

# West Harlem Rezoning FEIS

## CHAPTER 23: RESPONSE TO COMMENTS\*

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### A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed West Harlem Rezoning project made during the public review period. These consist of comments made at the public hearing held by the New York City Planning Commission (CPC) on July 25, 2012, and written comments submitted to the New York City Department of City Planning. The period for public review remained open until August 6, 2012. In addition to responses to comments on the DEIS, this chapter also provides responses to those comments received on the draft Scope of Work that were not incorporated into the Final Scope of Work.

Section B below lists the organizations and/or individuals who commented on the DEIS, and summarizes and responds to comments made at the public hearing and received in writing. Written comments received on the DEIS are included in Appendix G to the FEIS. Section C below lists the individuals who commented on the Draft Scope of Work, and summarizes and responds to those comments received on the Draft Scope of Work that were not incorporated into the Final Scope of Work.

### B. DEIS COMMENTS AND RESPONSES

Comments were accepted on the Draft Environmental Impact Statement (DEIS) for the West Harlem Rezoning project. The City Planning Commission held a public hearing for the West Harlem Rezoning DEIS at the Department of City Planning, 22 Reade Street, on July 25, 2012. Written comments were also accepted on the DEIS for a period of ten (10) days following the hearing extending through August 6, 2012. Written comments received on the DEIS are included in Appendix G.

This section lists and responds to comments on the DEIS. The comments are organized by subject area, following the organization of the DEIS document. Where comments on the same subject matter were made by more than one person, a single comment summarizes those individual comments. The organization and/or individual that made the comment is identified next to each comment, using a numerical reference keyed to the list of commentors below. In instances where a comment applies to more than one subject area, the comment is listed multiple times. Comments on the DEIS were received from the following and organizations:

1. Manhattan Borough President Scott Stringer (written recommendation submitted 06/27/2012)
2. Brian Cook, Director of Land Use, Preservation and Development, Manhattan Borough President's office (oral statement at public hearing)
3. Community Board 9 (written recommendation submitted 06/27/2012)
4. Reverend Georgiette Morgan-Thomas, Chair, Community Board 9 (oral statement at public hearing)
5. Brad Taylor, Vice-Chair, Community Board 9 (oral statement at public hearing)
6. Patricia Jones, Co-Chair, Land Use and Zoning Committee, Community Board 9 (oral statement at public hearing)
7. Javier Carcamo, Co-Chair, Land Use and Zoning Committee, Community Board 9 (oral statement at public hearing)

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\* This chapter is new to the EIS

8. Larry English, former Chair, Community Board 9 (oral statement at public hearing)
9. Catherine Abate, member, Community Board 9 (oral statement at public hearing)
10. Simon R. Thoresen, member, Community Board 9 (oral statement at public hearing)
11. Walter South, member, Community Board 9 (oral statement at public hearing)
12. Yuien Chin, Executive Director, Hamilton Heights-West Harlem Community Preservation Organization (written statement dated 07/24/2012)
13. Jennifer Hensley, Executive Director, Association for a Better New York (written statement dated 08/01/2012)
14. Yvette L. Campbell, President and CEO, Harlem School of the Arts (oral statement at public hearing and written statement dates 07/26/2012)
15. Paul D. Selver, Co-Chair, Land Use Department, Kramer Levin Naftalis & Frankel LLP, land use council to the Harlem School of the Arts (oral statement at public hearing and written statement dated 08/03/2012)
16. Caroline Harris, partner, Goldman Harris LLC, represents the property owners at 655 St. Nicholas Avenue (oral statement at public hearing and written statement dated 07/24/2012)
17. Vin Cipolla, President, Municipal Arts Society (written statement dated 07/31/2012)
18. Varleton McDonald, Network Leader, Maverick Education Partnership (written statement)
19. Geoffrey Canada, President/CEO, Harlem Children's Zone (written statement dated 08/03/2012)
20. Mercedes Narcisco, Associate Adjunct Professor, Pratt Institute Graduate Center for Planning, urban planning consultant to Community Board 9 in drafting of 197-a plan (oral statement at public hearing)
21. Laveen Naidu, Executive Director, Dance Theatre of Harlem (written statement dated 08/03/2012)
22. J. Kevin Healy, Partner, Bryan Cave LLP, on behalf of affiliates of The Janus Property Company (written statements dated 07/09/2012 and 07/11/2012)
23. Donald Coaxum, Resident (oral statement at public hearing)
24. Mark A. Girand, Resident (e-mailed statement dated 07/13/2012)
25. Gail Cohen, Resident (e-mailed statement dated 06/14/2012)
26. Yukiko Kimura and Jeffrey Boscamp, Residents (written statement dated 06/18/2012)
27. Kate Dwyer, Resident (written statement dated 06/15/2012)

## **B1. Project Description (Including Development Scenario)/General Project Information**

*Comment B1.1:* *The R8A 1H (with C2-4 commercial overlay) portion of West 145<sup>th</sup> Street extending from a point 100 feet east of Broadway to Amsterdam should be rezoned as R7A with C2-4 commercial overlay. An R7A zoning designation would be compatible with the existing zoning along the corridor and is in accordance with the goals and objectives of the Proposed Action. (3)(5)(6)(7)(9)(11)(10)(12)(20)(26) West 145<sup>th</sup> Street between Saint Nicholas Avenue and Broadway (with the exception of the southwest corner of Broadway and West 145<sup>th</sup> Street) should be zoned R7A (12)*

**Response:** **As noted in Chapter 1, "Project Description" in the EIS, West 145<sup>th</sup> Street serves as a major east-west corridor that provides direct connection to Central Harlem and to the Bronx via the West 145<sup>th</sup> Street Bridge. The corridor also enjoys direct subway access (to five subway lines) and is also served by several major bus lines. DCP does not believe that downzoning the entire West 145<sup>th</sup> Street corridor would meet the overall goals and objectives achieved through public discussion and consensus, but does believe that there need to be building form controls and has proposed height and setback requirements. Accordingly, the rezoning plan has streetwall controls and height limits to ensure more predictable building form within a contextual envelope. Due to its varied built character, the proposed zoning plan identifies areas along West 145<sup>th</sup> Street that could receive a modest increase in density to incentivize more affordable housing (i.e., between Broadway**

and Amsterdam Avenue), while also proposing decreases in density to better preserve low-rise brownstone and rowhouse frontages (i.e., between Amsterdam and St. Nicholas avenues. The plan also recommends a modest increase in density east of the West 145<sup>th</sup> Street/St. Nicholas Avenue intersection, which is served by the IND A, B C and D subway lines.

It should be noted that the DEIS analyzes the potential effects of both the Proposed Action and a lower density alternative that assumes R7A instead of the R8A IH district proposed for West 145<sup>th</sup> Street. Neither were determined to result in significant adverse impacts. The significant adverse traffic, shadows, and historical and cultural resources impacts identified in the DEIS are not attributable to the development along West 145<sup>th</sup> Street. As described in Chapters 17 and 18, “Construction” and “Mitigation,” inadvertent construction-related damage could potentially occur to one eligible resource located near West 145<sup>th</sup> Street, the LPC-eligible Upper Riverside Drive historic district, as a result of construction on potential development site 56 and projected development site 5, which are both located on the north side of West 145<sup>th</sup> Street between Riverside Drive and Broadway. If this eligible resource is designated in the future prior to the initiation of construction, TPPN 10/88 would apply and indirect significant adverse impacts resulting from construction on projected development site 5 and potential development site 56 would be avoided.

*Comment B1.2:* The proposed R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam could be considered illegal spot zoning, and therefore, it should not be allowed. This portion of West 145<sup>th</sup> Street should be rezoned R7A. (11)

**Response:** See response to Comment B1.1 above.

*Comment B1.3:* The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam is appropriate. This corridor can take the increased density as it is one of the few corridors in the area that has existing transit and little residential land use. (1)(2)

**Response:** Comment noted.

*Comment B1.4:* The Harlem School of the Arts (HSA) wants to leave the door open to future development by preserving the value of unused residential development rights from their two-story school (lot 160) and neighboring theater property (lot 157). These unused development rights have been valued at more than \$6 million under the current zoning, an important financial resource, as HSA does not have access to the resources available to many of the City’s other arts and educational institutions. This floor area could be transferred to the lot immediately north of HSA (lot 149) through a zoning lot merger and incorporated into a new residential building on that site. The rezoning would impose a height limit of 80 feet, reducing the unused development rights by over 60%, impeding future expansion. Rationalizing the exemption of the HSA with the importance of the institution to the community, its proximity to existing transit, the higher elevation of nearby Hamilton Terrace, and the varied heights of the neighboring buildings, the HSA would like the DCP to instate an approval process for increased FAR and height allotments for developments that include on their zoning lots both an existing cultural facility and an addition to that cultural facility.(8)(14)(15)(16)(17)(19)

**Response:** The subject property was not identified as a projected or potential development site in the EIS. The request that the proposal include an approval process for increased FAR and height allotments for developments that include an existing

**cultural facility and an addition to that cultural facility would not meet the goals and objectives of the Proposed Action in terms of bulk, form and scale and would not reduce or eliminate any significant adverse impacts identified in the DEIS.**

Comment B1.5: *In the current rezoning proposal, the lot at 655 Saint Nicholas Avenue [HSA] would be rezoned from the existing R7-2 to R6A and R7A. The boundary line between the proposed R6A and R7A districts would be mapped 100 feet west of St. Nicholas Avenue, creating a split-lot condition and eliminating any development potential from the proposed R6A portion of the property. Due to the application of the split lot regulations, none of the floor area attributable to the R6A portion of the lot would be able to be used in the R7A portions of the lot, so the property would lose the entire 3.0 FAR attributable to the R6A portion. This would increase the loss in maximum FAR permitted on the property due to the downzoning from R7-2 to R7A. Furthermore, Article VII, Chapter 7 of the Zoning Resolutions for zoning lots divided by district boundaries and the weighted average rules would not provide relief for the property's proposed split-lot condition. The property owner proposes moving the boundary westward to the rear property line of the 655 Saint Nicholas Avenue lot to facilitate development on the currently vacant lot neighboring the Harlem School of the Arts. As the properties to the west are already developed, such a change would not negatively affect any of these property owners. Additionally, as the EIS examines a No-Action scenario with a higher FAR than either the R6A or the R7A designations, the slight adjustment to the district boundary line to make the entire property R7A would be within the scope of the environmental review.(16)*

**Response:** **The subject property was not identified as a projected or potential development site in the EIS. The request that the proposal adjust the rezoning boundary would not meet the goals and objectives of the Proposed Action and would not reduce or eliminate any significant adverse impacts identified in the DEIS.**

Comment B1.6: *Urge the Commission in its report to recognize the importance of HSA to its community and to supporting the City's role as a cultural capital of the world. It is vital that the HSA's current zoning be maintained so as not to diminish the positive impact that the HSA has had on area organizations, such as Harlem Children's Zone (HCZ). In the past, DCP and the City Council have recognized the importance of the arts to the Harlem community by creating an arts bonus and arts requirements as part of the plan for 125<sup>th</sup> Street. It is essential that initiatives that seek ways to support the neighborhood's arts community continue. (14)(17)(18)(19)*

**Response:** **Comment noted. Also see responses to Comments B1.4 and B1.5 above.**

Comment B1.7: *The rezoning should not allow any exemptions for Harlem School of the Arts or other area properties. Rezoning cannot accommodate all property owners and allowing an exemption would start an unwanted trend for more exemptions to what is a solid rezoning plan. (7)(12). Greater FARs or up-zonings should not be allowed on the block between Amsterdam and Broadway for any individual organization. (12)*

**Response:** **Comment noted.**

Comment B1.8: *As the HSA's proposal is still in its early stages, without a developer selected or a program identified, it is impossible at this time to weight the benefits of altering the zoning plan. Given these current conditions, the proposed rezoning should advance unaltered at this site. However, if HSA develops a more refined proposal, the school may seek a subsequent rezoning through the public review process. (1)*

**Response:** **Comment noted.**

Comment B1.9: *The rezoning needs to retain existing affordable housing while also encouraging new affordable housing throughout the rezoning area, not just on West 145<sup>th</sup> Street. The inclusionary housing incentives should not just be on West 145<sup>th</sup> Street. There are other R7 areas of the rezoning that could support the inclusionary housing incentives as well. (10)*

**Response:** **As identified in Chapter 1, “Project Description” in the EIS, certain areas in the rezoning proposal, including areas currently zoned R7, are not proposed to support inclusionary housing incentives. In developing the proposal, DCP identified areas where it is believed that modest increases in residential density are appropriate. While it was found that West 145<sup>th</sup> Street is one such area, DCP is not proposing to increase density but rather to preserve the existing built form and low-to-medium density character of certain R7 and R8 areas within the proposed rezoning.**

Comment B1.10: *Reasonable Worst Case Development Scenarios 3 and 4 are unrealistic, containing unlikely assumptions regarding the P.S. 186 [Site 6] deed restriction. The DEIS assumes that P.S. 186’s deed restriction, which currently requires that 85 percent of the building be used for community facility uses, will either remain intact or not exist. The building has seen no development yet, but there are ongoing discussions between the Manhattan Borough President’s office and the developer regarding modification of the deed restriction while ensuring that the building is preserved. (2)(6)(8)*

**Response:** **As described in Chapter 1, “Project Description,” while the EIS acknowledges that discussions between the commentator and the Manhattan Borough President are ongoing, it is not known what these discussions will conclude with regard to the development of Site 6. As such, based on available information as well as 2012 CEQR Technical Manual methodologies and guidelines, the EIS analyzes two development scenarios for Site 6 that could occur in the future with the Proposed Action.**

Comment B1.11: *Dance Theatre of Harlem (DTH) requests that the current R7-2 zoning of the DTH-owned lots located on the northwest corner of West 152<sup>nd</sup> Street and St. Nicholas Avenue (Block 2067, lots 20, 21, 22, and 120) be maintained under the current rezoning proposal. The proposed rezoning to R6A would negatively impact DTH’s future plans for the mixed-use development of the lots with approximately 15,000 square feet of community facility space and approximately 30 units of mixed-income workforce housing. The current R7-2 zoning allows for up to approximately 45,000 sf of combined community facility and residential space, whereas the proposed zoning allows for approximately 20,000 sf. DTB’s planned future mixed-use development of the site would allow the organization to generate ongoing funds for the local institution. (21)*

**Response:** **The subject property was not identified as a projected or potential development site in the EIS. The request that the proposal retain existing zoning districts that allow for increased FAR and height allotments for developments that include an existing cultural facility would not meet the goals and objectives of the Proposed Action in terms of bulk, form and scale and would not reduce or eliminate any significant adverse impacts identified in Chapter 1, “Project Description,” in the EIS.**

Comment B1.12: *The DEIS erroneously assumes that all Site 40 parcels are “development sites.” Several of the parcels that comprise Site 40 are not “development sites” at all under the definitions and criteria set forth in the DEIS, and others, at most, should be characterized as potential development sites. Several of the Site 40 parcels contain structures that are currently developed to an FAR of between 5.0 and over 6.0 FAR, so*

*there is little likelihood that they would be demolished and replaced with new construction as a result of a rezoning that would limit commercial/manufacturing FAR to 5.0, residential FAR to 3.44, and community facility FAR to 6.5. Additionally, several of the buildings on Site 40 should have been dropped out of the list of projected/potential sites due to a long-term leasing arrangement that is in place with a government entity, and the recent and continuing major investment that Janus has made and continues to make at many of the buildings comprising the site. (22)*

**Response:** **The DEIS considers two reasonable worst case development scenarios for Site 40: 1. A conversion scenario which takes into account that the site contains existing buildings of various height, density and character that lend themselves to a wide range of redevelopment options including alteration, conversion and partial demolition; and 2. A New Development scenario which assumes full redevelopment of Site 40. As of the date of issuance of the FEIS, the lead agency was reviewing additional information recently provided by the commentator regarding the leasing arrangements and recent and continuing major investments for two of the buildings on Site 40 with existing FARs of 5.0 or above. In the event that it is determined, based on this information, that these two buildings are unlikely to be demolished, enlarged, or converted as a result of the Proposed Action, the reasonable worst case development scenarios utilized for purposes of impact analysis in the FEIS will reflect an additional degree of conservatism. To the extent necessary, the development scenario, together with any related analyses and any modifications of (E) designations, will be considered in a Technical Memorandum.**

*Comment B1.14: The height limits and setback requirements under the proposed rezoning preclude the transfer of any FAR within Site 40 that may be available after the rezoning to create concentrated development or tall towers, so it is not reasonable to assume that the transfer of development rights would create an incentive to demolish an existing high FAR, highly utilized structure. (22)*

**Response:** **Refer to Response to Comment B1.12.**

*Comment B1.15: The identification of Site 40, in its entirety, as a “development site” is an error. The circumstances surrounding each individual component of Site 40 must be taken into account in determining specifically where it would be reasonable to assume that new development could take place, where a conversion is more reasonable, and where no development logically can be projected. Lots 89 should be treated as a projected development site under a new development scenario; lot 60 should be analyzed as a projected development site under both the new development and conversion scenarios; lots 50, 45, and 60 should be identified either as not likely to be developed further or as development sites under the conversion scenario; and lots 45 and 40 should not be identified either as “projected” or “potential” development sites. (22)*

**Response:** **Refer to Response to Comment B1.12.**

*Comment B1.16: It is not reasonable for the DEIS to anticipate that the rezoning will trigger the complete demolition of existing structures on each of the 10 separate individual parcels that comprise [Site 40], with each replaced by new development by 2021. The Janus Property Company has pursued a redevelopment strategy for the Site 40 parcels on a building-by-building basis, implementing a mix of conversion and new development as appropriate for each particular site. Janus has no intention of embarking upon a redevelopment program predicated on widespread demolition when and if the rezoning is adopted. Rather, its intention is to pursue the discrete opportunities offered by the*

*rezoning to add new square footage in appropriate locations, along with broader opportunities for attract a wider range of uses to the site. (22)*

**Response:** Refer to Response to Comment B1.12.

*Comment B1.17: Site 40 parcels that do not meet the criteria for projected or potential development sites should not receive “(E) Designations.” Such an action would impede unnecessarily the redevelopment of the newly created MX district by requiring the Janus Property Company to secure OER clearance whenever it seeks a building permit to permit work at these parcels. The DEIS should be revised to indicated that (E) Designations will be placed only on lots 89 and 60 (the most likely projected development sites for new development or conversion). (22)*

**Response:** Refer to Response to Comment B1.12.

*Comment B1.18: It is unclear from the record that the Lead Agency has undertaken the investigation required under the (E) Designations Regulations to justify the placement of (E) Designations on all of the Site 40 parcels. Under § 24-05 of those regulations, a Phase 1 Site Assessment should have been prepared and documented in a report filed with the Department of City Planning. The Janus Property Company has submitted a request under the Freedom of Information Law to obtain a copy of that report, but no such report has been produced by the DCP. (22)*

**Response:** Chapter 24 of Title 15 of the Rules of the City of New York specifies the process for determining if an (E) designation should be placed on a specific site. Section 24-04 describes the preliminary screening process, which includes reviewing historical documentation for past or current uses that may have affected or be affecting a projected or potential development site or an adjacent site. Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of types of facilities, activities or conditions which would lead to a site receiving an (E) designation.

The hazardous materials assessment in the DEIS was prepared in accordance with all applicable rules and regulations. As per *CEQR Technical Manual* guidelines (Chapter 12, Section 320), for some proposed projects (e.g., area-wide rezonings), portions of the scope for a standard Phase I ESA, such as site inspections, may not be possible. Thus, the objective of the hazardous materials assessment for an area-wide rezoning such as the West Harlem Rezoning initiative, is to determine which, if any, of the projected and potential development sites identified as part of the RWCDS may have been adversely affected by current or historical uses at or adjacent to the sites, such that the property would require an (E) designation. As per Chapter 24 of Title 15 of the Rules of the City of New York, reviews of the regulatory database and/or Sanborn maps and city directories were used to determine past uses of the property and enable an assessment of whether the lot should receive an (E) designation.

It should be noted that DEP reviewed the hazardous materials chapter and all back-up documentation, and concurred with the placement of (E) designations on all of the projected and potential development sites identified in the RWCDS.

The commentator has been provided with the Phase I Site Assessment Report by DCP pursuant to the Freedom of Information Law.

Comment B1.19: *The assumptions of the DEIS that “[f]or sites currently zoned M1-1, it is estimated that the existing conditions would remain in place given the limited amount of density allowed” and that demolition of Site 40 buildings would not be expected in the future without the Proposed Action are incorrect. Whether the Proposed Action is adopted or not, the Janus Property Company will continue to put the buildings it owns to beneficial use, and make the alterations necessary for that purpose, including partial or complete demolition when necessary. (22)*

**Response:** **Chapter 1, “Project Description” and Chapter 7, “Historic and Cultural Resources” in the EIS have been modified to reflect that a small amount of partial demolition is possible on Site 40 in the Future Without the Action.**

Comment B1.20: *In first paragraph under “B. Background and Existing Conditions” on page 1-2, it should be noted that the M1-1 manufacturing zone experienced significant disinvestment, resulting in the physical neglect, abandonment, and demolition of buildings. Remaining buildings became obsolete and fell out of compliance with Building and Fire Life Safety Codes. Addressing and reversing this situation is one of the primary goals of the rezoning. (22)*

**Response:** **The language described in this comment has been included in the above-referenced section of the EIS. It should be noted, however, that as identified in Chapter 1, “Project Description” of the EIS, the primary goals of the proposed rezoning are to preserve the existing context and scale of the residential neighborhood while allowing modest residential growth where appropriate.**

Comment 1.21: *There is no longer a building supply company on Site 40, as incorrectly stated in “Chapter 1: Project Description.” (22)*

**Response:** **Comment noted. Reference has been removed from the project description chapter.**

Comment B1.22: *The Hamilton Heights-West Harlem CPO wants to ensure that the commercial overlay proposed for Hamilton Place between West 144<sup>th</sup> and West 135<sup>th</sup> Streets be restricted to existing footprint—commercial on Hamilton Place on the northeast corner at West 139<sup>th</sup> Street and the northeast corner at 141<sup>st</sup> Street. (12)*

**Response:** **As stated in Chapter 1, “Project Description,” DCP identified areas within the proposal where it is believed that commercial overlays, intended to promote and better support local retail development, are appropriate. It was found that portions of Hamilton Place (including areas north of West 138<sup>th</sup> Street) are areas where commercial overlays would accommodate current retail uses and meet the local need for future ground floor commercial space. Restricting the proposed commercial overlay to Hamilton Place on the northeast corner at West 139<sup>th</sup> Street and the northeast corner at 141<sup>st</sup> Street, as proposed by the commentator, is at odds with promoting and supporting retail development in these areas.**

**It should be noted that, unlike the commentator has noted in the above comment, areas north of West 135<sup>th</sup> Street are currently zoned with commercial overlays, and thus the proposed commercial overlays on Hamilton Place would occur to the north of West 138<sup>th</sup> Street along Hamilton Place.**

Comment B1.23: *While acknowledging that limited zoning changes for economic development may be necessary, there should not be up-zoning in the northern end of the district. (12)*

**Response:** **The proposed R8A zoning changes in the northern portion of the rezoning area was proposed for the northern portion of the rezoning area, along West 155<sup>th</sup>**



Street and Edgecombe Avenue, in order match the existing density and street wall of existing buildings and, in some cases, help encourage new development with modest increase in density on a wide east-west corridor next to public transportation. This is consistent with the purpose and need of the rezoning as identified in Chapter 1, “Project Description.”

*Comment B1.24: West 145<sup>th</sup> Street between Amsterdam and Broadway, as well as Edgecombe Avenue, and West 155<sup>th</sup> and West 145<sup>th</sup> Streets between St. Nicholas and Bradhurst Avenues should be zoned R7A, not R8A.(12)*

**Response:** Comment noted. See response to Comment B1.1 above.

## **B2. Land Use, Zoning, and Public Policy**

*Comment B2.1: There are currently a number of planned developments which were not addressed in the EIS; for example, Columbia University’s Broadway and West 147<sup>th</sup>/West 148<sup>th</sup> Street project, Sugar Hill Project/155<sup>th</sup> Street, and City College South Campus. These planned developments will contribute to the increase in density and negatively impact the “village quality” of the residential district in the northern end. (12)*

**Response:** The EIS analyses incorporated all known development projects within the West Harlem Rezoning area and surrounding ¼-mile radius, as indicated in Table 2-4 and Figure 2-7 of Chapter 2, “Land Use, Zoning, and Public Policy.” These included the Sugar Hill development as well as Phase 1 and part of Phase 2 of Columbia’s Manhattanville development. Regarding the City College South campus, there are currently no known plans for further development of the remainder of the South Campus by 2021.

*Comment B2.2: There is no longer a building supply company on Site 40, as incorrectly stated in “Chapter 2: Land Use, Zoning, and Public Policy”. (22)*

**Response:** Comment noted. Reference has been removed from Chapter 2, “Land Use, Zoning, and Public Policy.”

*Comment B2.3: The description of Site 40 in “Chapter 2: Land Use, Zoning, and Public Policy” incorrectly states that Lot 40 is comprised of a five-story building; this is a partial five-story/partial six-story/partial seven-story building. The portion that is six and seven stories contains approximately 25% of the now-combined building’s square footage. (22)*

**Response:** Comment noted. The description of Site 40 in Chapter 2, “Land Use, Zoning, and Public Policy” has been modified.

*Comment B2.4: The description of Lot 89 on Site 40 in “Chapter 2: Land Use, Zoning and Public Policy,” should state that the building and lot are unleased and unusable. (22)*

**Response:** Comment noted. Description of Lot 89 on Site 40 in Chapter 2, “Land Use, Zoning, and Public Policy” has been modified to state that the building and lot are currently not leased.

## **B3. Socioeconomic Conditions**

*Comment B3.1: The community is concerned about the retention of existing rent-regulated housing. (6)(7)(10)(20)*

**Response:** Comment noted. The rezoning plan includes the Inclusionary Housing Program, which includes a preservation option. Under this option, a developer would be

allowed increased density in return for buying and preserving in perpetuity existing units at affordable rents. The New York City Department of Housing Preservation and Development (HPD) also has several programs that are targeted to neighborhood preservation and provide incentives for revitalizing current buildings, including rehabilitation loans to correct substandard or unsanitary conditions and to prolong the useful life of multiple dwellings in New York City. These and other programs may be used to preserve existing affordable housing.

*Comment B3.2:* Throughout Community Board 9, over 60 percent of the housing stock is rent regulated. On the R8A-zoned portion of West 145<sup>th</sup> Street between Broadway and Amsterdam, three existing buildings contain approximately 250 units of subsidized housing. The community is concerned that the R8A rezoning (as compared to an R7A zoning) will encourage developers to demolish these existing affordable housing units to construct larger buildings. (20)

**Response:** See response to Comment B3.1 above. It should also be noted that and any rent-regulated housing units cannot be eliminated without being replaced on-site. Rent stabilization laws also require that rent-regulated tenants be provided with provisions/stipends for relocation.

*Comment B3.3:* The proposed rezoning does not go far enough to protect residents and workers. Ensuring good jobs for local residents, so that they can continue to live in the neighborhood and support their families is essential. (23)

**Response:** Comment noted. As noted in Chapter 3, “Socioeconomics Conditions” in the EIS, the Proposed Action would not result in a significant adverse impacts related to residential or business displacement.

*Comment B3.4:* The address of the “NYS-operated State School” included in Table 3-4, “Business/Institutional Uses Subject to Direct Displacement under the Proposed Action by Projected Development Site” should be corrected; the school is located at 1361 Amsterdam Avenue, not 461 West 126<sup>th</sup> Street. (22)

**Response:** Comment noted. Field surveys conducted in February-March 2012 indicated that the NYS-operated State School occupied space within a building on Block 1964, Lot 45, which has an address of 461-467 West 126<sup>th</sup> Street. Therefore, no change to the table is warranted.

#### **B4. Community Facilities & Services**

No comments.

#### **B5. Open Space**

No comments.

#### **B6. Shadows**

*Comment B6.1:* The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in negative impacts to shadows. (10)

**Response:** The DEIS analyzed the potential effects of the Proposed Action on shadows in accordance with the methodologies identified in the 2012 CEQR Technical Manual. As detailed in Chapter 6 of the DEIS, the Proposed Action was not determined to result in any significant adverse shadows impacts on open spaces or sunlight sensitive architectural resources along the West 145<sup>th</sup> Street corridor.

## B7. Historic and Cultural Resources

Comment B7.1: *The conclusion throughout the DEIS that the proposed rezoning would result in “an unavoidable significant adverse impact” on architectural historic resources that may exist on Site 40 is in error. Any such potential adverse effects can be readily avoided through the exercise of the regulatory authority of the Landmarks Preservation Commission (LPC). As each of the buildings comprising Site 40 have been maintained by LPC in “calendared” status, critical protection would be invoked for any work on a Site 40 building that requires a building permit, and therefore no impact may occur to any of the Site 40 properties without LPC having the opportunity to halt it before it ever begins. The FEIS should recognize that LPC could exercise its statutory powers to eliminate any significant impact on any Site 40 resources. As such, the effect of the proposed rezoning on any historic resources that may exist on Site 40 should be adjusted and described as a “potentially unavoidable significant adverse impact that could be partially mitigated and/or avoided.” Additionally, wherever such characterization appears, the FEIS should explain how that potential impact could be partially mitigated or altogether avoided. (22)*

**Response:** Chapters 7, 18 and 20, “Historic and Cultural Resources,” “Mitigation” and “Unavoidable Adverse Impacts” in the EIS have been revised to reflect that there would be no historic resources impact in the event of landmark designation of the complex by the Landmarks Preservation Commission. However, since landmark designation cannot be assumed nor the results of any designation process predicted, designation is considered a partial mitigation only and the conclusion of these chapters that the Proposed Action could result in a significant adverse impact remains unchanged. The DEIS reflects that alterations and improvements would continue to be made to the complex in the Future Without the Action, and language has been added to reflect that some partial demolition is also possible. The EIS has been revised to add further discussion of DOB TPPN #19/88. With regard to HABS Level III documentation, the EIS notes that Janus has not committed to preparing such documentation pursuant to a restrictive declaration, and that this partial mitigation measure is therefore not feasible.

Comment B7.2: *While the DEIS makes passing reference to the fact that “alterations to historic resources at Site 40 could be expected to continue in the future without the Proposed Action,” it fails to acknowledge the extent of the alterations that have already occurred and that could be expected in the absence of rezoning. (22)*

**Response:** Chapter 7, “Historic and Cultural Resources” has been updated to reflect the above comment. In addition to text that details alterations to historic resources at site 40 could be expected to continue in the future without the Proposed Action, the EIS has been updated to indicate that, alterations, partial demolition and improvements would continue to be made to the complex in the Future Without the Action.

Comment B7.3: *The Janus Property Company requests that the FEIS describe the status of the buildings on Site 40 under the NYC Landmarks Preservations Law in a consistently accurate manner. In incorrectly stating that these buildings have been “calendared for future designation,” the implication is that a decision has been made to designate, but that decisions have not yet been effectuated. These buildings have been placed on the calendar for consideration as to whether they should be designated; no determination has been made as to their eligibility. (22)*

**Response:** The status of the buildings on Site 40 under the NYC Landmarks Preservations Law has been updated in Chapter 1, “Project Description,” Chapter 7, “Historic

**and Cultural Resources,” Chapter 18, “Mitigation” and Chapter 20 “Unavoidable Adverse Impacts.”**

Comment B7.4: *The EIS should take note of the fact that the buildings on Site 40 have been on LPC’s calendar for consideration since 1991 no action has been taken to designate them for 21 years. The very fact that LPC has chosen not to designate any of the properties after two days of public hearings held more than 20 years ago is illustrative of the buildings’ importance, or lack thereof, as historic resources. (22)*

**Response:** **Chapters 1, 7, 18 and 20, “Project Description,” “Historic and Cultural Resources,” “Mitigation” and “Unavoidable Adverse Impacts” in the EIS have been revised to reflect the dates when the LPC calendaring of Site 40 took place. The fact that no designation has been made to date does not affect the status of these buildings as eligible resources.**

Comment B7.5: *In “Chapter 7: Historic and Cultural Resources,” the reference to “the two-story brick vernacular building with medieval gothic-inspired decorative elements at 470 West 128<sup>th</sup> Street” should refer to 454 West 128<sup>th</sup> Street. (22)*

**Response:** **The reference in the chapter has been updated accordingly.**

Comment B7.6: *We request that the characterization in the DEIS of the effect of the proposed rezoning on any historic resources that may exist on Site 40 be adjusted, and described as a “potentially unavoidable significant adverse impact that could be partially mitigated and/or avoided.” We further request that where such characterization appears, the DEIS explain how that potential impact could be partially mitigated or altogether avoided. In particular, we request that the following language (which draws in large measure from the existing language appearing in the DEIS at page 19-2) be included in both the Executive Summary and the body of the FEIS where the characterization of historic impacts on Site 40 appears:*

*In order to avoid this potential unmitigated impact LPC would need to make a determination regarding the status of former Bernheimer & Schwartz Pilsener Brewing complex. If the resource were deemed to be a landmark, then protection for redevelopment of the sites comprising this resource would be afforded. If the resource was not found to meet the criteria to be designated as a New York City Landmark, then its demolition would not be a significant adverse impact.*

*In addition, as discussed in the Response to Comments chapter of this FEIS, the owner of Site 40 has provided information to the lead agency indicating that numerous building improvements and expansions have been implemented in the No Action condition over the last 14 years, and that alterations and improvements will continue to be made, with or without the rezoning. Moreover, a process is in place under DOB Operations and Policy and Procedure Notice #19/88 for calendared buildings, (the “LPC Notice Procedure”) pursuant to which no alteration permit can be issued by the Department of Buildings without 40 days prior notice to LPC. During that period LPC may hold a hearing and designate the affected structure, and may work with the owners to modify their plans to make them appropriate. This protection would be invoked whether the DOB application is for complete demolition of any single building on Site 40, the entirety of Site 40, any structural alteration, or any work on a Site 40 building that requires a building permit.*

*As further mitigation, Janus is willing to commit, by executing a restrictive declaration, to preparing Historic American Buildings Surveys (“HABS”) Level III documentation to provide a record of the history and appearance of any building on Site 40 before it is demolished, or before an alteration is undertaken that involves the removal of more than 50% of the area of a building’s exterior walls, all floors at or above grade, and the building’s roof, or enlargement of any portion of the foundation system of such a building.*

**Response:** The EIS has been revised to reflect that there would be no historic resources impact in the event of landmark designation of the complex by the Landmarks Preservation Commission. However, since landmark designation cannot be assumed nor the results of any designation process predicted, designation is considered a partial mitigation only and the conclusion of these chapters that the Proposed Action could result in a significant adverse impact remains unchanged. The DEIS reflects that alterations and improvements would continue to be made to the complex in the Future Without the Action, and language has been added to reflect that some partial demolition is also possible. The EIS has been revised to add further discussion of DOB TPPN #19/88. With regard to HABS Level III documentation, the EIS notes that Janus has not committed to preparing such documentation pursuant to a restrictive declaration, and that this partial mitigation measure is therefore not feasible.

Comment B7.7: *While in support of the R6A zoning for row houses/brownstones, there is still concern about potential opportunities for build-up of an additional floor on row houses and mid-block development for community facilities, both of which will destroy the historic fabric of the side blocks and contribute to a saw-tooth sky line. (12)*

**Response:** Comment noted. As noted in Chapter 1, “Project Description” in the EIS, the proposed R6A district, will lower bulk, height and street wall requirements in comparison to the existing zoning. The R6A district would provide consistency between the existing built context of low-scale areas and its underlying zoning.

Comment B7.8: *The Hamilton Heights-West Harlem CPO supports the development of the special mixed-use district driven by preservation of the Mink Building complex. The Building is one of the last remaining manufacturing sites of historic significance in Manhattanville/West Harlem. As such, it should be preserved as part of Harlem’s and New York City’s history for future generations, and used as a central component in an overall economic development strategy for the district, complemented by Columbia University’s development plans. (12)*

**Response:** Comment noted.

Comment B7.9: *In the proposed rezoning of R7-2 to R7A, the proposed height limit of 80 feet for new buildings along the west side of St. Nicholas Avenue between West 141<sup>st</sup> and West 145<sup>th</sup> Streets is too high. If new buildings are permitted to be built 80 feet tall on this section of St. Nicholas Avenue, the height of these buildings will tower over all the historic residences on Hamilton Terrace, dramatically changing the skyline for the block and negatively affecting the historic context and feel of the entire landmarked block. The height restrictions of this particular section should be much lower, somewhere in the 40-50 feet range. (24)*

**Response:** Chapter 7, “Historic and Cultural Resources” addresses the indirect contextual effects of the proposal on historic districts within the study area, including Hamilton Terrace, which is located within the Hamilton Heights Historic District. The chapter concludes that based on the analysis, the proposal would not result in

isolation of the properties analyzed from, or the alteration of, their setting or visual relationship with the streetscape.

*Comment B7.10:* The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in negative impacts to the historic character of the neighborhood. (12)

**Response:** As noted in Chapter 7, “Historic and Cultural Resources,” the Proposed Action would not result in significant adverse impacts to architectural resources in the affected area. Proposed development on sites identified in the RWCDs and situated along the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam would not affect individually designated resources or eligible resources, or result in indirect contextual effects to architectural resources in the area. Construction of these development sites under the Proposed Action would not potentially result in construction-related impacts to either designated or non-designated resources. These projected and potential development sites are also not expected to have significant adverse visual/contextual impacts on existing historic resources in the area.

## B8. Urban Design & Visual Resources

*Comment B8.1:* The community is concerned that the R8A rezoning of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in the construction of buildings that rise higher than the existing building stock. This portion of West 145<sup>th</sup> Street should be rezoned as R7A. (6)(11)(12)

**Response:** In Chapter 8, “Urban Design and Visual Resources,” the DEIS analyzes the potential effects of the Proposed Action on urban design and visual resources. As detailed in Chapter 8, the Proposed Action would not result in any significant adverse impacts with respect to urban design or visual resources along the West 145<sup>th</sup> Street corridor. The current R7-2 zoning on West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue includes no streetwall controls or height limits. This has resulted in varied built character along West 145<sup>th</sup> Street.

The proposed R8A zoning district along West 145<sup>th</sup> Street could result a modest increase in density to incentivize more affordable housing (i.e., between Broadway and Amsterdam Avenue). It is recognized that new buildings could rise higher than the existing building stock; however, the proposal includes building form controls and height and setback requirements that would be tailored to the area’s existing urban design character.

Accordingly, the rezoning plan for West 145<sup>th</sup> Street (refer to Figure 1-6a in Chapter 1, “Project Description” and Figure 8-6b in Chapter 8, “Urban Design and Visual Resources”) will ensure more predictable building forms within a contextual envelopes.

## B9. Hazardous Materials

No comments.

## B10. Water and Sewer Infrastructure

*Comment B10.1:* The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in negative impacts to infrastructure. (12)

**Response:** The DEIS analyzes the potential effects of the Proposed Action on water and sewer infrastructure. As detailed in Chapter 10, “Water and Sewer Infrastructure” in the DEIS, the Proposed Action would not result in any significant adverse impacts with respect to water and sewer infrastructure.

## **B11. Transportation**

*Comment B11.1: The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in negative impacts to traffic congestion. The possibility of new affordable units is not worth the tradeoff. (10)(12)*

**Response:** The DEIS analyzes the potential effects of the Proposed Action on traffic. As detailed in Chapter 11, “Transportation” of the DEIS, the Proposed Action would not result in any significant adverse impacts with respect to traffic along the West 145<sup>th</sup> Street corridor.

Consistent with CEQR guidelines, the intersections analyzed are those that are expected to have an increase of 50 or more vehicles in an hour (vph) due to the proposed action. As detailed in the Transportation Planning Factors Memorandum (TPFM) (Appendix E to the DEIS), the projected development sites that comprise the cluster concentrated around West 145<sup>th</sup> Street (Cluster 2) are estimated to create less than 50 new vehicle trips in any peak hour (refer to Table 6 on page 10 of the TPFM). Therefore, the incremental traffic (versus No-Action conditions) generated along the West 145<sup>th</sup> Street corridor would not meet the 50 vph threshold for a detailed traffic analysis.

## **B12. Air Quality**

No comments.

## **B13. Greenhouse Gas Emissions**

No comments.

## **B14. Noise**

*Comment B14.1: The R8A rezoning of the portion of West 145<sup>th</sup> Street between Broadway and Amsterdam will result in negative impacts to noise. (10)*

**Response:** The DEIS analyzes the potential effects of the Proposed Action on noise. As detailed in Chapter 14, “Noise” of the DEIS, the Proposed Action would not result in any significant adverse impacts with respect to noise along the West 145<sup>th</sup> Street corridor or elsewhere in the rezoning area.

## **B15. Public Health**

No comments.

## **B16. Neighborhood Character**

*Comment B16.2: The planned developments not addressed in the DEIS, including Columbia University’s Broadway and West 147<sup>th</sup>/West 148<sup>th</sup> Street project, Sugar Hill Project/155<sup>th</sup> Street, and City College South Campus, will contribute to the increase in density and negatively impact the “village quality” of the residential district in the northern end. (12)*

**Response:** See response to Comment B2.1 above.

**B17. Construction**

No comments.

**B18. Mitigation**

*Comment B18.1: The conclusion throughout the DEIS that the proposed rezoning would result in “an unavoidable significant adverse impact” on architectural historic resources that may exist on Site 40 is in error. Any such potential adverse effects can be readily avoided through the exercise of the regulatory authority of the Landmarks Preservation Commission (LPC). As each of the buildings comprising Site 40 have been maintained by LPC in “calendared” status, critical protection would be invoked for any work on a Site 40 building that requires a building permit, and therefore no impact may occur to any of the Site 40 properties without LPC having the opportunity to halt it before it ever begins. The FEIS should recognize that LPC could exercise its statutory powers to eliminate any significant impact on any Site 40 resources. As such, the effect of the proposed rezoning on any historic resources that may exist on Site 40 should be adjusted and described as a “potentially unavoidable significant adverse impact that could be partially mitigated and/or avoided.” Additionally, wherever such characterization appears, the FEIS should explain how that potential impact could be partially mitigated or altogether avoided. (22)*

**Response:** Chapters 7, 18 and 20, “Historic and Cultural Resources,” “Mitigation” and “Unavoidable Adverse Impacts” in the EIS have been revised to reflect that there would be no historic resources impact in the event of landmark designation of the complex by the Landmarks Preservation Commission. However, since landmark designation cannot be assumed nor the results of any designation process predicted, designation is considered a partial mitigation and the conclusion of these chapters that the Proposed Action could result in a significant adverse impact remains unchanged. The DEIS reflects that alterations and improvements would continue to be made to the complex in the Future Without the Action, and language has been added to reflect that some partial demolition is also possible. The EIS has been revised to add further discussion of DOB TPPN #19/88.

*Comment B18.2: The Janus Property Company is willing to commit, by executing a restrictive declaration, to preparing Historic American Building Survey (HABS) Level III documentation to provide a record of the history and appearance of any building on Site 40 before it is demolished, or before an alteration is undertaken that involves the removal of more than 50% of the area of a building’s exterior walls, all floors at or above grade, and the building’s roof, or enlargement of any portion of the foundation system of such building. Janus would further commit to submitting such documentation to an appropriate public repository. (22)*

**Response:** With regard to HABS Level III documentation, the EIS notes that Janus has not committed to preparing such documentation pursuant to a restrictive declaration, and that this partial mitigation measure is therefore not feasible.

**B19. Alternatives**

*Comment B19.1: The rezoning of West 145<sup>th</sup> as R7A, rather than R8A, would decrease the allowable height limit from 120 feet to 80 feet. The difference of 40 feet of building height could result in up to 41 less affordable units constructed, and could mean 33-50% less potential affordable units. (1)*



**Response:** Comment noted. As detailed in Chapter 19, “Alternatives,” the Lower Density Alternative would meet the goals and objectives of the Proposed Action. It is noted in the EIS that the Alternative would add fewer housing units, including fewer affordable housing units. Like the Proposed Action, the Lower Density Alternative would result in significant adverse impacts related to: shadows, historic resources, traffic, and construction.

Both the Proposed Action and the Lower Density Alternative would result in significant adverse shadows being cast on the eastern façade of St. Mary’s Protestant Episcopal Church, a designated historic resource located at 517 West 126<sup>th</sup> Street, which contains large leaded glass windows. As with the Proposed Action, there would be no feasible or practicable mitigation measures that can be implemented to mitigate this impact. Like the Proposed Action, the Lower Density Alternative could result in direct effects to one resource that is eligible for LPC-designation and S/NR-listing, which could be demolished as a consequence of the Proposed Action. The former Bernheimer & Schwartz Pilsener Brewing Company complex (a.k.a. Yuengling), an eligible resource encompassing projected development sites 14 and 40, could be demolished, either partially or entirely, as a consequence of either the Proposed Action or the Lower Density Alternative. While the identified significant adverse direct impact to this eligible architectural resource could be partially mitigated, as it would not be completely eliminated, it would constitute an unavoidable significant adverse impact on this eligible historic resource under both the Proposed Action and the Lower Density Alternative. Similar to the Proposed Action, the Lower Density Alternative would have the potential for significant adverse traffic impacts at four intersections in the weekday AM, midday and PM peak hours, and three in the Saturday midday peak hour, all of which could be fully mitigated through a combination of signal timing changes and changes to curbside parking regulations under both the Proposed Action and the Lower Density Alternative. In addition, the same potential construction-related impacts to non-designated historic resources would occur under either the Proposed Action or the Lesser Density Alternative.

## **B20. Unavoidable Adverse Impacts**

*Comment B20.1: The conclusion throughout the DEIS that the proposed rezoning would result in “an unavoidable significant adverse impact” on architectural historic resources that may exist on Site 40 is in error. Any such potential adverse effects can be readily avoided through the exercise of the regulatory authority of the Landmarks Preservation Commission (LPC). As each of the buildings comprising Site 40 have been maintained by LPC in “calendared” status, critical protection would be invoked for any work on a Site 40 building that requires a building permit, and therefore no impact may occur to any of the Site 40 properties without LPC having the opportunity to halt it before it ever begins. The FEIS should recognize that LPC could exercise its statutory powers to eliminate any significant impact on any Site 40 resources. As such, the effect of the proposed rezoning on any historic resources that may exist on Site 40 should be adjusted and described as a “potentially unavoidable significant adverse impact that could be partially mitigated and/or avoided.” Additionally, wherever such characterization appears, the FEIS should explain how that potential impact could be partially mitigated or altogether avoided. (22)*

**Response:** See response to Comment B18.1.

**B21. Growth-Inducing Aspects of the Proposed Actions**

No comments.

**B22. Irreversible and Irretrievable Commitment of Resources**

No comments.

**B23. Miscellaneous**

*Comment B23.1: The community commends the Department of City Planning in their work developing the proposed rezoning of West Harlem. The community involvement in the process and goals of preserving the neighborhood's character and existing buildings while encouraging new contextual mixed-use development were all mentioned as positive elements of the rezoning. (1)(2)(4)(6)(7)(8)(10)(12)(17)(20)(22)(25)(26)(27)*

**Response: Comment noted.**

*Comment B23.2: The DEIS states that Site 40 "comprises the majority of the Yuengling Brewery Complex (aka Mink Building)." The words "the remnants of" should be inserted before the word "Yuengling" to more correctly describe the current status of the site, as virtually none of the original Yuengling Brewery Complex is extant. Additionally, the "Mink Building" has no relationship to most of Site 40. The moniker "Mink Building" is a marketing name invented by the Janus Property Company to describe only the buildings located on lot 40, which was occupied as a fur storage warehouse years ago. The muddying of the various buildings' histories, names and addresses helps lead to illogical and inaccurate worst case development scenarios. (22)*

**Response: Chapters 1 and 7, "Project Description," and "Historic and Cultural Resources" in the EIS have been modified to reflect the above comment.**

**C. COMMENTS AND RESPONSES ON DRAFT SCOPE OF WORK**

Comments were accepted on the Draft Scope of Work document for the West Harlem Rezoning project during a period commencing with the public scoping hearing held at the Harlem Stage Gatehouse on January 26, 2012, and extending until February 6, 2012. A Final Scope of Work was issued on May 7, 2012, incorporating some of the comments received on the draft scope.

This section lists and responds to comments on the Draft Scope of Work. The comments include those made during the public hearing, as well as written comments received through the close of the comment period. The comments are organized by subject area, following the organization of the Draft Scope of Work. The organization and/or individual that made the comment is identified next to each comment. Comments were received from the following individuals and organizations:

1. Manhattan Borough President Scott Stringer (written testimony submitted and read by Erika Lindsey at public hearing)
2. Councilman Robert Jackson (written statement dated 02/06/12)
3. Patricia Jones, Co-Chair, Land Use and Zoning Committee Community Board 9 (oral statement at public hearing and email statement dated 02/06/12)
4. Javier Carcamo, Co-Chair of Land Use and Zoning Committee of Community Board 9 (oral statement at the public hearing and email statement dated 02/06/12)
5. Jamaal Nelson, Community Board 9 (oral statement at public hearing)
6. Walter South, Community Board 9 (oral statement at public hearing)

7. Simon R. Thoresen, member, Community Board 9 (oral statement at public hearing and email statement dated 01/30/12)
8. Richard Bass, AICP, PP, Chief Planning and Development Specialist at Herrick, Feinstein LLP (written statement dated 02/03/12)
9. J. Kevin Healy, Bryan Cave on behalf of affiliates of the Janus Property Company (written statement dated 02/06/12)
10. Ron Melichar, President of Hamilton Heights Community Preservation Organization (oral statement at public hearing and written statement dated 02/06/12)
11. Kyle Bragg, Vice President of 32BJ Service Employees International Union (written statement dated 01/17/12)
12. Yvette L. Campbell, President and CEO of the Harlem School of the Arts (written statement dated 02/06/12)
13. Yuien Chin, member of Hamilton Terrace Block Association and Hamilton Heights Homeowners Association (oral statement at public hearing and email statement dated 02/07/12)
14. Sarah Lee Martin, Resident (written statement 02/06/12)
15. LaQuita Henry Heritage Heights Village Commercial Revitalization Initiative and Tom Lunke (HCDC) (e-mailed statement dated 02/06/12)
16. Alexa Donaphin, Resident and Hamilton Heights Homeowners Association (oral statement at public hearing and email statement dated 02/07/12)
17. Andrew F. Romeo (e-mailed statement dated 02/07/12)
18. Gail Cohen, resident (e-mailed statement dated 01/30/12)
19. Benja Thomas, Resident (oral statement at public hearing)
20. Dr. Vicky Gholson Peel, Community Base Organization (oral statement at public hearing)
21. Ricardo Buchanan, Resident and Labor Union SEIU 32BJ (oral and written statement at public hearing)
22. Arnold Boatner, Hamilton Heights Homeowners Association (oral statement at public hearing)

## **C1. Project Description (Including Development Scenario)/General Project Information**

*Comment C1.1:* Development is not anticipated on potential development sites within the next decade and therefore these sites have not been included in the density-related impact assessments. However, we are concerned that all relevant environmental impacts associated with West 145<sup>th</sup> Street development will not be adequately assessed. It is difficult to credibly argue that the northwest corner of 145<sup>th</sup> Street and Broadway will be developed within the next ten years, while at the same time the southwest corner would not be developed. At a minimum, all currently designated projected and potential development sites along the 145<sup>th</sup> Street corridor and the corners of West 145<sup>th</sup> Street and Broadway should be treated as projected development sites for purposes of all environmental impact assessments. This will have a profound impact on many of the areas of environmental concern, notably but not exclusively socioeconomic conditions (Task 3), shadows (Task 6), urban design/visual resources (Task 8), water and sewer infrastructure (Task 10), transportation (Task 11), noise (Task 14), neighborhood character (Task 16), and construction impacts (Task 17). (2)(3)(4)(7)(16)(19)(20)(22)

**Response:** The RWCDS identifies projected and potential development sites within the proposed rezoning area. For West 145<sup>th</sup> Street, projected sites are deemed most likely to be developed over the ten-year time frame to be analyzed in DEIS. The RWCDS describes the criteria used to identify projected development sites, such as size, location and proximity to mass transit. The RWCDS also identifies sites that are developable but are less likely to be developed over the DEIS ten-year time frame (i.e., potential development sites) based on the aforementioned criteria.

The ten-year timeframe takes into account all development expected in the foreseeable future, including long-term development. For sites located at West 145<sup>th</sup> Street/Broadway, it is possible that sites not identified as projected development sites could be developed in the DEIS ten-year time frame. If this were to occur, it is not expected that the total amount of development on the corridor would exceed the aggregate amount of the projected development sites, and that if development were to occur on a potential site, a comparable amount of development would not occur on a projected. However, the analysis of projected and potential development sites in aggregate, as opposed to the inclusion and analysis of all vacant and underbuilt sites along the West 145<sup>th</sup> corridor, reflects conservative assumptions of what can occur under the proposed rezoning plan, which is consistent with standard CEQR guidelines, practice and protocol.

*Comment C1.2:* *Compelling arguments have not been made to ensure sufficient protections from the full build-out of West 145<sup>th</sup> Street, notwithstanding existing buildings, under the proposed rezoning. As such, fearing a truly worst case development scenario for this portion of the district, this least desired development scenario contemplating the potential leveling and redevelopment of existing 145<sup>th</sup> Street properties should also be utilized when conducting the environmental impact studies.. (3)(4)*

**Response:** Refer to response to Comment C1.1 above.

*Comment C1.3:* *The community continues to express their interest in exploring additional rezoning possibilities for the West 145<sup>th</sup> Street corridor between Broadway and Amsterdam. Specifically, they have called for a lower density than the one under the proposed R8A district as a zoning district with a lower density would better protect the character of the neighborhood. (1)(2)*

**Response:** In response to comments received during the scoping process, a lower density alternative that assumes R7A instead of the R8A IH district proposed for West 145<sup>th</sup> Street will be analyzed in the EIS. The Scope of Work has been updated to reflect this.

*Comment C1.4:* *Increased density will have a negative impact in a number of areas including vehicular traffic, parking, pedestrian traffic, noise, air pollution, increased loads on public transport and infrastructure and so on. All of these things need to be addressed in the EIS with a comparison made between the existing block and building it out at R8A and R7A. (5)(7)*

**Response:** As detailed in the Draft Scope of Work, the EIS will analyze all applicable aspects of the Proposed Action, including its effects on vehicular traffic, parking, pedestrian traffic, noise, air pollution, increased loads on public transport and infrastructure. In addition, as noted above in the response to Comment 1.3, a lower density alternative will also be analyzed in the EIS.

*Comment C1.5:* *The analysis year should be looking much further out beyond a 10-year period; it should be over the next 30 or 40 years. (7)(16)*

**Response:** For area-wide rezonings not associated with a specific development, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. The *CEQR Technical Manual* states that a build year ten years in the future is generally considered reasonable for these projects as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made

without speculation. The ten-year build period represents development expected to occur in the foreseeable future, including long-term development.

*Comment C1.6: A major desire of the Community is to create new affordable housing and retain existing affordable housing for current residents. Yet the only Inclusionary Housing proposed in the whole area is on this one block [West 145<sup>th</sup> Street between Broadway and Amsterdam Avenue], which is very little and likely to be too expensive for most current residents. There is no reason why the IH incentive bonus cannot be introduced at R7 density on West 145<sup>th</sup> Street and in other R8 areas where there are a number of potential sites in West Harlem. (3)(4)(7)*

**Response:** As indicated in the Scope of Work, the rezoning plan includes the Inclusionary Housing Program, which provides a powerful incentive for the development of income-targeted affordable housing by allowing developers, including non-profit and affordable housing developers, increased density (within the height limitations) in return for the development or preservation of such units. Given the few number of development sites, it is critical that the IH bonus be provided at a density that is economically viable. The mapping of an R7 equivalent IH district would result in a reduction of the as-of-right residential FAR (i.e., from 4.0 FAR to 3.45 base FAR) – in effect, a downzoning that would yield fewer affordable units than currently expected. For West Harlem, the proposed action includes inclusionary zoning where the proposal incentivizes new residential development, not in areas that already have occupied housing. The other areas of the city that have adopted inclusionary housing at an R7 density were areas where the City was incentivizing residential development for the first time (e.g., former M districts) or where the existing residential density was lower. Accordingly, the mapping of an R7 equivalent IH district would not be consistent with the overall affordable housing goals and objectives for the West Harlem rezoning.

*Comment C1.7: We are concerned that the scale proposed by the Draft Scope is still too conservative for the brownstone community. The proposed R6A zoning district allows construction of up to 70 feet, this would be entirely too high. We recommend that the Landmarks Preservation Commission be approached early in the EIS work. (10)*

**Response:** As identified in the Scope of Work, in lower density areas, the rezoning plan proposes an R6A district. R6A districts are medium-density contextual zoning districts that allow residential and community facility uses up to 3.0 FAR, which is lower than the 3.44 residential FAR and 6.5 community facility FAR currently allowed. The streetwall could rise 40-60 feet (four to six stories) before setback, then rise to a maximum height of 70 feet. Additionally, the proposed R6A district easily accommodates generous floor-to-floor heights (up to 15 feet, in some cases) found in many low-rise brownstone buildings. The proposed R6A district, with lower bulk, height and street wall requirements would provide a better match between the existing height and bulk of low-scale areas and their underlying zoning.

*Comment C1.8: The scope assumes that in the “No-Action” condition additional floor area would not be added to Site 40. While that assumption may be generally correct, the fact that little or no floor area would be constructed on the site in absence of the rezoning does not mean that existing buildings would not be altered. The EIS should take into account that alterations to the properties within Site 40 will be made to the buildings in both the ‘No Action’ and “Action” conditions, in accordance with the procedures established by DOB for calendared buildings. (9)*

**Response:** Chapters 1 and 7, “Project Description” and “Historic and Cultural Resources” in the EIS, will indicate that alterations, partial demolition and other changes could occur on Site 40 in the No Action condition.

*Comment C1.9:* We request that the EIS accurately describe the status of the buildings under the Landmarks Law. The proposed scope contains certain inaccuracies in its description of the status of the buildings on Site 40 under the New York City Landmarks Preservation Law. Those buildings have not been “calendared for future designation” as described on page 3 of the proposed scope; nor have they been determined to be “LPC Eligible” as indicated on Appendix 4 to the Proposed Scope. Rather, they have been placed on the calendar for consideration as to whether they should be designated by the LPC, and no determination has been made as to their eligibility. (9)

**Response:** The LPC correspondence, which was included as Appendix D to the EAS identifies the property as “LPC heard and S/NR eligible”. The Historic Resources chapter of the EIS will provide an accurate description of the status of the buildings on Site 40 under the New York City Landmarks Preservation Law.

*Comment C1.10:* In discussing the potential impacts of the rezoning on Historic and Cultural Resources, the EIS should take note of the fact that the buildings on Site 40 have been on LPC’s calendar for consideration since 1991, and that – notwithstanding their having been considered at two LPC public hearings – no action has been taken to designate them for 21 years. Moreover, the EIS should indicate that due to their calendared status, permits have not, and will not be issued by DOB for any structural alteration to the buildings (or, for that matter, any work requiring a building permit) without at least 40 days prior notice being given to LPC. In assessing the potential for impacts on architectural resources, the EIS should account for this well-established City procedure, and for the fact that during that 40 day period, LPC will have the opportunity to “consider the case and calendar the premises, if necessary, for designation”. LPC can readily avoid any potential historic impacts associated with building alterations facilitated by the Proposed Rezoning simply by scheduling a hearing and coming to a conclusion. (9)

**Response:** Comment noted.

*Comment C1.11:* Janus objects to one of the Reasonable Worst Case Development Scenarios identified in the proposed scope, which assumes that the entirety of Site 40 would be a “projected development site” for “New Development”. There is no logical or economic basis for the assumption reflected in the New Development scenario, that by 2021 the rezoning would trigger demolition and new construction at each of the 10 separate and distinct individual development sites that comprise Site 40. On the Contrary, careful examination of Site 40 leads to an entirely different conclusion - that several of the development sites encompassed by Site 40 are not likely to be developed at all or at best should be characterized as potential development sites in the EIS. [as detailed in the comment letter] Seven of the nine buildings on Site 40 have been substantially altered and redeveloped in recent years at significant expense, and therefore, by definition, are not correctly defined as projected development sites for new development. (9)

**Response:** Refer to Response to Comment C1.8.

*Comment C1.12:* [based on details provided in comment letter] In summary, it is reasonable to include Site 1 [Block 1967, Lot 89] as a “projected development under the 40b New Development) scenario; Sites 2 and 3 [Block 1967, Lots 89 and 60] are reasonably likely to be “projected development sites” that are properly included under both the 40a

*(Conversion) and 40b (New Development) scenarios, and the balance of the sites should be included under the 40a (Conversion) scenario only or not included at all, especially in the case of Sites 8 through 10 [Block 1967, Lots 40, 45]. (9)*

**Response:** Refer to Response to Comment C1.8.

Comment C1.13: *In the EIS please correct, Page 3, six lines from bottom-the mink building complex is located between 126<sup>th</sup> and 128<sup>th</sup> Street. There is no small media company located in any of the buildings. (9)*

**Response:** Comment noted. The Scope of Work has been updated accordingly.

Comment C1.14: *The EAS deemed certain factors such as solid waste, sanitation services, energy consumption, libraries and police/fire services and health care facilities as not warranted for further study, this is not acceptable. Future build of the area and additional demands and strain on the existing infrastructure and personnel must be analyzed in view of the Columbia Manhattanville campus and the new mixed-use manufacturing district. Both these sites “represent sizeable new neighborhoods where one has not previously existed”. (13)(16)*

**Response:** The EAS document presented screening assessment, pursuant to 2012 CEQR Technical Manual guidelines and methodologies, which evaluate the incremental effect of a proposed action compared to the No-Action condition. The screening assessment determined that the incremental development resulting from the proposed action does not trigger a detailed analysis of solid waste, sanitation services, energy, libraries, or police/fire services. This screening assessment took into account the full build out of the 22 projected development sites identified in the RWCDS, compared to the No-Action condition. It should be noted that the Manhattanville development was the subject of a separate environmental review, and is not part of the proposed action.

Comment C1.15: *In order that the community understand the impacts of the proposed rezoning on existing conditions of District 9 as it exists today (not one where out of scale development is permitted under existing zoning, but has not occurred), the environmental analyses should study and compare the Proposed Rezoning versus the Existing Zoning versus Existing Conditions. (3)(4)*

**Response:** CEQR guidelines specify that a comparison of the two future scenarios (i.e. the future No-Action Condition to the future With-Action Condition) should be used to identify the project's impacts on its environmental setting, for each technical area being assessed. The EIS analyses will be conducted pursuant to CEQR rules and methodologies, and will evaluate the incremental effect of the proposed action compared to the No-Action condition in the 2021 Build year.

Comment C1.16: *DCP should provide the Community Board with documentation that shows every vacant property and every potential development site, not just projections of large developments that will take place. (20)*

**Response:** The DEIS will include land use maps that illustrate where vacant property is located and will also list all projected and potential development sites within the proposed rezoning area.

Comment C1.17: *I am grateful to the thoughtful upzoning of 125<sup>th</sup>/126<sup>th</sup> and 145<sup>th</sup> street in specific areas which will allow up to 12 floors of building to accommodate a neighborhood that is growing and will need to provide more housing and commercial space in the decades to come. Such a building height is well in keeping with other major cross streets including*

79<sup>th</sup> Street, 86<sup>th</sup> Street and 96<sup>th</sup> Street. These streets are attractive and well-conceived, providing a mix of residential and commercial. I hope the development that does occur in the up-zoned areas is attractive and ideally also keeps the structure of PS 186 intact a la PS 90. (14)

**Response:** Comment noted.

Comment C1.18: Upzoning on 145<sup>th</sup> street is bad planning, it should be 10 stories not 12 stories. There are plenty of wide streets in the area (e.g., 135<sup>th</sup> and 125<sup>th</sup> streets), yet 145<sup>th</sup> street is the only midblock that is being upzoned in the entire area. There are a lot of soft sites in the area identified in the 197a, that should be upzoned instead. This is bad planning and not contextual. (6)

**Response:** The Scope of Work identifies the purpose and need for the proposed action, including the goals intended for West 145<sup>th</sup> Street. The rezoning proposal includes streetwall controls and height limits to ensure more predictable building form within a contextual envelope. Due to the street's varied built character, areas along West 145<sup>th</sup> Street that could receive a modest increase in density to incentivize more affordable housing (i.e., between Broadway and Amsterdam Avenue), while proposing decreases in density to better preserve low-rise brownstone and rowhouse frontages (i.e., between Amsterdam and St. Nicholas avenues).

Comment C1.19: Please change the proposed zoning designation of Block 2078 Lots 1, 5, and 55 in order to permit the retention of the site's existing zoning entitlements. The proposed rezoning would reduce this site's development potential by approximately 24%. The site has been difficult to redevelop due to its landmark status and market conditions. Pursuant to the existing zoning regulations, we envisioned potentially using Section 74-711 to facilitate the redevelopment of the site. The proposed rezoning would preclude us from such an opportunity. (8)

**Response:** For Broadway, which is zoned R8 and has the aforementioned Block 2078, Lot 1 and approximately a 27 linear-foot portion of Lot 5, the proposal's recommended R8\* district provides a contextual density that is equivalent to the maximum residential density (i.e. 7.2 FAR) currently allowed under the Quality Housing option. Broadway is typified by high-lot coverage residential buildings, with street walls without setbacks that range up to 6.0 FAR. The proposed R8\* district would preserve the existing context of these blocks and ensure that future development would be more compatible with the built context, while maintaining the current maximum permitted residential FAR.

Comment C1.20: Harlem School of the Arts (HAS), located at 641 and 649 Saint Nicholas Avenue (Block 2050, Lots 160 and 157), intends to sell its unused development rights to facilitate a new development on the adjacent and underutilized property at 655 Saint Nicholas Avenue (Block 2050, Lots 149 and 156). By significantly diminishing the amount of floor area and setting a height limit on future development, the Rezoning would interfere with this opportunity, effectively precluding the transaction from occurring. Retaining the existing R7-2 zoning would preserve HSA's unused development rights and facilitate the proposed development on the future merged zoning lot. Furthermore, maintaining the current FAR and density at 655 Saint Nicholas reflects PlaNYC 2030's embrace of transit-oriented development. The rezoning's proposed building height limit would impede the development of the merged zoning lot and the proposed FAR would greatly diminish HSA's unused development rights, harming the long-term sustainability of HSA. These potential consequences of the Rezoning should be carefully considered and included within the Draft Environmental Impact Statement. (12)



**Response:** The subject property was not identified as a projected or potential development site in EAS or the Scope of Work. The request that the proposal include an approval process for increased FAR and height allotments for developments that include an existing cultural facility and an addition to that cultural facility would not meet the goals and objectives of the proposed action in terms of bulk, form and scale.

*Comment C1.21: In the EIS West 145<sup>th</sup> Street should be analyzed as a potential hub for small businesses offering needed services to the surrounding district. Large scale commercial development should be concentrated primarily in the south of the district (i.e., the new manufacturing district and around the Columbia University development). (13)*

**Response:** The introduction of commercial overlays along West 145<sup>th</sup> Street, to support existing and future local retail use and the mapping of an MX District, to incentivize mixed-use will be fully analyzed in the DEIS.

*Comment C1.22: Resolving the inconsistency of land use and zoning designation along Hamilton Place – A map prepared and presented at a recent committee meeting by Harlem Community Development Corporation highlighted where commercial uses or vacant commercial spaces exist, but where the existing zoning allows only residential use. Consideration should be given to expanding the neighboring C1-4 designation to cover these nonconforming lots and lots that have community facility uses on the ground floor in order to stabilize existing businesses and provide an incentive for owners to improve their properties. City Planning agrees that the rezoning of these few lots will improve the streetscape by allowing local businesses and property owners to renovate their existing storefronts (or open closed storefronts), thereby strengthening the community character. The proposed rezoning extends the nearby C1-4 to cover the following properties: Both sides of the Hamilton Place from West 138<sup>th</sup> to West 139<sup>th</sup> streets. Northeast corner of Hamilton Place and West 139<sup>th</sup> Street. Northeast corner of Hamilton Place and West 141<sup>st</sup> Street. Fixing the discrepancy between the existing land use and the zoning will also allow the community to further its expressed goal of encouraging local arts and crafts businesses to locate on Hamilton Place. (15)*

**Response:** Comment noted.

*Comment C1.23: There is no mention of coordination/discussions with LPC, no clear indication of interagency involvement in developing DCP's plan. (10)*

**Response:** The Project Description in the EIS will be updated to indicate that LPC was consulted during the development of the proposal.

## **C2. Land Use, Zoning, and Public Policy**

*Comment C2.1: The EIS should assess how the proposed actions are consistent with and will advance the goals of the 197-a plan. The assessment should describe the social and economic opportunities associated with the proposed rezoning of the existing M1-1 zone into a vital, truly mixed-use engine of economic development. (9)*

**Response:** As discussed in the Draft Scope of Work, Chapter 2, “Land Use, Zoning, and Public Policy” in the EIS will provide an assessment of the proposed action’s potential effects related to issues of compatibility with surrounding land use and the consistency with zoning and other public policies, including the Community District 9 Manhattan 197-a Plan.

Comment C2.2: *The EIS must account/compensate for institutional economic development, churches, colleges, etc. It is imperative that environmental analyses provide a thorough and accurate accounting of all projects and trends that will affect conditions in the relevant study areas. For example, CUNY City College has experienced a 17.2% increase in enrollment during the five years ended 2010, with FTEs increasing 24.5% over the same period, and continues an aggressive development plan. Also, Columbia University's Manhattanville expansion will continue through approximately 2025. These projects and other efforts will influence future land use trends and will impact many of the areas of environmental concern. (3)(4)(20)*

**Response:** **As described in the Draft Scope of Work, the Land Use, Zoning, and Public Policy chapter of the EIS will provide a list of future development projects in the study areas that are expected to be constructed by the 2021 analysis year and may influence future land use trends. This list will be used to develop the future No-Action Condition for each technical analysis area, as applicable. Therefore, all current trends/growth will be incorporated into the EIS impact analysis in each technical area.**

### **C3. Socioeconomic Conditions**

No comments

### **C.4 Community Facilities and Services**

No comments

### **C5. Open Space**

Comment C5.1: *Open space ratios as determined by the state show that there is a percentage of open space that should be there for existing residential population that is not emphasized and does not take prominence in the draft SOW. EIS needs to show that minimal state requirements are met for open space ratios (20)*

**Response:** **As per the 2012 CEQR Technical Manual guidelines, the open space assessment in the EIS will calculate the open space ratios in the study area and compare them with certain guidelines. For the residential population, there are generally two guidelines that are used to evaluate residential open space ratios. The New York Department of City Planning (NYCDCP) generally recommends a comparison to the median ratio for community districts in New York City, which is 1.5 acres of open space per 1,000 residents. Alternately, the NYCDCP has established an optimal level, or planning goal, of 2.5 acres of open space per 1,000 residents, including 2.0 acres of active open space and 0.5 acres of passive open space. To determine the adequacy of open space resources for the worker or daytime user population, the NYCDCP has established a ratio of 0.15 acres of passive open space per 1,000 workers/daytime users as representing a reasonable amount of open space. The needs of workers and residential populations will also be considered together in each study area because it is assumed that both will use the same passive open spaces.**

### **C6. Shadows**

Comment C6.1: *The R8A IH zoning district allows for the development of buildings up to 12 stories high, this can potentially cast shadows across the street. This should be addressed in the EIS. (7)*

**Response:** As specified in the Draft Scope of Work, a shadows assessment will be provided in the EIS, which will evaluate the potential for the projected and potential development sites identified in the RWCDs to cast incremental shadows on parks, publicly-accessible open spaces, natural resources, or sunlight-sensitive historic resources based on methodologies identified in the 2012 *CEQR Technical Manual*.

## C7. Historic and Cultural Resources

*Comment C7.1:* The Historic fabric of the build environment must be preserved in Hamilton-Heights-Sugar Hill. The upzoning on West 145<sup>th</sup> Street must be contextual so that no towers are allowed to be built mid-block. We are concerned for the protection of height limits and the historic character of the neighborhood. Cohesiveness and height limit of 145<sup>th</sup> Street should be maintained. (6)(10)(13)

**Response:** As noted in the Scope of Work, the Historic and Cultural Resources chapter will analyze the effect of the proposal on historic districts, including the Hamilton Heights / Sugar Hill districts.

*Comment C7.3:* Concerned about 145<sup>th</sup> street – it is part of the historic district, very important to maintain the cohesiveness of the historic character, but DCP carved it out and is looking at it as a separate area. (13)

**Response:** As noted in the Scope of Work, the Historic and Cultural Resources chapter will analyze the effect of the proposal on historic resources.

## C8. Urban Design/ Visual Resources

*Comment C8.1:* The environmental analysis should consider the negative impact the maximum height proposed for sites at 145<sup>th</sup> Street and Broadway and in the 145<sup>th</sup> Street corridor will have on wind and wind gusts at street-level as well as potential negative impact on adjacent rooftops. (3)(4)

**Response:** The Urban Design and Visual Resources chapter in the EIS will assess whether a pedestrian wind analysis is warranted. Construction of large buildings at locations that experience high wind conditions may result in an exacerbation of wind conditions due to ‘channelization’ or ‘downwash’ effects that may affect pedestrian safety. Factors that may be considered in making this determination include, but are not necessarily limited to: locations that could experience high wind conditions, such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features.

The proposed zoning changes would map contextual zoning districts in West Harlem, which would facilitate new development that would relate to the existing scale and character of the surrounding neighborhood. The Proposed Action is not expected to result in the construction of large or unusually tall buildings. The maximum building height permitted would be 175 feet tall in the proposed MX zoning district using the penthouse rule. Moreover, although the waterfront can be seen from Riverside Drive due to its high elevation, the proposed rezoning area is not located immediately adjacent to the Hudson River, nor are any of the projected or potential development sites located in areas where winds from the waterfront are not attenuated by buildings or natural features. Therefore, a study of wind conditions and their effect on pedestrian level safety is not warranted.

*Comment C8.2:* Study of the potential “light pollution” effects from a full build-out of all sites under the proposed rezoning, particularly on the 145<sup>th</sup> street corridor. (16)

**Response:** CEQR methodologies do not include an evaluation of “light pollution” as part of the technical environmental analyses.

## **C9. Hazardous Materials**

No comments

## **C10. Water & Sewer Infrastructure**

*Comment C10.1:* Concerned about oversaturation of sewage treatment plant and water quality, and the lack of accurate data collection for sewage capacity and water quality. (20)

**Response:** As per the Scope of Work, the EIS will include an evaluation of the proposed action’s potential effects on wastewater and stormwater infrastructure. All information used in this assessment will be based on the latest information from NYCDEP regarding existing flows to the water pollution control plants (WPCP) that serve the rezoning area, as well as any other information as warranted.

## **C11. Transportation**

*Comment C11.1:* Figure A-1 shows “unsignalized intersection” at the intersection of West 126<sup>th</sup> and West 127<sup>th</sup> Streets. The EIS should examine future traffic conditions at the intersection of West 126<sup>th</sup> and West 127<sup>th</sup> Streets carefully, taking into account that approximately 150,000 square feet of additional floor area will be added to the Taystee Bakery site in connection with a recently announced development, and that the master plan development incorporates significant pedestrian circulation coming from 125<sup>th</sup> Street, through a passageway to 126<sup>th</sup> Street and across 126<sup>th</sup> and 127<sup>th</sup> Streets to Site 40 on the north side of the street. (9)

**Response:** Comment noted. The traffic impact analysis will incorporate future No-Action development travel demands as well as any planned mitigation measures.

*Comment C11.2:* Many community members are worried that the impact of rezoning on traffic and transportation on West 145<sup>th</sup> Street is not being included in the environmental review’s scope of work. The Scope of Work only looks at analyzing the area around 125<sup>th</sup>/126<sup>th</sup> Streets. It’s very important that 145<sup>th</sup> Street also be analyzed even if the change in volumes doesn’t trigger that study, there needs to be a way to trigger that study manually. The area is already very dense right now, if it were to become a true commercial corridor we need to look at traffic patterns in order to make it an effective commercial corridor and avoid gridlock. (2)(4)

**Response:** Consistent with CEQR guidelines, the intersections being analyzed are those that are expected to have an increase of 50 or more vehicles in an hour (vph) due to the proposed action. As detailed in the Transportation Planning Factors Memorandum (TPFM) (Appendix B to the Draft Scope of Work), the nine projected development sites that comprise the cluster concentrated around West 145<sup>th</sup> Street (Cluster 2) are estimated to generate a maximum of 43 vehicle trips in any peak hour (refer to Table 6 on page 10 of the TPFM). Therefore, the incremental traffic (versus No-Action conditions) generated along the West 145<sup>th</sup> Street corridor would not meet the 50 vph threshold for a detailed traffic analysis.

*Comment C11.3:* Want a very comprehensive and thorough transportation study on West 145<sup>th</sup> Street, especially on the subway station (145<sup>th</sup>/Broadway) which has only one entrance (22)

**Response:** As detailed in the Transportation Planning Factors Memorandum (TPFM) (Appendix B to the Draft Scope of Work), the nine projected development sites that comprise the cluster concentrated around West 145<sup>th</sup> Street (Cluster 2) are estimated to generate a maximum of 83 transit trips in any peak hour (refer to Table 7 on page 13 of the TPFM). The subway station at 145<sup>th</sup> Street would not experience sufficient project-generated incremental subway demand to exceed the 200 person per hour CEQR threshold requiring detailed analysis.

**C12. Air quality**

No comments

**C13. Greenhouse Gas**

No comments

**C13. Noise**

No comments

**C15. Public Health**

No comments

**C16. Neighborhood Character**

No comments

**C17. Construction**

*Comment C17.1: Concerned about hazardous materials as a result of new construction. I am also concerned about the water and air quality and sewage associated with massive construction. (19)(20)*

**Response:** As noted in the Draft Scope of Work, the Construction chapter will evaluate the potential impacts associated with construction activity resulting from the proposed action, including potential effects related to air quality and hazardous materials.

**C18. Mitigation**

No comments

**C19. Alternatives**

*Comment C19.1: DCP should include the impacts (especially transit, traffic and pedestrian impacts) of alternative lower density zoning districts (especially R7A) to R8A for the 145<sup>th</sup> Street corridor in the scope of work. (1)(2)(3)(5)(7)(16)(22)*

**Response:** In response to comments received during the scoping process, a lower density alternative that assumes R7A instead of the R8A IH district proposed for 145<sup>th</sup> Street will be analyzed in the EIS. The Scope of Work has been updated to reflect this. Also refer to response to Comment C1.3 above.

*Comment C19.2: Many concerns have been raised about the rezoning of the West 145<sup>th</sup> Street corridor to R8A-IH. As such, a Lesser Density Alternative (e.g., R 7A-IH which may have the added benefit of encouraging the preservation of existing buildings) for this corridor should be thoroughly studied to give the community a clear understanding of the distinctions between the impacts of these two zoning options. (3)*

**Response:** See response to Comment C19.1 above.

## **C20. Miscellaneous**

*Comment C20.1: I urge that the City consider going beyond the traditional affordability requirements for housing in this rezoning. The median household incomes of CD 9 residents is substantially lower than the median income utilized in the current formula used to define affordability in New York City. Therefore, consistent with the tenets of Community Board No.9's 197A Plan, it is important to consider an AMI formula for this rezoning which addresses the affordability of CD 9. (3)(4)(5)(11)*

**Response:** **Zoning does not control or dictate median household income guidelines that are used to define affordable housing; such guidelines are determined by HUD and HPD.**

*Comment C20.2: To help enable tenants to stay in this community as it grows, aggressive zoning-law amendments as was done in Clinton, and/or other tools, in concert with City legislators, prohibiting landlords or developers from demolishing a set percentage of any multi-family buildings should be pursued. These efforts could also include the expansion of inclusionary housing overlays to buildings in areas outside of the targeted upzoned areas. (3)(4)*

**Response:** **Comment noted.**

*Comment C20.3: This community district has been opposed to the findings of the census that is being utilized; that data is faulty and incorrect. DCP must make sure that they use the most accurate data in the EIS analyses. (20)*

**Response:** **The EIS analyses will utilize the most current data that best represent existing conditions in the study area, including census population data, NYC Department of Labor employment statistics, and American Community Survey data, as applicable.**

*Comment C20.4: It is critical that the jobs created through the rezoning are good jobs with the fair wages and benefits that residents need. Too often developers get money from tax payers for a project and rezoning and then turn around and don't provide good paying jobs or affordable housing. (11)(21)*

**Response:** **Comment noted.**

*Comment C20.5: I am worried that your proposal won't provide enough real affordable housing that our community needs. Please encourage real affordable housing. (2)(5)(7)(19)(21)*

**Response:** **As identified in the Scope of Work, the rezoning plan uses the Inclusionary Housing Program, which provides a powerful incentive for the development of affordable housing.**

*Comment C20.6: I would like to commend City Planning for providing a most thoughtful and well-conceived zoning plan for the West Harlem Rezoning Proposal; I am writing to communicate my unequivocal support in favor of the Proposal. (14)(17)(18)*

**Response:** **Comment noted.**

*Comment 20.7: Study of energy consumption as a result of a full build-out of all sites under the proposed rezoning, particularly on the 145<sup>th</sup> street corridor. (16)*

**Response:** **The EAS document provided a table showing the proposed action's projected energy demand (for all 24 projected development sites), based on the rates**

provided in the *CEQR Technical Manual* (refer to Table 3 on page 9h). In addition, a greenhouse gas emissions analysis will be provided in the EIS. This includes an estimate of fuel consumption for the projected buildings, based on the calculations of energy use estimated for the project in the screening analysis conducted as part of the EAS document.

*Comment C20.8: I urge DCP to ensure that all the effects of rezoning are thoroughly analyzed to help stakeholders like myself make better decisions when the time comes. (2)*

**Response:** Comment noted. The EIS will provide a thorough and careful analysis of all potential impacts of the proposed action in accordance with CEQR guidelines and methodologies, as presented in the Final Scope of Work.

*Comment C20.9: We support the goals of the rezoning to preserve the character of the neighborhood and provide opportunities for affordable housing and jobs. (11)*

**Response:** Comment noted.

*Comment C20.10: EIS should take into account Existing conditions – hundreds of units have been added recently around the 145<sup>th</sup> street strip by Bradhurst, City College has 3 or 4 buildings slated for development. (13)*

**Response:** The Land Use, Zoning, and Public Policy chapter of the EIS will provide a description of existing conditions in the study area based on field studies and other documentation, as well as a list of future development projects in the study areas that are expected to be constructed by the 2021 analysis year and may influence future land use trends.

*Comment C20.11: Scope assumes that only a few sites will be redeveloped. More sites will likely be redeveloped as a result of the upzoning. (6)*

**Response:** The development sites identified in the EIS were identified in accordance with the methodologies and guidelines provided in the 2012 *CEQR Technical Manual*. Standard methodologies have been used to identify the amount and location of future development, following the 2012 *CEQR Technical Manual* guidelines and employing reasonable assumptions.

*Comment C20.12: Urge that all potential impacts be examined carefully and thoroughly (1)*

**Response:** Comment noted. The EIS provides a thorough and careful analysis of all potential impacts of the proposed action, as presented in the Final Scope of Work.