

3.27 Responses to Public Comments on the Draft Scoping Document

Introduction

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work for the proposed 125th Street Corridor Rezoning and Related Actions made during the public review period.

The public, interested agencies, Manhattan Community Boards 9, 10 and 11, and elected officials are invited to comment on the Draft Scope of Work. Comments were accepted on the Draft Scope of Work document for the 125th Street Corridor Rezoning and Related Actions during a period commencing on January 17, 2007, with the public scoping meeting held at the Harlem State Office Building located at 163 West 125th Street, through February 20, 2007. The New York Department of City Planning (DCP) extended the customary ten day public comment period on the Draft Scope of Work to accommodate additional comments from the public and received comments until January 20th, 2007.

A Final Scope of Work was issued on August 31st, 2007, incorporating a number of changes to the proposed action made in response to some of the comments received on the Draft Scope of Work. The Final Scope of Work was used as a framework for preparing the Draft Environmental Impact Statement (EIS) for the proposed action.

Draft Scope of Work Comments and Responses

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 noted above. 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. The first 30 individuals listed below represents the order of appearance of the public speakers at the public meeting on the Draft Scope of Work.

Comments were received from the following individuals and organizations:

1. George Sarkissian, Community Board 11 (oral statement at public hearing and written statement submitted 1/17/07)
2. Daniel Perez, Community Board 11 (oral statement at public hearing)
3. Jack Travis, Community Board 10 (oral statement at public hearing)
4. Drew Greenwald, resident (oral statement at public hearing)
5. Eugene Giscombe, 125th Street Business Improvement District (oral statement at public hearing)

6. Jesse Masyr, Attorney for Watel and Masyr (oral statement at public hearing and written statement submitted 1/17/07)
7. Richard Bass, Herrick Feinstein (oral statement at public hearing)
8. Michael Johnson, Beta Harlem Real Estate Board (oral statement at public hearing)
9. Ricky Day, resident (oral statement at public hearing)
10. Ramona Ponce, resident (oral statement at public hearing)
11. Dr. John Narvelle, resident (oral statement at public hearing)
12. Julius Tajiddin, Harlem Platform Committee (oral statement at public hearing and written statement submitted 2/22/07)
13. Kate Samuels, resident (oral statement at public hearing)
14. Lisa Tucker, resident (oral statement at public hearing)
15. Scott Stringer, Manhattan Borough President (oral statement at public hearing and written statement submitted 1/29/07)
16. Melicent Redick, Harlem Commonwealth Council (oral statement at public hearing)
17. Ross Jacobs, Consul Realty Group of Property Owners on 125th Street, 125th Street Business Improvement Board of Directors (oral statement at public hearing)
18. Walter South, resident or Community Board 9 (oral statement at public hearing)
19. Mario Mazzoni, resident (oral statement at public hearing)
20. Michael Dotson, Dotson & Ross CPAs (oral statement at public hearing)
21. Barbara Askins, President and CEO, 125th Street Business Improvement District (oral statement at public hearing and written statements submitted 1/17/07 and 2/20/07)
22. Katwy Heru, resident (oral statement at public hearing)
23. Inez Dickens, City Councilmember (oral statement at public hearing and written statements submitted 1/23/07 and 1/29/07)
24. Tom DeMott, resident (oral statement at public hearing)
25. Bill Perkins, State Senator (oral statement at public hearing)
26. Nelly Bailey, resident (oral statement at public hearing)
27. Savona Bailey McClain, West Harlem Art Fund (oral statement at public hearing and written statement submitted 2/12/07)
28. Angel Medina, resident (oral statement at public hearing)
29. Regina L. Smith, resident (oral statement at public hearing)
30. Bill Rohlfing, resident (oral statement at public hearing)
31. Neal Clark, Chairman, Community Board 10 (written statements submitted 12/4/06, 1/22/07, and 2/2/07)
32. Alan Wang, resident (written statement submitted 2/1/07)
33. Robert Jackson, City Councilmember (written statement submitted 1/19/07)
34. Adam C. Powell, State Assembly of New York (written statement submitted 1/23/07)
35. Keith L.T. Wright, State Assembly of New York (written statement submitted 1/24/07)
36. Jordi Reyes-Montblanc, Chair, Community Board 9 (written statement submitted 1/2/07)
37. K. Samuels, resident (written statement submitted 1/17/07)
38. Raymond Plumey, Vice President of CIVITAS, and Chair, Zoning Committee (written statement submitted 1/26/07)
39. Moris Yeroshaimi, American Building Company (written statement submitted 1/19/07)

40. billr@uptownt.com, unknown affiliation, (written statement submitted 1/27/07 [pp 38-39])
41. Walter South, resident (written statement submitted 7/19/06)
42. Michael Johnson, resident (undated written statement)
43. Judith M. Gallent, Bryan Cave LLP (written statement submitted 1/25/07)
44. Peter L. Gluck and Thomas E. Gluck, Architects, Peter L. Gluck and Partners (written statement submitted 1/25/07)
45. Caren Chesler, resident (written statement submitted 2/12/07)
46. Dr. Dinnah Pladott, W. 132nd Street Block Association (written statement submitted 2/10/07)
47. Marc Lindahl, resident (written statement submitted 2/14/07)
48. Curtis Archer, Harlem Community Development Corporation (written statement submitted 2/20/07)
49. "Our Main Street" submitted by Community Board #10 (written statement submitted 2/20/07)
50. Walter J. Edwards, Harlem Business Alliance, Inc. (written statement submitted 2/12/07)
51. Imee Jackson, Community Planning Board #10 (written statement submitted 2/20/07)
52. Brad Taylor, resident (written statement submitted 2/16/07)
53. LaQuita Henry, Heritage Health & Housing (written statement submitted 2/20/07)
54. Sean Pollock, resident (written statement submitted 2/7/07)
55. Robert Davis, attorney for 126th Street Ventures (written statement submitted 2/1/07)
56. Jonelle Procope, The Apollo Theater Foundation, Inc. (written statement submitted 2/13/07)
57. Unknown author, unknown affiliation (written statement undated)
58. Harlem Arts Alliance (written statement submitted 2/14/07)
59. Lea K. Green, The Studio Museum in Harlem (written statement submitted 2/12/07)
60. Lloyd A. Williams, The Greater Harlem Chamber of Commerce (written statement submitted 2/7/07)
61. Lois R. Manning, President of the Greater Harlem Real Estate Board, Inc. (written statement submitted 1/6/07)
62. Giovanna L. Henson, resident (written statement submitted 2/7/07)
63. Deanna Snipes, resident (written statement submitted 2/7/07)
64. Diana J. White, resident (written statement submitted 2/7/07)
65. Lillie Tilly, resident (written statement submitted 2/7/07)
66. D. Kenneth Williams, President, Mount Morris Park Community Improvement Association (written statement submitted 2/20/07)
67. Katie Kendall, Municipal Arts Society (written statement submitted 2/20/2006)
68. Robert and Sandra Lowe, West 130th Street Block Association (written statement submitted February 7, 2007)
69. Ilene Popkin, ADGM for Development, New York City Housing Authority (written statement submitted February 20, 2007)

A. Project Description

Comment A1: The 10-year reasonable worst case development scenario (RWCDs) is not an appropriate time frame, and should be adjusted. (4) The 10-year reasonable worst case development scenario (RWCDs) must be extended. (24) Extend the 10-year reasonable worst case development scenario (RWCDs) to the year 2030, in an effort to better encapsulate all possible development resulting from this rezoning. (31) The decision to use 10 years for the reasonable worst case development scenario should be justified. (51)

Response: **Based on prevailing CEQR practice, a reasonable worst case development scenario (RWCDs) for an areawide rezoning such as the proposed action is customarily based on a ten-year time frame. A ten year period is typically believed to be the length of time over which developers would act on the change in zoning and the effects of the proposed action would be felt. The ten-year projection is based on conservative assumptions designed to predict long-term growth, and includes development which may occur after the build year.**

Comment A2: We support the rezoning initiatives and wish to develop a residential tower on 126th Street. (6) I am speaking in support of a project for HPD's partners (Jonathan Rose, Mike Alexander, and Nicholas Gutierrez) under 124th and 2nd Avenue developments. (7) We commend DCP for this badly-needed rezoning initiative. (31)

Response: **Comment noted.**

Comment A3: The Department of City Planning must avoid making 125th Street look like a “condo road.” (56)

Response: **As noted in the Scope of Work, the effects of the proposed action on Urban Design and Neighborhood Character are to be addressed in the EIS. As discussed in the description of the proposed action in the Draft Scope of Work, a key principle of this proposed rezoning is to promote a variety of uses and buildings along the 125th Street corridor. New development resulting from the proposed action is expected to be a mix of commercial, residential, community facilities, and arts and entertainment related uses. Of the 26 projected development sites, 21 are expected to include a residential component. All of the new buildings are expected to have ground floor, and in many cases, second floor commercial uses, and restrictions on the size of the residential entrances on 125th Street would ensure a strong commercial character under the Arts Bonus Alternative.**

Comment A4: I am not in favor of the project. The Department of City Planning has not incorporated any of the CB 10's recommendations. (13)

Response: **As noted in the Project Description section of the Scope of Work, DCP convened an interagency working group and community-**

based Advisory Committee comprising more than 100 Harlem business and local civic representatives, community board members and elected officials. The actions comprising the 125th Street Corridor Rezoning and Special District described in this document constitute a key product of the study. The rezoning plan includes input received from public meetings held in 2004, 2005 and 2006.

Comment A5: The rezoning should be extended to span the entire length of 125th Street (28, 15, 41, 11, 17, 18, 21, 53), and should include improvements to the waterfront. (21, 67) The development framework does not include the area west of Broadway to the Hudson River. (21)

Response: The proposed action covers the majority of the 125th Street corridor, generally between Broadway, 2nd Avenue, 124th and 126th Streets. At the time of scoping, the portion of the 125th Street corridor west of Broadway was proposed to be rezoned as part of the Manhattanville in the West Harlem Rezoning; that rezoning has now been adopted. The portion of 125th Street east of Second Avenue contains transportation infrastructure that differs in character from the rest of the corridor. A portion of this area is also the subject of a separate rezoning proposal, the East 125th Street Project, currently under review.

Comment A6: The purpose for the rezoning has still not been made explicit. (28)

Response: The Draft Scope of Work contains a description of the purpose and need for the proposed action, and notes that the Project Description chapter of the EIS will include a thorough explanation of the proposal's purpose and need.

Comment A7: Columbia's "Manhattanville in West Harlem" and the "Uptown New York" full build-out plans should be included in this rezoning plan, as they will alter the built environment on 125th Street. (31)

Response: The projects cited in the comment are separate initiatives sponsored by separate entities, and are outside of the scope of the proposed action. They are considered however in the environmental review of the proposed action as known developments, and are to be included in the Future No Action scenario as appropriate. The effects from the first development phase of the "Manhattanville in West Harlem" proposed rezoning (2015) and the proposed "East 125th Street Development Project" (formerly know as Uptown New York) will be included in the EIS analysis.

Comment A8: The impact of the full build-out of all 26 projected development sites and 23 potential development sites should be considered. (31)

Response: DCP has identified 26 projected development sites and 23 potential development sites in the rezoning area. For density-

related impacts such as traffic, community facilities, and open space, the EIS will consider potential impacts resulting from development on projected development sites; for site-specific subjects, such as archeology, hazardous materials, and stationary source air quality, the EIS will analyze the potential for impacts resulting from development on both projected and potential development sites. It would not be reasonable to analyze the potential for density-related impacts resulting from full build-out on all of the projected and potential development sites since this level of development is next expected to occur within the foreseeable future. The amount of development identified on the 26 projected development sites reflects the total amount of new development expected in the foreseeable future.

Comment A9: A better understanding is needed of the 421a and the 80/20 programs, and how they will impact affordable housing availability from river to river, and from 116th to 135th Streets. (23)

Response: The proposed action would not involve changes to the 421-a or 80/20 programs. The proposed action would work in conjunction with existing programs to promote and encourage affordable housing.

Comment A10: The EIS should include a scaled mock-up of new heights along 125th Street under the 421a advantages. (23)

Response: The development scenario to be analyzed in the EIS will assume maximum height and density under the proposed rezoning. The Urban Design chapter of the EIS will include renderings of prototypical buildings in accordance with that scenario.

Comment A11: We believe the four zoning districts proposed for the 125th Street Corridor within the boundaries of Manhattan Community 11 are generally appropriate (1)

Response: Comment noted.

Comment A12: This rezoning of 125th Street is not good for Harlem. (37)

Response: Comment noted. As noted in the Scope of Work, the EIS will disclose all potential adverse impacts of the proposed action along with other appropriate alternatives to that action including the no action alternative.

Comment A13: I do not support this proposal. (42)

Response: Comment noted.

Comment A14: The cultural bonus program should be investigated more thoroughly. (42) We strongly support the development of affordable housing, but prefer that the emphasis be placed on offering arts and cultural bonuses.

(53) Special floor bonuses should be offered to developers who provide below-market rents to non-profit, arts, and cultural institutions. DCP should create a special-use district for 125th Street which promotes arts, culture, and education. (5) The art and cultural district should not be restricted in its current form. (12) Further study is needed of the art bonus, which should encourage new arts-related usages, big and small. (15) Any additional FAR generated by the proposed action should be allocated on a “bonus system”. Bonuses will be awarded if community needs—such as discounted rents for small businesses, space for local cultural organizations, etc—are met on-site. Currently only residential bonuses exist, and we feel this should be expanded to meet the needs of the community. (48) Zoning bonuses for cultural activities are not defined, and should be created similar to the concept used on 42nd Street. (21)

Response: **The EIS will analyze an Arts Bonus Alternative that will include a floor area bonus in exchange for the provision of visual and performing arts space. Please also see response to comment B2.**

Comment A15: 125th Street should remain primarily a commercial and retail corridor. (45, 46) Uses along 125th Street should be primarily commercial, retail, and cultural. (21, 56, 62, 63, 64, 65)

Response: **The proposed action provides increases in density for commercial uses and promotes retail and active uses on the ground level of new development fronting 125th Street. Please also see response to comment A3.**

Comment A16: The study of areas impacted by a rezoning should be extended north to 155th Street, including traffic impacts. (10)

Response: **The proposed study area boundaries have been selected based on standard criteria and in accordance with the guidelines of the *CEQR Technical Manual*. The study area boundaries include those areas where the effects of the proposed action are likely to be felt. Extending the boundaries north to 155th Street would result in the analysis of areas very unlikely to be affected by the proposed action.**

With respect to traffic, the EIS will provide a detailed traffic analysis for the weekday AM, midday, PM and Saturday midday peak hours, focusing on intersections that are projected to handle the highest concentrations of traffic volume generated by the proposed rezoning.

Comment A17: The inclusionary housing bonus for the C4-4D, C6-3, and C4-7 districts is supported. (1)

Response: **Comment noted.**

Comment A18: Amendments to the Urban Renewal Plan should be better identified. (48)

Response: **The Urban Renewal Plan amendment would amend the Harlem-East Harlem Urban Renewal Plan; the proposed amendment would remove the density restrictions from a site identified as Projected Development Site 26 to allow a proposed New York City Department of Housing Preservation and Development (HPD) sponsored mixed-use project to be developed in accordance with the proposed action. The project description chapter of the EIS will include a thorough description of the proposed amendments to the Urban Renewal Plan.**

Comment A19: Clarity is needed to better determine impacts to the Special TA District. (48)

Response: **The proposed Special 125th St District would overlap with the Special TA District which is mapped along portions of East 125th Street and Second Avenue. The proposed regulations would allow new developments within the Special 125th Street District, that are also located within the Special TA District, to modify the street wall requirements for those portions of the new development located directly above the proposed tunnel for the Second Avenue Subway. An analysis of all potential impacts to the Special TA District will be included in the EIS.**

Comment A20: The “standard methodologies” that are referenced in the text need to be explained, and tables should be provided to facilitate comparisons of the build and no-build scenarios. (51)

Response: **The standard methodologies that will be utilized follow *CEQR Technical Manual* guidelines and will employ reasonable, worst-case assumptions of development expected under the proposed rezoning. The specifics of the build and no-build scenarios will be fully detailed in the EIS and will include tables that compare the build and no-build scenarios, where appropriate.**

Comment A21: The Columbia and Uptown New York plans should be included in this EIS from a cumulative effects standpoint. (51)

Response: **Comment noted. The environmental analyses in the EIS will consider the cumulative impacts of these two projects in the analysis of potential environmental impacts generated by the proposed action according to the study areas of each of the technical chapters. Please also see response to comment A7.**

Comment A22: The EIS should consider microwave and cellular emissions sources. (51)

Response: As the proposed action does not include the construction, removal, or relocation of microwave or cellular emissions sources, an assessment of these potential effects will not be included in the EIS.

Comment A23: We have no preliminary objections to the DEIS. We believe the ongoing analysis and review should continue. (59)

Response: Comment noted.

Comment A24: The impact that this rezoning will have on the future of tourism in Upper Manhattan is not adequately reflected in this scoping document. (60)

Response: The EIS will assess the potential for impacts utilizing the methodologies detailed in the guidelines of the *CEQR Technical Manual*. While tourism is not an impact area specifically assessed in the *CEQR Technical Manual*, related impact areas such as traffic, socioeconomic conditions and neighborhood character will be assessed as part of the EIS.

Comment A25: The present rezoning proposal is flawed. (61)

Response: Comment noted.

Comment A26: The impacts that residential growth will have on 125th Street need to be addressed. (21)

Response: The EIS will fully analyze the potential impacts of new development, including residential development, resulting from the proposed action. The analyses will consider potential impacts on 125th Street as well as in surrounding areas.

Comment A27: The EAS states that no part of this plan is affected by the Waterfront Revitalization Program. This is untrue and must be reassessed. (21)

Response: The Local Waterfront Revitalization Program (LWRP) applies to all discretionary actions in the designated Coastal Zone. This zone is delineated in the Coastal Zone Boundaries maps published by the Department of City Planning. The proposed action would not induce new development within the designated NYC coastal zone boundary. The proposed action would therefore not be assessed for its consistency with the City's Waterfront Revitalization Program.

Comment A28: We support the plan's attempts to preserve active street life by locating bank space, lobbies, and non-active uses away from the ground floor. However, we urge the city to explore ways to preserve and encourage locally-owned retail along the corridor, while discouraging the proliferation of chain retail. (67)

Response: Comment noted. Please also see response to comment A15.

B. Land Use, Zoning, and Public Policy

Comment B1: We request that the change outlined in the C4-4D Alternative extends all the way from Park Avenue to 5th Avenue, rather than Park Avenue to Madison Avenue. We ask that the EIS assess the impact of replacing the C4-4A district along East 125th Street between 5th Avenue and Park Avenue with a C4-D district, with particular attention to the added development of affordable housing. (1). A C4-4D district is preferred to a C4-4A district, due to its higher FAR and encouragement of mixed-use development. (39)

Response: **The proposed action includes a C4-4A district rather than a C4-4D district in this area in order to further the goal of maintaining the scale and character of existing predominantly residential areas. The area along 125th Street from Fifth to Madison Avenues contains occupied residential housing units; the proposed C4-4A district would not increase the allowed density in this area and would establish a height limit to maintain the scale and character of this area.**

Given the existing residential land uses along this particular portion of the corridor changing the boundaries of the C4-4D alternative to include the 125th Street block frontage between Madison and Fifth Avenue would not be consistent with the objective of protecting the scale and character of those portions of the corridor characterized by being predominately occupied with housing.

Regarding affordable housing, the C4-4D district analyzed in the C4-4D alternative will include an inclusionary housing bonus option not available in the C4-4A district.

Comment B2: We are requesting that the proposed art bonus alternative, which currently provides an FAR bonus for the inclusion of arts and entertainment uses be extended through East 125th Street from 5th Avenue to 2nd Avenue. (1) The art district should be extended to span the entire length of 125th Street, and should be strengthened to distinguish it from bowling alleys and drinking establishments. (10) The arts bonus alternative should be extended from 5th Avenue to 1st Avenue. (1) The DEIS should analyze an expanded arts and entertainment subdistrict from Broadway to 2nd Avenue, including reconsidering R7 zoning between Morningside Avenue and Broadway. (48).

Response: **The arts bonus analyzed in the Arts Bonus Alternative would be applicable in the C4-4D, C6-3 and C4-7 districts through out the proposed Special District. The Arts Bonus would not be applicable in the remaining C4-4A, R6-A and R7-2 zoning districts within the corridor as these districts are not proposed to receive increases in**

the allowed density and there are no opportunities to establish a bonus structure.

Comment B3: A C4-7 zoning district is an inappropriate scale in this area. C4-4D is more appropriate along 125th Street. (3)

Response: Several scenarios will be analyzed in the Alternatives chapter of the EIS, including a C4-4D alternative and a lower-density C6-3 alternative.

Comment B4: The 125th Street Business Improvement District supports the concept of using arts and cultural floor area bonus to provide developers with the incentive to include space for arts and cultural uses. (4)

Response: Comment noted.

Comment B5: There should be more coordination with the Harlem arts community to develop a comprehensive rezoning initiative. (16)

Response: In response to recent and anticipated development in Harlem, and most specifically along 125th Street several City agencies have undertaken the 125th Street River-to-River Study. The proposed rezoning action constitutes a key part of this ongoing study. An interagency working group and community-based Advisory Committee was convened to help review and propose strategies for the 125th Street corridor. Members of the advisory board representing the Harlem arts community included Apollo Theater Foundation, Studio Museum in Harlem, and Dance Theater of Harlem among many others.

Comment B6: Increase the FAR to 8 with the commercial overlays and mixed uses, as the FAR presently offered is too low. (18)

Response: Although some of the proposed zoning districts would permit a maximum FAR of 8, mapping 8 FAR districts throughout the rezoning area would be inconsistent with the goals and objectives of the rezoning. The rezoning seeks to promote new development, where appropriate, that is compatible with the existing bulk and scale of the area, and to maintain existing residential uses in areas with a strong residential context

Comment B7: The parcels on 124th and 126th Streets should be rezoned commercial. (18, 41)

Response: The proposed action would rezone the parcels along 124th and 126th Streets to commercial districts east of Morningside Avenue. West of Morningside Ave the parcels along 126th Street would be rezoned with a C2-4 commercial overlay that allows commercial uses up to 2.0 FAR. The proposed R7A zoning district for this area reflects

the existing predominant residential with ground floor commercial land uses in the area.

Comment B8: In an effort to preserve its commercial character, there should be no as-of-right market-rate residential upzoning on 125th Street, except in cases of “inclusionary housing bonuses.” Therefore the base FAR for the proposed C4-4D and C6-3 should remain at 4.0. Additionally, the extension of the current C4-7 district boundaries to include 165 feet to the east is also opposed by CB10. (31)

Response: Comment noted. In response to comments made on the draft scope, the proposed action has been modified to change the base commercial floor area ratio (FAR) in the proposed C4-4D district from 4.0 to 5.4. This change has been incorporated into the Final Scope.

Comment B9: The “bonus system” for all uses should be studied more exhaustively, and a non-technical document should be distributed to residents so they may understand this system. (23)

Response: The EIS will examine in sufficient detail the proposed “bonus systems.” The discussion of the bonus mechanisms will be written in language understandable to the general public.

Comment B10: “After school” arts should be encouraged along 125th Street. (40)

Response: Comment noted.

Comment B11: Create one zoning district that will allow for an FAR of 8 to minimize the need for variances. (41)

Response: The proposed C6-3 zoning district would allow residential uses up to 8.0 FAR when taking advantage of the inclusionary housing program.

Comment B12: The proposal to create a contextual zone along 125th Street is supported, but care should be taken to ensure that variances to the current zoning map are considered on a case-by-case basis. (43)

Response: Comment noted.

Comment B13: The area of 125th Street between Morningside Avenue and Broadway is being rezoned as an R7-A district with a C2-4 overlay, but should be reconsidered to allow higher densities. (43) The allowable height of an R7A district is insufficient and prevents affordable housing creation. (44)

Response: One of the objectives of the proposed rezoning is to provide a balanced zoning strategy encouraging new development where appropriate while maintaining the scale and character of existing predominantly residential areas. The area along 125th Street between Morningside Avenue and Broadway contains occupied

residential housing units; the proposed R7A district would not increase the allowed density in this area and would establish a height limit to maintain the scale and character of this area. Please also see response to comment B1.

Comment B14: Anti-harassment language should be included in the new zoning code, similar to that which was done in the West Chelsea rezoning. (23)

Response: The EIS will include an analysis of the potential impacts of the proposed action on residential displacement. If significant adverse impacts are identified, potential mitigation measures will be considered.

Comment B15: The EIS should analyze conversion of C4-4D zones to C6-3 zones, with a height cap of 140 feet on lots facing 126th Street. (48)

Response: Mapping C6-3 districts in these areas would be inconsistent with the goals and objectives of the proposed action, which seeks to respond to the lower scale of 124th and 126th Streets and therefore generally proposes C4-4D districts with a maximum height limit of 120 feet.

Comment B16: The height limits of the C4-7 zone should be reduced to 160 feet. (48)

Response: The C6-3 Alternative to be analyzed in the EIS would limit building heights to 160 feet.

Comment B17: To maintain air and light on the streets, “slab” frontage of new buildings should be limited to 100 feet in the proposed rezoning areas. (48)

Response: Limiting new development to a maximum “slab frontage” of 100 feet would unduly affect existing lots or assemblages with more than 100 feet in frontage, forcing new development on these lots to build two separate structures with two separate circulation cores. Furthermore, as these regulations would apply to the C6-3 zoning district the achievable tower floor plates (above the streetwall) for commercial development would be severely restricted to a maximum size of 6,500 square feet (100 feet in frontage times the 65 feet deep tower; including a 15 feet front setback and a 20 feet minimum required commercial rear yard). Commercial building floor plates of this size are considered insufficient for efficient commercial development, particularly for office buildings where extensive floor plates are generally desired.

Comment B18: The proposed action should consider deeper front, side and rear setbacks to reduce bulk impacts. (48)

Response: The urban design analysis in the EIS will assess whether the proposed setback regulations will result in significant, adverse

impacts, and consider the need for mitigation measures as appropriate.

The proposed building form controls are intended to produce building forms that are compatible with the scale of surrounding development, and include a 15 feet setback for buildings fronting on 125th Street (a wide street) in C6-3 and C4-7 districts. The proposed setback is deeper than the standard 10 feet setback that is typically required fronting on wide streets.

Comment B19: All retail frontages should be limited to a maximum width of 50 feet. (48)

Response: The Department of City Planning believes that the special district provisions as proposed would achieve the goal of enlivening the street, and that limiting the width of all retail storefronts would unduly restrict retail opportunities.

Comment B20: No involved parties should abuse eminent domain along 125th Street, except for extreme circumstances. (49)

Response: The use of eminent domain is not a part of the proposed action.

Comment B21: Eastside and Westside waterfront development and rezoning initiatives are not properly addressed, and should be in future drafts. (60)

Response: The EIS for the proposed action will consider these developments and will account for them in the baseline future no-action condition. Please also see response to comment A7 and A11.

Comment B22: We want a plan that will give bonuses to developers for providing space inside of a bigger development project that caters to the needs of Black people in Harlem. That is, inside a commercial building a multi-facility center could be built similar to the way New York Health and Racquet Clubs are built inside of non-related commercial buildings. (57)

Response: Bonuses for visual and performing arts uses will be analyzed under the Art Bonus Alternative. The arts bonus, applicable in C4-4D, C6-3, and C4-7 zoning districts, would require that for every four square feet of floor area bonused, one square foot of such bonused floor area would be provided for visual or performing arts space.

Bonuses for community facility space will not be considered. Increasing economic, commercial, entertainment, and arts-related activities are among the goals of the proposed actions. The 125th Street Special District would allow a wide range of retail, arts, entertainment and cultural uses to physically and economically activate the street. A bonus for community space is not necessary to achieve this goal and would compete with other bonuses intended to encourage arts-related and other uses.

Comment B23: An electronic billboard should be created along the corridor highlighting the various cultural activities. (57)

Response: **This is outside of the scope of the proposed action.**

Comment B24: Zoning bonuses for assemblages must be identified. (21)

Response: **The RWCDs for the proposed action identifies potential assemblages and analyzes their effects utilizing the available bonus mechanisms, either the Inclusionary Housing bonus or the Art Bonus proposed as part of the Arts Bonus Alternative.**

Comment B25: Any density bonus and the culture or entertainment services that result should meet the needs of the current Harlem community. (12)

Response: **Comment noted.**

Comment B26: The EIS should include an analysis of all Urban Renewal Areas in the study area. If the proposed action deviates from the established purposes of these URAs, any amendments should be substantiated. All other existing public policy documents, including 197-a Plans, the Mayor's Affordable Housing Plan, and the PlaNYC 2030 initiative should be considered for compatibility with this rezoning. (67)

Response: **Comment noted. Pursuant to the CEQR Technical Manual, an analysis of all affected Urban Renewal Areas will be included in the EIS, and the compatibility of the proposed action with all relevant public policies will be considered.**

Comment B27: We strongly support the enhancement of 125th Street as a cultural, arts, and entertainment district, and urge the city to explore all avenues that would encourage such use, including the Arts Density Bonus. (67)

Response: **A study of the Arts Bonus Alternative will be included in the DEIS. Please also see response to comment A14.**

C. Socioeconomic Conditions

Comment C1: We vehemently support the proposed addition of an Inclusionary Housing Bonus with the C4-4D, C6-3 and C4-7 districts. (1)

Response: **Comment noted.**

Comment C2: It is essential to provide incentives for the development of space solely for the use of local small businesses that would like to relocate on East 125th Street. (1)

Response: **The proposed action will provide opportunities for retail along the majority of 125th Street. Although the proposed action does not provide specific incentives, as proposed by the commenter, it is**

expected that new mixed-use developments will include stores of varying sizes. Please also see response to comment C7.

Comment C3: The displacement of current residents is something that must be avoided if possible. (3, 19, 24) Local residents will be priced out of Harlem as a result of the current development initiatives. (37)

Response: As noted in the Scope of Work, the socioeconomics analysis in the EIS will examine the potential for impacts related to direct and indirect residential displacement.

Comment C4: The EIS does not adequately address the long-term socioeconomic effects of transforming 125th Street into a predominantly residential corridor. (4, 21) The impacts of residential growth along 125th Street should be considered to a greater extent. (42)

Response: The EIS will include a detailed analysis of population trends in the future with the proposed action. Additionally, information will be included on housing market conditions, including identification of presence of any unique or predominant population groups or presence of populations particularly vulnerable to economic changes, using Census data and other sources. An estimation of housing changes associated with the proposed rezoning and an assessment of impacts on housing will be included for consideration as well.

Comment C5: Ceiling heights of new developments must be at least 20 feet to accommodate larger retailers. The Department of City Planning must balance housing needs with retailing needs. (5)

Response: The proposed action does not include minimum floor to ceiling height for retail uses. It is not current zoning practice to restrict minimum ground floor height for retail use. For analytic purposes, the EIS analyses will assume a 20 feet floor to floor height for ground floor retail use on C4-7 and C6-3 zoning districts and 15 feet on C4-4D zoning districts.

Comment C6: Housing does not belong on 125th Street, and Harlem's existing housing stock is sufficient to meet future demand. Instead, economic development is needed, including jobs that will enable Harlem residents to move into the middle class. Commercial stores and office towers are needed so residents can work. (8) Such extensive housing is not appropriate for 125th Street. (16)

Response: As noted in the Scope of Work one of the major goals of this proposal is to sustain and enhance the ongoing revitalization of 125th Street as a unique, diverse Manhattan main street through expanding the extent and range of uses permitted along the street, including commercial uses. As identified in the RWCDS for the proposed action, the proposal would catalize more than 1.8 million

square feet of commercial development through out the 125th Street corridor.

Comment C7: “Mom and Pop” stores should be protected against development, and their community interests must be balanced with larger retailers who wish to enter the neighborhood. (9, 27, 15, 67) Rezoning must address the needs of the local community, including business owners. (15, 38) Comprehensive zoning and economic development package should be developed to make sure that Harlem's businesses and the new Harlem-based entrepreneurs are not priced out by Harlem's growth. Small businesses must be protected against larger “big box” stores, so they may remain in operation. (15) The interconnectedness of local business is important to realize, and when one small business is forced to leave as a result of increased rents, other will suffer. These small businesses have a vested interest in the community that must be taken into account. (20) Local small businesses and small cultural institutions must remain in the community despite rising commercial rents. (25) Local small businesses are feared to be pushed out due to increasing commercial rents. (26) Are there any assurances that local small businesses will not be displaced by rising rents resulting from this rezoning? (61)

Response: **As noted in the Scope of Work, the socioeconomic assessment to be included as part of the EIS will examine potential impacts related to direct and indirect business displacement. If significant, adverse socioeconomic impacts related to business displacement are identified, the EIS will discuss potential mitigation measures.**

Comment C8: Enhanced business and cultural opportunities should be pursued which will give local youth “positive” activities in which to engage. (9, 12)

Response: **This is outside of the scope of the proposed action.**

Comment C9: A trust fund should be initiated to ensure the education of children who live in Harlem. (11)

Response: **This is outside of the scope of the proposed action.**

Comment C10: Retail space preference in new developments should be given to existing Harlem businesses. (12)

Response: **The proposed zoning allows for a diversity of retail businesses, and would accommodate existing Harlem businesses. A preference for existing businesses is not proposed as part of the Special District.**

Comment C11: The definition of the word “affordable” should be reformulated to include members of this community who make less than the defined percentage of area median income. (13, 15, 51) Reconsider the definition of the word “affordable” to ensure the housing goes to those who need it most, accommodating those earning too much to qualify for the very low income housing but not yet able to afford new luxury

condos. (15, 38) Reconsider the definition of the word “affordable” by adjusting area median income to reflect the neighborhood residents, not residents of the entire metropolitan area. Community input should be solicited to help define “affordable”. Affordable housing must be offered in perpetuity, not for a limited number of years. (25) Primary and secondary displacement are effects that cannot be mitigated in a project of this size. Primary displacement of residents in city-owned properties should be quantified so we know exactly how many will be forced out. The inclusionary zoning aspect does not deal with long-term housing needs for these low-income families. The exact number of housing units (affordable and otherwise) must be quantified in the EIS. (26) “Affordable” should be redefined to incorporate those families who earn 50% of the area median income, instead of the 80% that is currently regulated. The total number “affordable” dwelling units should be increased from 21% to 50%, and the affordable housing bonus should only apply when these units are either on-site or within the 125th Street special district. (31) “Income-targeted” housing should be fully utilized. (45, 46, 62, 63, 64, 65) Housing should be “income targeted” instead of “affordable”. This adjustment would enable a greater number of residents to be eligible for homeownership. (56)

Response: **The standards for affordability are based on the methodologies in the *CEQR Technical Manual* and standards developed by the U.S. Department of Housing and Urban Development (HUD). According to HUD, affordability standards are set in relation to the median family income for the primary metropolitan statistical area (PMSA) rather than the borough or city.**

Comment C12: Street vendors along 125th Street must be regulated. (18)

Response: **This is outside of the scope of the proposed action.**

Comment C13: Local investors must be utilized to ensure Harlem’s wealth remains in the area, and affordable housing must be mandated in all new housing developments in Harlem. (19)

Response: **Zoning does not regulate investment. With respect to affordable housing, the proposed action would apply the Inclusionary Housing program, which incorporates powerful incentives for the creation and preservation of affordable housing in conjunction with new developments. In addition, mandating affordable housing in areas where housing development is currently permitted at any income level is beyond the scope of the proposed action.**

Comment C14: There is little known information regarding the number of units, the number and type of commercial units, the number of low-to-moderate income dwelling units, and no mention of the grant housing development. These should all be included in the EIS. (21)

Response: The EIS will fully document the existing physical character and foreseeable future development projects within the study area for the proposed action. DCP has identified 26 projected development sites in the rezoning area on which development would result in a net gain of 2,478 dwelling units (including 530 affordable units), 332,056 commercial office square feet and 208,489 commercial retail square feet by the proposed action’s build year of 2017.

Comment C15: Measures must be taken to ensure that the residents of Harlem are the beneficiaries of this proposed rezoning. (22) The inclusionary zoning aspect does not deal with long-term housing needs for low-income families. (24)

Response: Developments taking advantage of the full inclusionary housing bonus must devote at least 20 percent of their total floor area (excluding ground floor non-residential floor area) to housing that will remain permanently affordable to lower income households. , HPD’s community preference would apply to affordable units produced through the combination of the Inclusionary Housing zoning bonus and housing subsidies, giving local residents 50% preference in the assignment of the affordable units. A full discussion of these subjects will be included in the EIS.

Comment C16: Preference must somehow be given to residents of Harlem to develop and/or purchase new residential buildings along 125th Street, which has not historically been the case. (27, 29)

Response: This is outside of the scope of the proposed action.

Comment C17: A pharmacy should be included as a ground-floor retail usage along 125th Street. Additionally, night clubs and dance halls should be excluded as an “art and culture” usage. (29)

Response: The proposed zoning will allow pharmacies in the ground floor level. The Arts Bonus Alternative which seeks to provide incentives for the creation of visual and performing arts spaces within the Special 125th Street District and therefore identifies arts uses that would qualify for the arts bonus does not identify neither night clubs or dance halls as uses that could qualify for the arts bonus..

Comment C18: Development should be focused on community development, and the increased accessibility of shopping and entertainment services. Local businesses should be protected against rising rents through an increased FAR mechanism. (29)

Response: The proposed action would permit a wide range of retail, arts, entertainment and cultural uses. Additionally, as found in the “Description of the Proposed Action” section of the Scope of Work, the proposed action would include modifications to the use requirements of the underlying zoning to ensure appropriate active

uses such as retail, arts and entertainment have sufficient frontage on 125th Street at the ground floor level.

Rent protections for businesses are outside of the scope of the proposed action.

Comment C19: The areas covered in the “Task 3 Socioeconomic Conditions” should be extended to one-third of a mile, rather than the current one-quarter mile, to account for the spillover effects resulting from rezoning. (31)

Response: The Scope of Work for the EIS was expanded to include a socioeconomic study area that is one-third mile radius from the rezoning area.

Comment C20: The total economic value expected to be generated in the future build scenario should be provided, and the percentage of current small businesses that are expected to remain “viable” should also be provided. Furthermore, the EIS should discuss the mechanisms for the conveyance of direct economic benefit to the community as a result of the economic value generated by this project. (31)

Response: The socioeconomic chapter of the EIS will follow procedures set forth in the *CEQR Technical Manual*, which will include a study of direct and indirect economic impacts to tenants, business owners, and property owners. The specific analyses requested in the comment are inconsistent with the methodologies of the *Manual*.

However, the proposed action is expected to result in a net increase in commercial activity on 125th Street. Additionally, new residents would create a sizable new customer base for existing and future retail and services businesses. These households would also be expected to spend part of their household income on retail goods and personal services in the project area. Because the anticipated growth in number of households and household spending is large, it can be assumed that household demand for retail and neighborhood services would reasonably support both new and existing retail and neighborhood services establishments.

Comment C21: The demographics of new residents should also be included in this EIS, and this data should be broken down by age, family composition, average/median/quartile income, race, and educational attainment. (31, 42) Socioeconomic impacts to such as demographic trends as the aging population, wealth polarization, and ethnicity must be studied under this plan. (21)

Response: Socioeconomic conditions and demographic data on the existing population will be thoroughly compiled, including population, housing, and economic characteristics in accordance with the methodologies of the *CEQR Technical Manual*. The requested

detailed analysis of the demographics of the future population is inconsistent with the methodologies of the *Manual*.

Comment C22: Commercial zoning bonuses should be introduced for C4-4D and C6-3 districts, to support small businesses and arts and entertainment establishments. (31)

Response: Bonuses for visual or performing arts uses will be analyzed under the Art Bonus Alternative. The arts bonus, applicable in C4-4D, C6-3, and C4-7 zoning districts, would require that for every four square feet of floor area bonused, one square foot of such bonused floor area would be provided for visual or performing arts space. The Special District regulations encourage ground floor retail, including small establishments.

Bonuses for small businesses will not be considered. Increasing economic, commercial, entertainment, and arts-related activities are among the goals of the proposed action. The proposed action would allow a wide range of retail, arts, entertainment and cultural uses to physically and economically activate the street. Limiting opportunities to businesses based on size would not be necessary to achieve this goal and would compete with other bonuses intended to encourage entertainment and arts-related uses.

Comment C23: Increased density and taller buildings along 125th Street will bring “real jobs” to Harlem and should be supported. (32)

Response: As noted in the Scope of Work, the EIS will assess the potential socioeconomic effects of the proposed action, including job growth..

Comment C24: The EIS must consider the impact of community preference and selection of commercial or development companies. (23)

Response: The selection of commercial or development companies falls outside the scope of the EIS.

Comment C25: Housing on 125th Street would further polarize wealth in Harlem. (35)

Response: Please see response to comment C21.

Comment C26: The arts bonus must create large and small spaces as appropriate for new arts-related uses. (15)

Response: Comment noted. Please also see response to comment A14 and B2.

Comment C27: The 80/20 rule should require developers to place the affordable housing units within each specific building. (40)

Response: The Inclusionary Housing program includes multiple options for the provision of affordable housing, in order to maximize utilization of the program. Additional incentives, including various housing subsidy programs and recent state legislation modifying the 421-a

tax abatement program, further encourage the provision of affordable units on-site.

Comment C28: Retail space for local small businesses and art space for community groups should be a primary focus of this rezoning. (45, 46, 62, 63, 64, 65)

Response: Comment noted. Please see response to comment A14 and B2.

Comment C29: Small to mid-sized office, commercial, and cultural space is still needed in this area of Harlem, and affordability must be emphasized. (27)

Response: The proposed action is expected to generate a diverse range of office and commercial spaces. In addition, the Arts Bonus Alternative is expected to generate 88,438 square feet of visual or performing arts space.

Comment C30: The EIS should review the local small business FAR bonus to incentivize arts and cultural institutions. (1).

Response: The Arts Bonus Alternative includes a Floor Area bonus in exchange for the provision of visual and performing arts space. Please also see response to comment A14.

The second bonus mechanism recommended by Community Board 10 would provide incentives to attract and preserve small/local businesses on 125th Street. This bonus mechanism would allow the same increase in density from 6.0 to 8.0 FAR for commercial development using the bonus. Further details on how this mechanism would be structured have not been provided or articulated by Community Board 10. It has not been demonstrated how the introduction of a density bonus mechanism to provide incentives to attract and preserve small/local businesses could be achieved through a zoning bonus mechanism. DCP believes that creation of incentives to attract and preserve small/local businesses constitutes an important goal for the City, one that would be more appropriately attained through non-zoning related mechanisms. However, the City remains committed to the study of ways to achieve this goal, particularly in connection to the proposed rezoning of the 125th Street corridor.

Comment C31: The wealth that will be generated as a result of this rezoning should be localized within the Harlem community, and we support the community's position that all development be done in partnership with local development organizations. (48)

Response: Comment noted.

Comment C32: Nightclubs should not be included in any residential building, and should not be included in any bonus system. Furthermore, any

restaurant locating within a residential building needs adequate sound insulation and reasonable closing hours to prevent disturbances. (48)

Response: **The Arts Bonus Alternative which seeks to provide incentives for the creation of visual and performing arts spaces within the Special 125th Street District and therefore identifies arts uses that would qualify for the arts bonus does not identify night clubs as a use that could qualify for the arts bonus.**

Comment C33: The inclusionary housing bonus should be modified to require all affordable units be built on-site. (48, 50)

Response: **Please see response to Comment C27.**

Comment C34: To maintain a diverse shopping experience along 125th Street, we recommend that the proposed “bank” storefront limitations be expanded to include all retailers. (48)

Response: **Expanding the bank storefront limitation to include all retailers would not be consistent with the goals and objectives of the proposed action, including requiring retail and other active uses to be located in the ground floor of new development fronting on 125th Street.**

Comment C35: African American and Hispanic entrepreneurs and developers should be given preference in the construction and occupancy of new development. Additionally, fifty percent of all contracting opportunities should be awarded to African Americans and Hispanics. (49)

Response: **Zoning regulations such as the proposed Special District zoning regulations govern use and bulk, and do not include regulations based on race or ethnicity.**

Comment C36: Residents within Community Districts 9, 10, 11, and 12 should be given employment preference along 125th Street by authorizing a set number of jobs to be “set aside” (49) Job training and education may be required to ensure that new jobs go to local residents (67)

Response: **This is outside of the scope of the proposed action.**

Comment C37: The current racial, ethnic, and economic composition of 125th Street should be maintained in all new residential buildings. (49)

Response: **The EIS will include an analysis of socioeconomic impacts in accordance with the methodologies of the CEQR Technical Manual. Changes in racial and ethnic composition are not considered as impacts under CEQR..**

Comment C38: Housing bonuses should be granted on 50% of the area median income (AMI), not 80%. (49)

Response: **Please also see response to comment C11.**

Comment C39: The developer should hold deposits in or lend money to Community Development Financial Institutions or similar organizations. (49)

Response: Comment noted.

Comment C40: Participation should be initiated with the New York City Housing Authority (NYCHA) and engage in microfinance endeavors. (49)

Response: Comment noted.

Comment C41: The potential economic value of the proposed development should be quantified. (50)

Response: The Socioeconomics Conditions chapter of the EIS will focus on the five impact areas identified in the *CEQR Technical Manual*: direct business displacement, direct residential displacement, indirect business displacement, indirect residential displacement, and adverse effects on specific industries. Quantifying the economic value of the proposed development falls outside the scope of this EIS.

Comment C42: Wealth creation benefits should be conferred onto the residents of Harlem through a developer tax for a community trust fund, income-targeted housing, and affordable commercial spaces for local small businesses and cultural institutions. (50)

Response: Comment noted.

Comment C43: Bars, dance halls, and clubs should be excluded as uses capable of receiving cultural bonuses. (50)

Response: The Arts Bonus Alternative which seeks to provide incentives for the creation of visual and performing arts spaces within the Special 125th Street District and therefore identifies arts uses that would qualify for the arts bonus does not identify bars, dance halls or clubs as a use that could qualify for the arts bonus.

Comment C44: The developer should include a significant subsidy to create affordable units within the developments. (31)

Response: As described in the Scope of Work, as part of the City's ongoing effort to broaden and provide new housing opportunities in Harlem the proposed 125th Street Corridor Rezoning includes an inclusionary housing bonus. The inclusionary housing bonus, which can be applied in areas being rezoned to allow medium- and high-density residential development, combines a zoning floor area bonus with a variety of housing subsidy programs to create powerful incentives for the development and preservation of affordable housing.

Comment C45: The developer should use locally-based construction and marketing groups. (31)

Response: **Comment noted.**

Comment C46: The potential economic value of the proposed development should be quantified, as should demonstrate changes in market value of affected properties. (51)

Response: **Regarding the potential economic value of the proposed action, please see response to comment C41. The EIS will include a discussion of housing market trends in the future without the proposed action, as well as expected changes associated with the proposed rezoning.**

Comment C47: This project should promote the creation and development of jobs. (53)

Response: **The EIS will identify the number of jobs expected to be created as a result of the proposed action.**

Comment C48: The creation of an increased number of spaces for cultural groups should be emphasized. (53)

Response: **Under the Arts Bonus alternative, approximately 88,438 square feet of arts and performance space is expected to be developed. Please also see response to comment A14 and C30.**

Comment C49: A stronger emphasis must be placed on community development through business, education, and entrepreneurship. (53)

Response: **Comment noted.**

Comment C50: It is hoped that this development will spur tourism to the northern parts of New York. (53)

Response: **Comment noted.**

Comment C51: Affordable housing should be made available on streets adjacent and perpendicular to 125th Street. (53)

Response: **Lower-income housing units used to earn the Inclusionary Housing bonus may be new units on the same site as the development receiving the bonus, or new or preserved units in a separate building off-site. Off-site affordable units must be located within the same community district, or in an adjacent community district on a site within a half-mile of the site receiving the bonus.**

Comment C52: 125th Street should be retained as a commercial and retail corridor. (54)

Response: **The proposed action seeks to activate and reinforce 125th Street as a major mixed-use corridor and a local and regional destination for arts, entertainment and retail.**

Comment C53: Increased community benefits should take the form of income-targeted housing and art and retail space for local organizations. (54)

Response: Comment noted. Please also see response to C11 and A14.

Comment C54: Indigenous arts and retail organizations should be incentivized to stay along 125th Street despite rising rents. (56)

Response: Comment noted. Please see response to comment C30.

Comment C55: We believe that cultural bonuses should be given to non-profit cultural organizations. (57)

Response: The density bonus proposed in the Arts Bonus Alternative would be available in exchange for the provision of visual or performing arts space for non-profit organizations.

Comment C56: A committee should be established to meet with potential developers to draft a cultural benefits package to facilitate the presence of artists along 125th Street, and affordability should be emphasized. (58)

Response: This is outside of the scope of the proposed action.

Comment C57: How this proposed rezoning will impact the delivery of affordable housing in Harlem should be carefully considered, and limits to the number of market-rate rentals should be created. (60)

Response: The proposed action is projected to generate 498 affordable housing units on the 26 projected development sites. The residential development projected in the Future No-Action Scenario would not be expected to include affordable housing.

Comment C58: Harlem-based businesses should be involved at all levels of this construction effort. (60)

Response: Comment noted.

Comment C59: Local workers should be hired, and under fair employment practices. (60)

Response: This is outside of the scope of the proposed action.

Comment C60: Preference should be given to local small and medium sized businesses, and set-aside programs need to be created for these businesses. (60)

Response: This is outside of the scope of the proposed action.

Comment C61: How exactly is “affordability” defined under this initiative, and who will benefit from this affordable housing? (61)

Response: In order to be eligible for the inclusionary housing bonus, lower-income units must be affordable to households at or below 80 percent of Area Median Income (AMI), and must remain affordable for the life of the development receiving the bonus. Please also see response to comment C11.

Comment C62: What jobs are guaranteed to local residents? Is there going to be a mandate that a set percentage of job openings be given to qualified local residents? (61)

Response: Setting a percentage of jobs for local residents fall outside the scope of the proposed action.

Comment C63: A subsidy fund should be created to market the cultural initiative, identifying all participants. A subsidy fund should also be created to defray the cost of space for artists and arts organizations. (58)

Response: This is outside of the scope of the proposed action.

Comment C64: The arts and entertainment core subdistrict is too limited and should be expanded, and the 5% floor area bonus requirement will produce limited amounts of cultural space and will not meet the needs of medium to large organizations. Arts spaces must be made affordable so they remain appealing to local artists. (21)

Response: The Arts Bonus proposed as part of the Arts Bonus Alternative analyzed in the EIS seeks to provide incentives for the creation of visual and performing arts spaces within the Special 125th Street District. The Arts Bonus would allow an increase in floor area, up to the maximum FAR, of four square feet for every one square foot of floor area provided for visual or performing arts space within the bonused development and it is expected to generate a diverse range of arts spaces.

Comment C65: The distribution of affordable units as far south as 115th Street and as far north as 135th Street should be reconsidered and will further drive economic stratification in Harlem. (21)

Response: Comment noted. Please also see response to comment C51.

Comment C66: Social equity and gentrification issues are not appropriately considered in this proposal. (21)

Response: The potential displacement of residents, businesses and employment from the rezoning area will be considered in the EIS. The analysis will provide an assessment of potential socioeconomic changes associated with the proposed action, including: direct and indirect displacement of residential population, businesses, or employees; a new development that is markedly different from existing uses and activities within the neighborhood; an adverse effect on conditions in the real estate market in the area; or an adverse effect on socioeconomic conditions in a specific industry. Screening analyses will be conducted pursuant to the *CEQR Technical Manual* methodology. The analysis will present sufficient information regarding the effects of the proposed action to make a preliminary assessment either to rule out the possibility of

significant impacts or to determine that more detailed analysis is required to make a determination as to impacts.

Comment C67: Affordable housing is misplaced in this instance, and there is little or no information regarding the number of dwelling units or low- or medium-income units (21)

Response: A full analysis of the project, including the affordable housing component, will be included in the Project Description chapter of the EIS.

Comment C68: There must be assurances that the units will remain permanently affordable. (21)

Response: All units created or preserved through the Inclusionary Housing program are required to remain affordable for the life of the compensated development.

Comment C69: The present commercial land use information is not complete, and we need to know the amount of commercial square footage allowable under this plan. (21)

Response: Analogous to the response given to comment C67 above, the characteristics of the commercial sector within the proposed action's study area will be fully describe and examined in the EIS.

Comment C70: An identification of programs to address the displacement of residents and business owners must be suggested. (21) A more thorough examination of existing rates of displacement is required and must be achieved through discussions with local development corporations and local social service providers. (67)

Response: Please see response to comment C3 and C7. Every effort will be made to derive the most accurate description of all direct and indirect displacement expected as a result of the proposed action.

Comment C71: Existing zoning rules such as the 80/20 plan and the 421A law from 135th Street going south is already in effect to create affordable housing. How will this plan relate to such existing programs? (21)

Response: The proposed rezoning will work in conjunction with existing programs to encourage affordable housing.

D. Community Facilities

Comment D1: Impacts to community facilities should be assessed. (21, 42) Community facilities should be analyzed, including health facilities such as emergency room capacity, educational institutions, and police and fire service delivery. (51, 60)

Response: According to the *CEQR Technical Manual*, if a project would physically alter a community facility, whether by displacement of the facility or other physical change, this "direct" effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. Such facilities include but are not limited to schools, police and fire services, libraries, and health care facilities. These will be fully considered and assessed in the EIS.

E. Open Space

Comment E1: Open space deficiencies should be addressed in the proposed action, and an open space ratio should be calculated. (51)

Response: The proposed action would generate more than 200 residents and more than 500 new employees, thereby requiring an assessment of open space resources under CEQR guidelines. Based on the inventory of facilities and study area population, the open space ratios for the residential population will be calculated and compared to City guidelines to assess adequacy. This is expressed as the amount of open space acreage per 1,000 user population. The open space ratio will be calculated for active and passive open space, as well as the ratio for the aggregate open space.

Comment E2: An analysis should be shown demonstrating the impacts to usability of the Adam Clayton Powell, Jr. State Office Building plaza, which is a major gathering place in Harlem. (48)

Response: An inventory will be performed of the existing active and passive open spaces within the open space study area. The condition and usage of existing facilities will be described based on the inventory and field visits. Jurisdiction, features, user groups, factors affecting usage, hours of operation, and access will be included in the description of facilities. Also, the potential for facilities to be affected by direct impacts, such as from shadows cast by the action-induced development, will be assessed. Acreage of these facilities will be determined and total study area acreage calculated. The percentage of active and passive open space also will be calculated. Furthermore, the EIS will include a map showing the locations of open spaces keyed to the inventory.

F. Shadows

Comment F1: The required setbacks should be increased to preserve daylight in Harlem. (45, 46, 62, 63, 64, 65, 66)

Response: Shadowing assessments demonstrating the effects new developments will have on publicly accessible open spaces will be included in the EIS (see response to comment E2). If it is determined that new development will have significant, adverse shadow impacts, appropriate mitigation measures will be considered.

Comment F2: The “brownstone zoning” on 126th Street has been performed sensitively, and this should be continued on 125th Street. Otherwise the cast shadows will affect homeowners on 127th and 128th Streets. (29)

Response: Please see response to comment F1.

Comment F3: The height of new buildings in Harlem should be controlled to allow for more “blue sky”. (30)

Response: Comment noted. The EIS will assess the potential for shadow impacts and, if necessary, determine possible mitigation measures to those impacts.

G. Historic Resources

Comment G1: The historic areas addressed by the EIS are insufficient, and should include Manhattan’s historic jazz district near the church of St. Thomas the Apostle. (11)

Response: Impacts on historic resources are to be considered on the affected sites and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus a 400-foot radius, per the requirements set forth in the *CEQR Technical Manual*. The church of St. Thomas the Apostle is not expected to be affected by the proposed action, as it does not fall within the designated 400-foot development radius.

Comment G2: Harlem should be made a historic district in itself. (11)

Response: Landmark designation falls outside the scope of this EIS.

Comment G3: When constructing the new buildings, special attention must be paid to historic buildings along 125th Street. (16) Existing historic buildings must be landmarked and protected. These include Prentis Hall, Blumstein building, and the Corn Exchange. (18, 41) The EIS should include as a historic resource the African Burial Ground at the Harlem Reformed Church, as well as the New York Public Library on 125th Street. (38) All analyses of the area should include sensitivity towards buildings included in the New York Landmarks Conservancy’s Endangered Buildings Initiative. (48)

Response: As noted in the Scope of Work, an assessment of historic resource impacts will be conducted pursuant to *CEQR Technical Manual*

guidelines. Historic structures can include designated landmarks, properties recommended for landmark status, and properties eligible for landmark status. The associated impact assessment asks two major questions: 1) will there be a physical change to the property or its setting as a result of the proposed action? If so, 2) is the change likely to diminish the qualities of the resource—including non-physical changes, such as context or visual prominence—that make it important? The EIS will consider all of the buildings that meet this criteria including those cited in the comment above except for Prentis Hall and the African Burial Ground at the Harlem Reformed Church which are located outside of the study area for the proposed action.

Comment G4: Areas of cultural importance that do not meet eligibility requirements of historic registers need to be identified. (51)

Response: The CEQR Technical Manual identifies the following as historic resources: designated NYC Landmarks; properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing; properties recommended by the NY State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

Comment G5: The current residents of Harlem would like to decide what parcels of land should be exempt to rezoning because of their historical relevance. (12)

Response: Please see responses to comments G3 and G4.

Comment G6: All cultural resources within the study area should be equally analyzed. In recent large-scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. As a result, attempts to preserve noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered. (67)

Response: Please see responses to comments G1, G3, and G4. All LPC and S/NR listed, eligible, and potentially eligible resources within the CEQR-mandated study area will be considered in this analysis.

Comment G7: In addition to the known historic resources in the scoping document, a number of additional historic resources should be studied. (67)

Response: The scoping document did not contain an exhaustive list of all historic resources within the study area. A more thorough list, which includes listed, eligible, and potentially-eligible historic resources will be developed in conjunction with the New York City

Landmarks Preservation Commission and New York State Historic Preservation Office.

H. Urban Design/Visual Resources

Comment H1: The maximum building heights should be reconsidered, as they would not respect or fit within the existing context. (11) New buildings will not conform to existing architecture. (37)

Response: **The urban design and visual resource analysis to be included in the EIS will consider whether new development resulting from the proposed action would be compatible with the scale and form of existing buildings. If significant, adverse impacts are identified, appropriate mitigation measures will be considered.**

As noted in the Scope of Work, the EIS will include a C6-3 alternative, which involves lower heights in portions of the proposed rezoning area.

Along most of 125th Street, current zoning regulations allow tower-in-the park development that is inconsistent with the surrounding context of street wall buildings. Portions of the corridor within the rezoning area are characterized by four to five-story rowhouses with street walls built to the street line; prominent examples of these areas include portions of 124th and 126th streets between Malcolm X Boulevard and Park Avenues, and along portions of 125th Street between Fifth and Madison Avenues. To address these issues, DCP is proposing zoning districts to catalyze development and to ensure that future building forms are compatible with the surrounding neighborhood's built character. The proposed changes to the existing zoning regulations include bulk controls that will require all new development to provide street walls and setbacks for the upper portion of the buildings above the street wall to reduce their visual impact from the street level. Maximum height limits would be introduced for all the proposed new mapped districts ensuring the overall massing and scale of new development responds to the particular characteristics of the different areas within the corridor.

Comment H2: There should be more street benches, outdoor cafes, and trees along 125th Street. (18)

Response: **New residential development within the proposed special district would require tree planting, as outlined in the Quality Housing regulations, along the sidewalks of the new development. Sidewalk cafes will be allowed within the proposed Special District. There**

would be no special provisions for street benches in the proposed action

Comment H3: A C4-7 zone, with a maximum height of 290 feet, allows buildings that are too tall. (29)

Response: The urban design and visual resource analysis to be prepared for the EIS will consider whether the proposed building heights would be compatible with the bulk and scale of the area. If significant adverse impacts are identified, appropriate mitigation measures will be considered. As noted in the Scope of Work, the EIS will include a C6-3 Alternative, which would restrict building heights to 160 feet in portions of the rezoning area.

Comment H4: We agree with DCP that “towers-in-the-park” development is inconsistent with Harlem’s surrounding context. However, a C4-7 district, with a maximum building height of 290 feet, is also out of context and therefore unacceptable. Designation as a C6-3 district would be a preferred alternative for this zoning classification. (31) The north side of 125th Street, between Frederick Douglass Blvd. and midblock between 5th and Lennox Avenues, should be changed from a C4-7 district to a C4-7A district to conform to the heights of existing buildings. (38)

Response: The EIS will include a C6-3 Alternative which would analyze replacing the proposed C4-7 district on the north side of 125th Street generally between Frederick Douglass Boulevard and east of Lenox Ave/Malcolm X Boulevard with a C6-3 zoning district with a maximum building height of 160 feet. The building form required in the C4-7A zoning districts (R10A equivalent) would not be consistent with the scale and character of 125th Street. The C4-7A zoning district requires a streetwall with a minimum height of 125 feet and a maximum height of 150 feet, this streetwall would be inconsistent with the existing predominant scale of the corridor and would be inconsistent with the 60 to 85 feet streetwall proposed for the south side of 125th Street in the C6-3 district.

Comment H5: Leadership in Energy and Environmental Design (LEED) standards should be utilized whenever possible during new construction. (38, 40) All new development should achieve a LEED certification of silver or better. (48)

Response: This is outside of the scope of the proposed action.

Comment H6: No new building should exceed the height of Hotel Theresa. (40, 45, 46, 62, 63, 64, 65) Quality architecture should be created whenever possible, and well-known architects should be invited to submit plans. (40) The restrictions for the north side of 125th Street should be the

same as those for the south side, and no taller than the Theresa Hotel. (52, 54)

Response: **The analysis of urban design and visual resources will consider the potential impacts of the proposed action with respect to building height and form. As noted in the Scope of Work, the EIS will include a C6-3 alternative, under which building height would be limited to 160 feet, the height of the Hotel Theresa.**

Comment H8: New buildings should exhibit a degree of sensitivity to the existing neighborhood. (16) The proposed hotel on the corner of 125th Street and Park Avenue will stand at a height of 53 stories, which is an undesirable height in this neighborhood and amounts to “spot zoning”. (25) Buildings that conform to existing heights in Harlem should be created. (53) All zoning changes should remain consistent with the scale of the community, with heights not exceeding the Hotel Theresa. (49)

Response: **Please see response to comment H1 and H6. The current proposal for former Harlem Park site is for a primarily office development with retail use, with a total height of 328 feet.**

Comment H9: The buildings must be of uniform signage. (31)

Response: **The signage regulations of the proposed underlying zoning districts would apply within the proposed Special District. In addition, in order to allow distinctive signage that would complement and support the arts and entertainment character of the corridor, the proposal includes modifying sign regulations within the Core Subdistrict to allow distinctive signs for those uses qualifying as arts and entertainment-related uses. An uniform signage program is not part of the goals and objectives of the proposal.**

Comment H10: Rooftop mechanicals are to be enclosed with an aesthetically-pleasing structure. (31)

Response: **The proposed rezoning will include regulations that would control the coverage and height of mechanical equipment placed on the roof of new development, however, it is not within the scope of the action to determine the aesthetic character of the materials used.**

Comment H11: See-through gating should be used at commercial spaces. (31)

Response: **The proposed action includes requirements for see-through security gates for the ground floor uses of new development fronting on 125th Street.**

Comment H12: Daylight on 125th Street should be preserved through increasing the required front and side setback requirements. (54)

Response: **Please also see response to comment F1.**

Comment H13: The 125th Street corridor should not be made to resemble 34th Street or 42nd Street in Manhattan, and the sunlight that shines on the street should remain. (12)

Response: Under CEQR, public sidewalks are generally not considered to be sunlight-sensitive resources. Shadow effects are considered primarily for publicly accessible open spaces and historic resources whose features are dependent on sunlight. Please also see response to comment H1, H6, and F1.

I. Neighborhood Character

Comment I1: Everybody must work together to ensure a sense of community is maintained at all times in this area. (3)

Response: Comment noted.

Comment I2: The cultural bond included in the scoping document should be maintained to enhance night life and therefore safety. Cultural bonus must also be maintained to foster Harlem's cultural identity. (14)

Response: Comment noted.

Comment I3: Luxury housing is not desirable on 125th Street and would damage the unity of the neighborhood. (35)

Response: Comment noted.

Comment I4: The proposed C4-4D district conforms to the existing context of the neighborhood. We believe that the proposed C4-4D district preserves the contextual character of the surrounding community. (1)

Response: Comment noted.

Comment I5: A clear definition of neighborhood character must be included. (51)

Response: The Scope of Work includes a clear definition of neighborhood character, based on the description of neighborhood character provided in the *CEQR Technical Manual*.

Comment I6: We believe that the proposed plan's effect on the neighborhood character could be significant. The significance in the change in the neighborhood, including the addition of new residents, possibly living in luxury housing, could change the face of this neighborhood. Therefore, we recommend a full and independent study of the proposed rezoning's impact on the neighborhood character. (67)

Response: The EIS will include a thorough analysis of the potential impacts of the proposed action on neighborhood character, and will be prepared in accordance with *CEQR Technical Manual* guidelines.

J. Hazardous Materials

Comment J1: The movement of hazardous materials resulting from demolition and construction must be addressed in this EIS, as should noise pollution. (60)

Response: As noted in the Scope of Work, a complete assessment of the potential for hazardous materials impacts will be conducted in accordance with *CEQR Technical Manual* guidelines.

Please see response to comment O1 in regards to the potential for noise impacts as the result of construction activities associated with the proposed action.

K. Infrastructure

Comment K1: This rezoning plan needs to address increasing wireless computing capabilities in Harlem. (27)

Response: This is outside of the scope of the proposed action.

L. Traffic and Parking

Comment L1: Diverting truck traffic to 126th Street from 125th Street will negatively impact residents living on 126th Street. Consider making Madison Avenue a two-way street to properly control bridge traffic. (2)

Response: The EIS will identify and evaluate roadway improvements needed to mitigate any significant adverse traffic and relevant air quality impacts resulting from the proposed action.

Comment L2: The study of areas impacted by a rezoning should be extended north to 155th Street, including traffic impacts. (10)

Response: Based on the Preliminary Transportation Planning Assumptions and Demand Analysis memorandum (see Appendix C of the Scope of Work), all intersections which would have the potential to be impacted by the proposed action will be included in the EIS. Furthermore, the EIS will provide traffic mitigation measures for all potential significant adverse traffic impacts.

Comment L3: Traffic congestion needs to be studied more in-depth, including safety effects regarding the children's playground between 122nd and 126th Street. (11)

Response: In accordance with CEQR requirements, a detailed traffic analysis will be conducted for the weekday AM, midday, PM and Saturday midday peak hours, focusing on those intersections handling the

highest concentrations of action-generated demand. Any traffic improvements needed to mitigate significant traffic impacts will be identified and evaluated. A full pedestrian analysis will also be provided in the EIS. Pedestrian studies will focus on up to 15 key intersections in the study area. In addition, a traffic safety analysis will be prepared for the EIS pursuant to the *CEQR Technical Manual*

- Comment L4: The roadways need repair, and traffic is already congested. (14)
Response: **As noted in the Scope of Work, the EIS will evaluate existing traffic conditions, including traffic congestion. Existing roadway conditions and repair of roadways is outside the scope of this proposed action.**
- Comment L5: Traffic generation should be considered in the EIS, and mitigation measures must be put forth. (21)
Response: **As noted in the Scope of Work, this will be considered in the EIS.**
- Comment L6: The transportation section needs to be expanded. (21, 28)
Response: **The transportation section will comprise an entire chapter in the EIS, and will include detailed traffic studies such as traffic counts, traffic operating characteristics (volume-to-capacity ratios, capacities, levels of service, etc), and travel demand characteristics.**
- Comment L7: Underground parking should be required in all new developments. (30). More parking is needed on 125th Street, including parking for each tenant within buildings. (40). Underground parking needs should be addressed more thoroughly. (50) The “Gateway II Site”, located at East 126th Street and Lexington Avenue, should be exempt from parking requirements if the parcel is rezoned in the future. (55) Increased parking on or near 125th Street will bring the situation to a crisis level. (60)
Response: **Area-wide parking inventories will be conducted to determine the general area’s capacity to accommodate additional parking. In addition, any changes to parking supply and demand in the future without the proposed action will be considered. The proposed action would require the provision of accessory parking for new residential development. In addition, it would allow the provision of as-of-right public parking garages which are not allowed as-of-right under the existing zoning. The proposed action would eliminate the commercial parking requirements in C4-4D zoning districts within the proposed special district.**
- Comment L8: We would like the EIS to consider the effects of keeping and removing traffic “neck-downs” along 125th Street, keeping parking along 126th Street, and introducing parking on 124th Street between Frederick

Douglass Boulevard and Lennox Avenue, including a demonstration of how induced truck traffic will affect major north/south arteries. (31)
Response: **Potential traffic mitigation measures, including traffic calming, will be included in the EIS.**

Comment L9: A comprehensive traffic study should be commissioned and should cover the areas from La Guardia airport to the Upper West Side, and from 116th to 135th Streets, taking into account any need for school buses or handicapped accommodations. (23) The traffic impacts on the Harlem River Drive and Henry Hudson Parkway should be studied. (15)
Response: **A comprehensive traffic study will be included in the EIS. The size and extents of the traffic study area is defined by where potential adverse traffic impacts due to the proposed action are likely to occur. Please also see responses to comments L1, L3, and L5.**

Comment L10: We support the elimination of the commercial parking requirement in the C4-4D district. (1)
Response: **Comment noted.**

Comment L11: A bike and jogging lane should be installed in the middle of the street. The street can then be closed off to private automobiles, which can be rerouted to 124th and 126th Streets. (41)
Response: **This is outside of the scope of the proposed action.**

Comment L12: As a homeowner on 126th Street, I am worried that increased traffic and pollution will negatively affect the value of my home. To relieve traffic on 125th Street, simply eliminate the parking and choke points as they do in Midtown—no street parking is allowed in Times Square. (47)
Response: **The EIS's traffic and air quality analyses will identify potential significant adverse traffic and air quality impacts resulting from the proposed action, and consider appropriate and feasible mitigation measures. Traffic mitigation measures that will be considered will include reducing or eliminating on-street parking within the study area.**

Comment L15: Transportation impacts must be must be evaluated with consideration paid to the Columbia and Uptown New York expansion. (50)
Response: **The effects of the Manhattanville in West Harlem and East 125th Street projects will be considered in the future no action conditions analyses for the EIS.**

M. Transit and Pedestrians

Comment M1: A developer should be required to perform subway station upgrades in return for density bonuses. (28)

Response: The EIS will include an analysis of potential impacts to subway station elements. At this time, however, the need for a required bonus mechanism is not anticipated.

It should be noted that in the existing provisions of ZR Section 74-634 allow developers to seek special permits from the City Planning Commission granting a density bonus in exchange for the improvement of a subway station. These bonuses are discretionary, not mandatory, and property owners may achieve the maximum FAR of the underlying zoning district without seeking this special permit.

Comment M2: The rezoning should take into account the proposed 2nd Avenue subway, and the subway station at 125th Street and Lexington should be made handicapped accessible. (28)

Response: The EIS analyses will take into account the 2nd Avenue subway where appropriate. Making the subway station handicapped accessible is outside of the scope of the proposed action.

Comment M3: A trolley should be in service along the entire stretch of 125th Street. (30) A trolley should be added along 125th Street and should provide connections to all existing subway lines. (40).

Response: This is outside of the scope of the proposed action.

Comment M4: The impacts to bus service along 125th should also be reconsidered. (23) Public transportation along 125th Street is insufficient and needs to be expanded and/or improved with either bus rapid transit or light rail. (18)

Response: A complete transit analysis will be performed in the EIS, pursuant to *CEQR Technical Manual* guidelines. This analysis includes determining whether existing bus and subway routes, and their frequency of service, would have the ability to accommodate the expected level of project-generated demand without overloading existing services. Please also see response to comment M6.

Comment M5: Public transit should be improved and parking spaces should be minimized along 125th Street. (41)

Response: Please see response to comment M4 and L12. To determine what effect the proposed action would have on parking resources in the area, occupancy levels of parking lots and garages (public and accessory) as well as curbside parking spaces will be inventoried.

Comment M6: The 125th Street corridor needs a major and comprehensive effort to provide efficient public transportation. (52)

Response: The proposed action is expected to generate a net increase of more than 200 subway and bus trips, the threshold for detailed transit

analysis, in the AM and PM peak hours. Therefore the subway and bus modes will be examined to determine conditions under existing, future No-Build, and future Build scenarios. The subway analyses will focus on nearby existing stations; the bus studies will evaluate local bus service with routings that use one or more streets in the project area.

Comment M7: The core subdistrict excludes adjacent marginalized zones on 125th Street and does not consider key pedestrian connections with planned developments such as the Columbia expansion, the RFP site at the Triborough Bridge, or the Empire Zone in East Harlem. (21)

Response: Pursuant to the *CEQR Technical Manual*, an analysis of pedestrian counts at critical locations in the study area will be performed. Corners, crosswalks, and adjoining sidewalks will be evaluated adjacent to major sites in each development scenario and at intersections throughout the study area based upon pedestrian patterns to/from area subway stations.

N. Air Quality

Comment N1: The EIS should consider the decrease in air quality and its effects on asthma sufferers and public health. (31)

Response: Following the procedures outlined in the *CEQR Technical Manual*, an assessment of mobile sources will be conducted to estimate the potential air quality impacts of the changes in traffic conditions that will result from the proposed action. Also, the EIS will address the potential for future residential and commercial land uses to be affected by air pollutants emitted from existing nearby sources. A stationary source air quality analysis will therefore be conducted, following the procedures outlined in the *CEQR Technical Manual*, to determine whether these emissions have the potential to cause violations of national ambient air quality standards or health-related guideline values within these residential areas.

Comment N2: Community districts 9, 10, and 11 should be included in the *Comprehensive Off-site Parking Regulations in Community Districts 1-8 in the Boroughs of Manhattan and Queens* to control air quality effects. (38)

Response: Changes to off-site parking regulations within the entirety of Community Districts 9, 10 and 11 is outside the scope of the proposed action.

Comment N3: We believe that cultural bonuses should be given to development that is “sustainable” in nature to improve air quality in Harlem. (57)

Response: Comment noted.

Comment N4: Current and expected emissions from bus depots should be analyzed. (51)

Response: Please see response to comment N1.

O. Construction Impacts

Comment O1: Late night truck traffic and daytime parking congestion will intensify during construction. (14)

Response: The EIS chapter on Construction Impacts will address the technical areas of concern related to construction. Suggestions on incorporating measures to avoid potential impacts will also be included.

P. Public Health

Comment P1: The EIS needs to address the impact of 125th Street's traffic on the health of its new residents. (4)

Response: According to the guidelines set forth in the *CEQR Technical Manual*, a public health assessment may be warranted if a proposed action results in increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts, or potentially significant adverse impacts to sensitive receptors from noise and odors. As noted in the Scope of Work, the EIS will provide an assessment of potential public health impacts. Please also see response to comment M1.

Comment P2: All health impacts should be monitored with special attention paid to sensitive populations, including impacts from increased bus traffic, building demolition and construction, increased foot traffic, and an increased commercial presence. (23)

Response: Please see response to comment P1.

Comment P3: Existing environmental requirements should be strengthened to ensure a reduction in environmental and public health impacts from development. (49)

Response: As noted in the Scope of Work, the EIS will include an analysis of potential public health impacts, and consider relevant mitigation measures if warranted.

Comment P4: The environmental and health impacts resulting from this proposal should be considered. (60)

Response: Please see response to comment P3.

Q. Alternatives

Comment Q1: The cultural bonus should be the backbone of the rezoning proposal, not an alternative. (4)

Response: Comment noted.

Comment Q2: The 2 FAR bonus is preferred, which would require developers to charge below-market rates to non-profit tenants. (17)

Response: The bonus proposed in the Arts Bonus Alternative does not include requirements applicable to the rent that would be charged to non-profit visual or performing arts tenants.

Comment Q3: Cultural bonuses, which would strengthen the business core of the Harlem community and preserve, protect and enhance the character of 125th Street, should be included in the EIS as a proposed action. (21)

Response: An alternative to the proposed action is the Arts Bonus Alternative, which is identical to the proposed action except that it includes a Floor Area bonus for the provision of visual and performing arts space. This alternative seeks to achieve the same goals and objectives as the proposed action while incentivizing arts uses through out the corridor in order to sustain and enhance the district's identity as a premier venue for the Arts.

Comment Q4: The 125th Street Business Improvement District has submitted to the Department of City Planning a proposal to offer arts and cultural bonuses as the driving force behind the rezoning of 125th Street. The draft EAS does not give this plan a fair chance, and only includes it as an alternative. (21)

Response: Alternatives demonstrate to the decision makers the possible options to the proposed action and provide a framework for comparison of potential impacts and project objectives. If the environmental assessment and consideration of alternatives identify a feasible alternative that eliminates significant adverse impacts, the lead agency may consider borrowing from or adopting that alternative as the proposed action. Please also see response to comment Q3.

Comment Q5: A culture bonus would strengthen the business core of the Harlem community, and should be included as a proposed action. (21)

Response: Comment noted.

R. CEQR Procedures

- Comment R1: The public comment period should be extended to more than 10 days. (15, 31, 23) The public comment period should be extended to 45 days. (23, 31, 33, 34)
Response: The standard 10-day public comment period was extended to 30 days and therefore closed on February 20, 2007.
- Comment R2: Community Boards 9, 10, and 11 must coordinate with the businesses and residents to ensure a viable partnership on the rezoning initiative. (23)
Response: Comment noted.
- Comment R3: Additional community input must be solicited in the future. (25)
Response: The community will have a chance to give further public comments on the proposed action and the EIS through the ULURP process.
- Comment R4: Community needs are being ignored in the planning process. (37)
Response: Comment noted.
- Comment R5: The extension of the public commenting period is appreciated. (46, 54, 62, 63, 64, 65, 66)
Response: Comment noted.
- Comment R6: Additional public comments are needed for “Mart 125”. (15)
Response: Comment noted.
- Comment R7: The developer should conduct marketing seminars within Community Board 10. (31)
Response: Comment noted.
- Comment R8: The Community Board’s feedback to DCP has not been considered in this draft work scope. (51)
Response: Comment noted.
- Comment R9: Increased community participation is needed before the DEIS is prepared. (21, 62, 63, 64, 65)
Response: Comment noted.
- Comment R10: The city is encouraged to consider all of the public’s comments for inclusion in its DEIS. (66)
Response: Comment noted.
- Comment R11: A “community benefits agreement” must be negotiated during the beginning of this process, not at the end. (52)
Response: Comment noted.

S. Miscellaneous

Comment S1: Any transfer of property in Harlem has to go before a committee of Harlem representatives before it can be sold, to prevent improprieties and unjust enrichments. (12)

Response: **Comment noted.**

Comment S2: Opportunities arising from this rezoning—such as jobs and retail occupancies—must be first made to the residents and business owners of Harlem. (12)

Response: **Comment noted.**

Comment S3: The residents of Harlem who received injustice in this city’s past should be considered in this plan. (12)

Response: **Comment noted.**

Comment S4: The curriculum taught in Harlem’s public schools should remain to reflect Harlem’s current composition. (12)

Response: **Comment noted.**

Comment S5: The current residents of Harlem should be given preference when construction companies are selected to develop along 125th Street. (12)

Response: **Comment noted.**

Comment S6: The residents of Harlem need to be included in the creation and selection of cultural establishments along 125th Street. (12)

Response: **Comment noted.**