

3.10 RESPONSES TO PUBLIC COMMENTS ON THE DRAFT SCOPE OF WORK AND DRAFT ENVIRONMENTAL IMPACT STATEMENT¹

INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the proposed Webster Avenue Rezoning. Comments consist of spoken testimony offered during public hearings and written comments received during the public comment periods.

A Draft Scope of Work for the Environmental Impact Statement (EIS) for the proposed action was issued on April 16, 2010, and a public scoping hearing on the proposed action was held at the Bedford Park Senior Center, 243 East 204th Street, Bronx, New York, on May 19, 2010 at 4:00 PM. Five members of the public spoke at the hearing.

Subsequently, the proposed action was revised to rezone areas along narrow streets in Bedford Park and Norwood to R7B, instead of R7A; rezone part of one block on Marion Avenue and East 195th Street to R7B, instead of R5B; and rezone part of one block on Hull Avenue between East 204th Street and East 205th Street and part of another block at Bainbridge Avenue and East 198th Street to R7B, instead of R5A.

As described in the Executive Summary to this EIS, the Draft Scope of Work and Environmental Assessment Statement (EAS) were revised to incorporate these changes, and to include updated analyses per the 2010 *City Environmental Quality Review (CEQR) Technical Manual*, which updates the methodologies and impact criteria set forth in the 2001 *CEQR Technical Manual*. Furthermore, the Draft Scope of Work and EAS have been revised to indicate that a small portion of the proposed rezoning area is located in Community District 12 and that a blockfront along Webster Avenue currently zoned R8/C2-3 would be rezoned to R8/C2-4. The new EAS for the proposed action and the new Draft Scope of Work for the EIS were issued July 30, 2010.

To provide notice of these minor corrections to the proposed action and accommodate public comment in the environmental review process, the New York City Department of City Planning (NYCDCP) held a second public scoping hearing at Spector Hall at the Department of City Planning, 22 Reade Street, New York, New York, on September 1, 2010 at 10:00 AM. No members of the public spoke. The period for the public to submit written comments on the Draft Scope of Work for the EIS remained open until September 13, 2010.

The City Planning Commission, acting as lead agency, issued a Notice of Completion on September 24, 2010 for the DEIS in accordance with Article 8 of the Environmental Conservation Law. A public hearing on the DEIS was held on Wednesday, January 5,

¹ This chapter is new to the FEIS.

2011 at 10:00 AM at 22 Reade Street, New York, New York. Comments on the DEIS were accepted until Tuesday, January 18th, 2011.

DRAFT SCOPE OF WORK COMMENTS AND RESPONSES

The comments received during the public scoping meeting and up until September 13, 2010 have been summarized below, and responses are provided. Each commenter was assigned a number; for topics where more than one person or group made similar comments, the number will provide a reference to the commenter.

Commenters 1-5 below made comments at the May, 2010 scoping meeting, conducted at the Bedford Park Senior Center.

Commenter	Affiliation	Reference No.
Wilhelm Ronda	Bronx Borough President's Office	1
Ozzie Brown	Chair, CB 7 Land Use Committee	2
Barbara Stronczen	Bedford Mosholu Community Association	3
Paul Foster	Chair, CB 7	4
Jay Shuffield	Resident	5

General Comments

Comment 1: Comments expressly "in favor" of the proposed action; expressly pleased with proposed action (e.g., "proposed plan")
Commenter(s): 1, 2, 4, 5
Response: Comment noted

Transportation

Comment 2: There is existing traffic congestion in the area that may be exacerbated by the proposed action. The area is served by three overly-congested east-west routes.
Commenter: 3
Response: The EAS included an analysis of existing and future traffic conditions and determined that there could be a potential for significant adverse impacts as a result of the proposed action. The scope of work indicates that an EIS will be prepared to address potential impacts to traffic and identify mitigation measures to avoid or minimize potential traffic impacts. It is noted that the proposed mitigation measures would address project-related impacts, not existing traffic congestion.

Comment 3: There is an existing parking shortage in the area that may be exacerbated by the proposed action. The proposed action would not address parking for 50 percent of new residents.

Commenter(s): 3

Response: The EAS included an analysis of existing and future parking conditions and determined that there could be a potential for significant adverse impacts as a result of the proposed action. The scope of work indicates that an EIS will be prepared to determine the study area's capacity to accommodate project-generated parking demand.

Comment 4: (The environmental review should address) roadway safety, particularly along Webster Avenue.

Commenter: 3

Response: The commenter is referred to Chapter 3.15, "Traffic and Parking," of the EAS. Roadway safety, and more specifically, accident data, is obtained from the New York City Department of Transportation (NYCDOT) as part of the environmental review, and safety concerns are addressed and also included in the analysis as part of roadway capacity. Therefore, the analysis requested by this comment will be included in the EIS.

Comment 5: (The environmental review should) cite primary sources of data utilized in traffic analyses rather than citing secondary sources such as other EISs.

Commenter: 5

Response: The traffic analyses use both primary source data (field data collection, physical inventory, trip generation and assignments) and secondary sources, which are reviewed and approved by NYCDCP and NYCDOT for use in the analyses. Secondary sources are used only insofar as they have been demonstrated to support adequate analysis and modeling.

Land Use and Neighborhood Character

Comment 6: The area hosts diverse housing stock and has a low-rise residential character that should be protected. Housing should be limited to low-rise housing.

Commenter(s): 1, 3

Response: As discussed in the EAS, the Chapter 3.1 (Land Use) and 3.4 (Neighborhood Character), the proposed action would protect the diverse housing stock and the low-rise character of these neighborhoods, while allowing development along the Webster Avenue corridor, where mid-rise development could occur. The

EAS analysis concluded that there would be no potential for significant adverse impacts to the land use. As indicated in the Draft Scope of Work, the EIS will include analysis of neighborhood character.

Comment 7: **Concerns with further expansion of Montefiore Hospital at the expense of community character, particularly near Bainbridge Avenue (i.e., conversions of residential to community facility uses)**

Commenter: 4

Response: The comment is noted. The expansion of Montefiore Hospital is not within the scope of the proposed action, but is acknowledged to be a development issue of concern within the community.

Comment 8: **(The environmental review should address) the potential for “sliver development” on “shallow” lots near Perry Avenue (area of proposed R5B District); specifically, that development could create a “maintenance issue” in the vicinity of Reservoir Oval; it would be the owner’s responsibility to install sidewalks in this area.**

Commenter: 5

Response: The proposed rezoning near Perry Avenue is not intended to allow additional development; rather, the proposed rezoning is designed to provide a more appropriate contextual designation in these well established neighborhood areas. Whether or not the proposed action is adopted, the responsibility for sidewalk installation would continue to reside with homeowners.

Comment 9: **(The environmental review should address) potential for development pressure to result from proposed increases in allowable building bulk and permitted uses; specifically, actions should be taken to avoid competitive pressure that could result in secondary business displacement.**

Commenter: 5

Response: The commenter is referred to Chapter 3.2 (Socioeconomic Conditions) of the EAS, in which the potential for secondary business displacement was fully analyzed. It was determined that the potential for such secondary or induced displacement is extremely limited, and no significant adverse impacts would result.

Community Facilities

Comment 10: **Community School District 10 is one of the most overcrowded districts in the borough.**

Commenter: 3

Response: The comment is noted. Analysis conducted for the EAS determined that the proposed action would not have the potential to result in significant impacts to community facilities. The Department of Education/School Construction Authority is aware of the needs of Community School District (CSD) 10, the school district affected by the rezoning, and is responding to school overcrowding in CSD 10. The Final Scope of Work was issued in September 2010.

Open Space

Comment 11: **(The environmental review should address) potential impacts to open space; The Association recommends additional preservation measures in the Norwood and Bedford Park neighborhoods to prevent overdevelopment and potential losses of open space.**

Commenter: 3

Response: The commenter is referred to Chapter 3.4, "Open Space," of the EAS. An analysis of open space was performed in accordance with the requirements of the *CEQR Technical Manual*. It was determined that the proposed action would not result in significant adverse impacts to the availability or quality of open spaces in the Webster Avenue rezoning area. No open spaces would be directly affected by this proposed action, and indeed, it is a purpose of this proposed action to prevent overdevelopment in the Norwood and Bedford Park neighborhoods.

Shadows

Comment 12: **(The environmental review should address) shadows and shading and maintaining adequate sunlight along the Webster Avenue corridor.**

Commenter: 3

Response: The commenter is referred to Chapter 3.5, "Shadows," of the EAS. In accordance with the requirements of the *CEQR Technical Manual*, the potential for shadowing on parks and historic features resulting from the proposed action was assessed; it was determined that there would be no significant adverse impacts with respect to shadowing. In addition, while the proposed action would allow buildings of greater height along the Webster Avenue corridor, the massing and setbacks included as part of building envelope controls were developed by NYCDCP to allow development while maintaining the character of the corridor, including the availability of sunlight.

DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS AND RESPONSES

The comments received during the public hearing and up until January 18, 2011 have been summarized below, and responses are provided. Each commenter was assigned a number; for topics where more than one person or group made similar comments, the number will provide a reference to the commenter.

Commenters 1-4 below made comments at the January, 2011 public hearing, conducted at the 22 Reade Street, New York, New York.

Commenter	Affiliation	Reference No.
Jay W. Shuffield	Resident / CB7 Member	1
James Rausse	Bronx Borough President's Office	2
Ruben Diaz, Jr.	Bronx Borough President	3
Carrie Laney	Four Bronx Institutions Alliance	4

General Comments

Comment 1: Comments expressly "in favor" of the proposed action; expressly pleased with proposed action (e.g., "proposed plan")
Commenter(s): 1, 2, 3, 4
Response: Comment noted

Transportation

Comment 2: The maps on pages 3.3-15 and 3.3-16 are illegible, and should be revised.
Commenter(s): 1
Response: Figure 3.3-6B and Figure 3.3-6C have been revised for the FEIS.

Comment 3: The sources of the trip generation rates and mode splits are not properly cited on Page 3.3-31.
Commenter(s): 1
Response: Table 3.3-7 of the DEIS properly identifies each of the sources used in the selection of transportation planning assumptions. As described on Page 3.3-30 of the DEIS, the selection of the trip generation rates, temporal distributions and mode splits were further detailed in the *Transportation Planning Factors Memorandum*, which is included in Appendix C of the DEIS.

Comment 4: Commenter recommends that the practice of citing primary sources for trip generation rates be reviewed in general, beyond the specifics of this EIS, to strengthen the quality of environmental reviews. The lack of primary sources make it very difficult and time consuming for anyone reviewing the EIS to determine how suitable the assumptions are for the particular land uses in their local context.

Commenter(s): 1

Response:

Sourcing approved studies that are similar in nature to the proposed project for transportation planning assumptions including trip generation is standard and acceptable practice under CEQR. The detailed transportation planning factors memorandum is included in Appendix C of the DEIS

Comment 5: This DEIS cites the *Lower Concourse Rezoning FEIS, 2009* as the source of many of the trip generation assumptions. However, a review of the *Lower Concourse Rezoning FEIS* shows that there was no data collection or new analytical work conducted as part of that rezoning project to develop trip generation assumptions for any of these land uses.

Commenter(s): 1

Response:

This comment is incorrect. The development of the transportation planning assumptions for the *Lower Concourse Rezoning FEIS* involved the computation of modal splits from census tracts in that study area and the derivation of Saturday trip generation rates from the *ITE Trip Generation Handbook*. For the Lower Concourse Rezoning FEIS and the Webster Avenue Rezoning DEIS, field data collection and analytical work were conducted for each in accordance with approved CEQR procedure and the transportation planning assumptions approved by NYCDOP and NYCDOT. The *Lower Concourse Rezoning FEIS* and *Webster Avenue Rezoning DEIS* both include hotel, local retail, mini-warehouse, office and residential land uses.

Comment 6: The modal split assumed for residential land uses is based on current residents. This may skew away from rail due to relatively low incomes in existing housing.

Commenter(s): 1

Response:

Transportation planning assumptions were presented and reviewed during the public scoping process and deemed appropriate in consultation with NYCDOT. The residential modal split reflects anticipated future conditions/housing types.

Comment 7: Mode split assumptions for hotels are based on rates developed for the *Jamaica Plan FEIS*, which has direct access to JFK Airport, and are not relevant to Webster Avenue.

- Commenter(s):** 1
Response: This comment is incorrect. Table 3.3-7 of the DEIS indicates that the modal split assumptions for hotels were taken from Table 3.15-8 of the *Lower Concourse Rezoning FEIS* and are 70% auto, 15% taxi, 5% subway, 5% bus and 5% walk. The modal split for hotels cited in Table 16-10 of the *Jamaica Plan FEIS* are 30.1% auto, 12.3% taxi, 18.9% subway, 5.5% bus and 33.2% walk.
- Comment 8:** **The mode split and linked trips assumed for supermarket land uses from the *Hunts Point Rezoning EAS* is probably not appropriate on Webster Avenue due to differences in walkability and transit access.**
- Commenter(s):** 1
Response: The assumptions for modal split and percentage of linked trips were based on the *Lower Concourse Rezoning FEIS*, where levels of walkability and transit access are comparable to the study area. Furthermore, the assumption of 25% linked trips for retail uses is consistent with the *CEQR Technical Manual*.
- Comment 9:** **The mode split assumed for office land uses is based on current Census place of work data for the actual Webster Avenue locations. The locations in the area that actually have significant offices were not included. Fordham University was included, but not the Census tracts for Montefiore, Botanical Garden and Fordham Plaza. The commuting patterns of offices at these institutions would be more representative of anticipated development than the employment locations used for the DEIS. Table 3.3-8 on Page 3.3-33 shows a very low share of incremental trips via Metro-North: less than 2% for the PM peak. This should be checked. It appears that part of this low utilization rate is due to the assumptions for office land uses, which drew on Census tracts that have little office use and likely have substantially different employment bases than anticipated development.**
- Commenter(s):** 1
Response: The forecast of modal shares for office land uses is based on travel patterns for workers in the seven Census tracts located within the study area. The tracts studied include a total of 8,650 workers and provide an appropriate basis for mode choice assumptions. The comment that the Census tracts for Montefiore, Botanical Garden and Fordham Plaza have higher modal splits by railroad is not borne out by the Census data shown in Table 1, below, which indicates that the railroad modal splits for these Census tracts are much lower than the Census tracts in the DEIS study area.

Table 1: Comparison of 2000 Census Data for Workers

Location	Census Tract(s)	Railroad Modal Share
Montefiore Medical Center	421	0.7%
New York Botanical Garden	334	0.3%
Fordham Plaza	387	0.6%
DEIS Study Area	397, 405, 407.02, 415, 425, 429.01 and 431	1.8%

- Comment 10:** **The pedestrian volume assumptions for the HCS intersection analyses were not provided in the DEIS.**
- Commenter(s):** **1**
- Response:** Pedestrian volumes for HCS intersection analyses were developed based on a combination of field surveys conducted by the NYCDCP in October 2009 and sample counts conducted in November 2009. For analyzed intersections that were not included in these pedestrian surveys, conservative assumptions for pedestrian crossing volumes were developed based on the closest intersections with actual field data. Pedestrian count sheets and HCS worksheets are not typically included as part of an EIS appendix; this information was provided to and reviewed by NYCDOT.
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- Comment 11:** **At the intersection of Fordham Road and Webster Avenue, the analysis in the DEIS shows only two lane groups in the eastbound direction: left turns and a shared through and right-turn. However, through traffic is not allowed in the dedicated bus lane, while turning vehicles may use the lane. Therefore, the through traffic volumes should be separated from the bus lane in the analysis. Likewise, in the westbound direction, the DEIS appears to combine the general traffic with the bus lane as a single group.**
- Commenter(s):** **1**
- Response:** As a conservative measure, the traffic capacity analysis at this intersection did not include the bus only lanes in the eastbound and westbound directions (i.e., only the general purpose lanes were analyzed). Bus lane volumes were conservatively included in the general purpose lanes to account for all vehicles being processed by the signalized intersection.

- Comment 12:** **The right turn from westbound Fordham Road to northbound Webster Avenue, which is separated from the signalized intersection, must be analyzed.**
- Commenter(s):** 1
- Response:** Under existing conditions, the westbound right turn movement is channelized and controlled by a stop sign; for this reason it was not included in the existing conditions analysis of signalized intersections. As described on Page 3.3-20 of the DEIS, this channelization would be removed as part of NYCDOT's School Safety Engineering Project in the Future without the Proposed Action. As a result, all right turning vehicles will travel through the signalized intersection in the No-Action and With-Action conditions. This new intersection configuration is reflected in Tables 3.3-5 and 3.3-9 of the DEIS, which include an analysis of the westbound right turn movement.
- Comment 13:** **Commenter indicates that adding population density to Webster Avenue creates a traffic safety risk and requests, therefore, study of adding a planted median along Webster Avenue as a traffic calming measure.**
- Commenter(s):** 2, 3
- Response:** The development of a planted median along almost 2 miles of Webster Avenue is a complex issue, which is part of a separate study and not part of this DEIS. DCP is studying a median and will consult with the proper agencies such as NYCDEP and NYCDOT to develop the concept, determine its appropriateness, and identify potential complications and needs including the need for funding and maintenance support. The DEIS did not identify the need for traffic calming measures as a result of the traffic analysis; the planted median would not affect the traffic mitigation measures proposed as part of the EIS as the planted median is being considered in locations where a striped median already exists.

Land Use and Neighborhood Character

- Comment 14:** **By downzoning, as is proposed for properties between Perry Avenue and Reservoir Oval East, or by not rezoning to allow higher densities in this location, the proposed action makes it more likely that property owners would not maintain the retaining wall or provide new sidewalks in the vicinity.**
- Commenter(s):** 1
- Response:** The rezoning proposes a change from R7-1 to R5B on properties to reflect and maintain current density conditions. This change is not anticipated to cause or to prevent new development in this location, nor would it be expected to affect the maintenance of

either the retaining wall or the provision of new sidewalks such that conditions would be better or worse than under existing conditions. Rather, as no projected or potential development sites were identified in this area, future conditions without the proposed action and with the proposed action are anticipated to resemble existing conditions. Please refer the land use analysis in the EAS.

Comment 15: **Higher density zoning, compared to the proposed action, would be more in character with the existing built form of the area between Perry Avenue and Reservoir Oval East.**

Commenter(s): 1
Response:

The existing development in the area consists mostly of detached houses ranging from one to two stories. Additionally, the streets in the area described, including Perry Avenue, Holt Place and Reservoir Place are narrow streets with an average width of 30 feet. The R5B zoning district is appropriate for development on such streets and would ensure that any future development matches the character of the existing development. Please refer the land use analysis in the EAS.

Comment 16: **Higher density zoning, compared to the proposed action, would provide for better housing conditions in the area between Perry Avenue and Reservoir Oval East than would the proposed action.**

Commenter(s): 1
Response: The proposed R5B zoning district would ensure that future development matches the existing built character and therefore meets the preservation goal of this rezoning. The proposed R5B district is appropriate for narrow streets (Perry Avenue, Holt Place and Reservoir Place).

Comment 17: **Allowing low-income developments to attain an FAR bonus without providing middle-income or market rate housing expands the stereotype of the Bronx as a borough of low-income housing with no opportunities for advancement, and encourages residents to move elsewhere.**

Commenter(s): 2, 3
Response: Screening conducted as part of the EAS determined that the proposed action would not have the potential to result in significant impacts to socioeconomic conditions. Use of the Inclusionary Housing Program (IH) along the Webster Avenue corridor is in keeping with the city's wider application of the program to ensure long-term affordability in rezonings that are opening large areas of the city to housing. Application of the IH

program is especially important to ensure affordability where there are limited or no city-owned properties, such as along Webster Avenue and in the Lower Concourse rezoning area. The level of affordability achieved in each IH project depends on the funding sources that are available to the City at the time of development and market conditions, which vary widely across the city and over time. The IH program leverages market demand to create and preserve affordable units. Where market conditions do not support market-rate development, the IH program does allow for all-affordable development. It does not, however, favor all-affordable development over mixed-income development. HPD is committed to encouraging developers to build mixed-income housing in the Bronx and assesses each site independently to achieve a mix of incomes.

Socioeconomics

Comment 18: **Comments commending the collaborative efforts of Bronx Office of NYCDCP and community.**

Commenter(s): 1, 2, 3

Response: Comment noted

Comment 19: **Following the publication of the EAS, the Bronx Office of the Department of City Planning met with the community to discuss potential socioeconomic effects of the proposed action; commenter requests that information from those meetings be documented in the EIS as a response to comments.**

Commenter(s): 1

Response: The Bronx Office of the Department of City Planning has met with the community throughout the planning and environmental analysis process. The EAS documents the analyses conducted per the CEQR Technical Manual with regard to potential socioeconomic effects and supports the conclusion that there are no significant adverse socioeconomic impacts.

Community Facilities

Comment 20: **Commenter requests that the Department of Education study school overcrowding in Bedford Park and Norwood, despite there being no significant adverse impact attributable to the proposed action, per CEQR methodology.**

Commenter(s): 2, 3

Response: The EAS screened out the potential for a schools impact per the CEQR methodology. The EAS contained overly conservative results, since the updated capital plan doubles the number of seats in the study area. The Department of Education/School

Construction Authority is aware of the needs of Community School District (CSD) 10, the school district affected by the rezoning, and is responding to school overcrowding in CSD 10. Since the Webster Avenue DEIS was published in September 2010, the SCA released a proposed amendment to its Capital Plan that more than doubles the number of seats for CSD 10. The last amendment, adopted in June 2010, had 1,248 seats planned for the 2010-2014 Capital Plan; the current proposed amendment, adopted in November 2010, has 2,897 seats for CSD 10. These new seats will address the overcrowding in CSD 10. DOE/SCA is also aware of the Webster rezoning, and SCA will continue to monitor needs in CSD 10.