue to grow. In the future with the Proposed Actions, newly developed housing must provide permanently affordable housing.

The Proposed Actions have been crafted in response to the established trend of rising rents and the development of market-rate housing in East Harlem and present the most effective opportunity to provide significant amounts of affordable housing, which would counter this trend.

Comment 3-11: The DEIS incredibly fails to include the Detailed Socioeconomic Assessment that the *CEQR Technical Manual* requires sponsors of land use actions that will drive significant neighborhood changes. Once the RWCDs is corrected to include all the sites where direct displacement will become inevitable after an upzoning, the number of residents likely to be so displaced will be much more than 500. (CDP_097)

Response 3-11: As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RWCDs) was prepared in accordance with the criteria and guidance presented in the 2014 *CEQR Technical Manual*, in order to determine projected development sites and projected development sites. The criteria presented in the *CEQR Technical Manual* is considered to be conservative and reasonable in determining the projection of the amount of development that could result from the Proposed Actions. The 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 and without the Proposed Actions.

INDIRECT RESIDENTIAL DISPLACEMENT

Comment 3-12: Almost 40 percent of East Harlem households have an annual income below \$24,500 and the neighborhood as a whole has a median income of \$30,973. The addition of approximately 6,000 new residents under the plan to this historically low-income area has the potential to drastically change the socioeconomic conditions and character of the neighborhood. (MAS_009)

Disregarding likely indirect residential displacement based on the fact that rents in the neighborhood are already rising. The City claims that the rezoning “would not result in significant adverse impacts due to indirect residential displacement.” While the City acknowledges that the

rezoning could add a new population with higher household incomes than the current neighborhood population, they claim no adverse impacts for displacement because, “there is already a readily observable trend toward higher incomes and new market-rate residential development in the study area.”

While rents are already rising in East Harlem, the indirect displacement analysis deliberately avoids acknowledging that a neighborhood-wide rezoning will very likely accelerate that trend, or the extent to which the announced rezoning has already helped accelerate that trend. (CDP_097)

One hard to track tactic is the use of preferential rents. A preferential rent is one that is not as high as the legal limit for a particular unit offered voluntarily by a landlord. While seeming like a benefit to the tenant, in reality a preferential rent directly undercuts the protection and stability rent stabilization is intended to provide, leaving tenants vulnerable to large rent increases at every lease renewal, regardless of the rates permitted by the Rent Guidelines Board. In the two zip codes that include East Harlem, close to 5,000 households are paying a preferential rent. This means almost 5,000 families are not subject to the limits on a rent increase that rent-stabilized tenants depend on. As land values and rents increase following the rezoning, there’s nothing to stop a landlord from raising the rent to a level that might force a tenant out. Again, the DEIS fails to take into account households with preferential rents when considering displacement pressures. (CDP_097)

Response 3-12:

Chapter 3, “Socioeconomic Conditions,” of EIS includes an assessment of potential indirect residential displacement due to increased rents. 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. While the Proposed Actions could add new population with a higher average household income as compared with existing study area households, there is already a readily observable trend toward higher incomes and new market-rate residential development in the study area. According to U.S. Census data, the average and median gross rents in the study area have increased by approximately 38 and 34 percent, respectively, between 2000 and the 2011–2015 American Community Survey. Further, 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 3-13: Under the RWCDs, the Mayor’s Rezoning action will escalate the burden against East Harlem’s low-income population by establishing 700 percent of the total available housing for households earning more than \$78,300.00 (Table 3-8, pg. 3-22 of the DEIS Report) Ironically this plan is being waxed as a “MIH Plan” for East Harlem while it actually does not present any level of “affordability” for its own residents, nor is it “mandatory,” as it is actually “exclusionary”—discounting a majority of East Harlem’s families, friends, and neighbors because of their own low-income status. This aggressive targeting of East Harlem’s current residents is viewed as a racist ploy to displace Latino and African Americans out of Manhattan and out of New York City. (Hernandez_040)

Response 3-13: The Proposed Actions involve area-wide zoning changes of primarily privately owned property. While the Proposed Actions are designed to encourage certain land use outcomes, the development of homeownership units is largely dependent up to individual property owners and developers. Public land is typically developed as rental housing in order to maximize the level of affordability and the number of affordable units developed in a building.

As a result of the adoption of MIH in 2016, the DCP now has a powerful new tool available to promote permanently affordable housing by requiring its development in certain circumstances. The MIH program represents the most significant and far-reaching zoning mechanism in the country to increase the supply of permanently affordable housing. The program established with a consistent set of regulations designed to enable different neighborhood conditions to be addressed while supporting the construction of new housing. With the application of MIH under the Proposed Actions, permanently affordable units will be required in new developments throughout much of the project area. The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside.

Option 1 would require 25 percent of residential floor area to be for affordable housing units for residents with incomes averaging 60 percent of the AMI, with at least 10 percent of residential floor area affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area to be for affordable housing units for residents with incomes averaging 80 percent AMI. The City Council or CPC may apply an additional Workforce Option or a Deep Affordability Option in conjunction with Options 1 and 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 above-mentioned MIH options will serve as a baseline of affordability for years to come. The MIH program does include an option for affordable units to be provided as homeownership units, under a set of regulations that limit the resale price of affordable MIH homeownership units.

The MIH program does include an option for affordable units to be provided as homeownership units, under a set of regulations that limit the resale price of affordable MIH homeownership units.

Please also see the response to Comment 3-12.

Comment 3-14:

The DEIS incredibly fails to include the Detailed Socioeconomic Assessment that the *CEQR Technical Manual* requires sponsors of land use actions that will drive significant neighborhood changes to perform. Detailed analyses are required any time that an action will do any one of the following:

Whenever a proposed project will directly displace more than 500 residents,

Whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood, and

Whenever the average income of the directly displaced population is markedly lower than the average income of the rest of the study area population.

If all the sites where direct displacement will become inevitable after an upzoning were properly counted in the DEIS, the number of residents likely to be so displaced would be much more than 500; the DEIS achieves its low count by excluding all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings as a reason to leave them out of the count. (Segal_CDP_018)

Response 3-14:

Chapter 3, “Socioeconomic Conditions,” of the EIS follows *CEQR Technical Manual* guidelines in providing the level of analysis necessary to draw conclusions regarding the potential for significant adverse environmental impacts. The *CEQR Technical Manual*’s Chapter 5, Section 200 (starting on page 5-2) describes conditions warranting socioeconomic assessment; it includes the following guidance:

“Displacement of less than 500 residents would not typically be expected to alter the socioeconomic character of a neighborhood. For projects exceeding this threshold, assessments of the direct residential displacement, indirect residential displacement, and indirect business displacement are appropriate.” (2014 *CEQR Technical Manual* p. 5-2 and 5-3).

The direct residential displacement that is projected to occur as a result of the Proposed Actions is well below this 500-resident threshold for assessment, and therefore analysis of direct residential displacement is not warranted. With respect to the EIS accounting of potential direct residential displacement, please see the response to Comment 3-15.

The EIS analysis discloses that the project would introduce substantial new uses that exceed *CEQR Technical Manual* thresholds for assessment of indirect residential and business displacement (200 DUs or 200,000 sf of commercial space). As described in *CEQR Technical Manual* Section 300 (starting on page 5-4) a socioeconomic assessment begins with a preliminary assessment. Detailed analyses are required when a preliminary assessment cannot rule out the potential for significant adverse impacts. For this project preliminary assessments were sufficient to determine that the Proposed Actions would not result in significant adverse impacts due to indirect residential or business displacement.

With respect to the third criteria cited by the commenter, the *CEQR Technical Manual* states that a detailed analysis is warranted if a proposed project would directly displace more than 500 residents and (emphasis added) the average income of the directly displaced population is markedly lower than the average income of the rest of the study area population. These conditions do not apply to the Proposed Actions.

Comment 3-15:

In evaluating the impacts of residential displacement the DEIS excludes all buildings that have six or more units from its analysis, on the false assumption that tenants in those buildings are rent stabilized and so free from displacement risks. This assumption is wrong on two levels—one in assuming that all multi-unit buildings are rent stabilized and two, assuming that rent-stabilized tenants are free from displacement pressure. These false assumptions lay the foundation for the DCP’s underestimation of the displacement impacts of the proposed rezoning. (Walters_ANHD_017)

Because the DEIS does not evaluate potential impacts from illegal conversions of rent-stabilized to market-rate units and that the outlined strategies from the Housing Plan cannot guarantee that these units will

be preserved, we recommend that the socioeconomic conditions analysis in the FEIS evaluates indirect residential displacement that takes into account illegal conversions and loss of rent-stabilized units. (MAS_009)

Response 3-15: As stated in the FEIS “Project Description,” the RWCDS excludes residential buildings with six or more units constructed before 1974. As defined by New York State Homes and Community Renewal, apartments are under rent stabilization if they are in buildings of six or more units built between February 1947, and December 1973. Tenants in buildings built before February 1947, who moved in after June 1971, are also covered by rent stabilization. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Owners found guilty of intentional actions to force a tenant to vacate an apartment are subject to both civil and criminal penalties. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis frameworks, which are expected to be conservative as well as reasonable. For assemblages of multiple sites, buildings that were built before 1974 with a total of 10 or more residential units are excluded.

Comment 3-16: If the DEIS included multi-unit buildings in its RWCDS and both direct and indirect displacement analysis we believe the findings for displacement impacts would be significant, requiring a Detailed Socioeconomic Assessment. We request that the FEIS include multi-unit buildings in its analysis to achieve a more accurate picture of the displacement impacts this proposed rezoning may have on East Harlem and its residents. No rezoning should move forward until this assessment has been made. (Walters_ANHD_017)

Response 3-16: See responses to Comments 3-14 and 3-15.

Comment 3-17: Let us not let gentrification lead into harassment where Harlem residents are being displaced to the ranks of the homeless.

Show us you care for use and the true tale of cities can exist together. (Tirado_020)

Response 3-17: 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. In terms of the analysis framework of the EIS, the RWCDS does not assume tenant harassment would occur, as this activity is illegal.

While the Proposed Actions could add new population with a higher average household income as compared with existing study area households, there is already a readily observable trend toward higher incomes and new market-rate residential development in East Harlem. The Proposed Actions would 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 3-18: The DEIS socioeconomic analysis must evaluate an appropriate income band under the MIH program. We question the accuracy of the indirect residential displacement evaluation without an MIH option selected.

While the DEIS asserts, without specifying MIH income bands, that rezoning “would result in new populations with higher average incomes than the existing population...and that the incremental population may be large enough to affect real estate market conditions,” it concludes that the rezoning “would not result in significant adverse impacts due to indirect residential displacement.” MAS questions the validity of this conclusion without a full analysis of a specific MIH option. We counter that the rezoning could exacerbate existing market-rate forces, and without the proper preservation mechanisms for existing housing, lead to the displacement of a significant number of low-income residents. (MAS_009)

Response 3-18: As detailed in the response to Comment 3-13, 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 Project’s affordable housing units have not yet been determined, based on the average household income of the study area (\$63,013), 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 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 3-19: The luxury development that is a prerequisite for the application of the MIH on a per-project basis will bring markedly different uses, development, and activities to what is now a predominantly Black and Hispanic low-income neighborhood; this difference alone is sufficient to require a Detailed Assessment. The income disparity between those slated to be displaced versus those who will be able to remain and to move in similarly triggers the same requirement. (Segal_CDP_018, CDP_097)

East Harlem residents will lose their precious Black and Latino cultural legacy if the City's racist rezoning plan is approved. Long-time residents will be replaced by upper-class residents at the rate of 3:1 or even 4:1 for every new development. The landlords will become even more aggressive to force out existing tenants. Small businesses and street vendors will also be displaced. The only winners will be slumlords, developers, and speculators. (PCR_044)

Response 3-19: Chapter 3, "Socioeconomic Conditions," of the EIS follows *CEQR Technical Manual* guidelines in determining the level of assessment warranted to assess the potential for significant adverse impacts due to residential displacement. Race and ethnicity are not considered as part of a CEQR analysis, nor does a CEQR analysis assume that tenant harassment would occur, as this activity is illegal.

Comment 3-20: Without a detailed analysis, it is impossible for the [DCP] to show how it arrived at its determination of what mitigations are needed in the face of significant adverse impacts that the proposed change will have on the neighborhood. The City's description of MIH, a program that cannot serve the majority of the area's current residents as a "mitigation," belies the paucity of analysis that has been done to understand the impact and develop a plan appropriate to that impact. (Segal_CDP_018)

Response 3-20: Mitigation measures are proposed when a project results in significant adverse impacts. As discussed in Chapter 3, "Socioeconomic Conditions," of the EIS, the Proposed Actions would not result in significant adverse impacts related to direct and indirect residential displacement; therefore, mitigation measures are not necessary. Please also see the response to Comment 3-13.

Comment 3-21: This rezoning plan will make it even harder to live in East Harlem. The community is already struggling to make ends meet and rezoning would lead to more residents struggling. It'll make East Harlem residents have to leave the comfort of the neighborhood they have grown to know and love. There's absolutely no way that a rezoning doesn't displace current residents and that can and will lead to more homeless residents. This

rezoning plan is not in favor of the current residents and those are the people the City should worry the most about. (Perez_014)

Response 3-21: As discussed in Chapter 3, “Socioeconomic Conditions” of the EIS, the Proposed Actions would not result in significant adverse impacts related to indirect residential displacement. The Proposed Actions would increase the supply of affordable housing in East Harlem, which would not otherwise occur absent the City’s rezoning proposal.

Comment 3-22: The displacement risk to most current East Harlem residents is very real. Yet the indirect residential displacement analysis in the DEIS makes a crucial error in only considering the potential impact on renters living in “privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rent...” This is an especially dangerous assumption in East Harlem where around 75 percent of residents live in rent-restricted housing of some kind, yet still face significant displacement pressures based on their unique situations. From harassment to neglect to the threat of federal budget cuts, tenants in rent-restricted housing in East Harlem cannot be presumed to be safe from displacement and must be considered in the indirect displacement analysis. (CDP_097)

Response 3-22: The assessment of indirect residential displacement in the DEIS follows *CEQR Technical Manual* guidance. According to the *CEQR Technical Manual*, the populations that are vulnerable to indirect residential displacement are renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations that limit rents, whose incomes or poverty status indicate that they could not support substantial rent increases. Please also see the responses to Comment 1-14 and Comment 1-73.

BUSINESS DISPLACEMENT

Comment 3-23: The Proposed Actions have raised questions concerning the risk to displacement of local businesses. (Collier_CB11_004)

Response 3-23: Chapter 3, “Socioeconomic Conditions,” of the EIS addresses the risk of both direct and indirect business displacement. The analyses find that the Proposed Actions would not result in significant adverse impacts due to direct or indirect business displacement.

Comment 3-24: The DEIS states in Chapter 3: Socioeconomic Conditions (page 3-15) that, "an estimated 209 employees in 14 private businesses could be directly displaced by the Proposed Actions." The largest industry sector that would be affected is Retail Trade, "with an estimated 149 potentially displaced employees." As stated in the DEIS, these impacts were not considered significant enough to warrant mitigation by the

City. This is disconcerting, as local business displacement came up time and again during the EHNP process, by community members who see local businesses as a crucial part of the fabric that binds this neighborhood together. (EHNPS_107)

Response 3-24: Comment noted.

Comment 3-25: The failure of the Proposed Actions to limit the width of certain commercial spaces leaves small businesses vulnerable to displacement by chain stores, banks, or other large businesses. (Collier_CB11_004)

Response 3-25: Based on the site selection criteria outlined in Chapter 1, “Project Description,” of the EIS, projected development sites were identified, and the analysis of direct business displacement in Chapter 3, “Socioeconomic Conditions,” considered the potential effects of direct business displacement that would be attributable to the Proposed Actions. The analysis found that the Proposed Actions would not have the potential to result in significant adverse socioeconomic impacts due to direct business displacement. Similarly, the EIS analysis of indirect business displacement followed CEQR Technical Manual methodology in assessing the potential effects of the RWCDs on market conditions, and found that the Proposed Actions would not result in significant adverse impacts due to indirect business displacement.

Comment 3-26: The DEIS reached the conclusion that the 14 businesses and 209 jobs that could be directly displaced by the Proposed Actions do not constitute a significant adverse impact. However, the methodology for determining significance is flawed. It does not consider how affordability between different retail and commercial venues varies, and therefore it did not assess the potential for a disproportionate impact on stores that pay relatively low rents and sell products at relatively affordable prices to low- and moderate-income residents of East Harlem. The types of these businesses that serve low- and moderate-income households (and the jobs associated with them) stand to be affected both by rising rents and by the loss of their customer base who will also likely face rising rents, but the DEIS is silent about this threat. (CDP_097)

With regard to the retail businesses that the neighborhood rezoning will likely directly displace, the DEIS casually states that “comparable products and employment opportunities would still be available in the area.” While comparable products may indeed be available, the analysis does not consider whether they would be available at similar price points as what used to be sold in a directly displaced business. As such, the DEIS analysis fails to assess the Proposed Actions’ impacts on low-income consumers in East Harlem. In the DEIS, the authors fail to meet

the commitment articulated in the Final Scope of Work (FSOW) that the DEIS “will consider how potential changes in the composition of businesses in the surrounding areas would affect existing residents (as consumers of those goods and services).” The FEIS must do so. (CDP_097)

In its analysis of indirect business displacement, the DEIS states that there is already a trend of increasing retail in the area and that the new retail that the rezoning could spur would not be enough “to accelerate ongoing trends.” This argument ignores the cumulative impact that more and more high-end retail has on a neighborhood. Just because commercial gentrification is already occurring in East Harlem does not mean that the rezoning’s potential to continue this trend is not an acceleration of ongoing trends. In fact, the opposite case can be made. There is no consideration for the price points of the new retail that is coming into East Harlem and how after a rezoning the introduction of even more high-end retail can exacerbate existing real estate pressures on businesses that sell goods and services at lower price points. (CDP_097)

Response 3-26: Assessing the price of goods sold by local businesses is beyond the scope of analysis in *CEQR Technical Manual*. There is no basis to assume that the existing or future no-action price of goods sold in the study area unusually inexpensive or that there would not be suitable opportunities for households to find similar goods or services nearby or online.

Comment 3-27: The DEIS glosses over the impact of direct business displacement is in its causal reasoning that directly displaced businesses could eventually relocate in new commercial spaces that the rezoning would create. The FSOW stated that “the DEIS will consider market forces, including rent trends, in determining feasibility of relocating in the neighborhood.” However, the DEIS falls short and does not consider how affordable these new spaces might be. (CDP_097)

Response 3-27: The analysis provided in Chapter 3, “Socioeconomic Conditions,” of the EIS notes that the Proposed Actions would introduce new commercial space “where potentially displaced firms could relocate or where new businesses and employment opportunities locate.” The ability of existing potentially displaced businesses to relocate within the study area are not a determining factor in the assessment of potential significant adverse impacts; rather, the concern is whether businesses that would be displaced provide products or services essential to the local economy that would no longer be available in their “trade areas” to local residents or businesses due to the difficulty of either relocating the businesses or establishing new comparable businesses. The EIS analysis

finds that while all of the potentially displaced businesses contribute to neighborhood character and provide value to the City’s economy because there are alternative sources of goods, services, and employment provided within the socioeconomic study area, there are alternative sources of goods, services, and employment provided within the socioeconomic study area. The EIS preliminary assessment found that the Proposed Actions would not result in significant adverse impacts due to indirect business displacement. Therefore, a detailed analysis that includes feasibility of relocation is not warranted.

COMMUNITY FACILITIES

Comment 4-1: The Proposed Actions have raised questions concerning the sufficiency of existing education facilities and the availability of social services to meet an increased population. (Collier_CB11_004)

Response 4-1: A detailed analysis of public schools was provided in Chapter 4, “Community Facilities and Services,” of the EIS and concluded that the Proposed Actions would not result in significant adverse impacts to public schools.

Comment 4-2: As the population of East Harlem is expected to increase in connection with the Proposed Actions, CB11 believes additional resources are necessary to preserve the safety of the East Harlem community.

Police resources need to be expanded to reflect the anticipated increase in the population. Yet such increased resources need to also reflect a need for effective community policing. (Collier_CB11_004)

As the population increases, CB11 expects that the police will continue to be a presence in the community but policing must avoid targeting specific populations. In addition, policing must be conducted in a manner that avoids creating the appearance of an actively policed neighborhood. Police must improve efforts at community engagement and community relations. Financial resources should be dedicated to promoting these efforts. (Collier_CB11_004)

Response 4-2: As stated in Chapter 4, “Community Facilities and Services,” of the EIS, the Community Facilities analyses follow CEQR Technical Manual methodology. The preliminary screening provided in the DEIS concluded that the Proposed Actions would not trigger a detailed analysis of potential impacts on police stations, and that no significant adverse impacts would occur.

Comment 4-3: At the public forum related to education and relevant subcommittee discussions, participants called for increased afterschool program capacity and the desire to see prioritized repair or relocation capital for

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pre-K, day care, and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building. However, there has been little discussion to further these goals. (Brewer_005)

Response 4-3: Chapter 4, “Community Facilities and Services,” of the EIS includes a detailed analysis of the Proposed Actions effect on publicly funded day care. The analysis was prepared in accordance with *CEQR Technical Manual* methodologies and concludes that the Proposed Actions would not result in significant adverse impacts. The Proposed Actions assessed in the DEIS relate to land use approvals sought to facilitate the development of affordable housing, increase economic activity, and preserve neighborhood character. Issues related to repair and capital funding associated with DOE facilities and NYCHA developments are not under DCP’s purview and are not part of the Proposed Actions.

Comment 4-4: The New York City Fire Department (FDNY) and Emergency Medical Services (EMS) must also be sufficiently staffed and provided with the necessary resources to address an increased population. (Collier_CB11_004)

Response 4-4: The analyses provided in Chapter 4, “Community Facilities and Services,” of the EIS follow *CEQR Technical Manual* methodology. The preliminary screening provided in the DEIS concluded that the Proposed Actions would not trigger a detailed analysis of potential impacts on fire stations, and that no significant adverse impacts would occur.

Comment 4-5: The Action Center aims to better serve community members by providing important programs and services, connecting them with resources, and serving as a space for residents and partners to convene, plan, and organize. Three Action Centers are now operational, which are located in East Harlem, Brownsville, and Tremont. The East Harlem Action Center occupies two physical spaces—one at 115th Street, and another smaller space at 110th St, and provides a range of co-located services, such as nutrition education, mental health services for youth and families, assistance with health insurance and SNAP enrollment, and chronic disease management. (Brown-Dudley_EHNNHAC_030)

Response 4-5: Comment noted.

Comment 4-6: In recognition of the need for more primary care services embedded in the community, the Administration has provided capital support to establish a Federally Qualified Health Center at the Action Center. The Action Center will also have a teaching kitchen for nutrition education and workforce development. We recently opened a Family Wellness

Suite to support healthy outcomes for our little New Yorkers, and designated meeting spaces for neighborhood use. Also key to the work of the Action Center are our referable specialists who link residents to neighborhood resources and better integrate public health and health care neighborhood opportunities. (Brown-Dudley_EHNSAC_030)

Response 4-6: Comment noted.

Comment 4-7: ACS oversees one of the largest subsidized child-care systems in the country, serving approximately 100,000 children from the ages of 6 weeks to 13 years old each year. We do so via our contracted system, named Earlylearn, and the provision of child-care vouchers.

Earlylearn NYC offers subsidized, high-quality care to families who earn up to 200 percent of the federal poverty level in either centers or home-based care.

In regards to East Harlem specifically, there are 28 Earlylearn center-based programs serving children from 2 to 5 years old and two family child-care networks in which children are served in home-based settings. We're excited to share that as of July 1, in response to community need, ACS has converted two classrooms at those 28 locations in order to serve more toddlers in the East Harlem community. (Grant_ACS_028)

Response 4-7: Comment noted.

SCHOOLS

Comment 4-8: Our concern about how generation rates for Upper Manhattan school children are calculated was brought to DCP's attention early on. It was also identified as part of the Lexington Gardens II application and the Draft Scope of Work for the Harlem African Burial Ground application. An analysis using ACS Public Use Microdata (PUMS) completed by a land use consultant for CB 11 shows the rate of child birth in Upper Manhattan as higher than in other areas of Manhattan. However CEQR has one generation rate for the whole borough. While the Zoning Resolution does draw a distinction between the Manhattan Core and Upper Manhattan for a host of other land use policies, this topic is exempt. The result is an underestimating of the need for future school seats. (Brewer_005)

There are concerns regarding the rezoning-neighborhood plan and how youth and school seats are counted under the current DOE use, which does not accurately account for the numbers in our community. Over the years, CB11 has drawn attention to the fact that the composition of youths in this district has consistently been different than the rest of the borough. East Harlem School District 4 has approximately 24.2 percent

students with disabilities, as compared to 18.7 percent for New York City overall, and only 18 percent of East Harlem students graduated from high school ready for college, as compared with 70 percent of students graduating on the Upper East Side. The Proposed Actions uses the school children Generation Rates in the *CEQR Technical Manual* in its analysis, which is a known error as it regards data gathered from the entire borough of Manhattan. The Final Scope of Work [sic] needs to explicitly address this error, otherwise it is intentionally undercounting the number of school children generated by the action. (Collier_CB11_004)

The ACS PUMS is a U.S. Census Bureau product that is widely considered to be the timeliest and reliable source of data for such detailed queries. Since the best data available for this kind of analysis tells us that the Manhattan Core and upper Manhattan function differently when it comes to child production, the environmental review for the East Harlem rezoning cannot use the student generation rates found in the Technical Manual because they are demonstrably incorrect. The [Draft Generic Environmental Impact Statement] (DGEIS) should evaluate the Proposed Actions impacts using student generation rates represent the different area rates of Manhattan Core and Upper Manhattan. (Collier_CB11_004)

CB11 requests that the East Harlem Rezoning EIS perform its analysis again using the ACS generation rates for Upper Manhattan only, and the Draft Scope of Work should be amended to instruct the use of these rates, and accompanied by a discussion of why the rates in the *CEQR Technical Manual* are not being used. Alternatively, the East Harlem Rezoning EIS could develop estimates based on Reasonable Worst Case unit mixes for the project. In the future, New York City should develop generation rates with at least as much sophistication as other jurisdictions in the United States, and recognize that unit mixes, unit types, tenure, affordability, and even the age of the building matters in school children generation. (Collier_CB11_004)

The FEIS should correct this flawed methodology by using a larger multiplier that reflects the pattern of larger household sizes in Upper Manhattan and East Harlem than in Manhattan as a whole. The ACS PUMS should be consulted as data sources to establish this larger multiplier. The authors cannot rely on an error in the *CEQR Technical Manual* as a means to circumvent State law. (CDP_097)

The DEIS failed to accurately project impacts. School seat projections are based on an inappropriate multiplier. The Steering Committee demands that that the projected number of school seats as a result of the Proposed Actions accurately responds to the local needs of East Harlem.

The DEIS uses a borough-wide multiplier that underestimates the amount of school seats necessary for upper Manhattan. Furthermore, East Harlem’s Community District, CD11, has higher birth rates than in other areas in the borough. To address this, the Steering Committee and EHNP stakeholders calculated a more appropriate multiplier and presented it to DCP to use in their study. Instead, the standard multiplier was applied to East Harlem and the Steering Committee worries that the Proposed Actions will lead to the overpopulation of educational facilities, many of which are already overburdened. (EHNPS_107)

Failing to accurately document the impact of the Proposed Actions on school seats. By undercounting projected development sites, the RWCD masks the amount of new housing units and people who will likely be introduced into East Harlem if the Proposed Actions are approved; in turn, the number of school seats needed to accommodate the children who will move to the neighborhood. The FEIS must accurately reflect the potential increase in housing units and its impact on school seats. (CDP_097)

Response 4-8:

A detailed analysis of public schools was provided in Chapter 4, “Community Facilities and Services,” of the EIS. Student generation rates used for the detailed analysis of public schools is based on the multipliers set forth in the *CEQR Technical Manual*, which recommends the use of borough-based multipliers for estimating the number public school students when conducting a detailed analysis of public schools. The multipliers are provided by the New York City School Construction Authority (NYCSCA) and represent the average number of students generated per unit.

Comment 4-9:

This [*CEQR Technical Manual*] methodology indicates that even if the collective utilization rate is greater than 100 percent, so long as the difference is not greater than five percent, the Proposed Actions is not considered a significantly adverse impact. However, a utilization rate greater than 100 percent suggests that there is overcrowding in schools, thus adding even one percent is exacerbating the existing condition. Using this methodology does not adequately justify that there isn’t significant adverse impact to the study area. (Collier_CB11_004)

Based on 2015–2016 School Year Enrollment Capacity and Utilization Report produced by the DOE, Elementary and High School target utilization rates in Community School District 4 have both exceeded 100 percent. Thus, any additional load of students will aggravate the current condition. This is precisely why the current methodology fails to justify the Proposed Actions will not have a significantly adverse impact to the neighborhood. (Collier_CB11_004)

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- Response 4-9:** The assessment of significant adverse impacts is based on *CEQR Technical Manual* methodology and is used for the detailed analysis of public schools all rezoning actions in New York City.
- Comment 4-10:** There is no data provided that addresses the current infrastructure of the district’s schools. (Collier_CB11_004)
- Response 4-10:** As noted in Chapter 4, “Community Facilities and Services,” of the EIS, the community facilities and services analyses assess the potential impacts of the Proposed Actions, including potential for significant adverse impacts to public school capacity. Existing enrollment, capacity, available seats, and utilization for each school within the subdistricts are provided in Tables 4-2, 4-3, and 4-4.
- Comment 4-11:** There is no plan to boost opportunities for East Harlem students and young adults to access the Career and Technical Education opportunities in their own community board area. (Brewer_005)
- For those schools that are not community schools, ways to increase resources for social/emotional services and academic remediation have not been identified. (Brewer_005)
- Response 4-11:** As noted in Chapter 4, “Community Facilities and Services,” of the EIS, the community facilities and services analyses assess the potential impacts of the Proposed Actions on community facilities and services, which are defined in the 2014 *CEQR Technical Manual* as public or publicly funded schools, child care centers, libraries, health care facilities, and fire and police protection services. Educational facilities outside of public or publicly funded schools is beyond the scope of CEQR.
- Comment 4-12:** District 4 will have eight Community Schools, including the three new schools—P.S. 83 Luis Munoz Rivera, P.S. 108, and M.S. 372 Esperanza Preparatory Academy School—added in direct response to the needs of the community and the EHNP. All eight Community Schools are funded through the DOE and leverage diverse federal, state, and City funding streams to ensure sustainability. The CBOs are, respectively, City Year, The Leadership Program, and Union Settlement.
- The five existing Community Schools are P.S. 50, P.S. 96, Renaissance School of the Arts, Coalition for Social Change, and The Heritage School. Their partner CBOs are The Children’s Aid Society, Global Kids, Partnership with Children, and Columbia University’s Teachers College. In addition to the Community School strategy, a number of District 4 schools receive resources through other City agencies, such as the Beacon and COMPASS/SONYC after school programs managed by

the Department of Youth and Community Development. These partnerships help to strengthen our schools by helping increase student attendance and improve academic performance. (Renwick_DOE_029)

Response 4-12: Comment noted. The analysis of public schools contained in Chapter 4, “Community Facilities,” of the EIS takes into account the schools referenced in the comment.

Comment 4-13: The *CEQR Technical Manual* does not account for After School program needs that will continue to be missing for older students if the City does not address this issue by building the capacity of local organizations to provide these services to the community. This is a shame given that research has proven that participation in after school programming boosts children’s academic performance, reduces criminal behavior and drug use, and contributes to increased physical activity. <http://youth.gov/youthtopics/afterschool-programs/benefits-youth-families-and-communities>. The city would be wise to consider facility needs for After School Programming in its calculations particularly in neighborhoods like East Harlem, where the vast majority of youth continue to fall beneath grade level expectations, and far above city averages for criminal activity, drug use, childhood obesity, and diabetes. (EHNPS_107)

Response 4-13: Comment noted.

OPEN SPACE

Comment 5-1: The City’s Proposed Actions permit a drastic increase in residential density, which will greatly increase the use of what open spaces currently exist and will also incentivize the use of land for maximum profit, which in turn will require the vigilant safeguarding of East Harlem’s parks and open spaces. Indeed, this is a time for the City to engage in active planning to improve and expand CD11’s open spaces. (Collier_CB11_004)

Response 5-1: The increase in the residential and worker populations attributable to the Proposed Actions was assessed in the DEIS Chapter 5, “Open Space,” which determined that the Proposed Actions would not result in significant adverse impacts to open space. Understanding the importance of planning for open space in East Harlem, NYC Parks has begun work on conceptual design of the Harlem River Park Greenway Link, an 11-acre waterfront parcel between E. 125th and E.132nd Streets. In addition, through its Community Parks Initiative, NYC Parks has capital projects at White Playground, Martin Luther King Jr. Playground, James Weldon Johnson Playground, and Playground 103 that are either completed or under way.

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- Comment 5-2:** According to the *CEQR Technical Manual*, a proposed action may result in a significant adverse direct impact on any specific open space resources if there would be direct displacement/alteration of existing open space. Eugene McCabe Field is a jointly operated playground adjacent to P.S. 79 within the areas that [are] subject to rezoning by the Proposed Actions. Although there are no specific development plans for Eugene McCabe Field, the proposed high density rezoning will bring development pressures that may change the playground's use in the future. (Collier_CB11_004)
- Response 5-2:** Eugene McCabe Field is a Jointly Operated Playground under public ownership that serves the adjacent school and general public. It is not a redevelopment site and its use as a public recreation resource would not change. As discussed in Chapter 6, "Shadows," the Proposed Actions would result in significant adverse shadow impact on Eugene McCabe Field.
- Comment 5-3:** Acknowledging the great opportunity of East Harlem's waterfront, NYC Parks has begun work on a conceptual design of the unbuilt 11-acre portion of Harlem River Park between E.125th and E.132nd streets. We held our first public meeting to hear the community's priorities for this important waterfront opportunity site on July 12. We are now working with our consultants to develop design alternatives for this site. We will be meeting with the public again at our second community meeting on September 19, and will produce a final plan at the end of the year. Recognizing the issues of coastal flooding and drainage facing this community, we are also working closely with the Mayor's Office of Recovery and Resiliency to carry out a coastal and social resiliency study of East Harlem. Work will begin in winter of this year. (Molinari_NYCParks_032)
- Response 5-3:** Comment noted.
- Comment 5-4:** Our community's open spaces require significant capital investments: There is an urgent need for more comfort stations at our local parks, particularly at the Harlem River Park sports fields; and, Pier 107 needs to be replaced. (Hogan_NYRP_027)
- Response 5-4:** Through its Community Parks Initiative, NYC Parks has invested in capital projects, either recently completed or currently underway, at White Playground, Martin Luther King Jr. Playground, James Weldon Johnson Playground, and Playground 103. NYC Parks has begun work on a conceptual design of the Harlem River Park Greenway Link, an 11-acre waterfront parcel between E. 125th and E. 132nd Streets.

East Harlem Rezoning

NYC Parks has heard clearly from the community the need for a comfort station within Harlem River Park, and is working with City partners to explore the feasibility and opportunities for funding to build a comfort station at this site.

NYC Parks is planning interim improvements for the 107th Street Pier, which includes removing the pavilion, fencing of the structurally deficient eastern half of the pier, and temporarily restoring the western half to allow for safe public use.

Comment 5-5: This administration needs to work with local conservancy partners to support maintenance and stewardship in East Harlem parks. Conservancies are integral to leveraging additional funding and programming and need to be better activated in the care of our parks. (Hogan_NYRP_027)

Response 5-5: NYC Parks encourages the stewardship of parks and open spaces, and work through Partnerships for Parks to provide support to community groups and increase stewardship capacity.

Comment 5-6: Because of the limited amount of open space in the project area, MAS urges the City to pursue options for improving existing and creating new open space to accommodate the demands of the existing and future population of the project area. To improve area open space, MAS suggests that the DCP integrate the recommendations in the EHNP. (MAS_009)

Response 5-6: The City is actively pursuing open space projects that integrate the recommendations in the EHNP, including the implementation of a design process for the Harlem River Park Greenway Link site, located between East 125th and East 132nd Streets and the kick off the East Harlem Resiliency Study for the waterfront, from East 92nd to East 154th Streets, and upland areas within the floodplain. In addition, the existing community gardens City-owned property at Park Avenue at E. 11th Street will be either relocated or reconstructed on-site and enhanced with public amenities in connection with the proposed Sendero Verde development.

Comment 5-7: Based on the City-owned and Leased Properties dataset (COLP), 49 sites comprising a total of almost 4 acres within the rezoning study area are City-owned and classified as having “no current use.” Given the significant amount of underutilized property, we recommend that DCP examine these sites as potential locations for new park space. Moreover, given their relative concentration towards the northern section of the rezoning boundaries (between 122nd–126th Streets and Third–Park

Avenues), MAS encourages the city to examine the potential of creating an integrated network of park space. (MAS_009)

Response 5-7: In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the “City’s Neighborhood Initiative”). As noted in Chapter 1, “Project Description,” of the FEIS, this approach includes the Proposed Actions and investments in a wide range of City programs, services, infrastructure, and amenities to help foster a thriving community. In an effort to improve the quality and access to open spaces in East Harlem, NYC Parks continues to engage residents in the planning and design process for a number of initiatives they have in the district, including the creation of an open space plan. NYC Parks, through its Community Parks Initiative, also has four capital projects where smaller neighborhood parks will be improved.

Comment 5-8: NYRP takes issue with the classification of the East River Esplanade as in “good condition.” (Hogan_NYRP_027)

Response 5-8: Some portions of the East River Esplanade are in disrepair and the overall condition is highly variable depending on specific locations. Accordingly, Table 5-4 in the EIS has been revised to indicate the variable condition of the East River Esplanade (Map No. ID 40) as “Good to Poor.”

Comment 5-9: Rezoning or no rezoning, the East Harlem community needs to be better served in open space. This includes improvements to the East River Esplanade, Harlem River Drive Park, Thomas Jefferson Park, Marcus Garvey Park, and greater investment in community gardens and NYCHA grounds. (Hogan_NYRP_027)

Response 5-9: In response to the recommendations put forth by the EHNP Steering Committee and concerns raised by the community, the City took a comprehensive approach to address neighborhood needs (the “City’s Neighborhood Initiative”). As noted in Chapter 1, “Project Description,” of the FEIS, this approach includes the Proposed Actions and investments in a wide range of City programs, services, infrastructure, and amenities to help foster a thriving community. In an effort to improve the quality and access to open spaces in East Harlem, NYC Parks continues to engage residents in the planning and design process for a number of initiatives they have in the district to improve quality and access to open space in the neighborhood.

Recognizing the importance of the East River Esplanade as an asset to the community, NYC Parks is currently making needed repairs to

segments between 114th and 117th Streets and at 125th Street. NYC Parks has also begun work on a conceptual design of the Harlem River Park Greenway Link, an 11-acre waterfront parcel between E. 125th and E. 132nd Streets. At Harlem River Park, NYC Parks has heard clearly from the community of the need for a comfort station and is working with City partners to explore the feasibility and opportunities for funding to build a comfort station at this site. Capital projects are now underway at Thomas Jefferson Park to build a new skate park, and at Marcus Garvey Park to reconstruct the historic fire watchtower. NYC Parks has also invested through its Community Parks Initiative in capital projects, either recently completed or currently underway, at White Playground, Martin Luther King Jr. Playground, James Weldon Johnson Playground, and Playground 103.

Comment 5-10:

As part of the open space inventory, the DEIS identifies the 5.86-acre East River Esplanade between 96th Street and 125th Street within ¼-mile of the project area. Although it is included in the inventory, the DEIS does not address the condition of the East River Esplanade or the limited access residents and workers in the project area have to it. For example, between 96th and 125th Streets there are only four entry points to the esplanade (Stanley Isaacs Playground, Playground 103, Jefferson Park, and 120th street). (MAS_009)

Since the DEIS uses the acreage of the esplanade in its open space ratio calculations and the amount of open space in the project area is less than the city average, we urge the city to commit to enhancing access to the East River Esplanade through improved wayfinding, signage, pedestrian bridges, new entry points, expanded bike lanes, and enhanced landscaping. More importantly, in its current state, the East River Esplanade is in dire need of repair and maintenance. The 2014 CIVITAS East River Vision Plan, funded by the New York Community Trust and New York City Council, identified numerous issues including, but not limited to, deterioration of the structure, sinkholes, poor condition of the Pier 107 pavilion, a lack of basic amenities such as restrooms, poor upkeep, and the separation of pedestrian and bike lanes. The East River Esplanade is also a vital link in the East River Greenway. Based on these conditions, we urge the city to commit to addressing the necessary repairs and upgrades to this important resource. (MAS_009)

Response 5-10:

Some portions of the East River Esplanade are in disrepair and the overall condition is highly variable depending on specific locations. Accordingly, Table 5-4 in Chapter 5, “Open Space,” of the EIS, has been revised to indicate the variable condition of the East River Esplanade (Map Np. ID 40) as “Good to Poor.”

Recognizing the importance of the East River Esplanade as an asset to the community, NYC Parks is currently making needed repairs to segments between 114th and 117th Streets and at 125th Street. The Randall’s Island Park Alliance is also developing a strategic plan for the redevelopment, stewardship, and programming of the East Harlem Waterfront. Pedestrian access point to the esplanade are somewhat limited due to the intervening FDR Drive, however, the access points are evenly distributed and located between six and nine blocks apart from on another.

Comment 5-11: The East Harlem Community also needs new open space. We are enthusiastic about the opportunity posed by the new Harlem River Greenway Link from 125th to 132nd Streets. New use of this 11-acre site will be deeply impactful for our community but significant investments are needed for this ambition to be realized. (Hogan_NYRP_027)

Response 5-11: Comment noted.

Comment 5-12: Accessibility to the waterfront and resilient design—Investments are needed to support access to Randall’s Island’s 125th and 103rd Street entrances. This includes wayfinding, programming promotion, and better pedestrian/cycling planning. (Hogan_NYRP_027)

Response 5-12: NYC Parks is working with the Mayor’s Office of Recovery and Resiliency to carry out a coastal and social resiliency study of East Harlem which is expected to begin this winter. The study aims to reduce the risk of coastal flooding, improve upland drainage, and improve publicly accessible open space. The Randall’s Island Park Alliance is also developing a strategic plan for the redevelopment, stewardship, and programming of the East Harlem Waterfront.

Comment 5-13: The DEIS references “ameliorating factors” that purportedly improve access to open space across the neighborhood. These include open spaces available at NYCHA campuses and Central Park but they are problematic assumptions. NYCHA desperately needs capital investments to grounds and open spaces before its usership can be expected to increase in any meaningful way. Central Park is also already overburdened by use with 25 million annual visitors. (Hogan_NYRP_027)

Response 5-13: The open space associated with the NYCHA developments and the larger amenities associated with Central Park (portions of Central Park located beyond the study area) are discussed qualitatively in the open space analysis presented in Chapter 5, “Open Space,” of the EIS. The quantitative analysis of open space did not account for the acreage

associated with these open spaces. Although some of the NYCHA open spaces are in need of improvement, the spaces are utilized by NYCHA residents and it is reasonable to assume that some NYCHA residents would continue utilize these spaces for active or passive recreation in the future with-action scenario.

Comment 5-14: We disagree with the statements in the DEIS that “most of the non-residential study area open spaces are in good condition.” Significant investments are needed in our community’s open spaces. Thomas Jefferson Park and Marcus Garvey Park are heavily used and generally well-maintained, but they require significant capital investments (i.e., comfort stations) and increased investments in maintenance. (EHNPS_107)

Response 5-14: The City acknowledges the need for adequate investment to improve and maintain public open spaces within the community. As discussed in Chapter 1, “Project Description,” of the FEIS, the City’s Neighborhood Initiative includes the Proposed Actions and investments in a wide range of City programs, services, infrastructure, and amenities to help foster a thriving community. In an effort to improve the quality and access to open spaces in East Harlem, NYC Parks continues to engage residents in the planning and design process for a number of initiatives they have in the district to improve quality and access to open space in the neighborhood. Capital projects are now underway at Thomas Jefferson Park to build a new skate park and at Marcus Garvey Park to reconstruct the historic fire watchtower. NYC Parks has also invested through its Community Parks Initiative in capital projects, either recently completed or currently underway, at White Playground, Martin Luther King Jr. Playground, James Weldon Johnson Playground, and Playground 103.

Comment 5-15: We disagree with condition classification of “good” for the following parks:
The East River Esplanade has crumbling infrastructure and needs major repairs.
Pier 107
Harlem River Drive Park at beginning of lengthy development process. (EHNPS_107)

Response 5-15: Please see the response to Comment 5-10. NYC Parks is planning interim improvements for the 107th Street Pier, which include removing the pavilion, fencing off the structurally deficient eastern half of the pier, and temporarily restoring the western half to allow for safe public use.

Comment 5-16: A major shortcoming of the DEIS relevant to open space was DCP's study area. Because the rezoning exempts East of Second Avenue and below East 104th Street, these areas will lack context. This incongruence will also carry over to Thomas Jefferson Park, the East River Esplanade, and possibly Marcus Garvey if continued west. If DCP considered upzoning First Avenue, it would connect residents to their waterfront, their green space, and the Randall's Island connector. It is of the utmost importance that DCP revitalizes the connection between East Harlem's residents and their open space. (Hogan_NYRP_027)

Response 5-16: The open space analysis contained in Chapter 5, "Open Space," of the EIS follows *CEQR Technical Manual* methodologies and was prepared in coordination with DCP as lead agency and NYC Parks. The residential and non-residential open space study areas were determined based on the boundaries of the rezoning area. The easternmost boundary of the rezoning area is generally Second Avenue. Marcus Garvey Park, Thomas Jefferson Park, and the East River Esplanade were included in the open space analysis presented in the DEIS.

HISTORIC AND CULTURAL RESOURCES

Comment 7-1: The administration's proposal lacks concrete ways to preserve architecture, arts, and culture in East Harlem. Preserving these assets from the impact that new development might have on visual aspects of neighborhood history has always been a priority for the community. In our plan and subsequent public hearings residents noted it as a top concern. We had hoped to engage in a thorough review of the sites proposed by the EHNP and by LEH or discuss ways the City can continue to explore more culturally and historically relevant designations such as was accomplished with Stonewall Inn. Review and work by the [New York City Landmarks Preservation Commission] (LPC) should have been occurring as this application progressed. It is incredibly disappointing that this work was not seen as a priority despite my continued calls since the beginning of my tenure as Borough President for parity for Northern Manhattan in the consideration of landmark designations. (Brewer_005)

Response 7-1: Chapter 7, "Historic and Cultural Resources," of the EIS identifies significant historic and cultural sites in East Harlem. The assessment of historic and cultural resources contained in the DEIS was approved by the DCP and reviewed in detail by the LPC.

Comment 7-2: CB11 has concerns that the excess floor area from the Landmarked building at the northwest corner of 125th Street and Park Avenue will be shifted to the vacant site abutting the landmark to the north, allowing

a new building in the proposed 12 FAR district to be too tall for the area. (Collier_CB11_004)

Response 7-2:

As discussed in Chapter 7, “Historic and Cultural Resources,” of the EIS, development on Projected Development Site 8, which is adjacent to the Mount Morris Bank building to the north, would not result in significant adverse contextual impacts. Although development on Projected Development Site 8 would be taller under the Proposed Actions, it would be located behind the historic bank building with a limited visual connection. New development on Projected Development Site 8 would not obscure the resource’s principle architectural features, which are located on its primary façades fronting East 125th Street and Park Avenue. Furthermore, the rear of the Mount Morris Bank building (north façade) is a plain brick wall.

Comment 7-3:

LEH has compiled a list of buildings [including notations for what we consider to be urgently “at risk” buildings) and historic districts for evaluation by the LPC. We strongly urge the DCP to consider the effects of its plan on these endangered properties before any rezoning takes effect in East Harlem. Development pressures already threaten many of these irreplaceable properties. East Harlem cannot afford to lose any more pieces of the neighborhood’s history.

Rezoning area: 124 East 124th Street; PS 7; Saint Paul’s Roman Catholic Church; Saint Paul’s Rectory and School; Casa Latina Music Store; and Fiorello LaGuardia Political Association.

Study area: Portion of Mt. Morris Historic District; 4-12 East 125th Street; 1944 Madison Avenue; Fire Hook and Ladder No. 14; Former Harlem Savings Bank (Apple Bank); New York Public Library—125th Street Branch; 205 East 124th Street; Former New York City Telephone Company; Former Stable; Chambers Memorial Baptist Church; Elmendorf Reformed Church; Sylvan Court Historic District; Harlem Courthouse; Former Richard Webber Market; and First Sharon Baptist Church (formerly East Harlem Presbyterian Church).

Architectural resources south of East 116th Street:

Rezoning area: Vito Marcantonio House; Leonard Covello House; 204 East 116th Street; Former Democratic Club of the Sixteenth Assembly; Park Avenue Viaduct; and PS 27.

Study area: Banca Commerciale Italiana; Former Synagogue; Hook and Ladder 48 (Engine Company 91); Former Congregation Uptown Talmud Torah Synagogue and School/Formal Commander John J. Shea Memorial School; New York Public Library—Aguilar Branch; Manhattan Odd Fellows Temple; Saint Cecilia’s Convent; Saint

Cecilia's Church; Fire Engine Company No. 53; 28th Police Precinct Station House; and Former German Evangelical Lutheran Church.

Individual landmarks in East Harlem proposed to the LPC: Church of Our Lady of Mount Carmel; Church of Our Lady Queen of Angels; Church of the Lord Jesus Christ of the Apostolic Faith; First Spanish United Methodist Church; Holy Tabernacle Church; Asambleas de Iglesia Pentecostal de Jesucristo; Christ Apostolic Church of USA; Elmdorf Reformed Dutch Church; Holy Rosary Church; R.G. Ortiz Funeral Home; 2256 Second Avenue; Manhattan Center for Science and Math; Former PS 102; Ferguson Plumbing; Rao's Restaurant; Shop Fair Supermarket; Casa Latina Music Store; The Lee Building; 1922 Third Avenue/176 East 106th Street; Taino Towers; 208 East 116th Street; Sylvan Court (Sylvan Court Mews); 502 East 118th Street; East Harlem Health Center; Carver Amphitheatre; and Harlem Art Park. (LEH_024)

Response 7-3:

The analysis and inventory of officially recognized ("designated and eligible") architectural resources and potential architectural resources presented in Chapter 7, "Historic and Cultural Resources," of the EIS, follow *CEQR Technical Manual* methodologies and were prepared in coordination with DCP as lead agency and the LPC. The LPC is in receipt of the list of properties provided by the community group Landmark East Harlem dated 8/23/17. The list was in two parts, the first is a reproduction of the list of properties included in the EIS. The second list included 27 properties, 9 of which are included in the EIS, 10 properties outside the project area, and 8 properties that are in the project area but do not appear to be National Register nor LPC eligible. The EIS analysis concluded that the Proposed Actions would result in significant adverse construction-related impacts to four S/NR-Eligible architectural resources, including St. Paul's Rectory and School, Chambers Memorial Baptist Church, a former stable at 166 East 124th Street, and the Park Avenue Viaduct.

As stated in Chapter 23, "Unavoidable Adverse Impacts," of the FEIS, the viability of mitigation measures were explored between the DEIS and FEIS and no feasible mitigation was identified; therefore these significant adverse impacts would be unavoidable. It was however determined in consultation with HPD that development sites within 90 feet of the Park Avenue Viaduct and currently owned in part by the City (i.e., Sites 4, 10, and 69) would be required to implement a Construction Protection Plan to protect from inadvertent construction-related damage to the Park Avenue Viaduct. The Department of City Planning did explore possible mitigation measures specific to the Park Avenue Viaduct for the non-City development sites with the Landmarks Preservation Commission (LPC) between DEIS and FEIS. As no

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feasible mitigation was identified with respect to non-City owned sites, the significant adverse construction impacts to the four S/NR-Eligible architectural resources would be unavoidable.

Comment 7-4: [With] the East Midtown Proposal, I want to thank LPC. It was done concurrently, and it made for a much better final product. I don't know why it's not possible now. But I have to say they a wonderful job on East Midtown. Every single proposal for a landmark was reviewed. And, at the same time, it was before we did the final recommendation. (Brewer_063)

Response 7-4: Comment noted.

Comment 7-5: A lot of buildings in East Harlem need to be preserved. There are several landmarks and potential landmarks in the neighborhood that can be made; however, this rezoning, more or less, tarnishes a lot of the efforts underway and provides us with the lowest or even no more landmarks. (Rahman_079)

Response 7-5: LPC identified a number of culturally significant resources as National Register-eligible and LPC eligible properties. The agency will consider designation of eligible properties in the context of the agency's priorities in all five boroughs.

Comment 7-6: From the beginning of this process, local residents and steering committee members insisted that a preservation plan for East Harlem's cultural and architectural features was critical to supporting any plan for new growth. Subsequent discussions with the LPC and Administration officials have not yet yielded any concrete results despite our elevating this objective as a priority with the release of the plan and in subsequent meetings with the City. (EHNPSC_107)

Response 7-6: LPC identified a number of culturally significant resources as National Register-eligible and LPC eligible properties. The agency will consider designation of eligible properties in the context of the agency's priorities in all five boroughs.

Comment 7-7: The assumed development of First Spanish United Methodist Church is troubling given its critical historic prominence as a pivotal piece of Young Lord history. It is important sites like this that are considered unusual proposals to the LPC due to the possibility of the site's usage being changed. However, we implore the city to dialogue with local organizations to develop alternative means of preservation of these sites. (EHNPSC_107)

Response 7-7: Comment noted.

Comment 7-8: The City (namely LPC) should seriously consider the sites suggested by the Arts and Culture subgroup for landmark preservation, to ensure the sites of cultural significance that have been defined by the community, remain as testaments to the rich history of East Harlem for as long as possible. The City should also work with stakeholders to develop policy initiatives that protect sites the LPC will not preserve due to structural and historical lacunas within said agency. (EHNPS_C_107)

Response 7-8: LPC identified a number of culturally significant resources as National Register-eligible and LPC eligible properties. The agency will consider designation of eligible properties in the context of the agency's priorities in all five boroughs.

URBAN DESIGN AND VISUAL RESOURCES

Comment 8-1: On the Park Avenue corridor, DCP mandates that seventy percent of a street wall has to be located eight feet within the street line to promote contiguous design but this regulation paired with the very dense R10 district will likely result in a cramped corridor burdened by shadow. This will create a very different pedestrian experience and drastically change the quality of this area to something beyond recognition. The DEIS does not call for mitigation that would ensure appropriate air, light, and shadows along these corridors. (EHNPS_C_107)

Response 8-1: As concluded in Chapter 8, "Urban Design and Visual Resources," of the EIS, the Proposed Actions would not result in significant adverse impacts related to urban design; therefore mitigation is not required. The Proposed Actions are expected to improve urban design conditions by replacing the large, vacant lots along Park Avenue with new retail space, enlivening the streetscape, and enhancing pedestrian safety.

Comment 8-2: On Third Avenue, DCP is proposing to rezone East Harlem's contextual districts from C4-4D and R8A (rezoned in 2003, the same time and density of the Park Slope rezoning of 4th Avenue) to C4-6 and R10/C2-5. If this rezoning goes is adopted, the contextual requirement will be lifted yielding towers along Third Avenue that the Steering Committee believes will be drastically out of scale. (EHNPS_C_107)

The warehousing (holding of vacant residential units) concentrated along Third Avenue, and primarily by one owner, has been a blight on the community for decades and it is concerning that the DEIS did not address this housing stock in the context of urban design impacts. (EHNPS_C_107)

Response 8-2: As noted in Chapter 8, "Urban Design and Visual Resources," of the EIS, a detailed urban design assessment was prepared in accordance with the methodologies outlined in the CEQR Technical Manual. The

assessment concluded that while the buildings that could be built under the Proposed Actions could be much taller than the existing buildings in the area, they would be similar in scale to other new buildings. New developments would be concentrated along major avenues, preserving the low-rise character of the smaller cross streets, particularly north of East 125th Street where contextual zoning would be applied to ensure that new infill development complements the existing residential character by promoting consistent building height and size.

Comment 8-3: The DEIS found that “a number of existing murals could potentially lose their visibility, due to adjacent development, or be removed as a result of development expected under the With Action Condition, but vibrant street art is expected to continue to be incorporated into the neighborhood.” It is unclear why it was concluded that the vibrant street art is expected to continue, since materials and labor come at a cost that is not guaranteed into the future. To ensure that this important cultural asset of the community continues to expand, the City must commit to supporting local artists and cultural organizations. A great first step toward that end would be to select East Harlem as the next neighborhood for DCLA’s Building Cultural Capacity Program. (EHNPS_C_107)

Response 8-3: As concluded in Chapter 8, “Urban Design and Visual Resources,” of the EIS, a number of existing murals could potentially lose their visibility, due to adjacent development, or be removed as a result of development expected under the With Action Condition, but vibrant street art is expected to continue to be incorporated into the neighborhood. While it is true that materials and labor have a cost, it is expected that the neighborhood’s diverse culture and history will continue to be expressed through art, including through the paintings of murals. The Building Cultural Capacity Program’s goal is to ensure that neighborhood organizations are able to increase their cultural programming and integrate into community-development efforts in a manner that is sustainable. While the program is very important one, it is beyond the scope of the Proposed Actions.

WATER AND SEWER INFRASTRUCTURE

Comment 11-1: The DEIS found no impact on water and sewer infrastructure, solid waste, and sanitation services, a finding that is implausible given that such problems occur in the neighborhood under existing conditions. (Brewer_005)

Response 11-1: As noted in Chapter 11, “Water and Sewer Infrastructure,” of the EIS, the Proposed Actions were assessed in accordance with *CEQR Technical Manual* methodologies. No significant adverse impacts

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associated with water and sewer infrastructure attributable to the Proposed Actions were identified in the DEIS.

Comment 11-2: The Proposed Actions have raised questions concerning the suitability of existing infrastructure. (Collier_CB11_004)

Response 11-2: Chapter 11, “Water and Sewer Infrastructure,” of the EIS assesses the potential for the Proposed Actions to result in significant adverse impacts to water supply and stormwater management systems. The assessment is based on *CEQR Technical Manual* methodologies and concludes that the Proposed Actions would not result in significant adverse impacts.

Comment 11-3: We believe that green infrastructure design should be included in any public realm improvements that DCP considers, including RFPs for public sites. We would also like to see an outreach effort that focuses on DEP Green Infrastructure Grant Program targeted at East Harlem property owners, especially for new construction. (Hogan_NYRP_027)

Response 11-3: Comment noted.

Comment 11-4: All new development sites shall be LEED-certified buildings and retain all stormwater on site. Stormwater will not be allowed to enter the combined sewer system or direct stormwater discharges to water bodies. (Adams_CIVITAS_041)

Response 11-4: LEED-certification would not be required under the Proposed Actions, as there is not mechanism to require it. All new construction and substantial rehabilitation projects receiving funding from HPD must comply with Enterprise Green Communities Criteria (EGCC), which constitutes the only comprehensive green building framework designed for affordable housing. The criteria provide proven, cost-effective standards for creating healthy and energy-efficient homes.

As discussed in Chapter 11, “Water and Sewer Infrastructure,” of the EIS, a broad range of BMPs could be implemented on the development sites within the Project Area to facilitate stormwater source controls and limit the stormwater release rate to the required 0.25 cfs or 10 percent of the allowable flow per the drainage plan, whichever is greater. For each Projected Development Site, developers would be required to incorporate BMPs to limit stormwater from the site to the sewer system to the greater of 0.25 cfs or 10 percent of the allowable flow. To achieve this release rate, stormwater could be managed by utilizing one or a combination of detention or infiltration techniques identified in the NYC Green Infrastructure Plan. Green technologies, such as green roofs and blue roofs, subsurface detention and infiltration, and permeable

pavement, would retain or release stormwater with slowed discharge rates to control peak runoff rates. Trees planted per the City's street tree requirement could also be utilized to capture and store water below an enhanced tree pit.

Comment 11-5: Infrastructure upgrades should be accounted for on new development sites and adjacent public surfaces to reduce storm water runoff and CSO discharges. (Adams_CIVITAS_041)

Regarding storm water and drainage management issues, we remain concerned that this assessment does not sufficiently prepare for the accelerating impact of climate change and urban heat island effect. That is why we recommended that the City incorporate storm water management infrastructure in playground renovations as a way to develop more capacity for retention. This could also be done with a study of existing underground streambeds along East Harlem streets and through large properties. At those places where city-owned property these natural nodes meet, we can prioritize green infrastructure more maximum results. These ideas not explored in the DEIS as mitigations. (EHNPS_107)

Response 11-5: As discussed in Chapter 11, "Water and Sewer Infrastructure," of the EIS, new developments would be required to incorporate Best Management Practices (BMP) to limit stormwater from the site to the sewer system to the greater of 0.25 cfs or 10 percent of the allowable flow. The increased flow to the combined sewer system would be a direct result of the increased densities and sanitary flows associated with the RWCDs for the Proposed Actions. The implementation of low-flow fixtures, as per the New York City Plumbing Code, Local Law 33 of 2007, and EPA's WaterSense Program, would help to control sanitary flows. To further offset these increases, on-site stormwater control measures of BMPs would be implemented to retain or slowly release stormwater runoff with controlled discharge rates to the City's combined sewer system. Stormwater could be managed by utilizing one or a combination of detention or infiltration techniques identified in the NYC Green Infrastructure Plan. Green technologies, such as green roofs and blue roofs, subsurface detention and infiltration, and permeable pavement, would retain or release stormwater with slowed discharge rates to control peak runoff rates. Trees planted per the City's street tree requirement could also be utilized to capture and store water below an enhanced tree pit. These BMPs, among other potential measures, would help to avoid an exacerbation of existing CSO discharge.

Comment 11-6: DCP's DEIS did not identify significant adverse impacts related to water and sewer infrastructure. The DEIS found that the rezoning would

have no impact on water and sewer infrastructure. The reason for this is that DCP is not accounting for current conditions. There are major improvements to be made and low-cost options available that can begin to improve the environment, such as bioswales or rain gardens. The DEIS found no impact on sanitation and solid waste services as well. Currently, there is a waste transfer station in need of redevelopment, causing health issues, which was not mitigated. (EHNPS_107)

Response 11-6: As noted in the comment, the EIS assessed the potential for significant adverse impacts associated with water and sewer infrastructure in accordance with *CEQR Technical Manual* guidance. The analysis concludes that no significant adverse impacts would occur.

SOLID WASTE AND SANITATION SERVICES

Comment 12-1: The DEIS found no impact on water and sewer infrastructure, solid waste, and sanitation services, a finding that is implausible given that such problems occur in the neighborhood under existing conditions. (Brewer_005)

Response 12-1: The Proposed Actions were assessed in accordance with *CEQR Technical Manual* methodologies. No significant adverse impacts associated with solid waste and sanitation services attributable to the Proposed Actions were identified in the DEIS.

Comment 12-2: The community has received no commitment for a consolidated state of the art sanitation garage, though the DSNY Commissioner expressed interest in doing so at the City Council hearing on the District 11 garage on July 27, 2017. (Brewer_005)

Response 12-2: The Proposed Actions involve discretionary land use approvals under the purview of the CPC. Department of Sanitation facilities, including sanitation garages, are beyond the scope of the DEIS and are not part of the Proposed Actions.

Comment 12-3: CB 11 believes that additional resources are necessary to address inadequate sanitation infrastructure and to mitigate poor air quality. The expected population growth connected to the Proposed Actions will undoubtedly increase strain on outdated sanitation infrastructure, which, in its current state, exacerbates asthma related illness and vermin. According to the EIS, development resulting from the Proposed Actions would generate approximately 133.3 additional tons per week of solid waste, of which approximately 55 percent (73.1 tons) would be handled by the DSNY. The increase in solid waste generated by the Proposed Actions translates to over 17 additional truckloads per week of solid waste. Air pollution from sanitation garages and trucks in the community should be mitigated by permanently relocating the M- 10

Sanitation Garage located on 131st Street and Park Avenue, which is in direct violation of the City's Fair Share Mandate. CB 11 believes the M-10 garage should be relocated to Central Harlem, the neighborhood it serves, in order to avoid further environmental and health damage to the East Harlem community. (Collier_CB11_004)

The M-11 Sanitation Garage, which is currently adjacent to Metro East 99th Street, an affordable housing complex for seniors, continues to cause high rates of airborne particulate matter. It is CB11's position that the City should dedicate resources necessary to fund the construction of a consolidated sanitation garage for the CB11 catchment area, using best practices in environmental controls including a fully enclosed sanitation garage in addition to upgrading the entire sanitation fleet. (Collier_CB11_004)

Response 12-3:

Comment noted. As stated in Chapter 12, "Solid Waste and Sanitation Services," of the EIS, an assessment of solid waste/sanitation services is a density-based technical analysis. The analysis describes existing and future New York City solid waste disposal practices, including the collection system and disposal methods; estimates the solid waste generated by activities on the Project Area under Existing Conditions and in the No Action Condition for the 2027 analysis year. The analysis also forecasts solid waste generation based on rates for typical land uses and activities as provided in the *CEQR Technical Manual*; and assesses the effects of the Proposed Actions' incremental solid waste generation on municipal and private sanitation services in the With Action Condition. The analysis finds that the Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services. The Proposed Actions would not directly affect a solid waste management facility.

The potential for air quality impacts from the Proposed Actions were also analyzed in Chapter 15, "Air Quality," of the EIS, and the analyses conclude that the Proposed Actions would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and that development under the Proposed Actions would not be adversely affected by existing sources of air emissions in the rezoning area.

Mitigation measures must have a direct link or nexus to a significant adverse impact resulting from the Proposed Actions. Since the EIS concludes that no significant adverse impacts related to Public Health, Air Quality or Solid Waste or any other impact category are associated with emissions or over-capacity of the existing M-10 Garage, mitigation measures are not warranted under the guidelines of the 2014 *CEQR Technical Manual*.

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Comment 12-4: More trash receptacles are needed, and existing receptacles should be collected more frequently to prevent overflowing or littering, which can also have adverse impacts on stormwater drainage during heavy rainfall. (Collier_CB11_004)

Response 12-4: Comment noted.

Comment 12-5: DCP's DEIS did not identify significant adverse impacts related to solid waste and sanitation services. (EHNPS_C107)

Response 12-5: The solid waste analysis contained in Chapter 12, "Solid Waste," of the EIS, was prepared in accordance with CEQR Technical Manual methodologies and finds that the Proposed Actions would not result in a significant adverse impact. It would not directly affect a solid waste management facility and the incremental solid waste generated by the Proposed Actions would not overburden the City's solid waste handling systems. For these reasons, the Proposed Actions would not have a significant adverse impact on the City's solid waste and sanitation services.

ENERGY

Comment 13-1: DCP's DEIS did not identify significant adverse impacts related to energy. (EHNPS_C107)

Response 13-1: Comment noted. The assessment of the effects of the Proposed Actions on energy consumption presented in Chapter 13, "Energy," of the EIS, were prepared in accordance with the *CEQR Technical Manual*.

TRANSPORTATION

Comment 14-1: The Proposed Actions provide no means for addressing this substantial increase in population for the community. A massive influx of new residents, as well as workers, requires a significant investment in transportation to appropriately mitigate the impact that this new development will cause. In conjunction with the Proposed Actions, NYC must dedicate additional resources to improve methods of transportation in East Harlem. (Collier_CB11_004)

Response 14-1: The analyses of future traffic, transit, and pedestrian conditions in the EIS reflect the additional demands on the transportation network that are anticipated in response to the Proposed Actions. The increase in demand associated with the Proposed Actions is projected and superimposed onto demand associated with other programmed developments in the area of the Proposed Actions, and increases in demand attributable to general background growth. Consistent with the guidelines in the *CEQR Technical Manual*, the potential for the Proposed Actions to result in significant adverse transportation impacts

is evaluated by analyzing the incremental trips associated with the Proposed Actions. Traffic conditions were evaluated at 50 intersections where additional traffic resulting from the Proposed Actions would be most heavily concentrated. The potential for the Proposed Actions to result in significant adverse impacts was identified at 26 intersections. Implementation of traffic engineering improvements such as signal timing changes and modifications to curbside parking regulations would fully mitigate projected impacts at all but two intersections during the weekday AM peak hour, three intersections in the weekday PM peak hour, and one lane group at one intersection during each of the weekday midday and Saturday peak hours.

Subway conditions were evaluated at the stations where subway trips would be most concentrated. In the future with the Proposed Actions, a total of six stairs at three subway stations would be significantly adversely impacted by project-generated demand in one or both peak rush hours. These include one street stair at the 103rd Street station, one street stair at the 116th Street station and two street stairs and two platform stairs at the 125th Street station. There would be no significant adverse impacts to other elements of the subway system (fare arrays, subway line haul, and subway platforms). With the implementation of Phase II of the Second Avenue Subway, substantial transit demand reductions are expected along the Lexington Avenue Line. In addition, the Second Avenue Subway Phase II would also likely include improvements to pedestrian circulation elements at the 125th Street station. As the RWCDS for the Proposed Actions would not result in a single or only a few large development sites, but rather 68 projected development sites across approximately 96 blocks, DCP determined it would not be practicable to divert resources from the primary purpose of the Proposed Actions (to provide affordable housing) to implement mitigation for the impacted transit stairs. Therefore, in the absence of the Second Avenue Subway Phase II, the Proposed Actions' significant impacts to the six stairs across three stations would remain unmitigated. Based on CEQR Technical Manual impact criteria, southbound M15 SBS buses would be significantly adversely impacted during the AM peak rush hour. The significant adverse impact to the M15 SBS could be fully mitigated by the addition of one bus in the southbound direction in the AM peak hour. The general policy of the MTA is to provide additional bus service where demand warrants, taking into account financial and operational constraints.

Peak hour pedestrian conditions were evaluated at a total of 93 representative pedestrian elements where new trips generated by projected developments are expected to be most concentrated. These elements—32 sidewalks, 47 corner areas, and 14 crosswalks are

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primarily located in the vicinity of major projected development sites and corridors connecting these sites to area subway station entrances and bus routes. Based on CEQR Technical Manual criteria, under the Proposed Actions, one sidewalk would be significantly adversely impacted by the Proposed Actions in all four analyzed peak hours, and there would be no significant impacts to any corner areas or crosswalks. The removal of a tree pit at a constrained point on the impacted sidewalk would fully mitigate the Proposed Actions' significant adverse impact.

Comment 14-2: DOT's mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in the City of New York. We maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our residents. East Harlem is a portion of the Manhattan street system that possesses all the positive qualities that make New York City great. (Sanchez_DOT_031)

Response 14-2: Comment noted.

Comment 14-3: The neighborhood is also well connected to the rest of the borough and the rest of the city by the subway system and the three bridges (two belong to DOT) that carry cars, bikes, and pedestrians. Together, this means East Harlem is easily accessible as a good place to live, work, learn, and visit. (Sanchez_DOT_031)

Response 14-3: Comment noted.

Comment 14-4: In recent projects, we have improved lighting under the stone arches of the Park Avenue viaduct. We have also made safety improvements for pedestrians. By creating refuge areas of concrete for people walking under the Metro-North rail line, drivers have more opportunity to see those trying to cross, traffic movements are calmed and made more predictable by the expanded curb lines. (Sanchez_DOT_031)

Response 14-4: Comment noted.

Comment 14-5: In recent years, we have partnered with the MTA to implement Select Bus Service on two corridors in East Harlem: 125th Street and First and Second Avenues. These projects brought amenities to the neighborhood, such as bus shelters and wayfinding signage, and improvements to striping and signals to ease congestion and improve safety. (Sanchez_DOT_031)

Response 14-5: Comment noted.

TRAFFIC

Comment 14-6: One of the most significant intersections along the 116th Street corridor is the intersection of 116th Street and Lexington Avenue. This intersection, in the heart of East Harlem, is a central hub: The 116th Street subway stop meets with both crosstown buses and downtown buses bring significant foot traffic to a vibrant commercial street. As a result, the intersection is already significantly populated.

CB11 is supportive of the increased affordable housing this will bring to this intersection and agrees that there is an opportunity to spur new development. However, changes to the zoning must be accompanied by significant investment in development to better address the bustling nature of this corner. First and foremost, the subway stations need to be improved and stairs and elevators should be integrated into new development that occurs on this intersection so that sidewalk widths can be expanded and ease access to the subway station and neighboring bus stops. (Collier_CB11_004)

Response 14-6: The EIS concludes that the proposed project would screen out of the potential for significant adverse traffic and pedestrian impacts at the intersection of Lexington Avenue at East 116th Street. The EIS concludes that there is a potential for significant adverse impacts on one of the street stairs that serve the Lexington Avenue/East 116th Street subway station. Completion of the three new subway stations in proximity to the Project Area under Phase II of the Second Avenue Subway is expected to provide substantial additional transit capacity, and reduce demand on existing local bus routes, on the No. 4, 5, and 6 subway trains, and at the Lexington Avenue Line subway stations serving the Project Area. In the absence of the Second Avenue Subway Phase II, the Proposed Actions' significant impacts to one subway stair at the 116th Street subway station would remain unmitigated. As the RWCDs for the Proposed Actions would not result in a single or only a few large development sites, but rather 68 projected development sites across approximately 96 blocks, DCP determined it would not be practicable to divert resources from the primary purpose of the Proposed Actions (to provide affordable housing) to implement mitigation for the impacted transit stairs.

Comment 14-7: Few substantive conversations have occurred with DOT about strategies for decreasing vehicular congestion around East 125th Street and placing more City benches around the community district. (Brewer_005)

Response 14-7: The traffic analyses in the EIS assess the Proposed Actions' potential effects at the East 125th Street intersections with First, Second, Third,

Lexington, and Park Avenues. The potential for significant adverse traffic impacts is identified at the East 125th Street intersections with First, Second, Third, and Lexington Avenues. Mitigation measures consisting of traffic signal timing changes are proposed to mitigate the traffic impacts at each of these intersections except at East 125th Street at Second Avenue. At this location, the traffic impacts would remain unmitigated. No pedestrian impacts are identified along the East 125th Street corridor. The CEQR Technical Manual requires the analysis of pedestrian conditions for sidewalks, street corners and crosswalks; it does not require the analysis of benches or other pedestrian amenities.

Comment 14-8: Crosstown travel is difficult and congested. Unless the crosstown links are improved and expanded, East Harlem will continue to face crosstown backlogs on a consistent basis. (Collier_CB11_004)

Response 14-8: Comment noted. The traffic analysis in the DEIS assesses the Proposed Actions' potential effects at key intersections along crosstown corridors where new traffic and pedestrian trips would be most concentrated and most likely to result in significant adverse impacts. At those locations where potential significant adverse impacts to traffic flow are identified, measures to mitigate these impacts are recommended, where practicable. The proposed mitigation measures consist of traffic signal timing changes and the elimination of parking on various intersection approaches to create additional travel lanes.

TRANSIT

Comment 14-9: The Proposed Actions have raised questions concerning the ability of current public transportation options to accommodate the increased population. (Collier_CB11_004)

Response 14-9: Response 14-9: As discussed in the DEIS, while new subway demand generated by the Proposed Actions would potentially result in significant adverse impacts at a total of three Lexington Avenue Line subway stations, it is likely that some, if not all of these impacts would not occur with implementation of Phase II of the Second Avenue Subway, which is expected to be operational by the 2027 analysis year. The Proposed Actions would not result in any significant adverse subway line haul impacts, but would result in an AM peak hour impact to southbound M15 SBS buses that could be mitigated by the addition of one southbound bus during this period. Both subway line haul and local bus conditions are also expected to be improved with implementation of Second Avenue Subway Phase II.

Comment 14-10: The existing transportation is insufficient to optimally support the existing population, and the City's Proposed Actions will serve to

exacerbate the existing infrastructure challenges facing East Harlem. Specifically, the 4, 5, and 6 trains are often overcrowded and are the MTA subway lines with the lowest rates of on-time departures and arrivals. The Q train recently opened three new stations, with the most northern station of 96th Street serving the southernmost point of CD11. Further relief will occur when the MTA eventually opens the Q train Phase II stations of 106th Street, 116th Street, and 125th Street; however, by that point, East Harlem will have experienced considerable growth due to not only the Proposed Actions, but also due to large projects on Second Avenue that contain significant residential construction and are currently in the pipeline, such as the Avalon Bay project at Second Avenue and East 96th Street and the African Burial Ground at Second Avenue and East 125th Street. (Collier_CB11_004)

Response 14-10: The analyses of future transit conditions in the DEIS reflect the demand from large developments expected to be completed by 2027 in proximity to the Project Area such as the Avalon Bay project and the development at Second Avenue and East 125th Street. A growth factor was also applied to existing transit volumes to account for increases in demand attributable to small developments and general background growth. Completion of the three new subway stations in proximity to the Project Area under Phase II of the Second Avenue Subway is expected to provide substantial additional transit capacity, and reduce demand on existing local bus routes, on the No. 4, 5, and 6 subway trains, and at the Lexington Avenue Line subway stations serving the Project Area.

Comment 14-11: NYC must ensure that funding is secured for the long-proposed Phase II expansion of the Second Avenue Subway. This expansion will provide additional means of transportation for East Harlem residents and will mitigate the overcrowded conditions of the only other subway in the East Harlem neighborhood. (Collier_CB11_004)

Response 14-11: Comment noted. The DEIS includes a qualitative assessment of future transit conditions in proximity to the Project Area with completion of Phase II of the Second Avenue Subway.

Comment 14-12: Until such time as Phase II of the Second Avenue Subway is actually constructed, it is important to require that the MTA and DOT actually mitigate the effect of increased ridership in the East Harlem community through alternative means. As of now, the DEIS disregards the expected ridership in anticipation of the finalization of the Phase II project. Unfortunately, after years of being disregarded, CB11 remains skeptical that East Harlem will have an opportunity to benefit from the development of the Second Avenue Subway. (Collier_CB11_004)

- Response 14-12:** Comment noted. Although it is anticipated that the three new subway stations associated with Phase II of the Second Avenue Subway will be in service by 2027, the transportation analyses in the EIS takes a conservative approach and assess future conditions without Phase II of the Second Avenue Subway in operation. As discussed in the DEIS, while new subway demand generated by the Proposed Actions would potentially result in significant adverse impacts at a total of three Lexington Avenue Line subway stations, it is likely that some, if not all of these impacts would not occur with implementation of Phase II of the Second Avenue Subway, which is expected to be operational by the 2027 analysis year. The Proposed Actions would not result in any significant adverse subway line haul impacts, but would result in an AM peak hour impact to southbound M15 SBS buses that could be mitigated by the addition of one southbound bus during this period. Both subway line haul and local bus conditions are also expected to be improved with implementation of Second Avenue Subway Phase II. In the absence of the Second Avenue Subway Phase II, the Proposed Actions' significant impacts to the three Lexington Avenue stations (106th, 116th, and 125th Streets) would remain unmitigated. As the RWCDs for the Proposed Actions would not result in a single or only a few large development sites, but rather 68 projected development sites across approximately 96 blocks, DCP determined it would not be practicable to divert resources from the primary purpose of the Proposed Actions (to provide affordable housing) to implement mitigation for the impacted transit stairs.
- Comment 14-13:** NYC must improve bus service in East Harlem. Both the north-south bus lines as well as the crosstown bus lines are regularly overcrowded and increased bus service will provide an invaluable service to East Harlem residents, particularly as a significant increase in neighborhood population is anticipated. (Collier_CB11_004)
- Response 14-13:** Comment noted. It is the general policy of New York City Transit (NYCT) to provide additional bus service where demand warrants, taking into account financial and operational constraints. With respect to the Proposed Actions, the local bus analysis in Chapter 14, "Transportation," of the EIS, identifies the need for additional frequency of the southbound M15 SBS in the weekday AM peak hour to accommodate project-generated demand. As also noted in the EIS, the completion of three new subway stations in proximity to the Project Area under Phase II of the Second Avenue Subway is expected to reduce demand on existing local bus routes.
- Comment 14-14:** Alternative public transportation must be encouraged. For instance, the proposed expansion of Citi Bike to East Harlem must be expedited and

further expansion to ensure that Citi Bike is a viable method of transportation for East Harlem residents. More importantly, Citi Bike membership costs must be reevaluated and potentially subsidized to make it a viable alternative for East Harlem residents. (Collier_CB11_004)

Response 14-14: Comment noted. Expansion of the Citi Bike program within East Harlem and subsidization of membership costs is not within the scope of the Proposed Actions.

PEDESTRIANS

Comment 14-15: The Proposed Actions have raised questions concerning the expected increase in pedestrian traffic. (Collier_CB11_004)

The increased density permitted under the Proposed Actions will see important but narrow corridors, i.e., Lexington Avenue and Park Avenue, facing increasing challenges with respect to pedestrian congestion and safety. (Collier_CB11_004)

Response 14-15: The EIS analyzes the Proposed Actions' potential impacts at a total of 93 pedestrian elements (sidewalks, corner areas, and crosswalks) where project-generated pedestrian demand is expected to be most concentrated. The majority (73) of these analyzed elements are located along the Lexington Avenue and Park Avenue corridors. Based on the analysis, the Proposed Actions would result in only a single significant adverse impact on the south sidewalk on East 126th Street between Lexington and Park Avenues. As discussed in Chapter 21, "Mitigation," this impact could be fully mitigated by removing an existing curbside tree pit constraining pedestrian flow. The DEIS also includes a detailed assessment of vehicular and pedestrian safety that identifies a total of eight high crash locations in proximity to the Project Area, including two along Lexington Avenue and one along Park Avenue. Measures to enhance pedestrian safety at each of these locations are also discussed in the DEIS.

Comment 14-16: The anticipated increase in the population is likely to increase vehicular traffic and pedestrian traffic. DOT and other relevant agencies must consider how best to address this, how to promote pedestrian safety, how to avoid overcrowding on local streets and, otherwise, how to preserve a safe neighborhood. (Collier_CB11_004)

Response 14-16: Consistent with the methodology presented in the CEQR Technical Manual, the EIS includes an assessment of vehicular and pedestrian safety. The assessment identifies high accident locations in proximity to the rezoning area and discusses both previously implemented safety

improvement measures and additional safety measures to enhance pedestrian safety.

PUBLIC HEALTH

Comment 18-1: There is no integration of the findings into the EIS from the HIA conducted by New York Academy of Medicine. (Brewer_005)

The City's DEIS severely underestimates the number of people whose health will be adversely affected by the Proposed Actions, a position supported by the New York Academy of Medicine (NYAM), one of the community partners engaged in the EHNP process. NYAM's HIA highlights the East Harlem health realities, which entail a community already combating hypertension, obesity, child and adult asthma, diabetes, and mental health issues—and avoidable hospitalizations due to these conditions—at a rate well above Manhattan and New York City averages. Without implementation of the recommendations herein regarding housing preservation and deeper affordability in new development, the City's Proposed Actions will certainly lead to deterioration in the health of current East Harlem residents, particularly those who are low- and moderate-income, which encapsulates the vast majority of CD11 residents. In order to mitigate the health impacts that any up-zoning of the area would undoubtedly bring about—in addition to the implementation of the recommendations with respect to density, transportation, infrastructure, as well as housing recommendations concerning housing preservation, housing maintenance, and deeper affordability—the City must encourage development design and construction specifications that mitigate noise pollution, particularly near the Park Avenue viaduct, and incorporate green design. (Collier_CB11_004)

We know that residential displacement can negatively impact health. Evidence shows that displacement may cause people to accept affordable but inadequate, substandard, or poorer quality housing. Displacement can result in the disruption of important social support, erosion of social capital, and social cohesion as well as increased transportation costs for a family.

Displacement can also lead to high levels of stress, which studies have linked with chronic diseases including heart disease, hypertension, and diabetes. These potential impacts of displacement are not discussed in the environmental impact statement. Similarly, evidence links open space, transportation, and climate change to public health and yet the potential health impacts of changes in these environmental factors are not included in the proposed analysis. (Libman_NYAM_026)

Response 18-1: The public health assessment contained in the EIS follows the methodologies of the *CEQR Technical Manual*. Under CEQR, a public health assessment begins with determining the extent of potential environmental exposures to the public as a result of a proposed project. In most cases, this is determined in analyses conducted of other CEQR technical areas such as water quality, air quality, hazardous materials, etc., where an unmitigated significant adverse impact was identified. The public health assessment considers whether people may be exposed to contamination and the possible manner in which they may be exposed (for example, through exposure pathways such as breathing air, drinking or contacting water, contacting or eating soil, or eating food). Exposure pathways are used to evaluate the specific ways in which people may come into contact with environmental contamination or hazards. An HIA in the context of the comment is different than a public health assessment under CEQR. HIAs consider the health impacts of public policies, plans, and projects across economic sectors and different social settings using quantitative, qualitative, and participatory techniques. The City has no guidance regarding the preparation of HIAs for land use actions such as area-wide zoning changes or for correlating their findings for CEQR purposes.

Comment 18-2: The increase in population resulting from the Proposed Actions will further burden the transportation networks in the area. As noted above, the existing subway lines and bus options are overcrowded and already insufficient to fully meet the existing public transportation needs of East Harlem. The increased demand will have both direct health impacts, e.g., worsening asthma rates, and indirect health impacts, e.g., increased stress. Additionally, the increase in property values and corresponding increase in rent levels due to an up-zoning of the area will contribute to further worry surrounding housing stability. As noted in the New York Academy of Medicine’s EHNP HIA, there is a direct correlation between higher rent burdens and increased health problems and likelihood of postponing medical treatment for financial reasons. Its HIA also highlights direct correlations between housing unaffordability and poor mental health in low- and moderate-income groups, as well as acceptance of substandard housing conditions. (Collier_CB11_004)

Response 18-2: Please see the response to Comment 18-1. As noted in Chapter 18, “Public Health,” of the EIS, the Proposed Actions would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials. However, as discussed in Chapter 20, “Construction,” the Proposed Actions could result in unmitigated construction noise impacts as defined by *CEQR Technical Manual* thresholds. As such, it was determined that a public

health assessment as to construction noise was appropriate. The assessment was conducted and concluded, for reasons discussed below, that the construction noise impact would not generate a significant adverse public health impact.

As noted in the EIS, the *CEQR Technical Manual* thresholds for construction noise are based on quality of life considerations and not on public health considerations. An impact found pursuant to a quality of life framework does not imply that an impact will exist when the analysis area is evaluated in terms of public health. The predicted absolute noise levels would be below the health-based noise threshold of 85 dBA at all at-grade receptors. Furthermore, the construction noise analysis is based on the worst-case time periods only, and based on a conceptual site plan and construction schedule. It is possible that the actual construction may be of less magnitude, or that construction on multiple projected development sites may not overlap, in which case construction noise would be less intense than the analysis predicts.

Comment 18-3: The scale of the CPC rezoning for East Harlem would adversely impact the health of this community. (Libman_NYAM_026)

Response 18-3: As noted in Chapter 18, “Public Health,” of the EIS, exposure to emissions, hazardous materials, and noise was assessed in accordance with the *CEQR Technical Manual* guidance. As discussed in Chapter 18, “Public Health,” no significant public health impacts would occur as a result of the Proposed Actions. In addition, absent approval of the Proposed Actions, development could occur as-of-right under existing zoning and measures included under the proposed zoning that are intended to minimize exposure to noise, hazardous materials and emissions would not be required.

Comment 18-4: Our HIA, Health Impact Assessment, found that residential displacement posed a threat to the health of the East Harlem community. It concluded that to prevent negative health impacts and promote health equity, implementation of the proposed rezoning in connection to the Mandatory Inclusionary Housing, should prioritize maintaining existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses. (Libman_NYAM_068)

The HIA conducted by the NYAM demonstrated significant adverse health conditions in East Harlem, including a life expectancy 9 years shorter than other neighborhoods on the East Side, and there currently is no commitment to implement the many EHNP recommendations that would help to address those adverse health conditions. (Nocenti_USA_008)

East Harlem Rezoning

Response 18-4: Health-related issues fall under the purview of the New York City Department of Health and Mental Hygiene (DHMH). DHMH recently opened a new East Harlem Neighborhood Health Action Center, which provides health and social services for East Harlem residents. The facility includes a Family Wellness suite and nutrition classes, a federally qualified health center and a community kitchen. In addition, \$275,000 has been provided to 11 local organizations to implement health recommendation in the EHNP.

Comment 18-5: In our role as a member of the EHNP Steering Committee, we conducted an HIA to provide information about the potential health effects of the plan's affordable housing and zoning recommendations, and to make this tool available to the East Harlem community during this rezoning process. HIA is a structured process to assess the potential health impacts of a policy, plan, or project, and make recommendations on how to mitigate negative health impacts and to maximize potential health benefits of that policy, plan, or project. Our HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community. The HIA concluded, "To prevent negative health impacts and promote health equity, implementation [of the proposed rezoning in connection to MIH] should prioritize maintaining existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses." (Libman_NYAM_026)

Response 18-5: The preservation of affordable units and the prevention of displacement of long-term residents and local businesses are being addressed by the City in connection with the Proposed Actions and the EHNP. They are not considered under a CEQR assessment of public health. Also see the responses to Comment 1-72 and Comment 18-1.

Comment 18-6: In our assessment, the Public Health chapter of the DEIS does not address the health impacts of changes to what are commonly known as the broader determinants of health—such as education, employment, discrimination, socioeconomic status, and housing. (Libman_NYAM_026).

We find that DEIS significantly underestimates the potential negative impacts of the proposed rezoning to the health of the East Harlem community, and therefore there are unidentified needs for mitigating adverse impacts of these Proposed Actions on the broader determinants of health in East Harlem. (Libman_NYAM_026)

Response 18-6: Comment noted. Please see the responses to Comment 18-1, Comment 18-2, and Comment 18-5.

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- Comment 18-7:** One aspect I would like to speak specifically on is the health impacts of the rezoning. Based on a study from the New York Academy of Medicine on gentrification, the leading health effect would be chronic stress due to all the changes, all these ins and outs happening around. And this is not something we should take lightly of. I expect a public health crisis as a result of this rezoning. (Rahman_079)
- Response 18-7:** Please see the response to Comment 18-1. The effects of the Proposed Actions are not expected to be realized in the short term, but rather over the course of many years. As noted in Chapter 1, “Project Description,” of the DEIS and FEIS, the environmental review assumes a development period of 10 years.
- Comment 18-8:** Additionally, broader health impacts are not considered by the DEIS. According to the HIA done by the NYAM, “life expectancy of East Harlem residents is 76 years, compared to 85 years in Murray Hill, a short train ride south of East Harlem in Manhattan.” It also shows that East Harlem is among the top five neighborhoods in New York City for the “highest rates of adult obesity, highest alcohol-related and drug-related hospitalizations, premature mortality rate, avoidable asthma hospitalizations, and has the highest rate of psychiatric hospitalizations.” It continues that “failure to promote the development of more affordable housing will continue to lead to evictions, displacement and decreased affordability, potentially leading to poor health outcomes for East Harlem residents.” (EHNPS_107)
- Response 18-8:** Please see the responses to Comment 18-1 and Comment 18-5.
- Comment 18-9:** CB11 notes that the City’s process for assessing the health impact on the residents of any community slated to be rezoned is fundamentally flawed and leads to counterfactual determinations that there will be little to no impact on the health of current residents if new development occurs. Consequently, CB11 calls for future Health Impact Assessments (HIA) performed not only by the City, but, as detailed above in the Introduction, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five or more city blocks are proposed for rezoning, DCP or any other city agency, office or elected official shall ensure that the community board for the affected community shall be provided with funding reasonably sufficient to conduct an environmental impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing. (Collier_CB11_004)
- Response 18-9:** Comment noted. CEQR is New York City’s process for implementing the State Environmental Quality Review Act (SEQR), by which New

York City agencies review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. SEQR requires that all state and local government agencies assess the environmental effects of discretionary actions before undertaking, funding, or approving the project, unless such actions fall within certain statutory or regulatory exemptions from the requirements for review. The *CEQR Technical Manual* provides guidance with respect to methodologies for assessment, identification of significant adverse impacts, and development of mitigation measures for each technical area typically considered in environmental review, including public health. According to the *CEQR Technical Manual*, a public health impact analysis is typically warranted if there are unmitigated significant adverse impacts in other environmental areas such as air quality, water quality, hazardous materials, or noise. In such instances, there is the potential for a public health impact, and the nature and extent of such impact should be evaluated. As explained in Chapter 20, “Construction,” of the EIS, the Proposed Actions could result in unmitigated significant construction noise impacts, and a public health assessment was therefore conducted. The assessment concluded that the construction noise impacts would not result in a significant public health impact.

NEIGHBORHOOD CHARACTER

Comment 19-1: “Upzoning” to allow 30–35 story buildings, mostly of market-rate apartments, will destroy the very fabric of what has historically been an affordable community serving immigrants and low-income people of color. (PCR_044)

Response 19-1: Urban design conditions, including building height, was assessed in relation to neighborhood character in Chapter 19, “Neighborhood Character.” As discussed in the EIS, while the buildings that could be built under the Proposed Actions could be much taller than the existing buildings in the area, the developments would be concentrated along major avenues and the low-rise character of the smaller cross streets would be maintained, particularly North of East 125th Street where contextual zoning would be applied to ensure that new infill development complements the existing residential character by promoting consistent building height and size. In addition, the Proposed Actions would promote the development of permanently affordable housing and facilitate mixed-income communities by requiring affordable housing units to be included in any new residential development, which is not required by the current zoning. Significant adverse impacts to neighborhood character would not occur as a result of the Proposed Actions.

Comment 19-2: The effects on economic opportunities, open spaces, and affordability of local goods and services springing from the Proposed Actions, to name but a few areas, will have a direct impact on the day-to-day lives of East Harlem’s NYCHA residents. (Collier_CB11_004)

Response 19-2: The EIS provides a preliminary assessments for direct and indirect business displacement, pursuant to the *CEQR Technical Manual* guidelines, to evaluate whether the Proposed Actions could displace businesses that provide products or services essential to the local economy that would no longer be available in the trade area to local residents or businesses. The analyses factor for predicted changes in the residential demographics/consumer base to better understand potential effects on neighborhood businesses and price points. The EIS also provides a preliminary assessment for indirect business displacement to evaluate whether the Proposed Actions may introduce trends that make it difficult for businesses to remain in the study area. As discussed detailed in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in significant adverse socioeconomic impacts. Through MIH, the Proposed Actions would ensure a range of household incomes that would, in turn, help to preserve the existing range of price points and variety in retail offerings because people of different income levels would create the varied demands for goods at different price points. With respect to open spaces, as discussed in Chapters 5 and 19, “Open Space” and “Neighborhood Character,” respectively, the Proposed Actions would not result in significant adverse impacts on open space or on open space as it relates to neighborhood character.

CONSTRUCTION

Comment 20-1: Vehicular traffic and congestion requires further consideration. In connection with the development spurred by the Proposed Actions, an increase in construction vehicles and other traffic is likely to increase. In addition, street closures and related detours seem likely as construction vehicles consume East Harlem’s roadways. For instance, along the Park Avenue corridor where a R10 upzoning is proposed, the effect of construction vehicles along one lane streets in each direction seems likely to cause significant challenges to vehicular traffic in East Harlem. Mitigation must be considered and approval of street closures must take a comprehensive view of all developments in East Harlem and not just site-specific approvals or rejections. (Collier_CB11_004)

Response 20-1: Chapter 20, “Construction,” of the EIS provides a transportation assessment during the various phases of construction and identified the increase in construction vehicle trips. Travel demand forecasts during the peak construction periods were then prepared and compared to the trips projects under the operational condition. As presented in Chapter

20, “Construction,” there would be less likelihood of significant adverse traffic impacts during both the peak construction periods than with full build-out of the Proposed Actions. It is expected that the mitigation measures proposed for operational traffic impacts would also be effective at mitigating any potential impacts from construction traffic during peak construction activity. As is typical with New York City construction in a confined urban environment, curb lanes and sidewalks are expected to be narrowed or closed for varying periods of time. Maintenance and Protection of Traffic (MPT) plans would be developed for any temporary curb-lane and/or sidewalk closures as required by DOT. Approval of these plans and implementation of the closures would be coordinated with DOT’s Office of Construction Mitigation and Coordination (OCMC).

MITIGATION

Comment 21-1: The proposal before you today does not include mitigations necessary to ensure that low-income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents. Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City. No rezoning of East Harlem can be done without a detailed assessment and the development of appropriate mitigations.

Appropriate mitigations could include (1) implementation of a City-wide CoNH program, (2) commitment for NYCHA repairs in East Harlem, (3) requiring that 30 percent of all new residential units built on private land be permanently designated for households making 30 percent AMI or below, and (4) requiring that 40 percent of all new residential units built on public land be permanently designated for households making 30 percent AMI or below and the rest be rent stabilized to be affordable to New Yorkers making more, but not more than 165 percent AMI, as Community Voices Heard has called for. (Segal_CDP_018, CDP_097)

Response 21-1: Please see the response to Comment 1-121.

Comment 21-2: We will continue to work closely with our City agency partners, local residents, and park advocates to identify opportunities to mitigate open space impacts and improve upon existing open spaces in the community. (Molinari_NYCParks_032)

Response 21-2: Comment noted.

Comment 21-3: Although the DEIS shadow analysis concludes that the rezoning would result in significant shadow impacts on El Catano Garden, Jackie Robinson Garden, and Eugene McCabe Field, no mitigation measures

are proposed for these resources. Given the limited open space in the area, we urge the City to examine design changes that eliminate or greatly reduce shadow impacts on these resources and create new open space in the area, as recommended in the EHNP. (MAS_009)

Although the DEIS shadow analysis concludes that the rezoning would result in significant shadow impacts on El Catano Garden, Jackie Robinson Garden, and Eugene McCabe Field, no mitigation measures are proposed for these resources. Given the limited open space in the area, we urge the City to examine design changes that eliminate or greatly reduce shadow impacts on these resources and create new open space in the area, as recommended in the EHNP. (MAS_009)

Response 21-3: As noted in Chapter 23, “Unavoidable Adverse Impacts,” of the FEIS, possible mitigation measures were explored in coordination with the New York City Department of Parks and Recreation (NYC Parks) between the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) and it was found that there are no reasonable means to partially or fully mitigate the significant adverse shadows impact.

Comment 21-4: The City has made no provisions to address school overcrowding, loss of sunlight, construction pollution, sanitation, traffic, and other environmental issues that will seriously impact the quality of life in East Harlem. (Ortiz_025)

Response 21-4: In accordance with the *CEQR Technical Manual*, where significant adverse impacts are identified, mitigation measures to reduce or eliminate the impacts to the fullest extent practicable are developed and evaluated. As noted in Chapter 21, “Mitigation,” of the EIS, the Proposed Actions would result in significant adverse impacts related to shadows, historic and cultural resources, transportation (traffic, pedestrians, and transit), and construction (noise). Where feasible and/or practical, mitigation measures are proposed to address those impacts.

TRANSPORTATION AND TRANSIT

Comment 21-5: The DEIS outlined that there would be adverse impacts on vehicular traffic at 26 intersections, increased stress on public bus service on one route and six subway stair entrances at three subway stations. With regards to both of these items, the Steering Committee identified shortcomings in the level of detail and mitigations that were prescribed. (EHNPS_107)

Response 21-5: Please see the responses to Comment 21-6 and Comment 21-7.

Comment 21-6: Related to impacts on vehicular traffic, the DEIS identified in detail the lanes and intersections that would be impacted at different times of the day but the follow-up to that analysis did not go further to provide a comprehensive evaluation of traffic calming measures and diversion strategies that could be used to avoid the congestion and corresponding health impacts that come with it. (EHNPS_C_107)

Response 21-6: As discussed in the FEIS, most of the Proposed Actions' significant adverse traffic impacts in the peak periods could be mitigated through readily implementable traffic engineering improvements such as modification of traffic signal phasing and/or timing, changes to curbside parking regulations and modifications to lane striping. A comprehensive evaluation of traffic calming measures and diversion strategies to address congestion and corresponding health impacts in East Harlem is beyond the scope of the EIS.

Comment 21-7: As for the impact on mass transit, the DEIS did find that the net increment in new people coming to East Harlem would create additional hardships for a transit system already experiencing severe issues due to age and deferred maintenance. The rezoning would especially be burdensome on the southbound M15 Select Service Bus as well as the M101 LTD. To alleviate the problem, there was a suggested mitigation that called for an additional bus in the southbound direction scheduled to support morning peak hour use. This does not address what residents and commuters in public forums, through survey or from feedback collected through the community board has identified as a far wider set of issues with public transit in East Harlem, a problem that goes beyond just the two aforementioned bus lines. Many of the bus routes that serve East Harlem are already over capacity and or are unreliable because of heavy vehicular traffic slowing movement along major corridors like Lexington Avenue. Though this reality is not reflected in the DEIS, the situation experienced by these commuters—and could be in store for future commuters—require improvements for over ground transit to go beyond simply adding one bus on a service line outside of the applicant's proposed rezoning boundaries. (EHNPS_C_107)

Response 21-7: As discussed in the EIS, based on *CEQR Technical Manual* criteria, new demand generated by the Proposed Actions would have the potential to impact only two of the bus routes serving East Harlem—the M15 SBS and the M101 LTD. A potential significant impact to southbound M15 SBS buses in the AM peak hour was identified and could be mitigated by adding one southbound bus during this period. Addressing wider issues with respect to surface transit in East Harlem is beyond the scope of the EIS.

Comment 21-8: The DEIS estimates adverse impacts on six subway stair entrances at three subway stations. All the subway stops are along the 6 Train Lexington Line and because these subways are outside the transit special districts there is a diminished chance that arrangements to redevelop these entrances, improving their design to accommodate additional capacity. The DEIS notes that the expectation is that Phase II of the Second Avenue Subway will help alleviate these expected pressure but given the under certainty of when that project will be completed we are left with overburden subway entrances adjacent to overburdened bus lines all along Lexington Avenue. (EHNPS_107)

Response 21-8: As noted in the EIS, in the absence of the Second Avenue Subway Phase II or mitigation measures applicable to the specific impacted station elements, the Proposed Actions' significant impacts to one street stair at the 103rd Street subway station, one street stair at the 116th Street subway station and two street stairs and two platform stairs at the 125th Street subway station would remain unmitigated.

SOCIOECONOMICS

Comment 21-9: Failing to follow CEQR in considering the Proposed Actions is not only an improper agency action, it is a violation of State law.

Because of the paucity of the analysis in the DEIS, and its deviation from the City's own *CEQR Technical Manual*, the proposal before the CPC today does not include mitigations necessary to ensure that low income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents. Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City. No rezoning of East Harlem can be done without a detailed assessment and the development of appropriate mitigations. (CDP_097)

Response 21-9: The EIS was prepared in accordance with *CEQR Technical Manual* guidance. As discussed in Chapter 3, "Socioeconomic Conditions," no significant adverse impacts would result from the Proposed Actions and mitigation is not warranted.

ALTERNATIVES

Comment 22-1: Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts. One important reason why some preferred R9 or R9A was that the bulk of the extra density would go to create affordable housing, whereas R10 would have allowed for a greater ratio of market-rate units. Though asked by EHNP, our *office* and others to consider revisiting other, more modest alternatives, the administration has refused to amend their application.

The opposition to change includes refusing to study height limits more generally as one of the alternatives so that we can identify other possibilities that could create affordable housing but also preserve neighborhood character. (Brewer_005)

Response 22-1: The FEIS will consider an alternative that includes height limits along portions of the Park Avenue corridor and in specific areas along Lexington, Third, and Second Avenues where the proposed zoning currently has no height limits.

Comment 22-2: At the least, the city should provide an alternative analysis in the DEIS that evaluates [underbuilt properties with rent-stabilized units] properties. (MAS_009)

Response 22-2: Comment noted. As described in Chapter 22, “Alternatives,” of the EIS, alternatives selected for consideration in an environmental impact statement are generally those that are feasible and have the potential to reduce, eliminate, or avoid any adverse impacts of a proposed action while meeting some or all of the goals and objectives of the action.

A-TEXT ALTERNATIVE

Comment 22-3: [The amended application height limits are not better because] the height limits are in accordance to, of course, zoning. But clearly we need to hear more from the City in terms of the programming that they’re going to offer.

The height limit—that’s an issue because people in East Harlem are not accustomed to-35 story buildings.

But, there are areas in East Harlem that could handle it. I didn’t say 35 [stories], but they could handle it. The East Harlem Transit hub areas are the ideal locations for those types of—those types, not 35 [stories], but those type of higher buildings. (Collier_CB11_052)

In terms of [the reduced] heights [in the amended ULURP application], again, it’s the just two different frameworks that we’re using. So we thought that some heights spread across, just staying with the character of the neighborhood, and that would not create these monsters in the neighborhood. (EHNPS_055)

I believe that there is a mistake. A 175 foot height limit is proposed for East 122 to 124 Street on Third Avenue in a C4-6 district. Residential development in a C4-6 District can achieve 12 FAR and a 175 foot height limit is just too low to accommodate the floor area. Further, all of the height limits proposed do not come with the number of stories limit that typically accompanies height limits (e.g. 175 feet or 17 stories.) The very real concern with this Third Avenue site is that the 175 height limit

without a constraint on stories will encourage eight foot floor-to-floor heights, which is too low quality units. All the height limits in the Alt A text should be accompanied by limits on number of stories as well, as is done elsewhere in the zoning resolution. (Janes_048)

While this may not be an error in the Alt A text, the 215 foot height limit in the M1-6/R10 district proposed on Park Avenue is unfortunate. If light manufacturing uses locate here as the zoning allows, they would likely require higher floor-to-floor heights, which means that the 215 foot height limit becomes a disincentive for locating M uses in this area. While there may not currently be much of a market for such uses, a 215 foot height limit in this MX zone with 12 FAR available all but ensures such uses will locate elsewhere. MX uses and the constraints of the viaduct call for a more flexible building envelope, not one that is more constrained. (Janes_048)

Response 22-3: The A-Text consists of modifications to the Proposed Actions that would bring height limits into scope for greater consideration in the proposed districts along the Park Avenue corridor and portions of Lexington, Third, and Second Avenues. The A-Text is analyzed in the FEIS as an alternative.

Comment 22-4: We support the initiative of the Alt A Text Amendment because we think that height limits for Park Avenue and Third Avenue will be very useful for the context of Harlem. (CHN_092)

Response 22-4: Comment noted.

THE SENDERO VERDE SITE

Project Description

Comment 22-5: I have attended the East Harlem Zoning Imaging sessions and while it seems that it was a chance to gather our opinions, it was also a chance to explain through a zoning group exercises how tall a building would need to be in order to be affordable across different income ranges. While I am saddened by the loss of the views and light, I support the development of the lot. (Ferrer_013)

Response 22-5: Comment noted.

Comment 22-6: [The City should have a] management plan for the premise in place prior to the vote of the MBP and Speaker. (Collier_CB11_003)

Response 22-6: Comment noted.

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- Comment 22-7:** The hours and availability of amenities [should] be set forth clearly, and there [should] be signage on the premise clearly conveying to the public that the public space may be used by the public. (Collier_CB11_003)
- Response 22-7:** Comment noted.
- Comment 22-8:** CB11 [should] have final approval on the selection of any community partners selected for the premises and such partners shall be from the East Harlem Community. (Collier_CB11_003)
- Response 22-8:** Comment noted.
- Comment 22-9:** [The City should require] compliance with ADA requirements throughout the entire project. (Collier_CB11_003)
- Response 22-9:** Comment noted.
- Comment 22-10:** [The City should require] additional safety training beyond [Occupational Safety and Health Administration] (OSHA) training and an on-site security monitor during construction and pre-apprenticeship and apprenticeship training. (Collier_CB11_003)
- Response 22-10:** Comment noted.
- Comment 22-11:** The [Sendero Verde] development team and anchor tenants [should] come before the community board quarterly as the project progresses and after the project, as well as coming before the Manhattan Borough President, NYC Council, DCP. (Collier_CB11_003)
- Response 22-11:** Comment noted.
- Comment 22-12:** We note that the gap between the City’s plan and the community’s plan is due at least in part to findings in the EIS that CB11, along with numerous community stakeholders, consider to be extremely dubious. Thus, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five or more city blocks are proposed for rezoning, DCP or any other city agency, office or elected official shall ensure that the community board for the affected community) shall be provided with funding reasonably sufficient to conduct an environmental impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing. (Collier_CB11_004)
- Response 22-12:** Comment noted. The DEIS and this FEIS for the Proposed Actions were conducted in accordance with *CEQR Technical Manual* methodologies. The SEQR/CEQR regulations and the *CEQR Technical Manual* provide for a comprehensive review of a project’s potential for significant

adverse impacts before an agency undertakes, funds, or approves the project. CEQR also requires scoping for the environmental review, which is an opportunity for involved and interested agencies, technical experts, and the public at large to comment on the scope of the review, including identifying any particular concerns or environmental areas that may warrant scrutiny. The EIS was prepared by DCP and its environmental consultant and reviewed by city and state agencies with expertise in CEQR technical areas of analysis. It includes the analysis of several impact categories, including land use, zoning and public policy, socioeconomic conditions, community facilities and services, open space, shadows, historic and cultural resources, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation, energy, transportation, air quality, greenhouse gas emissions, noise, public health, neighborhood character, and construction. The EIS also includes the identification of measures to mitigate significant adverse impacts and alternatives that may avoid or reduce such impacts.

Comment 22-13: Local hiring commitment shall include a guaranteed minimum of 10 percent, with a CB11 target of 35 percent pre-construction, 35 percent during construction, and 100 percent post-construction, with all community partners shall be subject to same hiring requirements. (Collier_CB11_003)

Response 22-13: Comment noted.

Comment 22-14: I understand that HPD has always planned to develop affordable housing for [the Sendero Verde] site, and given the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. However, an acceptable proposal would have to address those housing needs and continue the site's role as a convening space for residents throughout the district. A proposal, such as this one, that incorporates those objectives would be a fitting next use for this city-owned parcel.

The applicant and the proposed developer have outlined a compelling proposal for the future of Block 1617. The concept plan as presented appears to be a genuine attempt at achieving elements of the EHNP. The proposed developer has sought to provide a range of neighborhood assets and presented creative strategies for managing the relationship between the community gardens and open space to the layout of the other site elements. The proposal also furthers the use of Passive House Design. (Brewer_006)

Response 22-14: Comment noted.

East Harlem Rezoning

Comment 22-15: The development [should] be 100 percent permanently affordable. (Collier_CB11_003, CDP_097)

Response 22-15: HPD will utilize various tools and mechanisms to extend the affordability term and is committed to ensuring that the affordable housing financed by the City remains a long-term resource for New Yorkers.

Comment 22-16: [The] 25 percent income band at 130 percent AMI [should] be reduced to 20 percent and apportioned among the buildings, and the remaining 5 percent shall be a reduced to under 60 percent AMI. (Collier_CB11_003)

Response 22-16: Comment noted.

Comment 22-17: I would like to see a more thorough plan for how these gardens would thrive under the site arrangement proposed by the developer. Additionally, because the gardens are such a community asset, links between the gardens and the community facility partners to enhance the benefits available to the community should be explored. The question of how the gardens and community facilities could work together came up after the proposed developer was announced, but has not been adequately explored.

We need to formalize the specifics concerning the maintenance and operation of the interior courtyard space. Issues such as how the space will be maintained, who will decide and be responsible for sharing information related to the hours of operation, access and the permitted activities must be spelled out. Though we have received verbal assurances from the applicant that the conveyance of this land will be accompanied with a disposition agreement outlining this information, it is worrying to have some of these important questions still unanswered as I consider the appropriateness of the application. (Brewer_006)

Response 22-17: As noted in Chapter 22, “Alternatives,” of the EIS, the Sendero Verde Development would be constructed in accordance with a CPC-approved site plan approved as part of the Large Scale General Development (LSGD). A restrictive declaration (RD) will be recorded against the Sendero Verde tax lots in connection with the LSGD. Furthermore, HPD's Land Disposition Agreement (LDA) with the developer will require compliance with the RD, including specific requirements regarding the open space and community gardens.

Comment 22-18: While the application provides that 20 percent of the affordable housing provided will be available to persons with incomes no greater than 30 percent of AMI, I urge the applicant to consider if there is more that can

be done. 37 percent of residents of East Harlem earn less than 30 percent of AMI and we know that private developments rarely have more than 20 percent of affordable housing set aside at this income level. Therefore if we are to reach the goal of the EHNP of making 20 percent of the affordable housing at the level of 30 percent of AMI or lower, we must make up for “lost ground” in public projects such as this. (Brewer_006)

Response 22-18: Comment noted.

Comment 22-19: We understand that the nonprofit developer is based in the Bronx. CB11’s recommendation had called for a mission-driven organization that is based in East Harlem and to be included in the choosing of that entity—both of which did not happen. (Brewer_006)

The Borough President’s Office recommends that the proposed developer include a locally based mission-driven nonprofit developer and/or CLT as an equity partner with sufficient leverage to ensure that the extension of the non-permanent units as income-restricted units is made a priority. (Brewer_006)

Response 22-19: Comment noted.

Comment 22-20: As the City moves to shrink its portfolio of unused or underutilized land, it must do so with the intention of preserving the value of that same land to the residents of the city in perpetuity. Where requirements for permanent affordability of all units in a project built on formerly city-owned land are not possible, the City must explore mechanisms to achieve “practical permanence” as a tool for future development of projects where the City has contributed land. MIH requirements are an effective way to assure permanent affordability in private projects, but developments that use City land must be held to a higher standard. All dispositions of city-owned land have the option of attaching a restrictive covenant to the deed that establishes additional requirements of permanent affordable housing to the property owner. (Brewer_006)

The City must take the concept of “practical permanence” beyond balloon payments and establish a public process that occurs at or near the expiration of the public financing and regulatory agreement to ensure true and permanent oversight of our city assets. This would go far toward justifying the permanent disposition of city land. If this is not an option for for-profit developers when city-owned land is involved, then we should consider prioritizing mission-driven nonprofit developers and/or CLTs to act as the steward to help achieve the permanence we seek. These are not new concerns nor are they ideas I

raise here for the first time, and I urge progress on developing such mechanisms. (Brewer_006)

The Borough President's Office recommends that the applicant commits to and provides a timeline for completing a study of how to enact "practical permanence" by using restrictive covenants on the deed to compel owners to extend the duration of affordability and regulatory requirements. (Brewer_006)

The Borough President's Office recommends that the applicant and the proposed developer commit to providing regular updates to the Board and demonstrate ways they have incorporated both the Board's and my recommendations prior to the CPC vote. (Brewer_006)

While I applaud the developer's commitment to make all of the units income restricted, 60 percent of the units are not permanently affordable. Only 40 percent are. As someone who has dealt for decades, decades with the expiring affordability of the Mitchell-Lama program, it is disheartening to see the City repeat a recipe for future affordable housing loss and resident displacement. City owned land represents one of the few places where we can require permanent affordability. We shouldn't let that slip away. (Brewer_063)

Response 22-20: HPD structures project financing so that at the end of the base affordability period (30-50 years) the owner has a strong incentive to come back to HPD to refinance and extend affordability. This is typically done through a balloon mortgage; the owner pays little or no debt service during the base period, and then owes the City full principal plus interest at the end of that time. In most cases this results in a loan to value ratio that makes refinancing with the City the most financially feasible option. The balloon mortgage may be coupled with other tools to give HPD more control over the long-term affordability of the project. The City will continue to explore tools and mechanisms to extend the affordability term.

Comment 22-21: The increase in density from R7-2 to R9 is appropriate at this location since two wide streets bound the site, and the scale of the project will allow for a greater number of permanently affordable units through MIH. (Brewer_006)

Response 22-21: Comment noted.

Comment 22-22: Based on the EHNP and previous CB11 land use decisions, upzonings paired with site planning that strives to minimize the impact of additional density have been supported where proposals maximize the amount of permanently affordable housing. In contrast with the East Harlem Rezoning proposal (C-170358 ZMM), a separate application

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running concurrently in ULURP where I have serious concerns that the additional density outweighs the benefits of the additional affordable housing, the Sendero Verde project provides a level of detail and specific site planning that make me confident that this project can be a substantial benefit to the community. (Brewer_006)

Response 22-22: Comment noted.

Comment 22-23: The Sendero Verde application smartly uses the design tools via bulk, height, and setback modifications available when using a Large Scale General Development (LSGD) to relate the building mass and placement of open and garden space to the surrounding area in an appropriate manner. The site plan calls for the tallest of the three buildings (Building A) to be adjacent to the frontage that is most appropriate for the density (two wide streets) and in proximity to similar tower-in-the-park developments located to the north of the lot. Buildings Band C, significantly shorter, are aligned with the mid-rise developments found along the remaining frontages. Several modifications among the Proposed Actions would mitigate light and air issues for the open space, the gardens, and the surrounding area in comparison to several as-of-right scenarios. (Brewer_006)

Response 22-23: Comment noted.

Comment 22-24: The argument for waiving required accessory parking to support maximizing the amount of affordable units or contributing to driving down the AMI tiers for a percentage of units was thoughtful and in line with the policy of this office. (Brewer_006)

Response 22-24: Comment noted.

Comment 22-25: After careful review, I believe the modifications and permits requested by the applicant are appropriate and would contribute to a better site plan and relationship between the buildings, and the wider neighborhood. (Brewer_006)

Response 22-25: Comment noted.

Comment 22-26: The Borough President's Office recommends that the applicant and the proposed developer work with our office, CB11, the local Council Member, and the City to reach deeper levels of affordability below 30 percent AMI on the income-restricted units and increase the percentage of units at 30 percent AMI and below. (Brewer_006)

Response 22-26: Comment noted.

East Harlem Rezoning

Comment 22-27: The Borough President's Office recommends that the proposed developer develop a tower design that demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration that will result in a prominent and distinctive building which complements the character of the surrounding area. (Brewer_006)

Response 22-27: Comment noted. As noted in Chapter 22, "Alternatives," of the EIS, the Sendero Verde Development would be constructed in accordance with a CPC-approved site plan approved as part of the current LSGD application. The development has also been subject to DCP technical review and urban design review. Any substantial changes to the plan as currently presented would require an amendment to the LSGD and further public review.

Comment 22-28: Union Settlement is proud to be a partner in the Sendero Verde project, which will create 655 new units of affordable housing, create over 140,000 sf of community facility space, and ensure that local residents will continue to be able to access and utilize the site, primarily by setting aside a substantial area for the existing community gardens.

We are proud to be joining with project partners DREAM, Mt. Sinai, and the YMCA. These are trusted non-profits with decades of experience offering high-quality services to low-income communities, and we very much look forward to collaborating with them at the Sendero Verde site, and are sure that our collective programs will provide unparalleled benefits to local residents. (Nocenti_USA_007)

Response 22-28: Comment noted.

Comment 22-29: I would also like to say a few words in support for the Sendero Verde project. As an initial step in our commitment to constructing new affordable homes in East Harlem, HPD has designated the East 111th Street RFP site to the Sendero Verde project through our RFP process, which was heavily informed by community goals and priorities as outlined in the Community Visioning Report, the EHNP, and our work with NYC Parks profiling the needs of the four gardens to be relocated in the new development. This approximately 650-unit, Passive-House Standard, 100 percent affordable project, balances a number of the community's stated goals for the site. Twenty percent of the apartments are set aside for households earning up to \$25,770 for a family of three (30 percent of AMI). The project's partners include ACACIA Network, El Barrio Operation Fight Back, DREAM charter school, the YMCA, Mt. Sinai, and Union Settlement, and services will include a grocery store, public open space, and new amenities for the four community gardens currently operating on the site. We look forward to continuing

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collaborations such as these with neighborhood residents and stakeholders to deliver community-informed development on public land. (Torres-Springer_HPD_037)

Response 22-29:

Comment noted.

Comment 22-30:

If approved, the City's East Harlem Initiative will help provide the neighborhood with new affordable homes in the near term and will implement mechanisms for the ongoing creation of affordable housing as the neighborhood continues to grow. For these reasons, I submit my support for both the rezoning and Sendero Verde proposals. (Katz_HPD_034)

Response 22-30:

Comment noted.

Comment 22-31:

Although the EHNP did not include specific zoning recommendations for this site, it set forth certain principles to be used to guide future rezonings, and the Sendero Verde project is largely consistent with the goals that the plan sought to achieve. (Nocenti_USA_007)

Response 22-31:

Comment noted.

Comment 22-32:

When Jonathan Rose and Companies approached DREAM last year about signing onto the Sendero Verde project on East 111th Street to expand our footprint and services in East Harlem, we very quickly signed on knowing the transformative power of a renewed partnership. DREAM is living, breathing proof that Jonathan Rose Companies is incredibly relentless and creative in creating buildings and spaces that serve, inspire and motivate communities. (Parkey_DREAM_022)

Response 22-32:

Comment noted.

Comment 22-33:

With respect to the construction on 111th Street—I think it's a wonderful idea—not only for my children but for all children in the neighborhood. The only way to have good neighborhoods is to have good children—start working on the [basics]. DREAM has done and continues to do [a lot] with our children. I urge you to say [this project is important]. (Matarrita_045)

Response 22-33:

Comment noted.

Comment 22-34:

I understand that DREAM is trying to open a high school in East Harlem and as a parent of DREAM and an East Harlem community member I think that's a beautiful idea. (Brettler_021)

Response 22-34:

Comment noted.

Comment 22-35: Sendero Verde, the approximately 650 units of affordable housing that will include community facility space, a DREAM charter school, a YMCA, Mt. Sinai Health Care Facility, Union Settlement services, as well as retail space, will be located between Park and Madison Avenues and East 111th and 112th Streets.

Every element of the design is carefully assessed. Efficiency and quality are at the top core values of the team, and they are committed to develop the best affordable housing project possible. It is for this reason that we at Acacia are very pleased to testify in support of this ULURP application for the proposed.

Sendero Verde is well positioned to truly create “A Community of Opportunity” and will provide an opportunity to strengthen the quality of life and address the profound needs of our workers, families, and children, and we believe our contribution, coupled with the expertise of the development team, will yield great results and create affordable housing for those that have been here and will be here and their families. (Russi_AN_016)

Response 22-35: Comment noted.

Comment 22-36: One of my top priorities for the rezoning is making sure that quality jobs get created in East Harlem. East Harlem is a diverse community of working people like me. I know many of my neighbors are struggling with low wages or unemployment. People are seeing their rent increase while their wages stay the same.

New development that includes affordable housing for a mix of incomes and creates jobs that pay decent wages is the only way working people will be able to continue to live in East Harlem. The Sendero Verde development can offer this as can the East Harlem rezoning. (Wade_SEIU_015)

Response 22-36: Comment noted.

Comment 22-37: The height of the project alongside Madison Avenue and 112th Street are characteristically out of scale with the neighborhood. The placement of the tallest building would make more sense alongside the already dead Park Avenue and still be able to offer desirable park views. More modestly sized buildings alongside Madison Avenue and 112th Street would relate to the existing street scape. I welcome all other parts of this project but oppose the dramatic heights of the buildings. I support Gale Brewer’s objections of this project. (Ferrer_013)

Response 22-37: The proposed project seeks to maximize the number of affordable homes on a key public site, while also accommodating a number of

additional uses including community gardens. The site plan ensures the community gardens will receive adequate sunlight without sacrificing the affordable housing component of the proposed project.

Comment 22-38: I'm very pleased to testify in support of this ULURP application for the proposed development known as Sendero Verde, an approximately 650 unit affordable housing project located between Park and Madison Avenues and East 111th and 112th Streets within East Harlem in Manhattan.

The project will include community facility space for a DREAM Charter School, the YMCA, Mount Sinai, Union Settlement, as well as retail space.

The actions needed to facilitate this project include disposition of City-owned property;

UDAAP designation and project approval;

A Zoning Map Amendment to change an R72 and R72/C14 District to an R9/C25 District;

Zoning Text Amendment for MIH designation;

Acquisition authority to acquire the community gardens post construction; and

Special permits to allow for the intended building design.

This project will also require an amendment to the Milbank-Frawley URP, which is traveling with the application in the East Harlem rezoning that we just heard. (Parris_HPDP_108)

Response 22-38: Comment noted.

Comment 22-39: Sendero Verde is the first project to be designated through an RFP that also included a Community Visioning Report for the site as an addendum.

This report was generated through extensive community engagement, including a community workshop with approximately 100 attendees, consistent of smaller meetings with local stakeholders, as well as meetings with CB11 and local elected officials.

Respondents to the RFP were encouraged to submit proposals that incorporated the priorities outlined in the Community Visioning Report. (Parris_HPDP_108)

Response 22-39: Comment noted.

Comment 22-40: I'm here representing Jonathan Rose Companies on behalf of the selected development team for Sendero Verde. The Sendero Verde

development team is a partnership of Jonathan Rose Companies, L+M Development Partners and a not-for-profit, the Acacia Network.

Jonathan Rose Companies, as the lead developer, has always seen its mission in developing green affordable housing that increases societal equity, and we looked to be groundbreaking in our approach of showing what development can do for residents and communities. (Harris_JRC_109)

Response 22-40: Comment noted.

Comment 22-41: Our key in developing a plan for this property was first of all to use the four community gardens which were specified as to be permanently resident on the site as a key piece of design strategy. We then looked for community partners that would really enhance the lives of people throughout their lives and increase their wellness and opportunity. (Harris_JRC_109)

Response 22-41: Comment noted.

Comment 22-42: We wanted to maximize public use of the space so in addition to the four gardens that are preserved, although relocated, we created—we took what would have been the rear yards of the buildings and have made them a, basically, an open space that would be open to the public and which actually sits on top of the roof of some of the key facilities that are part of the community partners. (Harris_JRC_109)

Response 22-42: Comment noted.

Comment 22-43: We've located the mass of the building on Madison Avenue, which really makes sense because Madison Avenue has a lot of tall buildings already. We've pushed down the building on the south and left as much area to the south open to get the best sun for the community gardens, and also to get the best sun into the courtyard which will be accessible to the public. And then on the north side of the site, we've located a bar building. (Moelis_HA_110)

Response 22-43: Comment noted.

Comment 22-44: Something that's very important to the organization of the project is how we want to bring people into the site. We want to invite people in. So we want a lot of permeability, a lot of ways to get into the site. We'll have retail on Madison Avenue, entrances to the residential buildings, entrances to the community partners; the YMCA, Mount Sinai, the school, and the Union Settlement. So lots of entrances, lots of ways to get into the building.

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And then on the second floor, lots of ways to get out of the building and to engage onto the courtyard. So the idea that people come in, come up, engage, move around, lots of different activities, different opportunities for activity. (Moelis_HA_110)

Response 22-44: Comment noted.

Comment 22-45: [There is a blank wall along Park Avenue because of an] existing parcel. This is an existing out-parcel that we do not have control over. This edge is a lot-line condition. So we can't have legal windows on this façade. We're just simply not allowed. (Moelis_HA_110)

Response 22-45: Comment noted.

Comment 22-46: The idea with the charter school, we hope to have the cafeteria on the second floor. And we do hope that they come out, hang out, enjoy the courtyard, use it for their outdoor space for lunch. There won't be any ball playing or that type of activity out there, but we expect there to be congregation and interaction with the community during the day. The courtyard is really to be shared by all the community partners and by the community at large, not just DREAM. (Moelis_HA_110)

Response 22-46: Comment noted.

Comment 22-47: [With respect to] ADA access from the open space to Park Avenue, we have an elevator that will take care of that over here. The idea here it's accessible to all. We want this ramp—this is the only means of egress or access for both and it is ADA compliant. (Moelis_HA_110)

Response 22-47: Comment noted.

Comment 22-48: Mount Sinai is located under the tower and is approximately 20,000 sf to 25,000 sf. And they will have a connection with the Y so that patients can, sort of, enjoy or really get therapy through both programs. The Y is estimated—we're showing here 30, we think it will be a little smaller than 30. And then DREAM Charter School is about 100. And then Union Settlement is about 11,000. Union Settlement is in the building we call Building C, it's the building to the south. (Moelis_HA_110)

Response 22-48: Comment noted.

Comment 22-49: In terms of the program, Mount Sinai will offer primary care in an office setting with doctor's offices. (Harris_JRC_109)

Response 22-49: Comment noted.

Comment 22-50: The unique partnership is the Y. This is not going to be a standard neighborhood YMCA, it's really built to accommodate the needs for activity by people that are referred from Mount Sinai.

There will be an opportunity for people to use the facility directly, but you shouldn't be expecting sort of the standard Y with the lap pool and so forth.

One of the things that's important, too, the therapy pools, which have been very effective, both the folks at Mount Sinai and folks at the Y looked at that approach.

I think the buildings will have conventional exercise rooms for residents. This is really meant to—it may have a lot of those features as well, but it really is meant to sort of be a well-being center and help Mount Sinai begin to really improve population health, that's the main thing. (Harris_JRC_109)

Response 22-50: Comment noted.

Comment 22-51: We do not have a supermarket partner and we—there is a new-ish supermarket directly across the street. So while we'd like to have something that focuses on food and fills a need, that it doesn't affect benefits in other developments. (Harris_JRC_109)

Response 22-51: Comment noted.

Comment 22-52: As you can imagine, our position on this project, the touchstone for that was its consistency with EHNP. We were deeply involved in developing that plan, as you know. And so, looking at any new project, that was really important to us. And the EHNP did not have any specific zoning recommendations for this site, so we had to look to see whether it was consistent with the principles and goals of the plan. Not perfect, but largely so.

So, first of all, 100 percent affordable, no market units—or market-rate units. So it's really important to us, because it is really helped us to fill out the application to do affordable housing. (Nocenti_USA_111)

Six tiers of affordability, including 20 percent of units for individuals earning 30 percent or less than AMI. We talked before about the large number of East Harlem residents that are low income, so having that commitment to 20 percent was very important.

Forty percent of the apartments being permanently affordable, and 60 percent of being affordable for a period between 40 to 60 years was also very important to us.

Fifty percent of the units being set aside for the preference of CD11 residents.

Setting aside space for the existing community gardens. (Nocenti_USA_111)

Response 22-52: Comment noted.

Comment 22-53: The developers have proposed a really robust and comprehensive local hiring plan, which was going to provide free OSHA training to bring local residents into jobs at the site. (Nocenti_USA_111)

Response 22-53: Comment noted.

Comment 22-54: [Union Settlement will] have 11,000 sf and we are going to be providing space for seniors, youth, and young adults. So basically we already run more senior centers pursuant to funding from the Department of the Aging, and we will be providing a senior center in the morning hours. As with many of our current senior centers, the seniors leave around 2 PM, 2:30 PM or so, and we bring in after-school programming thereafter. We have multiple contracts with the New York City Department of Youth and Community Development for after-school programming. And then after 6 PM when the elementary and middle school kids move on, we are going to have it available for young adults, for youth, teens, etc.

As we do with all of our community centers, Union Settlement is located—we don't own any property. We're in eight different NYCHA facilities and in some local schools. We make it available to local community groups, and we plan on doing the same for this space. So we have tenants associations, we have NA and AA groups. We make it available to the extent we can for local residents to utilize. (Nocenti_USA_111)

Response 22-54: Comment noted.

Comment 22-55: With Sendero Verde we were able to achieve 100 percent affordability. Certainly there's some under 130, with a good percentage at 30 percent, and there's the community space and there's the community gardens. So I think that for this particular project it makes sense that—to simply allow the maximum that City Planning proposed and to have the density and to not utilize the mandatory inclusionary housing availability in the other sections of East Harlem. On balance I think that was a pretty easy decision. So we stand with the Speaker and the Borough President and many of the community residents that were here in opposing that. But, you know, we are not just knee jerk, we are going to look at every

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project on a case by case basis, and some of them are going to meet and some of them are not. (Nocenti_USA_111)

Response 22-55: Please see the response to Comment 1-68.

Comment 22-56: Many Latinos who since the 1940s and 1950s have made East Harlem their home, and came here mostly for economic reasons, searching for the American dream and with a conviction that we would go back. Hence, there was no need to invest in a property here. Unfortunately, as many of us know, once you're here you struggle to make it, to find affordable housing, and provide for our families.

Sendero Verde, the approximately 650 units of affordable housing that will include community facilities, a DREAM charter school, a YMCA, Mt. Sinai facilities, Union Settlement, as well as retail space, will be located in Park and Madison Avenues and East 111th and 112th Streets. These are important sites for our community. Acacia's deep roots in the community will ensure that the design and the services in this important project reflects the community, rich culture, and enhanced the project design to echo and embrace the many elements that have made East Harlem home for many of us.

We are working closely with the team and our ideas have been incorporated, including space for art and culture. We recommended Gonzalo Cruz, a Latino top notch architect with an understanding of the history and the contributions of the community gardens. He will be an asset to the design team and the community gardens. (Russi_AN_112)

Response 22-56: Comment noted.

Comment 22-57: I attend all the development meetings and I can attest to the team commitments to develop a high quality affordable housing project for the community.

Every element of the design is carefully assessed. Efficiency and quality are at the top core of the—values of the team. It is for this reason that we at Acacia are very pleased to testify in support for Sendero Verde. Acacia through its affiliates, such as East Harlem Council for Community Improvement, the Institute for Puerto Rican and Hispanic Elderly, and Great Hope, as well as our own affordable housing projects in East Harlem are deeply rooted in the community. (Russi_AN_112)

Response 22-57: Comment noted.

Comment 22-58: We are excited to offer an innovative, mixed use community facility that provides East Harlem families with educational, health, and economic resources to lead empowered lives. Our current project has a

school building that inspires learning, 89 units of low-income housing, and again, the amazing public park.

Jonathan Rose Companies' commitment to the community landscape of East Harlem has been evidenced by their significant financial support, backing, and partnership with us in negotiating and acquiring the development site for our current school. And has really submitted DREAM's ability to solidify 25 plus years of work in the community to help children recognize their potential and realize their dreams. (Parkey_DREAM_113)

Response 22-58: Comment noted.

Comment 22-59: I'm a resident of Washington Houses in East Harlem and I'm a proud parent of DREAM Charter School. I'm also a member of DFAC, the school's Family Action Council, where parents' voices are heard. My daughter has been at DREAM Charter School since kindergarten. I also have two godchildren that attended DREAM.

I'm here to tell you that DREAM Charter School is the best thing to come to East Harlem. The staff at DREAM is very family oriented. The principals greet us and our children every morning with a handshake and a smile.

I understand that DREAM is trying to open a high school in East Harlem. And, as a parent of DREAM and an East Harlem community member, I think that's a beautiful idea. The school building we have for grades K through 8 is beautiful and a sight to see. My own daughter excelled in DREAM Charter School and graduated this summer with high honors. She was accepted into a highly competitive private high school named Spence.

I truly love the way that DREAM is with their scholars, and I believe that DREAM should have a high school built in East Harlem to be able to help more scholars believe in themselves and have the best education they can have. East Harlem needs a great high school, and I say DREAM is it. (Brettler_114)

Response 22-59: Comment noted.

Comment 22-60: CB 11's recommendation calls for a mission driven organization that is based in East Harlem to be part of the development team, and asks that the board be included in their choosing of that entity. Both recommendations were ignored. I'm a strong believer in working closely with mission driven developers and community land trusts to preserve affordability in the long term. And would encourage HPD to heed those recommendations and make them standard practice, so that

public land continues to serve the public interest in perpetuity.
(Brewer_063)

Response 22-60: Comment noted.

Comment 22-61: We were incredibly discouraged by the DEIS which seems to suggest, based on faulty formulaic work that does not take into account our neighborhood's unique family constructs, that new spaces are not needed. For example, the Sendero Verde Development Alternative just barely missed the threshold that CEQR would consider a significant adverse impact on childcare facilities. According to the DEIS, childcare facilities in the study area are expected to operate at a 94.8 percent utilization rate, which is a 7 percent increase under this development alternative. To be considered a significant adverse impact, there would need to be a 5 percent increase AND 100 percent utilization rate to require mitigation. There is a known error in the *CEQR Technical Manual* as it regards to estimating the number of children eligible for publicly funded child care and head start, as the multiplier used is based on data related to Manhattan as a whole, and not Upper Manhattan, which tends to have more younger children per household (according to recent ACS data). (EHNPS_107)

Response 22-61: Comment noted. The analysis in the DEIS was conducted in accordance with the methodological guidance of the *CEQR Technical Manual*. Based on this guidance, in close collaboration between DCP and ACS using best available data, the analysis found that there would be no potential for a significant adverse impact.

Comment 22-62: The Sendero Verde development at East 111th Street will provide 20 percent of the project's units to households earning 30 percent of AMI, which is the baseline proposed by the Steering Committee for public sites. However, it is worrisome that less than half of the units will be permanently affordable, especially in a neighborhood that has historically been affordable to working class families since its inception. (EHNPS_107)

Response 22-62: Comment noted.

Open Space

Comment 22-63: Codify that there is accessibility to the open space in perpetuity.
(Collier_CB11_003)

Response 22-63: The Sendero Verde Development would be constructed in accordance with a CPC-approved site plan approved as part of the LSGD. An RD will be recorded against the Sendero Verde tax lots in connection with the LSGD that would ensure public access in connection with the

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development. Furthermore, HPD's LDA with the developer will require that land be set aside on the Sendero Verde site for the new community gardens. The RD and the LDA are binding and run with the land.

Employment

Comment 22-64: We intend to enhance the workforce development initiatives for this project, and work closely with other local government organizations. (Russi_AN_112)

Response 22-64: Comment noted.

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