

Chapter 26: Response to Comments on the Draft Environmental Impact Statement*

A. INTRODUCTION

This chapter summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS) issued on August 18, 2017 for the proposed Jerome Avenue Rezoning.

Oral and written comments were received during the public meeting on the DEIS held by the New York City Department of City Planning (DCP) on November 29, 2017 at Spector Hall, 22 Reade Street, New York, New York 10007. The DEIS hearing is required under City Environmental Quality Review (CEQR) and was held in conjunction with the City Planning Commission's (CPC) Citywide public hearing pursuant to Uniform Land Use Review Procedure (ULURP). The comment period remained open until December 11, 2017.

Section B lists the elected officials, organizations, and individuals that provided relevant comments on the DEIS. Sections C and D contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Environmental Impact Statement. Appendix K contains the written comments received on the DEIS.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

Elected Officials

1. Fernando Cabrera, NYC Council Member, District 14; written submission, and oral statement at public meeting
2. Vanessa L. Gibson, NYC Council Member, District 16; written submission, and oral statement at public meeting
3. Ruben Diaz, Bronx Borough President; written submission, and oral statement at public meeting delivered by James Rausse

* This chapter is entirely new to the FEIS.

Community Boards

4. Community Board 4; written submission, and oral statement at public meeting
 - a. Marie McCullough, Community Board 4; oral statement at public meeting
 - b. Jodi Morales, Community Board 4; oral statement at public meeting
 - c. Paul Philips, District Manager, Community Board 4; oral statement at public meeting
 - d. Martha Reyes, Community Board 4; oral statement at public meeting
5. Community Board 5; written submission, and oral statement at public meeting
 - a. Ken Brown, Bronx Community Board 5; oral statement at public meeting
6. Community Board 7; written submission

Organizations and Interested Public

7. Kenneth Adams, Bronx Community College; written submission
8. Estee Agolia, CASA; oral statement at public meeting
9. Lucy Arroyo, CASA; written submission
10. James Baptiste, Local 40 Ironworkers; oral statement at public meeting
11. Ervin Bennett, CASA; oral statement at public meeting
12. Bronx Coalition for a Community Vision; written submission
13. William Bollinger, JCAL Development; oral statement at public meeting
14. Leila Borzog, NYCHPD; oral statement at public meeting
15. Bryant Brown, 32 BJSEIU; oral statement at public meeting
16. Ramon Catala, CASA; oral statement at public meeting
17. Arlo Chase, Services for the Underserved; oral statement at public meeting
18. Kathy Chu, Montefiore Physicians in the Bronx Primary Care; oral statement at public meeting
19. Enrique Colon, CASA; written submission
20. Elena Conte, Pratt Center for Community Development; oral statement at public meeting
21. Sergio Cuevas, Northwest Community & Clergy Coalition, CASA; oral statement at public meeting
22. Lourdes De La Cruz, CASA; oral statement at public meeting
23. Christine Disney, CASA; oral statement at public meeting
24. Alix Fellman, The Women's Housing and Economic Development Corporation; oral statement at public meeting
25. Miguel A. Fuentes, President & CEO, Bronx–Lebanon Hospital Center; written submission and oral statement at public meeting delivered by Errol Schneer
26. Sheila Garcia, CASA; oral statement at public meeting
27. Michelle Genross, CASA; oral statement at public meeting
28. Robert Gumbs, CASA; written submission
29. Elizabeth Hamby, Acting Director of Health Equity in All Policies, NYC Department of Health and Mental Hygiene; written submission and oral statement at public meeting
30. Lee Kallmann, NYC Community Alliance 4 Workers Justice; oral statement at public meeting
31. Cynthia Keyser, Chief of Staff, NYC Small Business Services; oral statement at public meeting
32. Sherazade Langley, Vice President of Workforce & Economic Development, JobsFirstNYC; written submission, and oral statement at public meeting
33. Amelia Luna, CASA; oral statement at public meeting

34. Kara Lynch; written submission
35. Jorge Madruga, MADDD Equities; oral statement at public meeting
36. Madelina Mendez, CASA; oral statement at public meeting
37. Aida Miro, CASA; oral statement at public meeting
38. Nick Molinari, Chief of Planning & Neighborhood Development, NYC Department of Parks and Recreation; written submission, and oral statement at public meeting
39. Judith Morrishow, CASA; oral statement at public meeting
40. Arthur Omar Owens, CASA; oral statement at public meeting
41. Erik Reyes, CASA; oral statement at public meeting
42. Hakim Salaam, CASA; written submission
43. Monsignor Donald Sakano, Highbridge Community Development Corporation; written submission and oral statement at public meeting
44. Alexa Sewell, Settlement Housing Fund; oral statement at public meeting
45. Jim Shelton, Municipal Art Society of New York; written submission and oral statement at public meeting
46. George Sotiroff, Community Action for Safe Apartments; oral statement at public meeting
47. Dave Subren, CASA; written submission
48. Corey Sullivan, Local 40 Ironworkers; oral statement at public meeting
49. Israel Tejada, CASA; oral statement at public meeting
50. Dennis Thomas, Local 46 Ironworkers; oral statement at public meeting
51. Carmen Vega-Rivera, CASA; oral statement at public meeting
52. Antoinette Maria Rose, Northwest Community & Clergy Coalition, CASA; oral statement at public meeting
53. Chris Walters, Association for Neighborhood and Housing Development; written submission and oral statement at public meeting
54. Althea York, CASA; written submission

C. COMMENTS AND RESPONSES ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Community Engagement and Process

Comment 1-1: The Women's Housing and Economic Development Corporation requests further clarification about how the commitments made to the council member by various city agencies will be finalized, funded, and enforced so that the community is guaranteed to see the benefits of this plan. (Alix Fellman, The Women's Housing and Economic Development Corporation)

Response: Commitments made by city agencies to city council members in connection with the Neighborhood Plan are outside of the scope of the Proposed Actions and are not analyzed in the EIS.

Comment 1-2: I have attended an information session hosted by Community Board 4 and an open house hosted by the City Planners about the Jerome Avenue Neighborhood Plan. In each of these events Land Use and re-zoning is not openly discussed by city planners or their staff instead focusing on elements of the plan under the purview of other agencies and tangential to land use. Information directly addressing land use of re-zoning proposals is either difficult to find or access and not presented clearly for a lay audience. In their publications about the plan, Land Use and Rezoning is in the smallest print and the last item on the list of what constitutes the plan. In every conversation I have had with City Planners responsible for the Jerome Plan they have had no real interest in sharing the plan for land use with the community or actually hearing our concerns. (Kara Lynch)

Response: Comment noted. As described in Chapter 1, "Project Description," of the FEIS, the Land Use and Zoning recommendations of the Plan, which are closely tied to the actions before the City Planning Commission and represent some of the Plan's most critical components, were developed through a comprehensive, three-year public engagement process and solicited input from a broad swath of community stakeholders.

Comment 1-3: End the use of short term planning exercises and so call "visioning" sessions in communities that are tightly controlled by a small number of appointed members and groups as oppose to the public especially when these exercises are used mainly to justify rezonings. It is important that the whole community be involved in their future so we need to rely on detailed democratic methods and not focus groups that come from DCP and HPD. (Dave Subren, CASA)

Response: Comment noted. As described in Chapter 1, "Project Description," of the FEIS, the Proposed Actions are subject to public review under the Uniform Land Use Review Procedure (ULURP). This is a process especially designed to allow public review of a proposed project at multiple levels: the Community Board, the Borough President and (if applicable) Borough Board, the CPC, and the City Council. The procedure sets time limits for review at each stage to ensure a maximum total review period of approximately seven months.

Comment 1-4: The community was not properly informed that 19 blocks were being studied and would be impacted instead of the original 73 blocks. (Enrique Colon, CASA)

Response: The DEIS accurately describes the rezoning area as including a total of 92 blocks. The text of the Draft Scope of Work erroneously stated that the rezoning area covered 73 blocks, although all of the

figures correctly showed the boundaries of the rezoning area; the error in the text was corrected in the Final Scope of Work.

Comment 1-5: The Final EIS was not properly written and edited in a professional manner because it had many sentences that were crossed out. (Enrique Colon, CASA)

Response: Although the comment refers specifically to the “Final EIS” it appears that the commenters are referring to the Final Scope of Work, as the Final EIS is only now being published. The “many sentences that were crossed out” in the Final Scope of Work indicate changes made between the Draft Scope of Work and Final Scope of Work. The use of “strike-throughs” is a common editorial practice used in CEQR documents.

Comment 1-6: Require that prior to every major rezoning there be a detailed study and analysis of displacement trends in the area changes in land values and rents and the effect of these trends on different economic, racial, and ethnic groups. The study should engage diverse residents and businesses and the results be subject to extensive public scrutiny and discussion and not simply filed away in Environmental Impact Studies (E.I.S.). (Dave Subren, CASA)

Response: The study and analysis of direct and indirect residential and business displacement are provided in the Environmental Impact Statement. As described in Chapter 1, “Project Description,” of the FEIS, the Proposed Actions are subject to the Uniform Land Use Review Procedure, a process designed to solicit public input of the project, and the City Environmental Quality Review (CEQR) procedures. The environmental review process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to propose reasonable alternatives, to identify, and when practicable mitigate, significant adverse environmental effects.

2. Project Description

2.1 General

2.1.1 Comments in Support of the Proposed Actions

Comment 2.1.1-1: Support the action. (Fernando Cabrera, NYC Council Member) (Ruben Diaz, Bronx Borough President) (Vanessa Williams, NYC Council Member) (Community Board 4) (Community Board 5) (Community Board 7) (Kenneth Adams, Bronx Community College) (William Bollinger, JCAL Development) (Leila Borzog, NYCHPD) (Bryant Brown, 32 BJSEIU) (Arlo Chase, Services for the Underserved) (Miguel Fuentes, Bronx–Lebanon Hospital Center) (Elizabeth Hamby, NYC Department of Health and Mental Hygiene) (Cynthia Keyser, NYC Small Business Services) (Sherazade Langley, JobsFirstNYC) (Jorge Madruga, MADDD Equities) (Nick Molinari, NYC Department of Parks and Recreation) (Monsignor Donald Sakano, Highbridge Community Development Corporation) (Alexa Sewell, Settlement Housing Fund)

Response: Comment noted.

2.1.2 Comments in Opposition of the Proposed Actions

Comment 2.1.2-1: Oppose the action. (Estee Agolia, CASA) (Lucy Arroyo, CASA) (James Baptiste, Local 40 Ironworkers) (Ervin Bennett, CASA) (Ramon Catala, CASA) (Kathy Chu, Montefiore Physicians in the Bronx) (Enrique Colon, CASA) (Elena Conte, Pratt Center for Community Development) (Sergio Cuevas, CASA) (Lourdes De La Cruz, CASA) (Christine Disney, CASA) (Alix Fellman, The Women’s Housing and Economic Development Corporation) (Sheila Garcia, CASA) (Michelle Genross, CASA) (Robert Gumbs, CASA) (Lee Kallmann, NYC Community Alliance 4 Workers Justice) (Amelia Luna, CASA) (Kara Lynch) (Madelina Mendez, CASA) (Aida Miro, CASA) (Judith Morrishow, CASA) (Arthur Omar Owens, CASA) (Hakim Salaam, CASA) (Jim Shelton, Municipal Art Society of New York) (George Sotiroff, Community Action for Safe Apartments) (Dave Subren, CASA) (Corey Sullivan, Local 40 Ironworkers) (Dennis Thomas, Local 46 Ironworkers) (Erik Reyes, CASA) (Carmen Vega-Rivera, CASA) (Antoinette Maria Rose, CASA) (Israel Tejada, CASA) (Chris Walters, Association for Neighborhood and Housing Development) (Althea York, CASA) (Robert Gumbs, CASA) (Dave Subren, CASA) (Lucy Arroyo, CASA) (Kara Lynch) (Israel Tejada, CASA) (Christine Disney, CASA)

Response: Comment noted.

2.1.3 Other Comments

Comment 2.1.3-1: I think it is crazy to: displace a thriving business district on Jerome Avenue that serves the community and employs local residents in living wage skilled, unionized jobs; or to disrupt a vibrant mixed residential and commercial district at Burnside Avenue in exchange for high density commercial office buildings that will have no continuity with the community around it; or intensifying the neighborhood between 167th and 170th and Jerome with high density residential new construction without a solid transportation plan nor a satisfactory environmental study on the impact this will have on the underground waterways below Jerome and Cromwell. (Kara Lynch)

Response: The Jerome Avenue Neighborhood Plan includes other initiatives that are beyond the scope of the Proposed Actions. As further discussed in Chapter 1, “Project Description,” of the FEIS, the Neighborhood Plan provides a number of initiatives to improve the quality of and access to open spaces in the Jerome Avenue study area. The Plan includes recommendations designed to bolster the Burnside Avenue commercial district and other neighborhood commercial areas via improvements to the public realm, pedestrian safety, and streetscape and connectivity enhancements in order to promote a diverse and thriving retail environment.

Comment 2.1.3-2: Highbridge CDC advises matching the development of housing with resources for education and economic development. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: Comment noted. The subject of this comment is outside the scope of the Proposed Actions. However, the Jerome Avenue Neighborhood Plan includes other initiatives beyond the Proposed Actions. As further discussed in Chapter 1, “Project Description,” of the FEIS, the Plan sets forth a number of recommendations, under its Economic and Workforce Development section, focusing on small businesses, workers, and residents, with the goal of strengthening small businesses, encouraging

entrepreneurship, ensuring workers and residents have opportunities for the training and services that are critical for quality jobs. The Plan also includes strategies under its Community Resources section, designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community, including youth, seniors, and immigrant populations.

Comment 2.1.3-3: The requests of the Bronx Coalition for a Community Vision should be reviewed and adopted. (Hakim Salaam, CASA) (Carmen Vega-Rivera, CASA)

Response: This comment is addressed in Section 12, “Alternatives,” of this Chapter. Pursuant to the CEQR Technical Manual guidelines, alternatives selected for consideration in an environmental impact statement are generally those that are feasible and have the potential to reduce or eliminate the Proposed Actions’ impacts while meeting the goals and objectives of the proposal.

Comment 2.1.3-4: Key investments must be made for job protections for small businesses. (Vanessa Gibson, City Council Member)

Response: Comment noted. The subject of this comment is outside the scope of the Proposed Actions. As further discussed in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan sets forth a number of recommendations, under its Economic and Workforce Development section, focusing on small businesses, workers, and residents, with the goal of strengthening small businesses, encouraging entrepreneurship, ensuring workers and residents have opportunities for the training and services that are critical for quality jobs.

Comment 2.1.3-5: Community Board 4 recommends in addition to negotiating affordability levels and the number of units with any developer who will be building as a result of the proposed actions to negotiate additional benefits for the community such as schools, green spaces, roof gardens, daycare, community centers and health-related facilities. (Community Board 4)

Response: Comment noted. The subject of this comment is beyond the scope of the Proposed Actions.

Comment 2.1.3-6: Highbridge CDC advises incorporation of the recommendation of Bronx Borough President Diaz made to the City Planning Commission on Nov. 27 that would improve the housing and economic well-being of the Edward L. Grant Highway. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: Comment noted. The subject of this comment is beyond the scope of the Proposed Actions.

2.2 Affordability

2.2.1 Affordability and Mandatory Inclusionary Housing

Comment 2.2.1-1: Comments on Mandatory Inclusionary Housing

Community Board #5 requests that Mandatory Inclusionary Housing be mapped in the entirety of the Jerome Special District without exception. (Community Board 5)

Community Board #5 requests that the Mandatory Inclusionary Housing program require a share of new housing to be permanently affordable where significant new housing capacity would be created. (Community Board 5)

Response: Mandatory Inclusionary Housing (MIH) areas will not be mapped in the entirety of the Jerome Special District as some of the areas to be rezoned would not result in a significantly higher residential density or allow housing where it was previously prohibited. As described in Chapter 1, “Project Description,” of the EIS, the proposed R7A, R7D, R8A, R9A and C4-4D, zoning districts will be mapped as Mandatory Inclusionary Housing Areas where their mapping would result in a significantly higher residential density or permit residential use where prohibited under the current zoning.

The MIH program requires a share of new housing be permanently affordable. Under areas subject to MIH, new residential developments would be required to provide 20%, 25% or 30% of new housing maintained as permanently affordable at an average of 40% AMI, 60% AMI or 80% AMI, respectively.

Comment 2.2.1-2: Comments on income and affordability levels

As the median income in this area approximates \$25,900 annually, the additional housing this plan would facilitate will far exceed the affordability of those who now reside in the Jerome Avenue community. (Ruben Diaz, Bronx Borough President)

The median household income in the Jerome Avenue neighborhood is \$26,226. Twenty percent of area households earn less than \$10,000 annually. Therefore, apartments would need to rent for \$650 or less in order to be considered affordable for the 50 percent of residents making less than the median income. The “deep affordability” option under MIH requires 20 percent of units be affordable to households making an average of 40 percent of Area Median Income (AMI), which is \$34,360 for a household of three. Therefore, even at this level of affordability, housing would be considerably out of reach for the majority of area residents. MAS recommends that the rezoning text mandate at least 20 percent of the affordable units should be at or below 30 percent of AMI in order to address this gap and more accurately reflect neighborhood median incomes. (The Municipal Art Society of New York)

The affordable housing in the plan is above the median income of the community and is, therefore, not affordable for this community. (Kathy Chu, Montefiore Physicians in the Bronx) (Erik Reyes, CASA) (Arthur Omar Owens, CASA) (Judith Morrishow, CASA) (Amelia Luna, CASA) (Madelina Mendez, CASA) (Kara Lynch) (Lucy Arroyo, CASA) (Enrique Colon, CASA) (Dave Subren, CASA)

The rezoning area is income-diverse already; additional market-rate housing is not needed to achieve income diversity. (Bronx Coalition for a Community Vision)

Mandatory Inclusionary Housing serves higher-income households well, but leaves behind the majority of this community. MIH leaves out the 78% of neighborhood residents who make less than \$50,000 a year. None of the MIH options require any developers, anywhere to build more than 10% of new apartments at or below 40% AMI – even though almost two thirds of families in Community Boards 4 and 5 earn less than \$35,000 a year. MIH also does not require developers to build any housing at all for households who make less than 30% AMI, or \$25,000 a year – even

though almost half of families in Community Boards 4 and 5 are at these low income levels. (Bronx Coalition for a Community Vision)

Under what the City has presented as its best-case scenario for the rezoning, about half of the 4008 projected new units created would be market-rate, and half would be affordable - this means, at most, around 2004 below-market units coming to our community. But of these, only 200 would be for families making below 30% AMI, even though almost half of the families in our community make below that amount. Meanwhile over 2000 new units of market rate housing would be brought into our community. In contrast, without the rezoning the City estimates that there will be 719 new units produced around Jerome Avenue. If the City kept subsidizing this housing at its current pace and using its current strategies, about 300 of these units would be built for families at or below 30% AMI - almost half of the total units built - with no accompanying increase in market rate units. Based on local housing needs, the community would be better off with no rezoning than this one. (Bronx Coalition for a Community Vision)

Building deeply affordable units, such as the City is supporting today, is contingent on private developers taking City subsidy; as the market changes post-rezoning there is no guarantee that developers will continue to do this. However, within the DEIS the City acknowledges that, "Current market conditions do not support the construction of new housing without subsidy." Yet the DEIS goes on to say, "It is therefore expected that the first projects constructed pursuant to the Proposed Actions would necessitate government subsidy and likely be 100 percent affordable," a tacit admission by the City that future projects are less likely to take subsidy moving forward. (Bronx Coalition for a Community Vision)

The proposed rezoning risks bringing housing that is further from what the community needs as compared to what the City is currently subsidizing around the neighborhood. (Chris Walters, Association for Neighborhood and Housing Development)

Response: As stated in Chapter 1, "Project Description," of the EIS, one of the goals of the Proposed Actions is to provide opportunities for the creation of new, permanent affordable housing for low- and moderate-income residents, while reinforcing the character of existing residential neighborhoods. As a result of development on private sites, subject to the City's proposed Mandatory Inclusionary Housing (MIH) program, and with financing available from HPD for the construction of affordable housing, a substantial share of the new residential units expected to be developed within the rezoning area over the next 10 years would be affordable. By both increasing the supply of total housing in the area, encouraging the construction of all-affordable housing with public subsidy, and requiring that a substantial portion of new units be set aside for low income households, the projected increase in housing units overall is expected to reduce rent pressures within the project area.

The great majority of new housing built in the neighborhood over the previous decade has been affordable housing built using public subsidy. Given this demonstrated trend, and the lack of demand for housing at the higher rents that would be necessary to support privately financed development, it is anticipated that in the near term, new construction will continue to require public subsidy. A variety of City and State financing programs would be made available to developers in and around the rezoning area to create affordable housing that exceeds the minimum MIH requirements. It is therefore expected that the first

projects constructed pursuant to the Proposed Actions would necessitate government subsidy and likely be 100 percent affordable.

Comment 2.2.1-3: Comments on Extremely Low and Low-Income Affordability (ELLA)

Currently the City is subsidizing new affordable housing in our community at much deeper affordability levels than it is achieving city-wide. But this is unlikely to continue after the rezoning, a fact the City seems to itself acknowledge throughout the DEIS. In public presentations and meetings with our coalition the City has touted the Department of Housing and Preservation (HPD)'s ELLA term sheet as a tool to secure affordable housing in our community. But in our DSOW comments, the Coalition already raised serious concerns about ELLA's ability to achieve the kind of affordability our community needs. Since then, HPD has made revisions to both the ELLA and Mix-and-Match term sheets, increasing the share of units to families making below 30% AMI for ELLA by mandating an additional 10% of units go to formerly homeless households. Although the revised ELLA and Mix-and-Match term sheets are an improvement over HPD's previous subsidy options, they still do not reach the need for deep affordability that exists in our community. The revised ELLA term sheet still only provides 40% of units for families below 60% AMI, and only 20% of units for families below 30% AMI. These are significantly lower percentages than the City is currently achieving in our community. (Bronx Coalition for a Community Vision)

There are troubling indications that the City does not intend to use ELLA as their best affordability option. (Bronx Coalition for a Community Vision)

Response: While the ELLA program is not discussed in the EIS, the City understands the need for deeply affordable housing in the community, and additional initiatives have been developed to address the need in ways that are complementary to but outside the scope of the Proposed Action. HPD will continue to offer developers its financing programs to develop and preserve affordable housing. The recently revised HPD term sheets for ELLA and other programs achieve a greater mix of incomes within individual projects, which contributes to their long-term sustainability and allows for projects to provide more units for low earners. ELLA and Mix and Match are only two of HPD's multiple financing programs. HPD has other programs that serve seniors, formerly homeless households, and households with special needs. These tenants pay no more than one third of their income or shelter allowance on housing costs.

Comment 2.2.1-4: Comments on preservation of affordable units

The Municipal Art Society finds the preservation of rent-stabilized and rent-regulated units in the Jerome Avenue area to be critical for the stability of the lower-income households in the area. (The Municipal Art Society of New York)

The City should commit to preserving at least 2,000 units. Preservation is the biggest concern of these communities, as conditions are poor in many of these buildings coupled with the fear that major capital improvements will force them out of their homes. It is recommended that HPD be proactive in creating a comprehensive strategy to target buildings for their preservation programs. Guarantee that residential buildings with rent regulation agreements up for renewal in next 10 years (through 2028) will be renewed for the maximum term allowable under current law. Key investments must be made in housing preservation and affordable housing. (Alexa

Sewell, Settlement Housing Fund) (Vanessa Gibson, City Council Member) (Community Board 4) (Ruben Diaz, Bronx Borough President)

Highbridge CDC advises expanding efforts to keep rents affordable in privately-owned multiple dwellings by offering incentives for not-for profit ownership. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: The City understands the need to ensure appropriate safeguards for existing tenants and continues to provide assistance to address needs that are outside the scope of the Proposed Action. As further described in Chapter 1, “Project Description,” of the EIS, the Jerome Avenue Neighborhood Plan sets forth a number of goals and strategies designed to preserve and build sustainable, high-quality affordable housing with a range of options for residents at all levels, to protect tenants, and to improve housing quality. As part of the City’s broader strategy to address housing affordability, initiatives carried out by the Department of Housing Preservation and Development will work to keep existing apartments affordable by continuing to offer loans and tax incentives to building owners, implementing an extensive outreach strategy to promote programs that could help owners make repairs and preserve affordability for existing tenants, promoting safe and healthy housing through rigorous enforcement of building violations, and identification of distressed properties. The City will also continue to implement measures to protect tenants through the provision free legal representation to Jerome Avenue area tenants facing harassment via the tenant legal services program and the Tenant Harassment Prevention Task Force, education and outreach on tenant rights, and exploration of the creation of a Certificate of No Harassment program.

Comment 2.2.1-5: HPD must ensure that all new residential development of affordable housing to be constructed within the Special Jerome Avenue District comply with the following minimum gross square foot unit sizes, including:

- a. Studio units: 400 Square Feet
- b. 1 Bedroom units: 600 Square Feet
- c. 2 Bedroom units: 850 Square Feet
- d. 3 Bedroom units: 1,100 Square Feet

(Ruben Diaz, Bronx Borough President)

Response: The subject of this comment is outside the scope of the Proposed Actions. However, HPD recently revised its Design Guidelines for Multifamily New Construction and Senior Housing to reflect the critical need for affordable housing, respond to emerging design practices, and provide greater flexibility in affordable housing development. Similar to the figures proposed above, the minimum unit sizes in the updated Guidelines were informed by dialogue with architects, developers, and other stakeholders, and incorporate smart and modern, more efficient layouts.

Comment 2.2.1-6: Highbridge CDC advises creating incentives for the development of four bedroom apartments for large families. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: Please see response to Comment 2.2.1-5.

Comment 2.2.1-7: Comments on population-specific housing

For new construction, Community Board 4 recommends that: 1) 20 percent of all new units should be developed for seniors; 2) 20 percent of all new units should be developed for veterans; 3) 10 percent of all new units targeted should be developed for people with disabilities, and; 3) there should be a target ceiling of 80 – 100 percent AMI. (Community Board 4) (Community Board 5)

Highbridge CDC advises ensuring that older people remain in familiar environments by extending community preference standards to 75 percent for rent-up in senior housing. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: Comment noted. The City, through the Department of Housing Preservation and Development’s various subsidy programs, will continue to facilitate housing development targeted for specific populations, including seniors, formerly homeless households and households with special needs.

Comment 2.2.1-8: Highbridge CDC advises protecting the permanency of affordable housing through regulatory agreements and by utilizing a delivery system composed of competent not-for-profit housing development companies. (Monsignor Donald Sakano, Highbridge Community Development Corporation)

Response: Please see response to Comment 2.2.1-1.

Comment 2.2.1-9: The Settlement Housing fund recommends mixed income housing that’s owned by reputable developers and owners who are committed to the neighborhood for the long term. (Alexa Sewell, Settlement Housing Fund)

Response: The subject of this comment is beyond the scope of the Proposed Actions. However, as indicated in Chapter 1, “Project Description,” of the FEIS, one of the strategies set forth in the housing component of the Jerome Avenue Neighborhood Plan is to continue to support housing development by mission-driven organizations. The City, through the Department of Housing Preservation and Development (HPD), offers a variety of programs and resources to support non-profits and other mission-driven developers, including capacity building workshops and preferential rates for acquisition fund loans. In addition, HPD’s RFP process has been reformed to include preference for applicants that demonstrate a history of community development experience and tangible investments in community and economic development.

Comment 2.2.1-10: Reduce the income thresholds for affordable housing. (Community Board 5)

Response: Comment noted. While this is not a comment on the EIS, income guidelines for affordable units are set to ensure that tenants are paying a share of their income towards rent that is not more than approximately one third of their total gross household income.

Comment 2.2.1-11: The MIH option employed in our neighborhoods should be calibrated to neighborhood needs as much as possible. (Community Board 5)

Response: As described in Chapter 3, “Socioeconomic Conditions,” of the EIS, the MIH program includes several options for set-asides and income levels that are defined in a consistent manner citywide, to enable community needs to be addressed while supporting program feasibility and ensuring compatibility with City, State, and Federal programs. Income levels of affordable units will also be determined by the

subsidy programs ultimately used to finance affordable developments, which cannot be determined at this stage.

Comment 2.2.1-12: Community Board 4 recommends enactment of a set of policies that create incentives that prevent speculation and displacement as well as promote affordable housing development. (Community Board 4)

Response: Such mitigation measures are not warranted given that the direct and indirect residential displacement analyses provided in Chapter 3, “Socioeconomic Conditions,” of the DEIS concluded that the Proposed Actions would not result in significant adverse impacts. However, as further described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan includes anti-displacement initiatives that are part of a broader City strategy designed to protect tenants. These include the provision free legal representation to Jerome Avenue area tenants facing harassment via the tenant legal services program and the Tenant Harassment Prevention Task Force, education and outreach on tenant rights, and the creation of a Certificate of No Harassment pilot program.

2.2.2 Tenant Protection

Comment 2.2.2-1: Comments on tenant harassment and illegal displacement tactics

The City turns a blind eye to illegal displacement tactics. (Bronx Coalition for a Community Vision)

There is an overwhelming fear that introducing new residential development into this community will ultimately result in tenant harassment by property owners who will want to capitalize on the influx of new, more affluent residents. (Ruben Diaz, Bronx Borough President)

Concerned about predatory landlord practices. (Estee Agolia, CASA) (Christine Disney, CASA) (Aida Miro, CASA) (Michelle Genross, CASA) (Arthur Omar Owens, CASA) (Althea York, CASA)

Bronx-Lebanon Hospital Center supports efforts to create citywide Certificate of No Harassment requirements and increased data-sharing on distressed buildings, evictions, and housing-related 311 calls. (Miguel Fuentes, Bronx-Lebanon Hospital Center)

There needs to be vigorous and accountable protection for tenants. (Sergio Cuevas, CASA)

The Municipal Art Society supports the proposed inclusion of the Jerome Avenue rezoning area as a neighborhood in which property owners would be required to obtain a certification of no harassment before receiving permission to redevelop. This will help strengthen the preservation of affordable units and prevent harassment of tenants by those seeking to redevelop their properties in order to garner higher rents. (The Municipal Art Society of New York)

Community Board #5 recommends that policies should be considered to require developer to contribute resources to prevent displacement of current residents. (Community Board 5)

Response: As part of a broader strategy, the City has increasingly invested resources to address harassment and displacement in the last four years. The Jerome Avenue Neighborhood Plan, as further

described in Chapter 1, “Project Description,” of the FEIS, includes several of these anti-displacement initiatives designed to protect tenants. These initiatives include the provision of free legal representation to Jerome Avenue area tenants facing harassment via the tenant legal services program and the Tenant Harassment Prevention Task Force, education and outreach on tenant rights through the Tenant Support Unit, and the creation of a Certificate of No Harassment pilot program. Other strategies include the deployment of the Tenant Harassment Prevention Task Force to conduct criminal investigations on illegal tactics; new legislation to protect tenants and disincentive speculation and predatory equity; proactive surveying of distressed buildings; and funding community-based organizations to conduct tenant organizing, education, and coordination with the City.

Comment 2.2.2-2: Comments on code enforcement

HPD must create a comprehensive list of all residential buildings within a half-mile radius of where new zoning is to be established, pursuant to this application’s approval. HPD must then vigorously enforce all applicable housing codes while making available to property owners access to funding resources that will bring about compliance and by doing so aggressively preserve the privately owned, existing housing stock. The status of housing violations and legal services to tenants must be made available to those elected officials who represent this area and to Community Boards #4, #5, and #7. (Ruben Diaz, Bronx Borough President)

Community Board 4 recommends that HPD increase its funding for code enforcement inspectors and provide incentives to property owners to repair and retrofit their buildings in accordance with the building codes like 8A loan and Participation loan programs. (Community Board 4)

Response: Housing code enforcement is beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan. However, as part of a broader City policy, the Department of Housing Preservation and Development (HPD) will continue improving housing quality by enforcing the Housing Maintenance Code and connecting owners to resources to make building improvements and preserve affordability. Between 2014 and 2017, HPD’s Office Enforcement and Neighborhood Services increased its inspections and violations activity in Bronx CDs 4 and 5 by 11% and 25%, respectively.

Comment 2.2.2-3: Comments on displacement funds

Community Board 4 requests creating a displacement fund for community organizing initiatives in the most vulnerable areas in these neighborhoods. (Community Board 4)

Community Board 4 requests providing a \$100,000 funding for a community consulting housing contract to assist tenants, homeowners and property owners. (Community Board 4)

Community Board 4 requests requiring developers to pay into an anti-displacement fund for developers of new building dedicated to community anti-displacement initiatives. (Community Board 4)

Community Board #5 recommends that policies should be considered to require developer to contribute resources to prevent displacement of current residents. (Community Board 5)

Response: A displacement fund or similar mitigation measures are not warranted given that the direct and indirect residential displacement analyses provided in Chapter 3, “Socioeconomic Conditions,” of the EIS concluded that the Proposed Actions would not result in significant adverse impacts. However, as further described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan includes anti-displacement initiatives that are part of a broader City strategy designed to protect tenants. As part of the Plan and broader City strategy, HPD and the City Council will provide funding to various organizations in the Bronx and city-wide to deliver anti-displacement services, such as tenant organizing, counseling, foreclosure prevention, property owner assistance, and more. Other strategies include piloting a Landlord Ambassador Program, where Northwest Bronx Community and Clergy Coalition has been designated as the Landlord Ambassador to provide technical assistance to property owners to obtain a loan from HPD to make repairs and preserve affordability.

2.2.3 Homelessness

Comment 2.2.3-1: Community Board 4 recommends the reinstatement of the Advantage Program and funding to the Homeless Eviction Prevention Program to ensure that residents secure permanent housing and decrease the number of transient individuals and families in our district. (Community Board 4)

Response: Comment noted. The reinstatement of the Advantage Program and funding to the Homeless Eviction Prevention Program are beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan.

Comment 2.2.3-2: Community Board #5 recommends that “Cluster-site” shelter units should be converted back to permanent housing to help significantly reduce the number of homeless families and provide City and State rent subsidies to allow families in “cluster-site” units that meet Section 8 quality standards to secure leases for the same apartments in which they already live. (Community Board 5)

Response: Comment noted. Cluster-site shelter units are beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan.

Comment 2.2.3-3: Set asides for formerly homeless families is a top priority as we face a homelessness crisis in our City. (Vanessa Gibson, City Council Member)

Response: Comment noted. The subject of this comment is beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan. However, it should be noted that HPD term sheets include requirements for a portion of units to be provided to formerly homeless households. For instance, ELLA requires at least 10 percent to 30 percent of units to be provided to formerly homeless households.

Comment 2.2.3-4: Units for shelter residents should be considered as this homeless situation is a crisis now. (Althea York, CASA)

Response: Comment noted. The subject of this comment is beyond the scope of the Proposed Actions.

2.3 Job Training, Creation, Education, and Services

Comment 2.3-1: Comments on economic and workforce development

Community Board #5 recommends allocating workforce training dollars to area anchor institutions. (Community Board 5)

Key investments must be made to local jobs and economic development. (Vanessa Gibson, City Council Member)

There is a need to use this rezoning as an opportunity to address the communities need to develop workforce training services. (Kenneth Adams, Bronx Community College)

Youth and senior citizens should have access to a dedicated computer coding job-training program. (Community Board 5)

Develop and market a “shop and buy local” campaign to promote and highlight small businesses. (Community Board 5)

Invest in job training & education for local residents in existing and emerging sectors. (Bronx Coalition for a Community Vision)

Residents of this community acknowledge the all-encompassing improvements and the additional ancillary services the city will offer those who currently reside in this community (for example job training programs, etc.). They now question why these services have not been made available in the past. (Ruben Diaz, Bronx Borough President)

Response: Workforce training services are beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan. The broader Jerome Avenue Neighborhood Plan however, sets forth a number of recommendations focusing on small businesses, workers, and residents, with the goal of strengthening small businesses, encouraging entrepreneurship, ensuring workers and residents have opportunities for the training and services that are critical for quality jobs. As described in Chapter 1, “Project Description,” of the FEIS, the Economic and Workforce Development section of the Plan identifies several strategies crafted in recognition of the challenges faced by workers and businesses within the auto repair industry and other industrial uses throughout the study area; these strategies include utilization of the City’s Workforce1 Centers to connect workers to job training and placement opportunities. These efforts would be supported by the creation of a workforce development collaborative to allow local community-based organizations to share resources, identify common barriers to job training, placement, and retention, and connect local residents to existing resources and jobs.

Comment 2.3-2: Key investments must be made to education and social services. (Vanessa Gibson, City Council Member)

Response: The FEIS has been updated to reflect key investments the City will be making to education and social services. Since the completion of the DEIS, the latest Five-Year Capital Plan Proposed Amendment (November 2017) was issued. As updated in Chapter 4, “Community Facilities and Services,” of the FEIS, the Amendment includes proposed capacity expansion for CSD 10. The existing P.S. 33 Annex would be expanded to add an additional 388 seats for elementary school students. The analysis conducted on elementary schools has been revised accordingly in the FEIS.

As part of the broader Jerome Avenue Neighborhood Plan, key investments will also be made to social services. As described in Chapter 1, “Project Description,” of the FEIS, the Community Resources section of the Plan includes recommendations designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community, including youth, seniors, and immigrant populations. Examples include the creation of outreach strategies via the Mayor’s Office of Immigrant Affairs (MOIA), Department of Small Business Services and the Mayor’s Office of Workforce Development to provide residents and workers, including foreign-born individuals with access to legal services, workforce training opportunities, and language assistance; efforts by the Department of Education and School Construction Authority to address the educational needs of youths; the exploration of opportunities to refurbish, expand, or enhance critical community-service institutions; and coordinated investments and interventions by the Department of Health and Mental Hygiene designed to promote positive health outcomes through the South Bronx Neighborhood Health Action Center, the Shop Healthy NYC program, and improvements to housing quality through the Healthy Homes Program.

Comment 2.3-3: Community Board 4 requests funding and development of a Comprehensive Health Care Center. (Community Board 4)

Response: The requested funding for a health care center is not warranted given that the Proposed Actions would not trigger an analysis or result in significant adverse impacts on such facilities. As discussed in Chapter 4, “Community Facilities and Services,” of the EIS, a detailed analysis of indirect impacts on health care services is conducted only if a proposed project would affect the physical operations of, or access to and from, a hospital or a public health clinic or where a proposed project would create a sizeable new neighborhood where none existed before. The rezoning area is a developed area with an existing and well-established community that is served by health care services. Therefore, the Proposed Actions would not create a neighborhood where none existed before, and a detailed analysis of indirect effects on these community facilities was not warranted. While such investments are not warranted based on the environmental review, the Jerome Avenue Neighborhood Plan, as described in Chapter 1, “Project Description,” of the FEIS, includes recommendations designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community. These include coordinated investments and interventions by the Department of Health and Mental Hygiene designed to promote positive health outcomes through the South Bronx Neighborhood Health Action Center, the Shop Healthy NYC program, and improvements to housing quality through the Healthy Homes Program.

Comment 2.3-4: Comments on other types of community facilities

The Bronx Borough president recommends the establishment of a community center that would serve the under-resourced Highbridge neighborhood, which the southernmost end of the proposed rezoning abuts. (Ruben Diaz, Bronx Borough President)

Community Board 7 recommends a new community center in Community District 7. (Community Board 7)

Community Board 4 requests funding and development of a LGBTQ Center. (Community Board 4)

Response: The establishment of a new community center and funding and development of a LGBTQ Center are not warranted given that the Proposed Actions would not trigger an analysis or result in significant adverse impacts on such facilities. As stated in Chapter 4, “Community Facilities and Services,” of the EIS, an analysis on such facility would be warranted if the facility itself is the subject of the proposed project or would be physically displaced or altered by the project. While such investments are not warranted based on the environmental review, the Jerome Avenue Neighborhood Plan, as described in Chapter 1, “Project Description,” of the FEIS, includes recommendations designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community.

2.4 Open Space Improvements

Comment 2.4-1: Community Board #5 requests improvements to Aqueduct Park. (Community Board 5)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as potential mitigation measures. However, as described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan includes recommendations for the re-opening and renovation of Aqueduct Walk, as well as a connection to the newly rehabilitation Morton Playground. To date, the City has committed \$4 million to the rehabilitation of Morton Playground and an additional \$8 - \$10 million for the reconstruction of the southernmost portion of Aqueduct Walk. Additionally, new comfort stations are currently under construction in Aqueduct Walk.

Comment 2.4-2: The Bronx Borough president recommends that a commitment be made by the Department of Parks and Recreation and the Department of Transportation to realize capital monies allocated for design and reconstruction of the malls located on University Avenue between West 174th Street and West Tremont Avenue that includes dedicated center bicycle lanes. (Ruben Diaz, Bronx Borough President)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as potential mitigation measures. However, as described in Chapter 1, “Project Description,” of the FEIS, the Department of Parks and Recreation and Department of Transportation, as part of the Jerome Avenue Neighborhood Planning Process, are continuing to engage residents in the planning and design process for a number of initiatives in an effort to improve the quality and access to open spaces in and around the Jerome Avenue corridor.

Comment 2.4-3: Comments on Grant Avenue Park

The Bronx Borough president recommends that a commitment be made by the Department of Parks and Recreation and the Department of Transportation to realize capital funds committed to the full design and build-out of Grant Avenue Park, including the de-mapped street bed. (Ruben Diaz, Bronx Borough President)

Community Board 4 requests funding for design and completion and expansion of Grant Park. (Community Board 4)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as potential mitigation measures. However, as described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan includes a recommendation for the reconstruction of Grant Park. As part of the implementation of the Plan, the Department of Parks and Recreation will continue to engage the community and elected officials in the planning and design of specific projects they are committed to.

Comment 2.4-4: Community Board 4 requests funding for the design and development of Corporal Fischer Park. (Community Board 4)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as a potential mitigation measure. However, as discussed in Chapter 1, “Project Description,” of the EIS, the Proposed Actions include the de-mapping of Corporal Fischer Place (street) between Nelson Avenue and Shakespeare Avenue and its designation as parkland. The planning process for the Jerome Avenue Neighborhood Plan, as clarified in the FEIS, identified the mapping and construction of this new park facility as a key neighborhood investment strategy. This \$4.6 million project will activate two vacant and underutilized parcels by providing a new 0.5 acre neighborhood park.

Comment 2.4-5: Community Board 4 requests funding for the redesign and rehabilitation of Bridge Park. (Community Board 4)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as a potential mitigation measure. However, as described in Chapter 1, “Project Description,” of the FEIS, the Department of Parks and Recreation and Department of Transportation, as part of the Jerome Avenue Neighborhood Planning Process, are continuing to engage residents in the planning and design process for a number of initiatives in an effort to identify priority open space needs.

Comment 2.4-6: Community Board #5 asks that ownership of the playground at 1805 Davidson Avenue be transferred from ACS to the Parks Department so that its restoration to the community as an available safe play space for children be restored. (Community Board 5)

Response: Comment noted. As the EIS does not identify open space impacts, the suggested improvements are not warranted as a potential mitigation measure.

Comment 2.4-7: Community Board #5 recommends that the space on the west side of Davidson Avenue, south of West 177th Street, and at the intersections of Macombs Road, Grand Avenue, and Featherbed Lane be converted to an open space. (Community Board 5)

Response: As the EIS does not identify open space impacts, the suggested improvements are not warranted as a potential mitigation measure. However, as described in Chapter 1, “Project Description,” of the FEIS, the Department of Parks and Recreation and Department of Transportation, as part of the Jerome Avenue Neighborhood Planning Process, are continuing to engage residents in the planning and design process for a number of initiatives in an effort to identify priority open space needs.

2.5 Roadway Improvements and Other Transportation Considerations

Comment 2.5-1: Comments on pedestrian safety

Community Board 4 requests consideration and approval of a Slow Zone on University Avenue in addition to the already approved one on the Grand Concourse to act as traffic calming devices and reduce automobile and pedestrian incidents. (Community Board 4)

Install “slow zones” where appropriate. (Community Board 5)

Community Board 4 requests maintenance and upkeep of safety enhancements at Shakespeare Avenue. (Community Board 4)

The Bronx Borough president recommends that a commitment be made by the Department of Parks and Recreation and the Department of Transportation to realize capital funding resources allocated for the reconstruction and redesign of Edward L. Grant Highway to include traffic calming features such as wider planted medians, additional street trees, and dedicated center bicycle lanes. (Ruben Diaz, Bronx Borough President)

Response: While the requested improvements are outside the scope of the Proposed Actions, a range of traffic calming measures are included in the Jerome Avenue Neighborhood Plan. The assessment of vehicular and pedestrian safety provided in Chapter 13, “Transportation,” of the EIS, identified nine intersections as high crash locations. These intersections are located on Grand Concourse, at Monroe Avenue, East 176th Street, Mount Eden Avenue, and East 170th Street; on Jerome Avenue, at East Fordham Road, West Burnside Avenue, West 170th Street, and Marcy Place; and at Burnside Avenue and Walton Avenue. As described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan would include safety improvements for pedestrians and motorists, such as raised crosswalks, curb/sidewalk extension, and the installation of buffered and raised bike lanes to improve safety at these locations.

Comment 2.5-2: Comments on road maintenance and rehabilitation

Community Board 4 requests full rehabilitation and upgrade to underpasses at 165th, 167th, 170th, 167th Street, 174th – 175th Street. (Community Board 4)

Community Board 4 requests constant monitoring of the conditions and repair of major thoroughfares in the district like the Grand Concourse, Fordham, University Avenue and Tremont Avenue Roads to ensure better service of the district’s monitoring public. (Community Board 4)

Chapter 26: Response to Comments on the Draft EIS

Community Board 4 requests street resurfacing – 161st Street Corridor (from Macombs Dam Road to Melrose Avenue) and surrounding east-west connections (River Avenue, Gerard Avenue, Walton Avenue, Morris Avenue, Park Avenue). (Community Board 4)

Community Board 4 requests adequate funding (for continuous maintenance) of the major road bridge which serves as a gateway from Manhattan to the Bronx and connects Bronx Community Boards 4 and 5 as well as the Washington Bridge on West 181st Street. (Community Board 4)

Community Board 4 requests facilitation of cleaner and improved streetscapes, especially on the Washington Bridge and Grand Concourse to ensure improved roadways and efficient transportation routes. (Community Board 4)

Response: Comment noted. The requests above are beyond the scope of the Proposed Actions.

Comment 2.5-3: Comments on parking

Community Board 4 requests metered parking in key locations to facilitate greater turnover. (Community Board 4)

Install a municipal parking lot with reasonable rates. (Community Board 5)

Response: Such mitigation measures for parking are not warranted as the analysis conducted in Chapter 13, “Transportation,” of the EIS concluded that there would be no significant adverse impacts on parking availability.

Comment 2.5-4: Comments on new LED lights

Community Board 4 requests new LED lighting throughout particularly in areas with low visibility/foot traffic and high crime. (Community Board 4)

The Bronx Borough president recommends that the Department of Transportation and the Metropolitan Transportation Authority (MTA) agree on a lighting plan that may require installation of LED lights directly on the #4 Train’s trestle. (Ruben Diaz, Bronx Borough President)

Response: While the subject of this comment is outside the scope of the Proposed Actions, the planning process associated with the Jerome Avenue Neighborhood Plan engaged community stakeholders to develop the “El Space” lighting strategy, which would include the installation of trestle-mounted lighting in order to improve pedestrian safety and wayfinding ability. Additional information on the Jerome Avenue Neighborhood Plan is provided in Chapter 1, “Project Description,” of the FEIS.

Comment 2.5-5: Comments on Step Streets

The Bronx Borough president recommends that a commitment be made by the Department of Parks and Recreation and the Department of Transportation to realize a comprehensive review of all step-streets that are within the Special Jerome Avenue District be undertaken by the Department of Transportation and that those step streets which require reconstruction; the monies for such work be identified and committed by 2020. (Ruben Diaz, Bronx Borough President)

Community Board 4 requests a comprehensive assessment, plan and timeline for renovation and rehabilitation of Step Streets. (Community Board 4)

Community Board #5 requests that public realm receive upgrades, including streets, step streets, and sidewalks. (Community Board 5)

Response: While the subject of this comment is outside the scope of the Proposed Actions, the Jerome Avenue Neighborhood Plan, as described in Chapter 1, "Project Description," of the FEIS, includes recommendations for the reconstruction of the step street at Clifford Place and Davidson Avenue, acknowledges the key role that step streets play as public spaces and conduits for pedestrian movement, and explores opportunities for restoring them to their place as unique neighborhood assets.

Comment 2.5-6: Community Board 4 requests a comprehensive maintenance and upkeep plan of the Grand Concourse Work (Phases I-IV). (Community Board 4)

Response: This comment is outside the scope of the Proposed Actions. However, as part of the Jerome Avenue Neighborhood Plan, and as described in Chapter 1, "Project Description," of the FEIS, DOT is currently working on safety improvements for pedestrians and motorists throughout Grand Concourse, including implementing raised crosswalks, curb/sidewalk extensions, and the installation of buffered and raised bike lanes, among others. Additionally, the plan includes public space and wayfinding improvements, public art, wayfinding, and improved landscaping and pedestrian amenities like benches.

Comment 2.5-7: Have a monthly closing of the Grand Concourse to auto-traffic for pedestrian activities. (Community Board 5)

Response: Comment noted.

Comment 2.5-8: Comments on ADA compliance and subway stations

Community Board 4 requests an elevator or escalator installed by MTA to better services senior and handicapped and enhance access and mobility throughout the districts along the #4 line from 167th Street to Fordham Road (ideally at Burnside Avenue Station or location deemed appropriate by MTA). (Community Board 4)

Currently the only subway stations that are ADA compliant within the proposed boundaries of this application include the 161st Street stations serving the #4 and "D" trains. (Ruben Diaz, Bronx Borough President)

Community Board 7 recommends installation of an elevator at the Fordham Road/Jerome Avenue #4 subway station. (Community Board 7)

The Bronx Borough president recommends that a commitment be made by the MTA to install ADA compliant elevators at Burnside Avenue and 170th Street on the #4 Train line and at Tremont Avenue and 167th Street on the "B/D" Train. (Ruben Diaz, Bronx Borough President)

There is a need for ADA compliance on the #4 train along Jerome Avenue. (Vanessa Gibson, City Council Member)

MAS requests that as infrastructure and streetscape improvements are made in the area, the creation of ADA accessible entrances and exits at these stations should be considered a top priority. (The Municipal Art Society of New York)

Elevators and handicap accessible entrances should be constructed at the Jerome Avenue and Burnside Avenue subway station. (Fernando Cabrera, NYC Council Member)

Elevator access needs to be added to the subway. (Community Board 4)

Community Board 7 recommends renovation of subway station along both the #4 and D lines, and making certain stations handicap accessible. (Community Board 7)

Response: Comment noted. Incremental demand from the Proposed Actions is not expected to result in significant adverse subway station impacts. There are no stations on the Jerome or Concourse lines within the Rezoning Area currently programmed to receive ADA elements in the 2015-2019 Capital Program. The closest station currently programmed for ADA elements is the 149th Street/Grand Concourse station.

Comment 2.5-9: Community Board 4 requests B/D station enhancements/rehabilitation on East 167th Street, East 170th Street, and 174th – 175th Street. (Community Board 4)

Response: Comment noted. This is beyond the scope of the Proposed Actions.

3. Analysis Framework and RWCDs

Comment 3-1: With regards to classifying “projected” and “potential” development sites, the City’s exclusion of sites smaller than 5,000 feet, based on a generalized assumption (rather than site-specific analysis), is improper. Even the CEQR Technical Manual provides that, “A small lot is often defined for this purpose as 5,000 square feet or less, but the lot size criteria is dependent on neighborhood specific trends, and common development sizes in the study area should be examined prior to establishing this criteria”⁴¹ (emphasis added). The City provides no indication that it has conducted any analysis of neighborhood-specific trends, in the absence of which, this size criteria is inappropriate. (Bronx Coalition for a Community Vision)

Response: As described in Chapter 1 “Project Description,” of the DEIS, the development site selection criteria also considered assemblages of lots smaller than 5,000 square feet. For purposes of the analysis, assemblages are defined as a combination of adjacent lots which satisfy one of the following conditions: (1) the lots share common ownership and, when combined, meet the Qualifying site criteria; and/or (2) at least one of the lots, or combination of lots, meets the Qualifying site criteria, and ownership of the assemblage is shared by no more than two distinct owners.

Comment 3-2: The wholesale exclusion of sites that meet the soft-site criteria, but include multi-family residential buildings is improper. As the Municipal Arts Society wrote in its testimony in response to the DSOW: “Many multi-family residential buildings in the study area are underbuilt. There are almost 50 buildings in the study area and more than 300 in the secondary study area (¼-mile radius) that have at least 2.5 FAR available for development ... [T]here are 30 underbuilt properties ... in the rezoning area that

are likely to have rent-stabilized residential units ... that may be targeted for redevelopment and deregulated after the rezoning.” By removing multi-family buildings from the equation, the City can produce an unrealistically depressed number of projected development sites - thereby masking the true impacts of the rezoning. (Bronx Coalition for a Community Vision)

Response: As further clarified in Chapter 1, “Project Description,” of the FEIS, the RWCDs excludes residential buildings with six or more units constructed before 1974. Apartments are generally subjected to rent stabilization if they are in buildings of six or more units built between February 1947 and December 1973. Tenants in buildings built before February 1947, who moved in after June 1971, are also covered by rent stabilization. Buildings with rent-stabilized units are difficult to legally demolish due to stringent tenant re-location requirements. Owners found guilty of intentional actions to harass a tenant to vacate an apartment are subject to both civil and criminal penalties. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis frameworks, which are expected to be conservative as well as reasonable.

Comment 3.4: Of the 7 additional criteria the City uses to distinguish “potential” versus “projected” development sites from this remaining pool, at least 4 are highly questionable in general, and others are particularly questionable in the Jerome context. First: the City excludes “lots upon which the majority of floor area is occupied by active businesses (3 or more).” Second: Lots with slightly irregular shapes, topographies, or encumbrances are also excluded. A third criterion that is not appropriate in this area is the removal of structured parking garages from potential development. Fourth: the City excludes from its calculations lots that contain businesses that provide valuable and/or unique services to the community. Finally, a fifth criterion, the City’s exclusion of “lots that would produce less than 60 units of housing” may be appropriate in certain cases, but the complication versus benefit of housing development calculation will be different for different property owners. (Bronx Coalition for a Community Vision)

Response: As discussed in Chapter 1 “Project Description,” of the EIS, projected development sites are considered more likely to be developed within the ten-year analysis period for the proposed actions (i.e. by the analysis year 2026) while potential sites are considered less likely to be developed over the approximately ten-year analysis period. The factors listed here all contribute to increasing the costs or revenue losses associated with development, and are thus reasonably considered to make a site less likely to be developed than a site that does not exhibit these factors. The total amount of projected development analyzed is significant and reflects a conservative analysis. In addition, potential development sites were analyzed for site-specific impacts in the EIS.

Comment 3.5: We urge the City in the FEIS to amend its methodology to broaden the scope of “projected” development sites. (Bronx Coalition for a Community Vision)

Response: The methodology used to estimate the amount of projected development was established in the Final Scope of Work and pursuant to the 2014 CEQR Technical Manual guidelines. The methodology used to produce this projection is both reasonable and conservative. As such, the methodologies and “scope” of projected development sites will not be revised in the FEIS.

Comment 3.6: The City’s flawed analysis violates state law by not upholding CEQR and SEQRA standards. We urge the City to correct these deficiencies in the FEIS to ensure that the City’s environmental review process fully comports with the requirements of state law. (Bronx Coalition for a Community Vision)

Response: The EIS for the Proposed Actions was prepared in conformance with City Environmental Quality Review (CEQR) guidelines.

Comment 3.7: The City fails to meet its obligations under the Fair Housing Act, as it failed to analyze whether the proposed actions affirmatively further fair housing, it has failed to analyze the potential discriminatory effect on people of color that could result from the proposed actions, and it has failed to analyze the potentially discriminatory effects of construction of HPD-subsidized units on low-income families seeking affordable housing within the rezoning area. (Bronx Coalition for a Community Vision)

Response: Pursuant to CEQR Technical Manual guidelines, the EIS includes a detailed analysis of indirect residential displacement that examines whether the Proposed Actions and associated RWCDs are expected to introduce or accelerate socioeconomic trends that may potentially displace renters living in units not protected by rent stabilization, or other government regulations restricting rents, whose incomes are too low to afford increases in rents regardless of race or ethnicity. The analysis of the effects of the Proposed Actions did not find that there would be significant adverse indirect residential displacement impacts. The City is not required, pursuant to federal, state, or local law or regulation, to include an assessment of the Proposed Actions' compliance with federal fair housing laws and regulations in the EIS. As a recipient of federal housing funds, the City does, and will continue to comply with federal law, rules and regulations to assess the impact of its zoning and land use actions on its obligation to affirmatively further fair housing.

Comment 3.8: I live at 888 Grand Concourse. Why is it that up the block from me, the rent stabilized apartments have not been analyzed when 910 has a three-bedroom rent stabilized apartment for \$3,200? (Carmen Vega-Rivera, CASA)

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

4. Land Use, Zoning and Public Policy

Comment 4-1: Although the DEIS states that "The Jerome Avenue Neighborhood Planning Study is a part of Housing New York", the rezoning itself is inconsistent with the goals of Housing New York in that it does not contribute to "fostering diverse, livable neighborhoods; preserving the affordability and quality of the existing housing stock;" and "building new affordable housing for all New Yorkers." (Bronx Coalition for a Community Vision)

Response: As stated in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are intended to provide opportunities for the creation of new, permanent affordable housing with options for low- and moderate-income residents, while preserving the character of existing residential neighborhoods. In the future with the Proposed Actions, MIH would be made applicable to much of the Rezoning Area and most residential developments would be required to provide permanently affordable housing. The development and construction of new affordable housing under the Proposed Actions is a key component of the policies and principles outlined in *Housing New York*, including the construction of new affordable housing.

Comment 4-2: To better meet the goals of both Housing New York and the Industrial Action Plan, the City should stop this rezoning or, at minimum, drastically reduce the amount of housing it will permit with this rezoning. This will curb displacement pressures; preserve the opportunity to create fewer, more deeply affordable apartments; and preserve more local businesses. (Bronx Coalition for a Community Vision)

Response: See response to Comment 460. The City understands the need for deeper affordability in the community and additional initiatives have been developed to address the need in ways that are outside the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan sets forth a number of goals and strategies designed to preserve and build sustainable, high-quality affordable housing with a range of options for residents at all levels, to protect tenants, and to improve housing quality. Initiatives carried out by the Department of Housing Preservation and Development will work to keep existing apartments affordable by continuing to offer loans and tax incentives to building owners, implementing an extensive outreach strategy to promote programs that could help owners make repairs and preserve affordability for existing tenants, promoting safe and healthy housing through rigorous enforcement of building violations, and identification of distressed properties.

The Proposed Actions would also not be inconsistent with, or affect the implementation of the “Action Plan to Grow 21st Century Jobs in NYC.” The high level land use strategies outlined in the *Action Plan* are limited to the city’s Industrial Business Zones. There are no Industrial Business Zone mapped within the rezoning area or nearby that would be affected by the Proposed Actions, nor are the Proposed Actions include any recommended policy changes to City policies on industrial sector development.

Comment 4-3: Comments on the Industrial Action Plan

The way the rezoning of Jerome Avenue has been proposed is not consistent with the Mayor’s Industrial Action Plan which he released in the fall of 2015. (Enrique Colon, CASA)

In the DEIS, the City failed to undertake an analysis of the Proposed Actions with reference to the City’s Industrial Action Plan - an oversight that leaves out policy considerations impacting one of the most important sectors in the study area. We demand that the FEIS address the conformity of the Proposed Actions with the Industrial Action Plan, and the impacts on the auto sector specifically. (Bronx Coalition for a Community Vision)

Response: As stated in Chapter 2, “Land Use, Zoning and Public Policy,” of the EIS, policies subject to the public policy assessment only include those applicable to the primary study area (coterminous with the rezoning area) and secondary study area (1/4 mile radius from the rezoning area) of the Proposed Actions. The high level land use strategies outlined in the *Industrial Action Plan* are limited to the city’s Industrial

Business Zones. As outlined in Chapter 2, “Land Use, Zoning and Public Policy,” of the EIS there are no Industrial Business Zone mapped within the primary and secondary study areas. Given that the study areas of the Proposed Actions do not include any Industrial Business Zones, nor do the Proposed Actions include any recommended policy changes to City policies on industrial sector development or affect any aspect of the Action Plan, an analysis of the Proposed Actions with reference to the City’s Industrial Action Plan is not warranted. As such, the public policy assessment included in the EIS will not be revised.

5. Socioeconomic Conditions

5.1 Direct Residential Displacement

Comment 5.1-1: Once the City revises, in the FEIS, its estimation of “projected development sites” to include sites containing multi-family buildings that are or will be underbuilt, certain sites of smaller than 5,000 square feet, and other sites that have been improperly deemed “potential” development sites based on the City’s flawed criteria, it must also revise its analysis of direct residential displacement. This process may well yield a directly displaced number of greater than 500, automatically triggering a detailed analysis of direct displacement. Even if this threshold is not met, the Coalition requests that the City exercise its discretion to perform such a detailed analysis, as the “thresholds provided ... provide guidance and serve as a general rule; however, the lead agency may determine that lower or higher thresholds are appropriate under certain circumstances.” (Bronx Coalition for a Community Vision)

Response: The analysis of direct residential displacement does not warrant any revisions given that the assessment, as well as the development of the analysis framework, were prepared in accordance with the 2014 CEQR Technical Manual guidelines. As noted in Chapter 1, “Project Description,” of the EIS, the Reasonable Worst Case Development Scenario (RWCDs) is considered to be a conservative and reasonable projection of the amount of development that could result from the Proposed Actions. The projections are based on a number of site-specific and contextual factors expected to affect the likelihood and amount of development in the future with and without the Proposed Actions. The analysis of direct residential displacement, based on the RWCDs presented in Chapter 1, “Project Description,” of the EIS, and as conducted in Chapter 3, “Socioeconomic Conditions,” concluded that a detailed analysis is not warranted as fewer than 500 residents are expected to be displaced. As stated in the EIS, displacement of fewer than 500 residents is not typically expected to alter the socioeconomic character of a neighborhood. As such, a detailed analysis on direct residential displacement will not be provided in the FEIS.

Comment 5.1-2: The City’s analysis improperly limits the analyses of direct and indirect displacement risk, and leads the City to suggest strategies that are completely inadequate to mitigate those risks. (Bronx Coalition for a Community Vision)

Response: The EIS did not provide mitigation measures for direct and indirect displacement, as the analyses conducted in Chapter 3, “Socioeconomic Conditions,” of the EIS concluded that the Proposed Actions would not result in any significant adverse impacts. The assessments of direct and indirect residential displacement and direct and indirect business displacement were prepared in accordance with CEQR Technical Manual guidelines.

Comment 5.1-3: The City removes all multi-family buildings of 6 or more units from its direct displacement analysis. (Bronx Coalition for a Community Vision)

Response: As further clarified in Chapter 1, “Project Description,” of the FEIS, the RWCDs excludes residential buildings with six or more units constructed before 1974. As defined by New York State Homes and Community Renewal, apartments are under rent stabilization if they are in buildings of six or more units built between February 1947 and December 1973. Tenants in buildings built before February 1947, who moved in after June 1971, are also covered by rent stabilization. Buildings with rent-stabilized units are difficult to legally demolish due to tenant re-location requirements. Owners found guilty of intentional actions to harass a tenant to vacate an apartment are subject to both civil and criminal penalties. Unless there are known redevelopment plans (throughout the public review process or otherwise), these buildings are generally excluded from the analysis frameworks, which are expected to be conservative as well as reasonable.

In addition to the Proposed Actions, the Jerome Avenue Neighborhood Plan sets forth a number of measures designed to protect tenants. These measures include the provision free legal representation to Jerome Avenue area tenants facing harassment via the tenant legal services program and the Tenant Harassment Prevention Task Force, education and outreach on tenant rights, and exploration of the creation of a Certificate of No Harassment program.

Comment 5.1-4: The DEIS states that “the Proposed Actions have the potential to directly displace approximately six dwelling units on two projected development sites,” resulting in the potential direct displacement of just 18 residents. Citing the Manual’s threshold of 500 residents, the City concludes that, “the Proposed Actions would not result in a significant adverse direct residential impact and no further analysis is warranted.” However, this conclusion is based on several flawed assumptions. First, the City discounts the potential displacement of tenants from 60 existing housing units on Projected Development Site 45, finding that the owner of this site plans to redevelop it with or without the rezoning and that because the existing units are rent-stabilized, “any redevelopment of this site would require that the owner present a plan to the New York State Homes and Community Renewal (NYSHCR) for relocation of tenants.” Second, the City wrongly excludes from its analysis of projected development sites numerous potential soft sites in the community. (Bronx Coalition for a Community Vision)

Response: The assumptions are not flawed but based on reasonable and conservative expectations about future development. As explained in Chapter 3, “Socioeconomic Conditions,” of the DEIS, Projected Development Site 45 is currently occupied with two multi-unit residential buildings and at-grade surface parking lots which front on River Avenue. The site is currently zoned R8, which permits up to a maximum floor area ratio of 6.02. The site is currently developed to less than half of its allowable FAR and is reasonably expected to enlarge without the Proposed Actions on the portion of the site occupied by at-grade parking lots. In the future with the Proposed Actions, a similar enlargement would occur on that portion of the site. In both scenarios, the 60 dwelling units on the site would remain and are not expected to be directly displaced. As the 60 existing housing units are rent-stabilized, any displacement of residents would require that the owner present a plan to the New York State Homes and Community Renewal for relocation of tenants. No displacement is therefore reasonably expected to occur as a result of the Proposed Actions on that site.

5.2 Indirect Residential Displacement

Comment 5.2-1: The proposed rezoning has the potential to change the local housing market, which already has real income diversity for a range of income, by significantly increasing land values. Building deeply affordable units is contingent on private developers taking City subsidy, and as the market changes post-rezoning there is no guarantee that developers will continue to do this. (Chris Walters, Association for Neighborhood and Housing Development)

Response: While the indirect residential displacement analysis presented in the EIS does not directly assess changes to land value, the analysis evaluates the Proposed Actions' potential effects on rent to determine whether the Proposed Actions may either introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population. As stated in Chapter 3, "Socioeconomic conditions," of the EIS, rent is analyzed because the subject population of the analysis are defined as people living in privately held units that are not protected by rent regulations, whose income or poverty status indicates that they could not afford to pay substantial rent increases and who live in locations that could be affected by market changes caused by the Proposed Actions. As described in response to Comment 2.2.1-2, nearly the entirety of initial units developed as a result of the Proposed Actions are expected to be entirely affordable, and built using city subsidy. Given this, along with the prevailing market trends in the surrounding areas outside of the rezoning area, it is expected that the local housing market will continue to be driven largely by subsidized development during the years immediately following the Proposed Action.

As concluded in Chapter 3, "Socioeconomic Conditions," of the EIS, the Proposed Actions would not result in significant adverse impacts related to indirect residential displacement (i.e. potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change). Within the rezoning area, it is anticipated that as a result of development on private sites, subject to the City's proposed Mandatory Inclusionary Housing (MIH) program, and with financing available from HPD for the construction of affordable housing, a substantial share of the new residential units expected to be developed within the rezoning area over the next 10 years would be affordable. By both increasing the supply of total housing in the area, encouraging the construction of all-affordable housing with public subsidy, and requiring that a substantial portion of new units be set aside for low income households, the projected increase in housing units overall is expected to reduce rent pressures within the project area.

Comment 5.2-2: The median income in the area is \$25,900. At best, MIH creates units for families making about \$31,000. Does this rezoning adequately anticipate the indirect residential displacement that new development will spur? (Alex Fellman)

Response: The indirect residential displacement analysis, which evaluated whether the Proposed Actions may either introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population, was prepared adequately and in accordance with the CEQR Technical Manual guidelines. As concluded in Chapter 3, "Socioeconomic Conditions," of the EIS, the Proposed Actions would not result in significant adverse impacts related to indirect residential displacement (i.e. potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change). It is anticipated that as a result of development on private sites, subject to the City's proposed Mandatory Inclusionary Housing (MIH) program, and with financing available from HPD for the construction of affordable housing, a substantial share of the new residential

units expected to be developed within the rezoning area over the next 10 years would be affordable. By both increasing the supply of total housing in the area, encouraging the construction of all-affordable housing with public subsidy, and requiring that a substantial portion of new units be set aside for low income households, the projected increase in housing units overall is expected to reduce rent pressures within the project area.

Comment 5.2-3: The City asserts that indirect residential displacement resulting from the rezoning would be mitigated by the implementation of the Mandatory Inclusionary Housing (MIH) program. However, the City has yet to disclose the total number of expected affordable units, the income requirement breakdowns, or evaluated alternative scenarios given the different MIH affordable housing options available. As a result, MAS finds the DEIS to be deficient in the assessment of indirect residential displacement and stresses that the Final Environmental Impact Statement (FEIS) must identify the number of expected affordable units, evaluate multiple MIH options, and disclose the projected source of financing for each affordable development in order for the analysis to be complete. Without a detailed housing plan, MAS questions the validity of any determination that concludes displacement impacts will be mitigated effectively. (The Municipal Art Society of New York)

Response: The indirect residential displacement analysis provided in Chapter 3, “Socioeconomic Conditions,” of the EIS did not identify any significant adverse impacts or the need for mitigation measures, and therefore did not conclude that the Mandatory Inclusionary Housing would mitigate indirect residential displacement impacts. As explained in Chapter 3, “Socioeconomic Conditions,” of the EIS, the MIH program includes several options for set-asides and income levels that are defined in a consistent manner citywide, to enable community needs to be addressed while supporting program feasibility and ensuring compatibility with City, State, and Federal programs. Income levels of affordable units will also be determined by the subsidy programs ultimately used to finance affordable developments, which cannot be determined at this stage. It is anticipated that as a result of development on private sites, subject to the City’s proposed Mandatory Inclusionary Housing (MIH) program, and with financing available from HPD for the construction of affordable housing, a substantial share of the new residential units expected to be developed within the rezoning area over the next 10 years would be affordable. By both increasing the supply of total housing in the area, encouraging the construction of all-affordable housing with public subsidy, and requiring that a substantial portion of new units be set aside for low income households, the projected increase in housing units overall is expected to reduce rent pressures within the project area.

Comment 5.2-4: In the DEIS, the City states that, “The range of new housing opportunities created by the Proposed Actions is expected to ameliorate an existing need for affordable housing, and appeal to residents in the area that might otherwise leave the neighborhood for better housing and amenities.” The City further concedes that, “the average income of the project-generated population could be higher than the average household income of the existing population in the study area ...” Taken together, the City’s framing - including its championing of the Mandatory Inclusionary Housing program as a tool to create “neighborhood economic diversity” in low-income communities such as ours - suggests that it views attracting higher-income residents through housing targeted specifically toward them as a key strategy for our neighborhood’s success. This is simply not the case. (Bronx Coalition for a Community Vision)

Response: As stated in Chapter 1, “Project Description,” of the EIS, one of the key objectives of the Proposed Actions is to provide opportunities for high quality, permanent affordable housing with options

for tenants at a wide range of income levels. As explained in Chapter 3, “Socioeconomic Conditions,” of the EIS, while it is expected that the population moving into new affordable housing would generally have income characteristics comparable to existing residents in the study area, some of the newly constructed housing units facilitated by the Proposed Actions are expected to command higher rents than existing buildings located in the primary and secondary study areas. For conservative purposes, it is assumed as part of the preliminary assessment for indirect residential displacement, that the project-generated population could be higher than the average household income of the existing and no-action population in the study area.

It is further explained in the detailed indirect residential displacement analysis that the great majority of new housing built in the neighborhood over the previous decade has been affordable housing built using public subsidy. Given this demonstrated trend, and the lack of demand for housing at the higher rents that would be necessary to support privately financed development, it is anticipated that in the near term, new construction will continue to require public subsidy. A variety of City and State financing programs would be made available to developers in and around the rezoning area to create affordable housing that exceeds the minimum MIH requirements. It is therefore expected that the first projects constructed pursuant to the Proposed Actions would necessitate government subsidy and likely be 100 percent affordable.

Comment 5.2-5: The City improperly concludes that tenants who are rent-stabilized, recipients of Section 8 vouchers or other rent subsidies, and occupants of buildings that are subsidized today are immune to the risk of indirect displacement. Because the City fails to consider the realities of tenants in such situations, it wrongly concludes that the rezoning will have a minimal impact when past rezonings of low-income communities of color have fundamentally altered these communities. (Bronx Coalition for a Community Vision)

Response: Chapter 3, “Socioeconomic Conditions,” of the EIS includes an assessment of potential indirect residential displacement due to increased rents. Consistent with CEQR Technical Manual guidelines, the assessment focuses on the potential impacts that may be experienced by renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations restricting rents, and whose incomes or poverty status indicate that they may not support substantial rent increases. Residents who are homeowners, or who are renters living in rent-restricted units would not be vulnerable to rent pressures. In terms of the analysis framework of the EIS, the RWCDs does not assume tenant harassment would occur, as this activity is illegal. Please see response to Comment 5.1-3.

Comment 5.2-6: While the creation of “better housing and amenities” could help to retain residents, “better” need not mean higher-income, and the development of better amenities does not need to be tied to a rezoning that will displace us; the City could make much-needed investments in our community without gambling with our future with this rezoning. (Bronx Coalition for a Community Vision)

Response: Comment noted. Please see response to Comment 5.2-1.

Comment 5.2-7: The City’s detailed assessment of secondary displacement in the Mount Eden subarea is flawed and legally insufficient on a number of grounds. First, the City improperly excludes rent-stabilized tenants from its analysis, even though such tenants are at significant risk of displacement resulting from both legal and illegal displacement tactics. Legal displacement tactics include rent increases based on the

performance (or claimed performance) of Major Capital Improvements (MCIs) and Individual Apartment Improvements (IAIs), as well as when landlords cease to offer preferential rents at the time of lease renewal, resulting in sudden and substantial rent increases. In the two zip codes roughly coterminous with Bronx Community Districts 4 and 5, an estimated 8,794 households currently pay a preferential rent, indicating that these tenants are vulnerable to sudden rent increases and undercutting the protection rent stabilization is intended to provide. Rent stabilized tenants also experience illegal harassment through a wide range of landlord tactics, including shutting off vital services like heat and hot water, utilizing dangerous construction practices and threatening legal action to remove tenants from their apartments. Second, the City improperly excludes recipients of Section 8 vouchers and other rent-based subsidies from its analysis. Third, the City improperly excludes displacement of tenants in buildings that will ultimately exit affordability programs. Fourth, the City wrongly asserts that new housing will offset displacement of existing residents, even though the City cannot project how much housing will be subsidized, the Mandatory Inclusionary Housing program produces “affordable” housing most residents cannot afford, and current residents will have been displaced by the time the housing is built. (Bronx Coalition for a Community Vision)

Response: Please see response to Comment 5.1-3 and Comment 5.2-5. Pursuant to CEQR Technical Manual guidelines, the EIS includes a detailed analysis of indirect residential displacement that examines whether the Proposed Actions and associated RWCDs are expected to introduce or accelerate socioeconomic trends that may potentially displace renters living in units not protected by rent stabilization, or other government regulations restricting rents, whose incomes are too low to afford increases in rents. The analysis of the effects of the Proposed Actions did not find that there would be significant adverse indirect residential displacement impacts. The CEQR methodology accounts for the protections afforded to residents of rent-stabilized units, which include a right to lease renewal as well as limits on rents.

An estimated 25 percent of all occupied rent-stabilized units in Bronx Community Districts 4 and 5 have preferential rents according to the Rent Guidelines Board. This may be a reflection of numerous circumstances, including units that are restricted by regulatory agreements to rents lower than the maximum regulated rent pursuant to rent stabilization.

The vast majority of rent-stabilized units in the Mount Eden subarea do not have a lease with a preferential rent. Absent significant changes in the market rents within the area, tenants with preferential rents would not be subject to rent pressures that differ from current conditions. As concluded in Chapter 3, “Socioeconomic Conditions,” of the EIS, the Proposed Actions’ contribution to rent pressures would be limited, and would therefore not result in significant adverse impacts related to indirect residential displacement.

Within the rezoning area, it is anticipated that as a result of development on private sites, subject to the City’s proposed Mandatory Inclusionary Housing (MIH) program, and with financing available from HPD for the construction of affordable housing, a substantial share of the new residential units expected to be developed within the rezoning area over the next 10 years would be affordable. By both increasing the supply of total housing in the area, encouraging the construction of all-affordable housing with public subsidy, and requiring that a substantial portion of new units be set aside for low income households, the projected increase in housing units overall is expected to reduce rent pressures within the project area.

With respect to concerns about tenant harassment and preferential rents, the Department of Housing Preservation and Development has created a flyer with information about preferential rents and contact information at DHCR where tenants can obtain their rent history. The City's Tenant Support Unit and free legal service providers also provide assistance to tenants. Anyone with questions or in need of assistance can call 311.

Comment 5.2-8: Had the City included even a fraction of the low-income, rent-stabilized tenants, voucher holders, rent subsidy recipients, or residents of subsidized buildings who are at risk of displacement in its calculation of indirect displacement - as we believe the City must in the FEIS - the threshold for triggering a required disclosure of mitigation tactics (approximately 10,447 residents) would easily have been met or surpassed. We demand that the City perform these detailed analyses, be transparent in disclosing the significant adverse impacts of the proposed rezoning, and adopt a broad range of mitigation strategies to combat displacement, including those the Coalition has proposed. (Bronx Coalition for a Community Vision)

Response: Please see response to Comment 5.2-5. The assessment of indirect residential displacement in the DEIS follows CEQR Technical Manual guidance. According to the CEQR Technical Manual, the populations that are vulnerable to indirect residential displacement are renters living in privately held units unprotected by rent control, rent stabilization, or other government regulations that limit rents, whose incomes or poverty status indicate that they could not support substantial rent increases.

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

Comment 5.2-9: The rezoning will lead to displacement. (Hakim Salaam, CASA)

Response: Chapter 3, "Socioeconomic Conditions," of the EIS addresses the risk of direct and indirect residential displacement, and direct and indirect business displacement in accordance with CEQR Technical Manual guidelines. The analyses find that the Proposed Actions would not result in significant adverse impacts due to direct or indirect residential displacement, or to direct or indirect business displacement.

Comment 5.2-10: Concerned about residential displacement. (Estee Agolia, CASA) (Sergio Cuevas, CASA) (Aida Miro, CASA) (Antoinette Maria Rose, CASA) (Ramon Catala, CASA) (George Sotiroff, Community Action for Safe Apartments) (Ervin Bennett, CASA) (Michelle Genross, CASA) (Lourdes De La Cruz, CASA) (Israel Tejada, CASA) (Judith Morrishow, CASA) (Arthur Omar Owens, CASA) (Kathy Chu, Montefiore Physicians in the Bronx) (Erik Reyes, CASA)

Response: See response to Comment 5.2-9.

Comment 5.2-11: This rezoning will lead to gentrification. (Lourdes De La Cruz, CASA) (Israel Tejada, CASA) (Erik Reyes, CASA) (Robert Gumbs, CASA) (Carmen Vega-Rivera, CASA)

Because the City cannot guarantee - either through Mandatory Inclusionary Housing, or through subsidies - that a meaningful share of the housing the rezoning will bring will be affordable to current residents, we

are concerned that the greater the rezoning, the greater the potential for the whole-scale gentrification of our neighborhood and the displacement of its residents. (Bronx Coalition for a Community Vision)

We want to make sure that people can remain in their communities. (Sheila Garcia, CASA)

Response: The Proposed Actions, as concluded in the indirect residential displacement analysis presented in Chapter 3, “Socioeconomic Conditions,” of the EIS, are not expected to introduce a population with significantly different socioeconomic characteristics from the population in the future without the Proposed Actions. The Proposed Actions are expected to introduce a substantial amount of affordable housing- which would increase supply, thereby relieving market pressures on existing residents that are expected to continue in the future without the Proposed Actions. The affordability requirements of MIH would provide a baseline for affordable housing development. In addition, the Jerome Avenue Neighborhood Plan also sets forth a number of goals and strategies, beyond the scope of the Proposed Actions, designed to preserve and build sustainable, high-quality affordable housing with a range of options for residents at all levels, to protect tenants, and to improve housing quality. As concluded in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in a significant adverse impact with respect to indirect residential displacement.

Comment 5.2-12: Bronx-Lebanon Hospital Center shares concerns regarding residential and commercial displacement and the anticipated strains on an already inadequate infrastructure. (Miguel Fuentes, Bronx-Lebanon Hospital Center)

Response: Comment noted. Pursuant to CEQR Technical Manual guidelines, the EIS includes an preliminary assessment of direct business displacement and detailed indirect residential and indirect business displacement assessments to determine if the Proposed Actions would have the potential to markedly increase property values and rents throughout the study area making it difficult for renters living in apartments not protected by rent stabilization, rent control, or other government regulation, and for some categories of businesses/institutions to remain in the area. As presented in Chapter 3, “Socioeconomic Conditions,” the Proposed Actions would not result in a significant adverse impact on residential development. In addition, as discussed in Chapter 10, “Community Facilities and Services,” and Chapter 11, “Energy,” the Proposed Actions would have no significant adverse impact water and sewer infrastructure or energy.

5.3 Indirect Business Displacement

Comment 5.3-1: According to the DEIS, approximately 77 firms employing 584 employees would be potentially displaced under the rezoning. Despite this, the DEIS concludes that the rezoning would not have adverse impacts on local businesses. The DEIS also concludes that any potential for commercial displacement would be offset by the introduction of a substantial new residential and worker population that would in fact sustain the customer base of existing businesses. MAS finds these conclusions to be unfounded at best. With the addition of 1,765 market-rate DUs under the rezoning, it is expected that a customer base with substantially higher incomes and retail preferences than current residents would be introduced to the area. Furthermore, at the deepest affordability scenario under MIH, only 20 percent of eligible households would be earning \$31,080 – nearly \$6,000 more than the current area median. Therefore, the mere introduction of moderate amount of affordable DUs at higher AMI bands, could bring

a dramatic shift in area socioeconomic conditions towards a higher income bracket with different retail preferences, not to mention the market-rate tenants. As a result, the rezoning may have a harmful effect on many neighborhood businesses that cater to the existing population. (The Municipal Art Society of New York)

Response: In accordance with the CEQR Technical Manual, the EIS identifies the business establishments/institutions that would be subject to potential direct displacement in the future with the Proposed Actions based on existing conditions and the businesses currently located on the 45 projected development sites. Such potential direct displacement would occur over an approximate 10-year period on a site-by-site basis, and would be subject to lease terms and agreements between private firms and property owners existing at the time of redevelopment.

Per CEQR Technical Manual guidelines, direct displacement of a business or group of businesses is not, in and of itself, considered a significant adverse environmental impact. While all businesses contribute to neighborhood character and provide value to the City's economy, the CEQR Technical Manual specifies considerations for the preliminary assessment of direct business displacement to include: (1) whether the businesses to be displaced provide products or services essential to the local economy that would no longer be available to local residents or businesses; and (2) whether adopted public plans call for the preservation of such businesses in the area in which they are located. Regarding (1), the 77 establishments that could be directly displaced conduct a variety of business activities, including automotive-related services, retail, wholesale, food service, construction, professional and technical services, health care and social assistance services, real estate, and personal services (laundromats, etc.), all of which are found throughout the broader neighborhood. The directly displaced businesses could relocate to another location within the study area or wider neighborhood if not reinstated at their current location after redevelopment. Regarding (2), the 77 businesses that would be potentially directly displaced by the Proposed Actions are not subject to existing public policy initiatives to preserve or protect them. As explained in Chapter 3, "Socioeconomic Conditions," of the EIS, economic opportunities along neighborhood commercial corridors are expected to increase with the creation of space for new businesses to enter the market and existing businesses to expand or relocate to space better suited to their needs, if desired.

The MIH program is expected to contribute only a portion of the affordable housing units generated as a result of the proposed action. New units built with HPD and other financing are expected to help meet the needs of low-income households. As noted in Chapter 3, "Socioeconomic Conditions," of the EIS, the Proposed Actions are expected to introduce new residents but are not anticipated to substantially change the demographic composition of the area. Nonetheless, new and existing businesses would be expected to adapt as market preferences change – as they do over time, in neighborhoods throughout the city – and provide goods and services sought by a diverse population.

Comment 5.3-2: We asked the City to conduct a study of the auto sector corridors throughout the five boroughs that assesses the real needs of workers and owners and the unique challenges that they face and fairly value the contributions of the sector to the city as a whole, including the necessary service it provides, the entrepreneurship and employment pathways it creates, and economic contribution. (Bronx Coalition for a Community Vision)

Response: Comment noted. It is outside the Scope of the EIS to conduct such a study as the Proposed Actions would only affect the Rezoning Area and relevant study areas as defined in the methodologies of various chapters in the EIS.

Comment 5.3-3: We asked the City to develop a coherent policy that addresses the sector's current needs, plans for and equips workers and businesses for industry changes, and makes recommendations for citywide land-use policies that address those realities. (Bronx Coalition for a Community Vision)

Response: Although the requested policy is outside the scope of the Proposed Actions, as part of the Jerome Avenue Neighborhood Plan, a variety of City agencies including the Department of Small Business Services, Mayor's Office of Workforce Development, along others, are concurrently developing strategies and programs specifically tailored to the unique desires and needs of the businesses in the study area, including compliance assistance, job training and business development. As further discussed in Chapter 1, "Project Description," of the FEIS, the Plan identifies several recommendations crafted in recognition of the challenges faced by workers and businesses within the auto repair industry and other industrial uses throughout the study area; these strategies include utilization of the City's Workforce1 Centers to connect workers to job training and placement opportunities, connection to language and immigration services, retention of current zoning in key locations with a concentration of auto uses to ensure a diverse local economy, the marketing and provision of supportive services for businesses in areas such as lease negotiation, legal rights, and compliance, and access to capital to support business and compliance needs. These efforts would be supported by the creation of a workforce development collaborative to allow local community-based organizations to share resources, identify common barriers to job training, placement, and retention, and connect local residents to existing resources and jobs.

Comment 5.3-4: The DEIS asks the question of whether an action will add to a concentration of a particular sector of the local economy enough to significantly alter or accelerate existing economic patterns. The DEIS does not include in its definition of "sector of the local economy" residential real estate development. That is a significant new activity that is anticipated, and that will dramatically alter the conditions for doing business in the corridor. The increased land values that will result, as noted elsewhere, are particularly threatening to majority-tenant, low-margin auto businesses. As changes in the area result from the increase of retail that is expected and encouraged by the expansion of commercial overlays, these businesses compete for space and introduce conflicts into the operations of auto businesses that are trying to stay. (Bronx Coalition for a Community Vision)

Response: Although the proposed action would create additional housing, employment within the real estate industry is not expected to increase substantively within the study area as a result of the Proposed Actions. The assessment of indirect business displacement in the DEIS follows CEQR Technical Manual guidance. The analysis finds that the Proposed Actions would not result in significant adverse impacts due to indirect business displacement. The primary study area and the ¼-mile secondary study area have well-established residential and commercial uses and markets such that the Proposed Actions would not add a new economic activity or add to a concentration of a particular sector of the local economy enough to significantly alter or accelerate existing economic patterns. The Proposed Actions and associated RWCDs would add an increment of 3,230 DUs, including a substantial amount of permanently affordable units, which would help to ensure there is a range of household incomes maintained within the study area. Ensuring a range of household incomes would help to preserve the existing range of price points and variety in retail offerings because people of different income levels would create the varied demands for

goods at different price points. The Proposed Actions and associated RWCDs would also result in an increment of 236,197 sf of retail (including 11,630 of restaurant), and 23,157 sf of FRESH supermarket and would not be large enough to alter or accelerate existing trends. The office space (an increment of 39,287 gsf) resulting from the Proposed Actions and associated RWCDs could create new opportunities for companies to locate in the area and helping to maintain the mixed-use character of the study area.

Comment 5.3-5: The DEIS claims that there will not be displacement of businesses that provide critical support to businesses in the Study Area, or that bring people into the area that form a substantial portion of the customer base for local businesses. This is wrong on both counts and this conclusion relies on an overly narrow definition of “critical support” and a lack of information about the way clustering in the auto sector works. As was stated earlier in the document, data from DSBS’s commissioned study on business patterns and needs in the area strongly affirms that auto businesses are highly reliant on other auto businesses in the corridor for good, services, and referrals of a customer base. The direct displacement of auto businesses (and other businesses, as the Business Needs Survey found the same patterns in other businesses) that are interdependent can reasonably be assumed to trigger a “domino effect” of indirect displacement, and that in turn will further accelerate indirect displacement in the corridor. (Bronx Coalition for a Community Vision)

Response: As described in the DEIS, the number of automotive service workers that could be directly displaced represents less than four percent of employment within the industry in the borough. While auto businesses may be reliant on one another, there are sufficient additional auto businesses nearby the study area, as well as additional clusters in the Bronx and across New York City to both support this industry and meet the needs of its customer base. It is the intent of the proposal to expand development opportunities and to permit a wider range of land uses, including mixed-use development, furthering the community’s vision for the Jerome Avenue corridor as a mixed-use residential and commercial activity center that supports the needs of the surrounding community. The incremental increase in the residential and workforce population is expected to support local businesses.

Comment 5.3-6: The DEIS does not look at how changes in the corridor – both in terms of the rent levels of residents and the incomes of new workers— will affect businesses, other than to claim that more people with more money will automatically improve business for all businesses (regardless of the target customers or regardless of the type of businesses). It is hard to imagine how an influx of new office and retail workers would improve the livelihood of an existing muffler repair operation, and not simply generate new conflicts that make it harder for the muffler repair shop to remain, especially given all of the other challenges that are happening simultaneously: higher rents, insecure tenure, C of O complications, etc. The DEIS does not look at how any of these factors combine. This gap in methodology obscures the indirect displacement that will occur. The City should conduct a detailed assessment of indirect business displacement in the FEIS, consistent with its obligations under CEQR and underlying law. (Bronx Coalition for a Community Vision)

Response: See response to Comment 5.3-4. Chapter 3 of the EIS includes a preliminary assessment of indirect business displacement, which was prepared in accordance with CEQR Technical Manual guidelines and methodologies.

Comment 5.3-7: The City’s rationale for dismissing effects on a specific industry (auto) takes place in the context of having gathered no information about the nature of and needs for that industry. Beyond that, the City dismisses any hardship that the businesses in the Jerome area will experience from direct and indirect displacement by claiming that the businesses can relocate elsewhere, ignoring the fact that there is rapidly diminishing stock of available land in which to operate, that clustering is important to the success of the auto industry, and that small businesses face challenges to relocation in terms of costs and skills. (Bronx Coalition for a Community Vision)

Response: Comment noted. As explained in Chapter 3, “Socioeconomic Conditions,” of the EIS, while a number of auto-related uses (36 businesses) could be displaced (though not from within these four areas) the displaced businesses and their associated employment are not expected to significantly impact the industry as a whole. The potentially displaced automotive repair and service shops represent approximately six percent of employment within the industry in the Bronx, and the businesses could relocate within the City, potentially in other auto-related clusters, thereby maintaining existing business and employment counts within the industry. Although economic workforce and development strategies are outside the scope of the Proposed Actions, the Department of Small Business Services (SBS), as part of the Jerome Avenue Neighborhood Plan, is concurrently developing strategies and programs specifically tailored to the unique desires and needs of the businesses in the study area. As discussed in Chapter 1, “Project Description,” of the FEIS, these include compliance assistance, job training and business development. Please see response to Comment 5.3-3.

Comment 5.3-8: In the FEIS, the City must conduct a detailed analysis of business displacement and adopt mitigation strategies to address the risk of business displacement. (Bronx Coalition for a Community Vision)

Response: Chapter 3, “Socioeconomic Conditions,” of the EIS provides a preliminary assessment for direct business displacement and concluded that the Proposed Actions would not result in significant adverse impacts and that a detailed analysis is not necessary. The 77 businesses that could be displaced do not represent a majority of study area businesses or employment for any given industry sector. While all businesses contribute to neighborhood character and provide value to the City’s economy, because there are alternative sources of goods, services, and employment provided within the ¼-mile secondary study area, the displacement of the businesses identified in the RWCDs would not adversely affect socioeconomic conditions of the area as defined by the *CEQR Technical Manual*. Further, there is no category of business that may be directly displaced that is the subject of regulations or plans to preserve, enhance, or otherwise protect it.

Comment 5.3-9: The DEIS states that displaced auto-related businesses could relocate to other clusters throughout the city. However, relocation for these types of business is difficult, as they require the availability of C8 commercial and manufacturing zoning, which has been reduced because of other recent city rezonings (e.g., the Atlantic Avenue corridor in Brooklyn and Willets Point, Queens). In addition, previous plans for the relocation of automotive businesses and workers in Willets Point, Queens have largely been unsuccessful. (The Municipal Art Society of New York)

Response: As discussed in the DEIS, the goods and services provided by the displaced businesses are commonly found throughout M and C8 districts in the area and in New York City. Although the potentially displaced firms each contribute to the City’s economy and therefore have economic value, the products

and services they provide are widely available in the area and the city; the locational needs of these firms could be accommodated in the area and in other C8 and M districts, which are widely mapped throughout the city; and the products and services provided by these companies would still be available to consumers as many other existing businesses would remain and firms providing similar products and services in the surrounding area.

Comment 5.3-10: Bronx-Lebanon Hospital Center shares concerns about commercial displacement in the area. (Miguel Fuentes, Bronx-Lebanon Hospital Center)

Response: Comment noted. Chapter 3, “Socioeconomic Conditions,” of the EIS addresses the risk of both direct and indirect business displacement and the Proposed Actions’ effect on specific industries in accordance with CEQR Technical Manual guidelines. The analyses find that the Proposed Actions would not result in significant adverse impacts due to direct or indirect business displacement or adverse effects on specific industries.

5.4 Adverse Effects on Specific Industries

Comment 5.4-1: The DEIS asserts that there would not be a significant impact on any specific industries even though 160 workers, or 28 percent of all potentially displaced workers, are employed in automotive related industries. According to *Under the Hood*, a report prepared by the Pratt Center for Community Development, these businesses occupy sites with the lowest value per square foot (\$50) in the rezoning area, making them prime for redevelopment. The displacement of these businesses and jobs presents a substantial impact to the automotive industry, which is composed of an interdependent ecosystem of firms including automotive repair, wholesale part sellers, and other related businesses. (The Municipal Art Society of New York)

Response: Chapter 3, “Socioeconomic Conditions,” of the EIS, provided an assessment on adverse effects on specific industries and concluded that the Proposed Actions would not result in significant adverse impacts to the automotive industry. As explained in the EIS, although the Jerome Avenue corridor is characterized by automotive-related uses and currently supports a clustering of these businesses, automotive and repair shops are common in manufacturing and C8 zoning districts, and can be found throughout the Bronx and New York City. Within an approximately half-mile radius of the primary study area, there are 171 New York State DMV-regulated auto-repair and service shops (in zip codes 10452, 10453, 10456, 10457), the majority of which (approximately 78 percent) are located outside the primary study area. In the greater Bronx, there are more than 400 automotive repair and maintenance services establishments, according to the QCEW 2015 Annual Averages. These firms employed 1,959 workers in 2015. The potentially displaced automotive repair and service shops represent approximately six percent of employment within the industry in the Bronx, and it is expected that these businesses could relocate within the City, potentially in other auto-related clusters, thereby maintaining existing business and employment counts within the industry. In addition, as detailed above, opportunities to obtain similar services and products within the surrounding area are expected to remain in the future with the Proposed Actions.

Comment 5.4-2: Concerned about auto industry displacement. (Althea York, CASA) (Ervin Bennett, CASA) (Lucy Arroyo, CASA) (Madelina Mendez, CASA) (Community Board 5)

Response: Comment noted. Chapter 3, Socioeconomic Conditions,” of the EIS includes a preliminary assessments of direct and indirect business displacement and the Proposed Actions effect on specific industries, which were prepared in accordance with CEQR Technical Manual guidelines and methodologies. The analyses concluded that there would be no significant adverse impacts related to direct and indirect business displacement, and the auto industry.

6. Urban Design and Visual Resources

Comment 6-1: The development is too dense. (Althea York, CASA)

Response: The analysis presented in Chapter 8, “Urban Design and Visual Resources,” of the EIS, concludes that the Proposed Actions would not result in any significant adverse impacts to urban design or visual resources in the primary or secondary study areas. The detailed analysis of urban design and visual resources considers the development of the 45 projected development sites, alone, and also the combination of all 45 projected development sites together with all 101 potential development sites that, eventually, also may be redeveloped. The redevelopment of these sites with the Proposed Actions would result in notable transformation of the urban design of the recognizable north-south corridor comprising Jerome Avenue and River Avenue, over which the elevated 4-train runs, both by 2026 and in years following. The effect to urban design with all projected and potential development sites developed would be commensurate with the intent of the Proposed Actions to encourage development that is appropriate for this transit-rich corridor.

Comment 6-2: There is no style to these buildings, everything looks the same. (Althea York, CASA)

Response: As stated in the DEIS Chapter 8, “Urban Design and Visual Resources,” no specific designs for sites in the With-Action condition are available, and so the urban design assessment is not concerned with particularities of individual building designs, such as architectural styles related to the projected or potential development sites. The renderings of With-Action conditions presented in Figure 8-15b, for example, represent the bulk and height, as well as placement of the building structure on the site (such as built to the lot-line), that would be expected to result with the Proposed Actions.

7. Hazardous Materials

Comment 7-1: Comments concerning potential presence of contaminated materials.

I am calling upon the reclamation and clean-up of existing industrial sites. (Fernando Cabrera, NYC Council Member)

We also need to have a more thorough study done of all the brownfields along Jerome Avenue and how its removal would adversely affect the community and what serious mitigation strategies need to be implemented. Currently only a study of a few blocks between West Mt. Eden and Cromwell and Jerome to the South, Jerome Avenue to 170th St. to the Grand Concourse to the east and Edward L. Grant Highway

and Jesup Avenue to the West has been done. There are many more brown fields along Jerome Avenue that also need to be seriously studied for its potentially high pollution and health impacts to our communities. (Enrique Colon, CASA)

Response: The reclamation and clean-up of existing industrial sites are beyond the scope of the Proposed Actions. As described in Chapter 1, “Project Description,” of the EIS, the scope of the Proposed Actions includes a series of land use actions related to zoning map amendments, zoning text amendments and city map changes to support and implement the Jerome Avenue Neighborhood Plan. However, all sites where contaminants are suspected to be present at levels exceeding health-based or environmental standards, including brownfields, and that are expected to be developed under the Proposed Actions, were analyzed in Chapter 7, “Hazardous Materials,” of the DEIS. As concluded in the hazardous materials assessment conducted in the DEIS, the proposed zoning map actions would include (E) designations for all projected and potential development sites. With the requirements of the (E) designation or comparable measure on all 146 projected and potential development sites, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the (E) designation would reduce or avoid the potential of significant adverse hazardous materials impacts from potential construction in the rezoning area resulting from the Proposed Actions. Following such construction, there would be no potential for significant adverse impacts.

8. Water and Sewer Infrastructure

Comment 8-1: Developers should be fined for damage to sewer and water lines of current homeowners. (Community Board 5)

Response: The analysis conducted in Chapter 10, “Water and Sewer Infrastructure,” of the DEIS concluded that the projected developments under the Proposed Actions would not result in any significant adverse impacts on the city’s water supply, wastewater or stormwater conveyance and treatment infrastructure.

9. Construction

Comment 9-1: Department of Environmental Protection should conduct initial noise testing on construction sites. (Community Board 5)

Response: As described in Chapter 19, “Construction,” of the DEIS, noise measurements were conducted at various locations during the AM peak hour to establish the baseline for the construction noise analysis.

10. Neighborhood Character

Comment 10-1: The Municipal Art Society of New York believes that without further investment and protection, the Jerome Avenue rezoning proposal has the potential to irreparably affect the character of the neighborhood. (The Municipal Art Society of New York)

Response: While the subject of this comment is beyond the scope of the Proposed Actions, further investment and protection will be provided as part of the Jerome Avenue Neighborhood Plan. As further

described in Chapter 1, “Project Description,” of the FEIS, the Jerome Avenue Neighborhood Plan consists of recommendations, strategies, and key investments in a wide range of City programs, services, infrastructure, and amenities, and in the areas of access and open space, housing, economic and workforce development, and community resources.

11. Mitigation

11.1 Socioeconomic Conditions

Comment 11.1-1: Provide financial and technical assistance for those businesses that are displaced through the rezoning and forced to relocate. (Bronx Coalition for a Community Vision)

Response: As stated in Chapter 3, “Socioeconomic Conditions,” of the EIS, the Proposed Actions would not result in significant adverse impacts related to direct and indirect business displacement. No mitigation measures are warranted.

Comment 11.1-2: In addition to expanding the “C8 preservation zones,” the city must identify alternative Bronx locations for any existing automotive facilities that may be displaced, and adequately fund relocation, training and certification costs that would maintain viability for these businesses to operate and bring them in compliance. (Ruben Diaz, Bronx Borough President)

Response: Such mitigation measures are not needed as no significant adverse impacts related to direct and indirect business displacement were identified in Chapter 3, “Socioeconomic Conditions,” of the EIS.

11.2 Community Facilities

Comment 11.2-1: Comments on mitigation measures for school capacity

The current shortage of school seats must be resolved by identifying potential sites for new school buildings and these new buildings must offer a seating capacity that anticipates any additional residential development prompted by approval of this application. (Ruben Diaz, Bronx Borough President)

MAS finds the mitigation measures identified in the DEIS to be vague recommendations regarding reorganizing existing public school space and the creation of additional space through new construction, options which lack a firm commitment to action. While DCP plans to explore potential mitigation measures on a timeline between present day and the publication of the FEIS, this does not allow sufficient time for meaningful public engagement of families living in the proposed rezoning area. Therefore, MAS requests that the City provide this information as part of the environmental review process. (The Municipal Art Society of New York)

Whereas the School Construction Authority acknowledges there is now a shortage of school seats serving this community, no commitment of any kind is currently being considered to rectify this problem as it now exists. (Ruben Diaz, Bronx Borough President)

Chapter 26: Response to Comments on the Draft EIS

Community Board 4 requests that the City commit, fund, and site all current unfunded seats in CSD 9 and funding for 1,000 seats to accommodate the additional school seats that will be needed as a result of new developments facilitated by the Jerome Avenue Study. (Community Board 4)

Community Board 7 recommends the addition of school seats at all grade levels, from PK3 through high school. (Community Board 7)

Recognizing the overcrowding we have in School Districts 9 and 10 is a major concern and priority for me, warranting a comprehensive plan. (Vanessa Gibson, City Council Member)

Community Board #5 requests that school seat shortfalls be ameliorated in CSD 9 at PS 170, PS 28, PS 230; in School District 10 at PS 15, PS 33, PS 33-Annex, PS 91, PS 279, PS 291, PS 306, PS 315, PS 396, IS 15, IS 279, IS 279 Annex, PS 315, IS 447, and IS 459. (Community Board 5)

Community Board #5 recommends that the City identify appropriate locations for new schools, that presently unfunded school seats be baselined, and that the City commit to at least 1,000 additional school seats. (Community Board 5)

There is a need to use this rezoning as an opportunity to address the communities' need to improve its public schools. (Kenneth Adams, Bronx Community College)

Response: Chapter 20, "Mitigation," of the DEIS outlined several potential administrative and capital measures that could mitigate the significant adverse impacts to schools, including:

- Restructuring or reprogramming existing school space under the DOE's control in order to make available more capacity in existing school buildings located within CSD 9, Sub-district 2 and CSD 10, Sub-district 4;
- Relocating administrative functions to another site, thereby freeing up space for classrooms; and/or
- Creating additional capacity in the area by constructing a new school(s), building additional capacity at existing schools, or leasing additional school space constructed as part of projected development within CSD 9, Sub-district 2 and CSD 10, Sub-district 4.

Since the time of the DEIS, the latest Five-Year Capital Plan Proposed Amendment (November 2017) was issued. As updated in Chapter 4, "Community Facilities and Services," of the FEIS, the Amendment includes proposed capacity expansion for CSD 10. The existing P.S. 33 Annex would be expanded to add an additional 388 seats for elementary school students.

As further discussed in Chapter 20, "Mitigation," of the FEIS, and as provided in a commitment letter from the Department of Education (DOE), DOE will also closely monitor school enrollments in the area at both the primary and intermediate levels during the remaining years of the current Five-Year Capital Plan for Fiscal Years 2015-2019 and the two succeeding Five-Year Capital Plans for Fiscal Years 2020-2024 and Fiscal Years 2024-2029. This monitoring will take into account enrollment projections for the district as well as annual assessment of new residential construction activity in the district. At such time as the need

for additional capacity is identified, DOE will evaluate the appropriate timing and mix of measures to address increased school enrollment.

Comment 11.2-2: Comments on mitigation measures for child care services

The rezoning would result in a deficit of 92 spots in publicly funded childcare facilities in the area. The DEIS does not identify this as an adverse impact warranting mitigation because it does not exceed CEQR thresholds requiring further analysis. MAS urges DCP to identify and commit to additional mitigation measures for the anticipated impacts on childcare services in the area including, but not limited to, adding more daycare facilities under the rezoning proposal. (The Municipal Art Society of New York)

I support increasing the allotment of universal Pre-K and daycare slots to accommodate additional families for children. (Fernando Cabrera, NYC Council Member)

Community Board 7 recommends additional and expanded day care and afterschool programs to support the projected increase in population. (Community Board 7)

Response: The child care facilities analysis was conducted pursuant to the CEQR Technical Manual guidelines. As concluded in Chapter 4, “Community Facilities,” of the EIS, the Proposed Actions would not result in a significant adverse child care impact. No mitigation measures are warranted. Additional afterschool programs are beyond the scope of CEQR.

Comment 11.2-3: Community Board 7 recommends additional programming directed towards youth, young adults and senior citizens. (Community Board 7)

Response: As discussed in Chapter 4, “Community Facilities,” of the EIS, the Proposed Actions would not result in a significant adverse child care impact and would therefore not warrant mitigation measures. Programming for youth, young adults and senior citizens would not have any implications on the utilization rates for child care programs and other community facilities considered under CEQR, and are not relevant mitigation measures. However, as described in Chapter 1, “Project Description,” of the FEIS, the Community Resources section of the Jerome Avenue Neighborhood Plan includes recommendations designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community, including youth, seniors, and immigrant populations.

Comment 11.2-4: Community Board #5 requests funding for Davidsons Community Center renovation and expansion for an expansion of youth community services, meal preparation, and handicap accessibility. (Community Board 5)

Response: The requested funding for Davidsons Community Center renovation and expansion of youth services, meal preparation and handicap accessibility are not warranted given that the Proposed Actions would not trigger an analysis or result in significant adverse impacts on such facilities. As discussed in Chapter 4, “Community Facilities and Services,” of the EIS, such an analysis is conducted only if a proposed project would affect the physical operations of, or access to and from, of such facilities or where a proposed project would create a sizeable new neighborhood where none existed before. However, as described in Chapter 1, “Project Description,” of the FEIS, the Community Resources section of the Jerome

Avenue Neighborhood Plan includes recommendations designed to leverage community resources in order to help improve the quality of life for residents living within the Jerome Avenue community, including youth, seniors, and immigrant populations.

Comment 11.2-5: Community Board #5 requests capital and programmatic funding for libraries. (Community Board 5)

Response: As stated in Chapter 4, “Community Facilities,” of the EIS, the Proposed Actions would result in no significant adverse impacts to libraries. No mitigation measures, such as capital and programmatic funding for libraries, are warranted.

Comment 11.2-6: Fund fire station renovations. (Community Board 5)

Response: As stated in Chapter 4, “Community Facilities,” of the EIS, the Proposed Actions would result in no significant adverse impacts to FDNY facilities or services. No mitigation measures are warranted.

Comment 11.2-7: The provision of a new precinct to replace the 46th precinct station house should be considered. (Community Board 5) (Fernando Cabrera, NYC Council Member)

Response: As stated in Chapter 4, “Community Facilities,” of the EIS, the Proposed Actions would not result in significant adverse impacts to FDNY facilities or services. No mitigation measures are warranted.

11.3 Shadows

Comment 11.3-1: There are no clear mitigation measures proposed for shadow impacts. Therefore, MAS urges the City to examine design changes affecting future development that eliminate or greatly reduce shadow impacts on these valuable resources and commit to the creation of new open space in the area. (The Municipal Art Society of New York)

Response: Since the issuance of the Draft EIS, the Department of City Planning and Department of Parks and Recreation have explored potential mitigation measures for the significant adverse shadows impacts on the six open space resources (Bronx School of Young Leaders, PS306 Schoolyard, Mount Hope Playground, Goble Playground, Inwood Park and Keltch Park). As discussed in Chapter 20, “Mitigations,” of the FEIS, there are no feasible and practical measures to reduce the shadows impacts on these sites. The significant adverse shadows impacts would be unavoidable.

No significant adverse impacts related to indirect effects on open space resources were identified in Chapter 5, “Open Space,” of the EIS. Beyond the scope of the Proposed Actions, the Jerome Neighborhood Plan highlights key opportunities for activating new neighborhood parks: among them, Corporal Fischer Park, Grant Park, and Aqueduct Walk. These parks present opportunities to fulfill longstanding community requests while creating new amenities for Jerome Avenue residents and visitors. From active recreation to spaces for community gathering or respite, developing new open spaces can provide important quality of life improvements for the neighborhoods surrounding Jerome Avenue.

11.4 Open Space

Comment 11.4-1: Key investments must be made to improve open space and park land. (Vanessa Gibson, City Council Member)

Response: No significant adverse impacts related to indirect effects on open space resources were identified in Chapter 5, “Open Space,” of the EIS. However, beyond the scope of the Proposed Actions, the Jerome Neighborhood Plan includes a series of targeted recommendations for reconstructing and improving neighborhood open space resources including step streets, neighborhood parks, playgrounds, streets and sidewalks.

Comment 11.4-2: Community Board #5 requests increasing the number of local recreational opportunities for youth and the elderly, the improvement of existing neighborhood parks, guarantee each of our neighborhoods has green streetscapes, quality parks, and diverse recreation spaces, and ensuring that all residents are within a ten minute walk to a park. (Community Board 5)

According to the DEIS, areas would achieve a paltry 21 percent of the City’s goal of 2.5 acres of open space per 1,000 residents, a 6 percent decrease over current conditions. However, the DEIS concludes that no significant adverse impacts on open space would occur simply because the conditions do not exceed CEQR thresholds requiring additional analysis or mitigation. MAS assert that the City must pursue ways to improve existing and create new open space to accommodate the demands of the existing and future population of the project area. (The Municipal Art Society of New York)

Response: No significant adverse impacts related to indirect effects on open space resources were identified in Chapter 5, “Open Space,” of the EIS. Beyond the scope of the Proposed Actions, however, the Jerome Neighborhood Plan highlights key opportunities for activating new neighborhood parks: among them, Corporal Fischer Park, Grant Park, and Aqueduct Walk. These parks present opportunities to fulfill longstanding community requests while creating new amenities for Jerome Avenue residents and visitors. From active recreation to spaces for community gathering or respite, developing new open spaces can provide important quality of life improvements for the neighborhoods surrounding Jerome Avenue.

11.5 Hazardous Materials and Water and Sewer Infrastructure

Comment 11.5-1: Brownfield remediation and sewer overflow should be mitigated. (Community Board 5)

Response: The analyses conducted in Chapter 9, “Hazardous Materials,” and Chapter 10, “Water and Sewer Infrastructure,” of the DEIS, concluded that the Proposed Actions would not result in significant adverse impacts related to hazardous materials, the city’s water supply, wastewater or stormwater conveyance and treatment infrastructure. As such, mitigation measures are not required.

11.6 Transportation

Comment 11.6-1: MAS request that all mitigating traffic engineering improvements recommended by the Department of Transportation (DOT) be included in the FEIS, with a detailed explanation of their design, implementation, and anticipated impacts. Further, MAS requests disclosure of the DOT approval process

for these mitigation strategies as well as explanation of how mitigating actions are tested and evaluated for efficacy. (The Municipal Art Society of New York)

Response: The EIS includes an explanation of the design, implementation and anticipated impacts of the proposed traffic mitigation measures. Chapter 21, "Mitigation," of the FEIS provides a list of recommended mitigation measures for the impacted intersections. The traffic mitigation measures, through signal timing changes, would be implemented by DOT to mitigate the significant adverse traffic impacts resulting from full build-out of the Proposed Action in 2026. As the development of the Proposed Actions would be expected to occur over an approximately ten-year period, it is possible that some of the significant adverse traffic impacts could occur prior to full build-out in 2026. Through a coordinated effort between DCP and DOT, a traffic monitoring program has been prepared to evaluate and assess the need for these and or similar traffic mitigation measures. Implementation of some or all of the mitigation measures developed for full build-out of the Proposed Actions in 2026 would be considered at impacted intersections.

Comment 11.6-2: Comments on increased bus service and access, and other improvements.

Community Board 4 requests increased bus service in areas such as Highbridge and University Heights to improve access for area residents and merchants. (Community Board 4)

Key investments must be made to mass transit, in particular increased bus access on the BX 11, 13, and 36. (Vanessa Gibson, City Council Member)

Community Board 7 recommends restoration of the pre-2010 service levels to the BXM3 and BXM4 express bus lines. (Community Board 7)

We need a bus that runs the entire length of Jerome Avenue. (Althea York, CASA)

Response: As a general policy, the MTA (NYCT and MTA Bus) provides additional bus service where demand from the Proposed Actions warrants, taking into account financial and operation constraints. The analyses conducted in Chapter 13, "Transportation," of the EIS concluded that the Bx11, Bx32, and Bx35 services would be significantly adversely impacted in one or more peak hours with the Proposed Actions. As discussed in Chapter 21, "Mitigation," of the EIS, the significant impacts to bus service could be mitigated by increasing bus service to east and westbound Bx11, southbound Bx32, and eastbound Bx35 in the AM peak hour and to the westbound Bx11, north and southbound Bx32, and east and westbound Bx35 in the PM peak hour. These significant adverse impacts could be fully mitigated by the addition of a total of five standard buses in the AM peak hour and six standard buses in the PM peak hour.

Comment 11.6-3: Community Board 7 recommends an increase in the capacity of both the #4 and D subway lines. (Community Board 7)

Response: As stated in Chapter 13, "Transportation," the Proposed Actions would not result in significant adverse impacts on the No. 4 subway line. The No. 4 subway line is expected to experience fewer than five incremental trips per car in each direction in each peak hour as a result of the Proposed Actions, therefore significant adverse impacts to subway line haul conditions are not anticipated. However, as a

general policy, the MTA (NYCT and MTA Bus) provides additional bus service where demand from the Proposed Actions warrants, taking into account financial and operation constraints.

Comment 11.6-4: Comment on bus and subway services

The increase in population calls for an increase in buses and trains. (Community Board 4)

Community Board #5 requests the City advocate for improvements and services that enable additional capacity on the subways and buses. (Community Board 5)

Response: Please see response to Comments 11.6-2 and 11.6-3.

Comment 11.6-5: Comments on pedestrian circulation in and around subway stations

Community Board 4 requests painting, lighting, seating and improved circulation and mobility around elevated stops, particularly those that are major transfer points (#4 train: 170th Street). (Community Board 4)

Promote a safe, walkable area in and around the elevated train. (Community Board 5)

Response: The analysis provided in Chapter 13, “Transportation,” of the EIS concluded that there are no significant adverse impacts related to pedestrian circulation at subway stations. As such, no mitigation measures are required.

12. Alternatives

12.1 General

Comment 12.1-1: The City should develop alternatives to explore the possibility of including more innovative land use proposals designed to strengthen the capacity of the area to generate quality blue collar jobs. (Bronx Coalition for a Community Vision)

Response: Such alternatives are not needed as no significant adverse impacts related to land use were identified in Chapter 2, “Land Use, Zoning and Public Policy,” of the DEIS. As discussed in Chapter 1, “Project Description,” of the DEIS, one of the goals of the Proposed Actions is to maintain zoning for heavy commercial and light industrial uses in targeted areas to support mixed uses and jobs. Four areas within the study area boundary were designated for no changes to the existing zoning to support the preservation of these unique businesses in the study area. These areas were carefully selected based on the number and types of businesses, locations off major street and unique site conditions that would impede redevelopment.

Comment 12.1-2: The City should develop alternatives to explore the possibility of rezoning a smaller area / fewer lots, but permitting a greater residential upzoning on those lots. This alternative could potentially achieve the same number of new construction residential units (approximately 4000) without creating as much displacement pressure on existing automotive and residential uses. (Bronx Coalition for a Community Vision)

Response: Assessments for direct and indirect business displacement, and adverse effects on specific industries, were conducted in Chapter 3, “Socioeconomic Conditions,” of the EIS and concluded that the Proposed Actions would not result in significant adverse impacts. As such, the requested alternative is not needed and will not be addressed in the FEIS.

Pursuant to the CEQR Technical Manual guidelines, alternatives selected for consideration in an environmental impact statement are generally those that are feasible and have the potential to reduce or eliminate the Proposed Actions’ impacts while meeting the goals and objectives of the proposal. A range of alternatives have been considered in the DEIS, including a No-Action Alternative, a No Unmitigated Significant Adverse Impacts Alternative, and a Lower Density Alternative. In response to comments following the DSOW, an Expanded Rezoning Area Alternative was also analyzed in the DEIS.

Comment 12.1-3: The City should develop alternatives to reducing the total amount of residential upzoning to match the amount of affordable housing the City believes can realistically be created in the area within the next 5-10 years given the limits of the City’s capacity to move projects through the subsidy pipeline and likely disinterest of developers in accepting such subsidies after the local housing market has strengthened. (Bronx Coalition for a Community Vision)

Response: The requested alternative will not be addressed in the FEIS as it would not be consistent with the goals and objectives of the Proposed Actions and the policies outlined in Housing New York. As described in Chapter 1, “Project Description,” of the EIS, the zoning proposal has been crafted to promote new development specifically along major corridors that currently contain very few residential units. Given market trends, it is anticipated that in the near term, new construction will continue to require public subsidy.

Comment 12.1-4: Comment on reduced rezoning alternative

The Coalition asks that within the FEIS, the City create and consider the adoption of an Alternative that uses similar strategies [employed for the recently-approved East Harlem rezoning] to achieve a significantly smaller rezoning - a reduction to a total of 2000 new apartments instead of the roughly 4000 that would be generated under the Proposed Actions. We believe that an Alternative could be crafted that would trigger the permanent affordability requirements of the Mandatory Inclusionary Housing program to the greatest extent possible, encourage the continuation of the City’s successful strategies of building subsidized housing in our community, limit the risk of secondary displacement triggered by an influx of thousands of market-rate apartments, and preserve more of the auto businesses in our community - thereby mitigating many of the risks we have emphasized throughout these comments. In crafting this new Alternative, there are several reference points the City can refer to to start:

- The Bronx Coalition’s Out of Gas report identifies 55 lots that could be removed from the rezoning with the goal of preventing displacement of a greater number of auto-businesses, 93 in total. In addition to retaining auto businesses - a vital source of goodpaying jobs for our community - removing these sites from the rezoning would reduce the projected number of units by 486.
- The City’s own Lower Density Alternative in the Alternatives chapter of the DEIS considers a rezoning with some lower proposed zoning designations. In this alternative the City considers reducing three proposed R8A areas to R7A, while reducing an R7D district to R7A. Lowering the

zoning designations in this fashion, the City claims, would produce 858 fewer units as compared to the proposed rezoning. While this is still insufficient to reduce the rezoning at the scale the Coalition has requested, there are still further zoning designations that DCP could reduce - mostly notably the proposed R9A and C4-4D districts. The R9A district, in particular, would represent some of the highest residential FAR currently allowed anywhere in the Bronx - and a massive increase considering the majority of this area has a current residential FAR of 0. (Bronx Coalition for a Community Vision)

The Coalition is proposing fewer units at deeper affordability to enable residents within the very low or extremely low income bracket can also afford the rent and have an opportunity to continue living in their community and not be forced out. (Bronx Coalition for a Community Vision)

The City could create fewer units by leaving more M sites zoned as-is – a change that would also preserve more of the auto businesses in the community – and reducing the amount of residential upzoning on other sites. (Bronx Coalition for a Community Vision)

The Pratt Center offers an alternative to the retention zones in the Proposed Actions, Expanded Area Alternative, and A-Application Alternative. The guiding principles for this alternative are to protect more than half of the businesses and workers within the rezoning area, to prioritize the maintenance of clusters of auto shops, to minimize impact on projected housing development, and to articulate a pathway for addressing the expected displacement of the businesses that would remain outside those retention zones. (Elena Conte, Pratt Center for Community Development)

Response: Pursuant to the CEQR Technical Manual guidelines, and as stated in Chapter 20, “Alternatives,” of the EIS, alternatives selected for consideration in an environmental impact statement are generally those that are feasible and have the potential to reduce or eliminate the Proposed Actions’ impacts while meeting the goals and objectives of the proposal. The requested alternative will not be addressed in the FEIS as such a reduction in the amount of affordable housing would not be consistent with the goals and objectives of the Proposed Actions and the policies outlined in Housing New York. Furthermore, the suggested alternative would also not promote the stated purpose and need of the project as it would hinder the potential for the corridor to develop over time as a walkable, inviting commercial corridor that promotes a mix of uses to support community needs. In addition to not meeting the purpose and need of the proposal, the EIS concluded that the Proposed Actions would not result in significant adverse impacts related to direct or indirect displacement. The smaller rezoning alternative, as presented above, would not be warranted as no significant adverse impacts associated with direct or indirect displacement were identified.

Comment 12.1-6: Establish controls for transient hotels. (Community Board 5)

Response: As described in Chapter 1, “Project Description,” of the EIS, the Proposed Actions includes controls on transient hotels within C2 and C4 districts. Transient hotels would be permitted on zoning lots within C2-4 districts that meet specific locational criteria set forth within ZR Section 32-14; for other zoning lots, transient hotels would require a CPC Special Permit if the residential development goal set forth in ZR Section 141-00 has not been met.

Comment 12.1-7: Community Board 7 recommends that the New York City Planning Commission study and implement Community Board 7’s proposal for the downzoning of areas of Kingsbridge Heights and

Bedford Park. Community Board 7 has submitted an independent zoning study supporting this request. (Community Board 7)

Response: This is beyond the scope of the Proposed Actions. As stated in Chapter 1, “Project Description,” of the EIS, the intent of the Proposed Actions is to promote new development specifically along major corridors that currently contain very few residential units. The Rezoning Area would not affect the areas of Kingsbridge Heights and Bedford Park, as outlined in the Community Board 7’s zoning study.

Comment 12.1-8: Adopt Special Enhanced Zoning Districts that limit commercial uses to the types commonly used by local residents, such as grocery stores. (Community Board 5)

Response: As described in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are intended to facilitate a development pattern which meets the long term community vision for the Jerome Avenue corridor as a mixed use residential and commercial activity center which supports the needs of the surrounding neighborhoods. With the exception of controls on transient hotels within C2 and C4 districts, the application does not seek to impose any additional use restrictions or other controls beyond those already required through zoning.

Comment 12.1-9: The proposed action in the DEIS reference four areas currently rezoned C8 and M1 that are excluded from the rezoning for the stated purpose of supporting the auto and industrial sectors. Yet these so called retention zones are insufficient to mitigate the impact of the rezoning for a few reasons. First, the retention zones, even in their current state primarily house non-auto or industrial uses. They also house just a small cluster, less than a fourth. They have little to no vacancy and because the proposed zones are not continuous and would be surrounded by new dense residential zoning, the vulnerability of the businesses there will increase. Adding insult to injury, the DEIS introduces an even worse alternative to the Proposed Actions, the Expanded Rezoning Area Alternative that DCP has included, which would place one hundred percent of auto businesses in jeopardy. In the subset of that proposal, the A-Application Alternative also weakens the retention zones by shrinking and sandwiching them between high density residential developing areas. (Elena Conte, Pratt Center for Community Development)

Response: As described in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are intended to facilitate a development pattern which meets the long term community vision for the Jerome Avenue corridor as a mixed use residential and commercial activity center which supports the needs of the surrounding neighborhoods. As with the Proposed Actions, the intent of the Expanded Rezoning Area Alternative is to expand development opportunities, and permit a wider range of land uses, mixed-use development, and increase the allowable floor area ratio (FAR), which would further the community’s vision for the Jerome Avenue corridor as a mixed-use residential and commercial activity center that supports the needs of the surrounding neighborhoods.

Both the Proposed Actions and the Expanded Rezoning Area Alternative are not expected to result in significant adverse impacts due to direct business displacement. As concluded in the EIS, the displaced businesses and their associated employment are not expected to significantly impact the industry as a whole. None of the displaced businesses are uniquely dependent on their current location, and could relocate within the City, potentially in other auto-related clusters, thereby maintaining existing business and employment counts within the industry.

12.2 Expansion of “Retention Zones”

Comment 12.2-1: MAS urges the City to continue exploring the expansion of C8 preservation zones, and examine other solutions such as Councilmember Vanessa Gibson’s Commercial and Auto Repair Stability Act (CARS) legislation that would provide resources and protections for automotive businesses. (The Municipal Art Society of New York)

Response: Please see response to Comment 11.1-2.

Comment 12.2-2: The City should develop alternatives to explore the possibility of including any proposed retention areas inside the Jerome Avenue special district to enable heightened protection mechanisms, such as a restriction of allowable use groups to minimize competition for industrial and auto related businesses. (Bronx Coalition for a Community Vision)

Response: Such alternatives are not needed as no significant adverse impacts related to direct and indirect business displacement were identified in Chapter 3, “Socioeconomic Conditions,” of the EIS. As described in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are intended to facilitate a development pattern which meets the long term community vision for the Jerome Avenue corridor as a mixed use residential and commercial activity center which supports the needs of the surrounding neighborhoods. The application does not seek to impose any additional use restrictions or other controls beyond those already required through zoning. Although beyond the scope of the Proposed Actions, the Jerome Avenue Neighborhood Plan recognizes the challenges faced by workers and businesses within the auto repair industry and other industrial uses. It identifies several strategies, including the marketing and provision of supportive services for businesses in areas such as lease negotiation, legal rights, and compliance, and access to capital to support business and compliance needs.

Comment 12.2-3: The City should develop alternatives to explore the possibility of expanding the area(s) intended for retention to be continuous so as to promote consistent clusters of business activity without introducing conflicting residential uses and heightened market forces. (Bronx Coalition for a Community Vision)

Response: Such alternatives are not needed as no significant adverse impacts related to direct and indirect business displacement were identified in Chapter 3, “Socioeconomic Conditions,” of the EIS. As described in Chapter 1, “Project Description,” of the EIS, the Proposed Actions are intended to facilitate a development pattern which meets the long term community vision for the Jerome Avenue corridor as a mixed use residential and commercial activity center which supports the needs of the surrounding neighborhoods. Four areas within the study area boundary were designated for no changes to the existing zoning to support the preservation of these unique businesses in the study area. These areas were carefully selected based on the number and types of businesses, locations off major street and unique site conditions that would impede redevelopment.

Comment 12.2-4: The City should develop alternatives to explore the possibility of creating additional retention areas where significant numbers of auto businesses would be protected. (Bronx Coalition for a Community Vision)

Response: Please see response to Comment 12.2-3. Pursuant to the CEQR Technical Manual guidelines, the EIS considered a range of reasonable alternatives that have the potential to reduce or eliminate the Proposed Actions' impacts and that are feasible, considering the goals and objectives of the proposal. Assessments for direct and indirect business displacement, and adverse effects on specific industries, were provided in Chapter 3, "Socioeconomic Conditions," of the EIS and concluded that the Proposed Actions would not result in significant adverse impacts.

Comment 12.2-5: "C8 preservation zones" should be expanded in 1) east side of Jerome Avenue, between Jennie Jerome Playground and East 175th Street; 2) both sides of Jerome Avenue between Goble Place and the Cross Bronx Expressway, and; 3) east side in Inwood Avenue, between West 172nd Street and West Mount Eden Avenue. Expansion in these areas meet an essential nexus of locating these facilities near the Cross Bronx Expressway, while still providing neighborhood access. (Ruben Diaz, Bronx Borough President) (Community Board 5) (Alix Fellman, The Women's Housing and Economic Development Corporation) (Enrique Colon, CASA) (Lucy Arroyo, CASA)

Response: Such an alternative is not needed as no significant adverse impacts related to direct and indirect business displacement were identified in Chapter 3, "Socioeconomic Conditions," of the EIS. One of the goals of the Proposed Actions is to maintain zoning for heavy commercial and light industrial uses in targeted areas to support mixed uses and jobs. Four areas within the study area boundary were designated for no changes to the existing zoning to support the preservation of these unique businesses in the study area. These areas were carefully selected based on the number and types of businesses, locations off major street and unique site conditions that would impede redevelopment.

12.3 Expanded Rezoning Area Alternative

Comment 12.3-1: The property owners of Jerome and Inwood Avenues, West 169th Street to West Clarke Place request to be included in the Jerome Avenue Rezoning effort. (Community Board 4)

Response: Chapter 20, "Alternatives," of the DEIS includes an Expanded Rezoning Area Alternative, which includes the properties between Jerome and Inwood Avenues, and West 169th Street to West Clarke Place, within the Rezoning Area.

Comment 12.3-2: Community Board #5 requests that the rezoned secondary area be expanded to include the following extensions of the Rezoning area:

- Tremont Avenue – Cross-Bronx Expressway. The addition would encompass west from Jerome Avenue (to just west of Davidson Avenue) into the Morris Heights neighborhood between approximately West 177th Street to the north and West 176th Street to the south.
- Tremont Avenue – Cross-Bronx Expressway. West from Jerome Avenue (to Macombs Road) into the Morris Heights neighborhood, along the northern side of Featherbed Lane.
(Community Board 5)

Response: The properties listed above are included in the rezoning area in the Expanded Rezoning Area Alternative in Chapter 20, "Alternatives," of the DEIS.

Comment 12.3-3: The City's Expanded Rezoning Area Alternative moves even further from the community's goals by eliminating auto-retention areas and bringing 1,000 more apartments to the neighborhood, most of which won't be affordable to current residents. (Bronx Coalition for a Community Vision)

Response: As described in Chapter 1, "Project Description," of the EIS, the Proposed Actions are intended to facilitate a development pattern which meets the long term community vision for the Jerome Avenue corridor as a mixed use residential and commercial activity center which supports the needs of the surrounding neighborhoods. As with the Proposed Actions, the intent of the Expanded Rezoning Area Alternative is to expand development opportunities, and permit a wider range of land uses, mixed-use development, and increase the allowable floor area ratio (FAR), which would further the community's vision for the Jerome Avenue corridor as a mixed-use residential and commercial activity center that supports the needs of the surrounding neighborhoods.

Comment 12.3-4: With regards to the ERAA, the more the City increases the possibility for new residential density and with it new housing, the greater the possibility that our local housing market will change, causing the production of fewer subsidized housing units and an increase in new market-rate units that will be out of our reach. (Bronx Coalition for a Community Vision)

Response: The Proposed Actions are expected to introduce new residents but are not anticipated to substantially change the demographic composition or real estate market conditions of the area. The ERAA is projected to result in a somewhat greater increase in residential population, but is not expected to result in significant adverse impacts for residential displacement. Both the Proposed Actions and the ERAA would make MIH applicable to much of the Rezoning Area, which would serve as a baseline of affordability for years to come. The City understands the need for deeply affordable housing in the community and additional initiatives have been developed to address the need in ways that complement but are outside the scope of the Proposed Actions. As noted in Chapter 1, "Project Description," of the FEIS, the Jerome Avenue Neighborhood Plan sets forth a number of goals and strategies designed to preserve and build sustainable, high-quality affordable housing with a range of options for residents at all levels, to protect tenants, and to improve housing quality. Initiatives carried out by the Department of Housing Preservation and Development will work to keep existing apartments affordable by continuing to offer loans and tax incentives to building owners, implementing an extensive outreach strategy to promote programs that could help owners make repairs and preserve affordability for existing tenants, promoting safe and healthy housing through rigorous enforcement of building violations, and identification of distressed properties.

Comment 12.3-5: One of the stated goals of the original proposal was to, "Maintain zoning for heavy commercial and light industrial uses in targeted areas to support mixed uses and jobs." Yet the Expanded Rezoning Area Alternative does away with this goal entirely. It is unclear to us, in light of this, how the City can arrive at the conclusion that this expanded rezoning still meets the goals of the original proposal. (Bronx Coalition for a Community Vision)

Response: The Expanded Rezoning Area Alternative would meet the Proposed Actions' stated goal of maintaining commercial and light industrial uses in targeted areas to support mixed uses and jobs, but to a lesser extent. Under this Alternative, nearby zoning districts that currently permit heavy commercial and light industrial uses would not change, and would continue to allow for such uses.

Comment 12.3-6: Community Board 4 respectfully asks the City Planning Commission (CPC) to adopt the Expanded Rezoning Alternative and to implement appropriate measures to mitigate impacts from the Expanded Rezoning Area Alternative on Community Facilities, Transportation, and Shadows. (Community Board 4)

Response: Comment noted.

Comment 12.3-7: Community Board 4 requests that as part of the approval and adoption of the Expanded Rezoning Area Alternative the City negotiate with owners of Park It Management to allocate space for uses and income levels of affordable units that fulfill the Board’s vision for Jerome Avenue. (Community Board 4)

Response: Comment noted. This is beyond the scope of the Proposed Actions.

12.4 A-Application Alternative

Comment 12.4-1: I urge the Commission to support the A version of the Jerome Plan, which expands the rezoning’s footprint to include sites owned by parties who have expressed a real commitment to build deeply affordable housing to serve our community. (Vanessa Gibson, NYC Council Member)

Response: Comment noted.

Comment 12.4-2: Services for the underserved is supportive of the rezoning and the A-Application. (Arlo Chase, Services for the Underserved)

Response: Comment noted.

Comment 12.4-3: The “A-Application Alternative” represents a smaller expanded rezoning, seemingly incorporating select geographies from the larger Expanded Rezoning Alternative. Unlike the Expanded Rezoning Alternative, this A-Application does not provide a projected unit count or even attempt to analyze the potential impacts that the expanded boundaries might bring. This leaves community residents in the dark as to what specific rezoning proposal the City is even considering, let alone the impacts it will have upon our neighborhood. (Bronx Coalition for a Community Vision)

Response: Chapter 20, “Alternatives,” of the FEIS includes the projected unit count under the A-Application Alternative. With the A-Application Alternative, the Proposed Actions in the RWCDs Without Action scenario, as compared to the No Action scenario, are expected to result in a net increase of approximately 3,539,271 sf of residential space (3,780 dwelling units), 221,841 sf of community facility space, 46,403 sf of commercial (retail and office) space; and a net decrease of 36,925 sf of industrial space and 126,802 sf of auto-related uses.