8. RESPONSE TO COMMENTS ON THE DRAFT SCOPE OF WORK AND THE DRAFT ENVIRONMENTAL IMPACT STATEMENT[1]

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 Crotona Park East/West Farms Rezoning and Related Actions (the "Proposed Action") made during the public review period. For the Draft Scope, these consist of comments spoken or submitted during the public scoping meeting held on March 4, 2010, as well as written comments that were accepted by the lead agency through March 15, 2010. For the DEIS, comments consist of spoken and written testimony submitted at the public hearing held by the New York City Planning Commission on July 27, 2011. Written comments were accepted through the close of the public comment period, which ended August 8, 2011. Written comments received on the Draft Scope and DEIS are included in Appendices 9 and 10, respectively.

All relevant comments are reproduced below, along with a list of the elected officials, community board and organization members, and individuals who submitted comments or spoke at the scoping meeting or public hearing. The organization and/or individual who commented is identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope and the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others had suggested editorial changes. Where relevant and appropriate, these edits, as well as other substantive changes to the Draft Scope and/or DEIS, have been incorporated as warranted into the Final Scope of Work (Final Scope) or the Final Environmental Impact Statement (FEIS).

LIST OF ELECTED OFFICIALS, GOVERNMENTAL AGENCIES, AND ORGANIZATIONS WHO COMMENTED ON THE DRAFT SCOPE

Elected Officials and Governmental Agencies

- Ruben Diaz, Jr., Bronx Borough President, oral comments delivered by Wilhelm Ronda and written comments dated March 4, 2010 (Diaz)
- NYC Department of Environmental Protection, emailed comments dated February 25, 2010 and March, 1, 2010 (DEP)
- NYC Landmarks Preservation Commission, written comments dated February 10, 2010 (LPC)
- NYC Department of Parks and Recreation, written comments dated March 15, 2010 (DPR)

Organizations

- Bronx River Alliance, written comments dated March 15, 2010 (BRA)
- Pratt Center for Community Development, oral comments delivered by Joan Bryon and written comments dated March 15, 2010 (Pratt)
- Youth Ministries for Peace and Justice, oral comments delivered by Julian Terrell (Youth Ministries)

[1] This chapter is new to the FEIS.

- The Point Community Development Corporation, written comments dated March 15, 2010 (The Point)
- Tri-State Transportation Campaign, written comments dated March 15, 2010 (Tri-State)

RESPONSE TO DRAFT SCOPE OF WORK COMMENTS[2]

General Comments

1. The future resolution of the Bruckner-Sheridan EIS has great implications on this West Farms proposal, and should be taken into account when considering the rezoning and proposed development. (The Point)

   Response: The Sheridan Expressway is a short connector highway between the Bruckner Expressway and the Cross Bronx Expressway that is part of the highway system built by Robert Moses and that, as I-895, is part of the Interstate Highway System. The Draft Scope assumed that the Sheridan Expressway would remain in place in the future with or without the Proposed Action. It would be speculative for the environmental review of the West Farms proposal to anticipate potential changes to the Sheridan Expressway. Nevertheless, a number of changes have been made to the Proposed Action, as reflected in the Final Scope, that would be compatible with future potential changes to the Sheridan Expressway, including the mapping of commercial overlays along West Farms Road, the proposed location of potential retail and/or community facility spaces along West Farms Road in Buildings 1B and 3B and the addition of exterior stairways connecting West Farms Road to the proposed mid-block open areas on Blocks 3013 and 3014.

2. We request that a contextual down-zoning be undertaken by City Planning for the surrounding area to complement the proposed rezoning and preserve the well established, low-density housing and long-term municipal investment in this neighborhood. (Diaz)

   Response: The suggestion for the Department of City Planning to undertake studies of additional zoning map amendments is outside of the Scope of Work for assessment of the Proposed Action. However, the Department will consider this request in light of its work program and other studies taking place in the area.

Review Process, Analytical Framework, Project Description

3. Recommended the proposed zoning be as follows: no higher than R7X for West Farms Road below Cross Bronx Expressway; no higher than R6A for Boone Avenue below East 174th Street; R7X on Boone Avenue only in the area across from Horizons Shopping Mall; R8X for the area bound by Boston Post Road, East Tremont Avenue, West Farms Road and Rodman Place only; and, no higher than R7A for the area bound by Rodman Place, West Farms Road, Longfellow Avenue and Cross Bronx Expressway. (Diaz)

   Response: As stated in both the Draft and Final Scopes, the alternatives chapter of the EIS will include a Lesser Density Alternative. The recommendations in this comment will be taken into consideration when the details of this alternative are formulated.

[2] In addition to the changes noted in the responses herein, the Final Scope of Work also reflects revisions to the *CEQR Technical Manual* issued in May 2010.

4. All east-west local streets must be preserved, rather than treated as developable space, to maintain the accessibility of the street grid for pedestrians and prevent congestion. (Diaz)

   Response: The Proposed Action would not alter the existing street pattern. As seen in the Final Scope, the Proposed Project was revised after the Draft Scope was issued. The Proposed Project, as revised, will create additional to east-west pedestrian access via the proposed mid-block open spaces on Block 3013 and 3014.

5. Due to the steep slope of the blocks nearest to the Bronx River, 174 Street becomes a viaduct, and then a bridge, moving west to east through the rezoning area. The change in grade and the connection between surface streets and the elevated portions of 174 Street are now poorly configured, though pedestrians have implicitly accepted this configuration in the context of the area's industrial land use and street fabric. The project and the rezoning offer an opportunity to enhance connections for walkers and cyclists, at and between the at-grade and elevated levels here. The project must be redesigned to fully take advantage of that opportunity. (BRA, Pratt, Tri-State)

   Response: On the development sites between Boone Avenue and West Farms Road controlled by the applicant, which are on the two blocks between Jennings Street and East 173rd Street, the Proposed Project includes new mid-block connectors. The Draft Scope was based on the draft ULURP application, under which these mid-block spaces would be private, and under which no commercial overlays would be mapped along West Farms Road. The Final Scope reflects changes to the Proposed Action and the Proposed Project, which are contained in the ULURP application that was certified by the CPC. One of the changes, reflected in the Final Scope, is that commercial overlays would be mapped along portions of West Farms Road. Another of the changes, also reflected in the Final Scope, is that these mid-block connectors will be open to the public, providing additional pedestrian access between West Farms Road and Boone Avenue. No such opportunity exists in the vicinity of East 174th Street, however, because the applicant does not control any of the development sites between East 173rd Street and the Cross Bronx Expressway, and a zoning map amendment cannot accomplish the requested improvements.

6. We are appalled that this public hearing is being held at 4 p.m. in the afternoon on a weekday while many residents are at work, against the recommendation of our office. It is imperative that all future public hearings be held in the evening to allow for public participation. (Diaz, The Point)

   Response: The public scoping meeting was held in accordance with all applicable rules and regulations. Anyone who could not attend the scoping meeting had the opportunity to submit written comments.

7. We request that the developer and City Planning also work closely with the Bronx River Alliance and other local partners to appropriately revise the rezoning to meet the interests of the surrounding community. (Diaz, Pratt, BRA)

   Response: The comment does not relate to the Scope of Work for the EIS. It should be noted, however, that both CEQR and ULURP provide opportunity for public input through the public hearings held by Community Boards 3 and 6, the Bronx Borough President, and the City Planning Commission.

8. The West Farms development will benefit from the extensive network of green space being developed along as the Bronx River Greenway. As such, we recommend that Special District be created through a zoning overlay along the Bronx River, including the West Farms site, which will establish a mechanism for new development to pay into an endowment that will provide for the development and maintenance of the Bronx River Greenway. There is precedent for the creation of this type of open space endowment in the High Line Improvement Bonus in the West Chelsea Special District zoning amendment. (Diaz)

   The developer's own presentation materials make the case that this project would not be happening, but for the increase in land value and desirability of the neighborhood brought about by the activism of local people, and the $120 million investment of City, State, and federal money in the restoration of the Bronx River and the creation of the Bronx River Greenway. The nexus between the rezoning and the proposed project, and the development and maintenance of the Greenway, could not be more clear. Building on the precedent established by the creation of the Highline Transfer Corridor as part of the West Chelsea Zoning Text Amendment, the West Farms Text Amendment should require a cash contribution to a Greenway Maintenance endowment. A public private partnership, the Bronx River Alliance, already exists, and already has an agreement with the NYC Department of Parks and Recreation that delineates its responsibilities, in partnership with Parks, for maintaining new and existing parkland in the Bronx River corridor. (BRA, Pratt, The Point, Tri-State)

   Response: As noted in both the Draft and Final Scope, the EIS will consider whether the proposed action will result in significant adverse impacts and identify potential mitigation measures, where feasible, for such impacts.

Socioeconomic Conditions

9. The EIS needs to do an accurate assessment of the number and quality of blue-collar jobs that will be lost through direct displacement by Signature's project, direct displacement by future projects on projected and potential development sites within the rezoning area, and indirect displacement due to rising land uses and changes to neighborhood character. Mitigation measures, including relocation of companies, and retraining and placement of workers, need to be considered. (BRA, Pratt, The Point, Tri-State)

   The elimination of an M-1 district in the Bronx will have a significant effect on the local community and economy. Due diligence must be performed to ascertain how many of the 320 jobs listed in the Environmental Assessment application will be lost due to this rezoning. It is absolutely essential that a minimal number of businesses and local jobs, if any, be lost due to this process. Any businesses that are displaced must be swiftly relocated elsewhere in the Bronx. (Diaz)

   Response: The description of the methodologies to be followed in the preliminary assessments of socioeconomic conditions has been expanded in the Final Scope, which clarifies that the EIS will assess the potential for adverse impacts relating to both direct and indirect business displacement. Regarding direct business displacement, the Final Scope states:

   > With regard to direct business displacement, a survey will be used to identify the occupied and unoccupied commercial, industrial, and automotive space in the proposed rezoning area, the number and type of businesses, and the number of employees. PLUTO data will be used to determine the amount of space occupied by each establishment and located within each vacant building. For those

> establishments located on the project site or projected redevelopment sites, for each type of business, the number of businesses, the number of employees, and the amount of space occupied will be tabulated. For those businesses of a type that serve the local community, the number of other nearby establishments will be determined from the Census Bureau's Zip Code Business Patterns. The list of Industrial Business Zones in the Bronx will be consulted to determine whether the proposed rezoning area is in one, and statements of land use policy for the area will be consulted to determine whether the proposed rezoning area is within an area designated for the protection of light industrial or automotive uses.

Regarding indirect business displacement, the Final Scope states:

> With regard to indirect business displacement, the types of directly affected businesses will be examined to determine whether they have strong linkages to the local community and whether they are likely to relocate to nearby commercial or industrial areas in sufficient number to significantly affect commercial rents. The historical contraction and decline of the industrial enclave within the proposed rezoning area will be examined. Employment characteristics within the study area will be examined using data from the Census Transportation Planning Package for 2000. Because trend data by economic sector are not available at the census tract level, this information will be examined at the zip code level, using the 1998 and 2008 Zip Code Business Patterns. Also, the amount of projected new commercial space within the rezoning area will be compared against the accepted threshold for a detailed market saturation impact study.

If it is determined that significant adverse impacts are likely to occur, mitigation measures will be proposed, to the extent practicable.

10. The influx of high density housing and upzoning will create development pressure on the one and two-family homes in this neighborhood, which represent the epicenter of the revitalization of the Bronx through historically momentous home ownership programs. (Diaz)

    Signature Development was explicit that the $120+ million dollars of taxpayer money invested in the Bronx River and its surrounding area helped draw its interest to this project. If this rezoning and development proceed as currently constructed, we may ultimately displace the very same people who have struggled for decades to reclaim their neighborhood, and thus realize our greatest fears as advocates for change in the South Bronx. (The Point)

    Response: As is stated in the Draft and Final Scope, the socioeconomic conditions analysis of the DEIS will include a secondary residential displacement analysis, which will follow the guidelines contained in the *CEQR Technical Manual*. If it is determined that significant adverse impacts are likely to occur, mitigation measures will be proposed, to the extent practicable.

11. One of our major concerns is about affordability. We want full disclosure as to how many units will be affordable and at what levels, as well as where in the project they will be located. To make this truly mixed-income housing, we need to ensure that rents will be affordable to people who live here and not based on an Area Median Income of the regional demographic. These conditions should be written into a binding agreement before the project can move forward. (The Point)

The number of affordable housing units and the mechanism for determining affordable price ranges must be specified. (Diaz)

The number of affordable units, and their actual relationship to **local**, rather than Area Median Incomes needs to be written into the application and approvals for the project, and not left to the developer's discretion as future phases are built. (Pratt)

Affordable housing should be in context of the income levels within the neighborhood, not of the City as a whole. (Youth Ministries)

Response: One of the elements of the Proposed Action is a zoning text amendment to establish the Inclusionary Housing program within the proposed rezoning area. Under the Inclusionary Housing program, the zoning provides for a sliding scale of permitted floor area ratios (FARs), with the maximum permitted only if the developer voluntarily sets aside 20 percent of the floor area as affordable in perpetuity to low income households. The applicant has stated its intention to seek out other affordable housing programs that would allow more than 20 percent of the floor area to be affordable, but the amount and future availability of funding for affordable housing programs is unknown. Firm predictions or commitments regarding affordability levels can therefore not be made at this time, and thus no such assumptions will be incorporated into the EIS analysis. As the scope for the socioeconomic conditions assessment states, "Because the actual subsidy levels for the proposed project have not yet been determined, it will be necessary to assume a 'reasonable worst case', i.e., the greatest number of additional higher income residents to the area."

12. The draft scoping document states that the applicant (Signature Development Group) plans to make substantial numbers of units "affordable", and to use HPD and HDC programs to subsidize those units, as well as to use them to gain additional floor area under Inclusionary Zoning. We believe that the developer is actually relying on the availability of subsidy to ensure that the project is feasible and that the units will be absorbed quickly into the local market. Because it is doubtful that this applicant, or any other developer, would move forward with an entirely market-rate project on this site, in the current economic environment, we do not believe that the use of a density bonus for affordable housing is appropriate. Rather, we urge DCP to zone the area for bulk and density that makes sense, given the area's access to transit and other services, as well as its topography, its street fabric, and other urban design considerations, and mandate, rather than incentivize levels of affordability. (Pratt)

    Though the documents submitted state that the applicant (Signature Development Group) plans to make substantial numbers of units "affordable", and to use HPD and HDC programs to subsidize those units, as well as to use them to gain additional floor area under Inclusionary Zoning), there needs to be a full discussion of how many units would be affordable at what levels (% of Area Median Income) and in what locations in the project. The community is well aware of both the need for housing affordable to actual local residents, and the desirability of a mixed income project. So the actual mix needs to be fully disclosed, and a binding agreement by the developer needs to be a condition for approval. (Tri-State, The Point)

    Response: See the response to the previous comment. The question of whether application of the Inclusionary Housing (IH) program is appropriate at this location is a policy rather than environmental review consideration. Because the zoning text amendment to establish the Inclusionary Housing program within the proposed 11-block rezoning area is part of the Proposed Action, its establishment will be assumed for future conditions with the Proposed Action. As noted in the Draft and Final Scope, the socioeconomic conditions analyses in the DEIS will

include an assessment of indirect residential displacement. The DEIS will also contain analyses for land use, zoning and public policy; urban design; neighborhood character; and other relevant technical areas that will examine the effects of the buildings' height, bulk, and density under the proposed rezoning, assuming the maximum floor area achievable under the Inclusionary Housing program.

Community Facilities and Services

13. The draft scoping document refers only to numbers of classroom seats that the project might require, and thus to its impact on overcrowding. Schools, however, are no less an element of local infrastructure than water supply, sewers, and power lines. The EIS needs to consider not only the simple number of classroom seats available and project's potential to increase overcrowding – it needs to consider the capacity of local schools to provide students with a quality education, and to overcome the challenges of poverty, environmentally-exacerbated health issues, poor nutrition, lack of access to healthy outdoor space, and more. Strategies, by which the project can enhance that capacity, rather than straining it further, need to be included in the EIS. (BRA, The Point)

    Response: As noted in both the Draft and Final Scopes, a detailed schools analysis in conformance with the guidelines contained in the *CEQR Technical Manual* will be included in the DEIS. This analysis will address the single aspect of the public school system that can be adversely affected by the Proposed Action: the availability of classroom space in the local schools. The qualities of existing school curricula, nutritional programs, entitlement programs, etc. are not within the purview of the CEQR review process.

14. Due to the fact that the schools in the surrounding neighborhood are already at high capacity and lack ample resources, we recommend that a new school be developed as part of this rezoning proposal. (Diaz)

    Response: As stated in the Draft and Final Scope the schools analysis will determine the extent to which the Proposed Action will affect school utilization rates and seat availability. If it is determined that significant adverse impacts are likely to occur, mitigation measures will be proposed.

Open Space

15. We request that the development provide ample open space to meet city planning requirements, without the inclusion of green space above parking lots in its open space calculations. (Diaz)

    Required open space within the project is provided on elevated decks above parking garages. Such spaces do not provide the values of public access, microclimate improvement, stormwater management, and opportunity for active use, that are created by planted spaces on-grade. The project design should be modified to maximize the quantity and quality of genuine open space it provides within an already densely-built context. (BRA, Tri-State, Pratt, The Point)

    Response: As indicated in the Draft and Final Scope the DEIS will contain a detailed residential open space analysis which is to follow the guidelines contained in the *CEQR Technical Manual*. The guidelines contain definitions of publicly accessible open space which will be followed in the analysis. As is stated in the Scope of Work, the open space analysis will include qualitative as well as quantitative considerations. For the open space created as part of the Proposed Project, a description will be included based on information provided by the project architect. With regard to stormwater management, see the response to Comment 25 below.

Shadows

16. Being that special permits for modifying building height are being sought for Blocks 3013 and 3014, two blocks that may affect shadows on Starlight Park, Parks would like to understand what the shadow effects would be if the waivers were not permitted. It is not clear from the scoping document whether the analysis will include effects with the waiver vs. no waiver. Parks understands that the proposed alternatives analysis includes three options: the "no action," "with action" and "no impact" scenarios. We will look to the no impact analyses to help us gain a better understanding of how the height restrictions on the building affect the shadow impacts on the surrounding open space resources. (DPR)

    Response: The Draft and Final Scope contains a work plan to complete a full shadow analysis for the Proposed Action, which is to include an analysis of all projected development, including the LSGD parcels on Blocks 3013 and 3014. The shadow diagrams and analysis will be prepared for the development under the reasonable worst-case development scenario (RWCDS), which assumes that the requested special permit waivers for the LSGD parcels will be granted. The shadow diagrams and analysis will be for the proposed LSGD buildings as designed by the project architect. If the shadow analysis indicates that development under the RWCDS would not result in any significant adverse shadow impacts, then no additional shadow analyses will be presented for the alternatives to the Proposed Action. If significant adverse shadow impacts are identified, then mitigation measures will be developed and presented in the DEIS, and additional shadow analyses will be presented for the no-impact and lesser density alternatives.

Historic and Cultural Resources

17. The architectural survey and review text of the EAS supplemental report needs to be included in the DEIS scope of work for historic resources. (LPC)

    Response: The requested text has been added to the Final Scope.

Urban Design and Visual Resources

18. The project as proposed is excessively tall and bulky. As noted above, this is due in part to the developer's reliance on receiving an FAR (Floor Area Ratio) bonus in return for including affordable units in the project. The scoping documents state that the rezoning will open up access and views of Starlight Park and the Bronx River, but as proposed, it does the opposite, by creating a wall of buildings much higher than the current one-story industrial buildings that now occupy the area. The project as proposed will obstruct views that residents of West Farms now enjoy. (BRA, Pratt, Tri-State)

    Response: The Draft and Final Scope explains that the DEIS will contain an urban design and visual resources analysis which will follow the guidelines contained in the *CEQR Technical Manual*. As the document states, "The visual resources assessment will focus on scenic vistas viewable from the site, and the extent to which important public view corridors from the upland areas to the Bronx River waterfront and Starlight Park are obstructed by the proposed development."

19. Fifteen (15) stories along the Sheridan Expressway is too high and too dense. We will only advocate for this level of density if the Sheridan is decommissioned and turned into a parkway, boulevard, or block of residential development. (Diaz)

Response: As reflected in the Draft and Final Scope, the urban design and visual resources analysis in the DEIS will include a thorough analysis of the appropriateness of the proposed scale, mass, and bulk, in accordance with the *CEQR Technical Manual*. If it is determined that significant adverse impacts are likely to occur, mitigation measures will be proposed, to the extent practicable. Also, as the Scope of Work states, the alternatives chapter of the EIS will include analysis of a lesser density alternative.

20. The scoping documents and the developer's materials state that the project will activate and enliven West Farms Road, when in fact, it will do the opposite. In the proposal, building frontage on West Farms Road consists of blank walls and garage entrances, making this street, along which students at Fannie Lou Hamer and other schools must walk, even less safe and pedestrian-friendly than it is now. (Tri-State, BRA, Pratt, The Point)

    West Farms Road must contain a pedestrian-friendly streetscape design and a commercial (C2-4) overlay. It is unacceptable that West Farms Road contain a blank wall of development, as shown in the proposed plan. Instead, we request that the primary residential entrances and retail space be located on West Farms Road to create an active commercial corridor. (Diaz)

    Response: The Draft Scope was based on the draft ULURP application. The Final Scope reflects changes to the Proposed Action and the Proposed Project, which are contained in the ULURP application that was certified by the CPC. Several of the changes are intended to enliven West Farms Road As reflected in the Final Scope, these include the mapping of commercial overlays along West Farms Road, the proposed location of potential retail and/or community facility spaces along West Farms Road in Buildings 1B and 3B and the addition of exterior stairways connecting West Farms Road to the proposed mid-block open areas on Blocks 3013 and 3014. The urban design analysis of the DEIS will include an assessment of how the Proposed Action would affect pedestrian conditions along West Farms Road, as well as along other streets within the proposed rezoning area, and a comparison of what those conditions would be under the no-action and with-action scenarios.

Hazardous Materials

21. Phase I reports are valid for six months before they require updating, therefore the last clause of the sentence on the top of page 41 needs to read as: " . . . those Phase 1 reports will be updated if more than six months has transpired since they were completed." (DEP)

    Response: The Final Scope has been modified accordingly.

Water and Sewer Infrastructure

22. On page 43, this subsection is simply to be called "CSO Analysis"; no "Special" needed. (DEP)

    Response: The Final Scope has been modified accordingly.

23. On page 44 (bullet directly above Water Supply), the sentence beginning with "A conceptual plan…" needs to be augmented to read as follows:

    "A conceptual plan and related information (i.e., types, locations within rezoning area and sizing requirements) for BMPs to be included as part of the proposed project (i.e., parcels under the control of the applicant) will be provided as appropriate and the mechanism for implementation will be detailed."

And the final sentence beginning with "For parcels outside of the control of the applicant…" is to be deleted completely. (DEP)

Response: The Final Scope has been modified accordingly.

24. As noted in pages 42-44 of the draft scope, the project lies within the catchment area of HP003, a Combined Sewer Overflow which discharges into the Bronx River. Because of the sensitivity of the River, the very great effort that has been devoted to its restoration, and the value that the River admittedly creates for land in the study area and in the proposed project, we very strongly recommend that the Special CSO Analysis be fully shared with local stakeholders at every phase, that stakeholder input be fully considered in developing the study methodology and evaluating its conclusions, and that certification for ULURP not be granted without a plan that ensures that CSO discharges will be substantially reduced below current levels as a part of the project. (BRA, The Point)

    We also urge DCP to require that the project be designed so as to contribute NO additional stormwater to the combined sewer system, and to do the utmost to reduce, rather than increase, CSO discharges into the Bronx River. We urge DCP to consult in-depth with the Bronx River Alliance, and with Stormwater Infrastructure Matters (SWIM) to gain the benefit of their extensive research in this area. (Pratt)

    Response: As indicated in the Final Scope of Work, the DEIS will contain an infrastructure analysis that will include an assessment of the city's sewer infrastructure that serves the project area. To the extent that potential impacts resulting from added stormwater run-off are identified, mitigation measures will be specified in the EIS.

25. In the proposed design, too much of the required open space within the project is provided on decks above parking structures. Such open space is a poor substitute for planted space on grade; it captures no stormwater, and it provides few or no benefits to local microclimate, and little or no connection to or enhancement of existing public space. In tandem with consideration of a reduction in the amount of parking, we urge that the project be redesigned to locate more of the required open space on-grade, and to configure it in ways that do more to enhance the existing streetscape. (BRA, Tri-State, Pratt, The Point)

    Response: For the open space considerations, see the response to Comment 15 above. The EIS will contain a thorough analysis of how the Proposed Action would affect the volume of stormwater runoff, in accordance with the *CEQR Technical Manual*. As the Final Scope states:

> [I]nfrastructure improvements such as stormwater runoff reductions and treatment through the implementation of BMPs will be identified as part of the Proposed Action. Recent City policies, such as the Mayor's PlaNYC 2030 and the Sustainable Stormwater Management Plan published in December 2008, specifically aim to reduce the amount of stormwater entering the City's sewer system and discharging to New York City's water bodies and describe a variety of cost-effective stormwater BMPs that can be implemented with new construction. Stormwater BMPs, such as blue roofs or rooftop detention, green roofs, and subsurface open bottom detention systems can help to achieve DEP's requirements for onsite detention at the time of site connection proposals. A conceptual plan and related information (i.e., types, locations within rezoning area and sizing requirements) for BMPs to be included as part of the

redevelopment of parcels under the control of the applicant) will be provided and required through the proposed project's restrictive declaration, as appropriate.

Transportation

26. The developer must address parking and traffic concerns due to the fact that there is no direct Sheridan Expressway access below the Cross Bronx Expressway, which will result in local street traffic. (Diaz)

    Response: As stated in the Draft and Final Scope, the traffic analysis will project the peak hour traffic volumes associated with the Proposed Action and will assign that traffic to the roadway network. On the basis of information from the New York City Department of Transportation (NYCDOT), planned changes in the network (such as in intersection geometries or signalization) will be used in the analysis of future conditions with or without the Proposed Action. The traffic analysis will assess how the action-generated traffic would affect traffic levels of service at the intersections that have been selected for analysis. If the analysis shows that significant adverse traffic impacts would occur, then mitigation measures will be proposed, to the extent practicable. Similarly, the parking analysis will superimpose the Proposed Action's changes to both the supply of parking spaces and the demand for parking onto the projected parking supply and demand in the future without the Proposed Action and will determine whether the result would be a net decline in the number of available spaces and, if so, whether the reduction would constitute a significant adverse impact.

27. We would like to see the project designed with less parking than the application now proposes. The scoping document, and Signature's materials, both extol the area's access to transit as a reason for locating dense development there – yet the project as proposed would add over 600 new parking spaces. Recent research increasingly confirms that the availability of parking is a key driver (pun intended) of New York City residents' decisions to own and drive a car. The EIS should carefully examine the degree to which on-site parking will actually induce additional car ownership and use, and consider alternatives, particularly car-sharing schemes designed to be affordable and accessible to local residents. (Pratt)

    Response: The Final Scope includes a new table, Table 1-2, which shows that the Proposed Project would include 332 accessory off-street parking spaces, which is the number required by zoning provisions. For the non-applicant-controlled development sites, the amount of accessory parking would also be in accordance with zoning requirements. The minimum requirements for the number of parking spaces associated with any development are set forth in the Zoning Resolution, and consideration of a zoning text amendment to reduce those parking requirements is beyond the purview of this EIS.

    An additional analysis section, on greenhouse gas emissions, has been added in the Final Scope. That analysis assesses the Proposed Action's consistency with the goal of reducing the city's greenhouse gas emissions. The 2010 edition of the *CEQR Technical Manual* states that, in determining whether a project would support this goal, the analysis should consider whether the development would be accessible to public transit and designed to take advantage of this access and whether the development would incorporate measures to encourage the use of public transportation or alternative modes of transportation, such as walking or bicycling.

Greenhouse Gas Emissions

28. All buildings in the [applicant's] development must meet a minimum LEED Silver green building certification, but preferably a LEED Platinum certification.

    Response: The analysis of greenhouse gas emissions will follow the methodology and criteria set forth in the *CEQR Technical Manual*, which specifically states that LEED Silver certification or an EPA Energy Star rating is not required for a project to be considered consistent with the goal of a citywide reduction in greenhouse gas emissions and that such a certification does not automatically make a project consistent with the reduction goal.

Neighborhood Character

29. The Proposed Action will dramatically change the density and character of the Crotona Park East and West Farms neighborhoods. (Diaz)

Response: The Draft and Final Scope states that among the issues to be addressed in the neighborhood character assessment of the DEIS is the possibility that "the Proposed Action would alter the intensity of
the land use of the site and could influence the character of the nearby residential areas to the immediate east, west and north of the site."

30. The project needs to be studied further to determine how it could better fit into the neighborhood. (Youth Ministries)

    Response: As is discussed in the Draft and Final Scope the EIS will include an assessment to determine whether the Proposed Action would have a significant adverse impact on neighborhood character. If it is determined that significant adverse impacts are likely to occur, mitigation measures (to ensure that the development would better fit into the neighborhood) will be proposed, to the extent practicable.

LIST OF ELECTED OFFICIALS, COMMUNITY BOARDS, ORGANIZATIONS AND THE INTERESTED PUBLIC WHO COMMENTED ON THE DEIS

Elected Officials and Community Boards

- Ruben Diaz, Jr., Bronx Borough President, written recommendations dated July 14, 2011 (Diaz)
- Bronx Community Board 3, written recommendations dated June 21, 2011 (CB3)
- Bronx Community Board 6, written recommendations dated June 10, 2011 (CB6)

Organizations and Interested Public

- Pratt Center for Community Development, oral comments delivered by Elena Conte and written comments dated July 27, 2011 (Pratt)
- Bronx River Alliance, oral comments delivered by Maggie Scott Greenfield and written comments dated July 2011 (BRA)
- Youth Ministries for Peace and Justice, written comments dated July 27, 2011 (Youth Ministries)
- IVOE Local 14, oral comments delivered by James P. Conway (Local 14)
- Elevator Constructors Local 1, oral comments delivered by Michael Halpin (Local 1)
- Building Trades Local 46, oral comments delivered by Fred LeMoine (Local 46)
- Laborers Local 78, oral comments delivered by Edward Pichardo (Local 78)

- Morgan Powell, oral comments and written comments dated August 5, 2011 (Powell)

RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

General Comments

1. The public review process is inadequate because almost no one from the Bronx is at this hearing and providing input. (Powell)

   Response: The public scoping meeting for the DEIS was held at a location, Fannie Lou Hamer Freedom High School, that is within the proposed rezoning area. The Draft Scope had been issued seven weeks earlier and had been widely distributed to concerned citizens, public agencies, and other interested groups. Notice of the public hearing on the DEIS was published in the *New York Daily News* on July 11, 2011, in accordance with the minimum 14 days' notice required by the State and City Environmental Quality Review regulations (SEQRA and CEQR, respectively); and public officials, Community Boards 3 and 6, and interested groups were notified of the time and place of the hearing. After both the scoping meeting and the DEIS hearing, written comments were accepted, by either mail or e-mail, for an additional ten days. The public participation requirements of SEQRA and CEQR were satisfied. Also, as part of the Uniform Land Use Review Procedure (ULURP), in addition to that held by the City Planning Commission on the date of the DEIS public hearing, public hearings on the Proposed Action were held by Community Boards 3 and 6, the Bronx Borough Board, and the Bronx Borough President.

Comments on the Proposed Action and the Proposed Project

2. The Proposed Action should include a requirement that the new buildings be constructed with union labor, at prevailing wages. Such a requirement would bolster the community and the local economy and raise local labor standards. (Local 1, Local 14, Local 46, and Local 78)

   Response: The comment does not relate to any CEQR consideration addressed in the DEIS, and such a requirement would not serve to mitigate any significant adverse impact identified in the DEIS.

3. Construction of the Proposed Project should include a construction trades apprenticeship program, which would be particularly important for returning veterans. (Local 14 and Local 78)

   Response: See the response to Comment 2.

4. I urge the developer to hire Bronx residents and use Bronx certified suppliers and vendors for construction. The Bronx is abundant in qualified skilled labor, and these Bronxites deserve the opportunity to work on a project of such impact and magnitude. (Diaz)

   Response: See the response to Comment 2 above.

5. I am happy that the applicant will be committing to constructing a mixed-income community. To achieve a balance, I request that at least 30% of the units proposed will be for low-income residents, and at least 30% will be for moderate and middle-income residents. If there is opportunity for homeownership, then I strongly urge the applicant to pursue it. Crotona Park East has a number of stable, homeownership developments and is one of the few neighborhoods in the

South Bronx that provides a substantial number of homeownership opportunities. A cooperative or condominium option would complimentary. (Diaz)

Response: As is stated in the DEIS, the applicant will continue to work with HPD, HDC, and the community in an attempt to achieve a mix of income levels, with sizeable percentages of the units set aside for low and for moderate income households, using a variety of affordable housing programs. As is also stated in the EIS, the amount and future availability of funding for affordable housing programs is unknown. Firm predictions or commitments regarding affordability levels can therefore not be made at this time, and have not been incorporated in the EIS. The assumption of 50 percent low and moderate income housing that is used in the reasonable worst case development scenario (RWCDS) reflects the applicant's current understanding of what may be feasible. Because of the uncertainty regarding future funding levels, the assessment of the potential for indirect residential displacement in Chapter 2.B, Socioeconomic Conditions, assumes that only 20 percent of the units in the Proposed Project would be affordable to low and moderate income levels; however, that is a worst-case assumption for assessment purposes, not a prediction or a reflection of the applicant's intent. Regarding homeownership opportunities, tenure is a CEQR issue only to the extent that neighborhood character may be adversely affected. As Chapter 2.R, Neighborhood Character, reports, the Crotona Park East and West Farms neighborhoods are overwhelmingly rental, with more than 90 percent of the occupied housing being renter-occupied, so the issue is not explored in this DEIS.

Comments on Socioeconomic Conditions

6. Regarding housing, the New York City Department of City Planning needs to present a snapshot of the performer for the project. (Youth Ministries)

   Response: In the case of many actions, the identities of future developers are not known or change between the time an application is approved and a property is actually developed. For these reasons, among others, CEQR assessments are performed on the basis of a reasonable worst-case development scenario (RWCDS) and the terms of special permits, restrictive declarations, and (E) designations are drafted to bind current and any future developers of the properties. Accordingly, CEQR analyses are not based on the background or record of the applicant.

7. Many industrial firms that have moved out of the city in recent years, like a kosher winery that moved to New Jersey out of Williamsburg, Brooklyn, wished to stay in New York. The planning community should create a balance of unskilled and skilled jobs within city limits. Why isn't there a push for a light industry renaissance here even as artisanal trades enjoy an expanding marketplace to feed New York's strong lifestyle markets. (Powell)

   Response: This is a general comment regarding New York City's policies regarding light industry, which does not specifically address the Proposed Action. Chapter 2.B, Socioeconomic Conditions, provides a preliminary assessment of the Proposed Actions potential to cause significant adverse direct and indirect business displacement impacts and concludes that no such impacts would occur.

8. My view of projects like this is that they become either abandoned, incomplete or repurposed as-of-need because the market is not demanding it right now (i.e. post 2008 newly built Bushwick and Central Harlem market rate housing) or become magnets for a financially wealthier set who do not or cannot integrate themselves into the existing social fabric of the community (think Clinton Hill, Brooklyn or far west Chelsea in Manhattan). Such new arrivals move in for

economics not zip code preference and create social ghettoes sparking resentment, rent increases at a time when working-class New York is facing flat and declining wages, and also triggering a heightened police presence often enforcing social norms of separateness. (Powell)

Response: The Proposed Action includes the establishment of the City's Inclusionary Housing program in the proposed rezoning area to encourage the development of affordable housing. The proposed large-scale general development and development facilitated by the Proposed Action on other properties owned or controlled by the applicant are intended to include a mix of income levels. The indirect residential displacement analysis conducted for the DEIS as seen in Chapter 2.B, Socioeconomic Conditions, conservatively assumed that 20 percent of the units developed on both applicant-controlled and non-applicant-controlled sites would be affordable, since that is the minimum needed to achieve the full permitted floor area ratio (FAR) under the Inclusionary Housing program. Under this conservative scenario, development under the Proposed Action would include 525 affordable units. The applicant desires to provide affordable housing for the Proposed Project in excess of 20 percent and intends to apply for funding through HPD and HDC to try to achieve this goal. If funding is available, the share of affordable units within the Proposed Project would be larger; the RWCDS used for all other analyses in the EIS assumes that 50 percent of the units in the Proposed Project would be affordable, and that a total of 923 units of affordable housing would be built as a result of the Proposed Action., As is stated in Chapter 2.B, "HPD has been, and remains, very active in the study area and wider surrounding area in constructing affordable and market-rate housing targeted for low and moderate income residents. In addition, the development resulting from the Proposed Action would include a considerable amount of new affordable housing targeted to low and moderate income residents."

The EIS projects that new development would occur over a ten-year period. The EIS conservatively assumes that all projected development sites would be redeveloped by 2022. It does so in order to assess the maximum impact that might reasonably be expected to occur regarding traffic generation, demand for services and open space, and all other technical areas of analysis.

9. What is the legitimacy of any claim that any of this housing will truly be in the reach of even the most financially stable of local residents when the financial package necessary to make it such has not been assembled and HPD is publically shrugging their capacity to help in that progress. Further, careful observers who have looked at the proposed financial structure of the "affordable" component of this project see it as legally revocable after just one generation. Have we learned anything of the demise of so many Mitchell-Lama developments abandoning tenant control ad becoming market rate?" (Powell)

   Response: The analysis in Chapter 2.B, Socioeconomic Conditions, assumes that only 20 percent of the housing would be affordable, since that is the minimum needed to achieve the full permitted FAR under the Inclusionary Housing program. The Inclusionary Housing program imposes strict controls on the affordability of the housing units, and stipulates that they will remain affordable in perpetuity. The project applicant is actively working with HPD to arrange for programs that would create additional affordable housing, beyond the 20 percent minimum.

10. Boone Avenue, unlike West Farms Road, is an active, narrow corridor currently bustling with jobs. Although the applicant has indicated many of the 184 existing manufacturing, wholesale and warehouse jobs are planning to relocate, I remain concerned about the loss of skilled labor jobs in the borough. The economy of The Bronx cannot thrive on low-paying, part-time retail employment. The Department of Small Business Services needs to play a larger role in the ULURP process when manufacturing jobs are impacted by a rezoning. (Diaz)

Response: As is discussed in Chapter 2.B, Socioeconomic Conditions, under CEQR 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 that the pertinent considerations for the preliminary assessment of direct business displacement are (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 (as in the case of a designated Industrial Business Zone).

The preliminary assessment of direct business displacement in the EIS conservatively assumes that, in the future without the Proposed Action, all existing businesses would remain in 2022 or have been replaced by similar businesses, except for the hotel at the northern end of the proposed rezoning area. The assessment concludes that out of a total of 274 jobs that would be displaced by the Proposed Action 154 jobs will be manufacturing, wholesale, and warehouse establishments.. The assessment concludes, however, that the businesses do not serve the local economy or community, with the exception of the seven auto repair shops, and numerous other auto repair shops are located in suitably zoned nearby locations. There are no publicly adopted plans or policies to preserve, enhance, or otherwise protect manufacturing, warehousing, or automotive sector activity in Crotona Park East or West Farms. Accordingly, the Proposed Action would not have a significant adverse socioeconomic impact as a result of direct business displacement. Although the comment raises concerns about the loss of these jobs, it does not take issue with the conclusions of the assessment or argue that the displacement of the businesses should be considered a significant adverse impact for CEQR purposes.

The final part of the comment relates to the ULURP process in general and not to the DEIS or specifically to the Proposed Action.

Comments on Open Space

11. The adverse impact on open space (the reduction in study area open space ratios) must be mitigated, particularly since existing open space ratios are unacceptably low, and particularly since children and youth constitute such a large share of the local population. The mitigation should be in the form of mandatory developer contributions to a Bronx River Greenway maintenance and programming fund, which should be set at $2,500 per housing unit. This recommendation builds on at least two recent precedents: the open space capital and maintenance developer contributions codified in the Riverside Center restrictive declaration and the High Line Transfer Corridor established as part of the West Chelsea Zoning Text Amendment. (Pratt, BRA, and Youth Ministries)

    Response: The suggested measure would not result in full mitigation of the significant adverse open space impact and would, therefore, not address the reduction in open space ratios that would result from the Proposed Action. In order to fully mitigate the significant adverse impact to active open space, over 2 acres of new active open space would need to be provided. Contributions to a fund for the future maintenance and programming of a regional greenway that extends through the study area would not accomplish this. Also, as discussed below, Riverside Center and the High Line are distinguishable from the current proposal.

    The system of developer contributions to the High Line Improvement Fund was not a mitigation measure adopted to address an adverse open space impact. Rather, the effort to facilitate the

preservation, restoration, and reuse of the High Line was an inherent element of the Special West Chelsea District. One of the purposes of the special zoning district, as listed in Zoning Resolution Section 98-00, is to "facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor". The open space chapter of that EIS assessed the effects of the action, which included the creation of a new 5.9 acre open space on the High Line. The EIS concluded that the proposed action would not result in a significant adverse open space impact and, thus, no mitigation was necessary. Furthermore, the action did not establish a system of mandatory developer contributions. Rather, in Zoning Resolution Section 98-25, High Line Improvement Bonus, the zoning amendment established a system of floor area bonuses that would be granted in exchange for voluntary contributions to the High Line Improvement Fund.[3]

With respect to the other mentioned project, Riverside Center, the initial application only included 12% affordability (based on the total number of units), which the Department required to be raised to 20% (based on floor area), consistent with the City's Inclusionary Housing program. By contrast, one of the primary goals of the Proposed Action is to produce development that, at minimum, provides 20% affordable housing for a range of income levels. On sites under its ownership or control, it is the applicant's goal to provide affordable housing in excess of the 20% that is required under the Inclusionary Housing program to achieve the proposed density. The suggested contributions would affect the ability to achieve this housing goal and would, therefore, conflict with the goals and objectives of the Proposed Action.

The inclusion of both passive and active publicly accessible open space in the project at its early stages of development served to reduce the level of open space impact disclosed in the FEIS. This contrasts with the approach followed by the applicant for Riverside Center. The Riverside Center Final Supplemental EIS (SEIS) also identified a significant adverse open space impact with respect to active open space, and, as mitigation, the applicant added a children's playground to the open space proposed to be part of the Riverside Center development. This additional space served to only partially mitigate the overall impact; thus, the FSEIS and the City Planning's determination recognized the existence of an unavoidable active open space impact.[4] In the case of the Proposed Action, the need for active open space in the project area was instead identified earlier on, and the current applicant included a children's playground in the proposed project prior to issuance of the DEIS. Though it cannot be considered partial mitigation for this reason (i.e. it was incorporated into the project and not proposed as mitigation), this feature of the project serves the same function.

As stated in Chapter 3 of the DEIS, mitigation measures to address the Proposed Action's open space impacts were to be explored by DCP in consultation with the NYC Department of Parks and Recreation (DPR) during the period between Draft and Final EIS. Chapter 3 of the FEIS includes the following list of potential mitigation measures:

- Increasing the usability of the Daniel Boone Playground, located at Boone Avenue, West Farms Road and the Sheridan Expressway exit ramp. The playground, comprising 1.20 acres, is currently underutilized and in need of capital improvements and enhancements to existing play equipment. For example, the addition of a children's spray showers would enhance what is currently on the site;

[3] Special West Chelsea District Rezoning and High Line Open Space FEIS, May 13, 2005.
[4] Riverside Center Final Supplemental Environmental Impact Statement, October 15, 2010.

- The development of public play space at Hoe Avenue North Tot Lots. The lots, currently undeveloped and totaling approximately 0.38 acres, would benefit from capital improvements and the addition of both active and passive recreation space;
- Restoring the usability of the community space located within the Longfellow Gardens located at the intersection of Longfellow Avenue, Lowell Street and E. 165th Street. The total passive space amounts to 0.37 acres;
- Provision of public access to existing schoolyards during non-school hours, which may require capital improvements and necessitates coordination with Parks and the New York City Department of Education; and,
- Supporting the long-term sustainability of Starlight Park and the Bronx River Greenway, funding for long-term maintenance, programmatic assistance, or funding for seasonal Playground Associates and Recreation Specialists.

12. The only active space provided by the rezoning is a small playground for young children. (BRA)

    Response: This observation is consistent with the analysis in the DEIS. The publicly accessible playground proposed as part of the large-scale general development would be 0.04 acres.

13. The passive open spaces provided – interior courtyards and mid-block open spaces – would be in deep shade throughout most of the day, and except in hot summer weather, may be uninviting to sit in. And if they are not enlivened by positive uses, there is some risk that they will actually attract negative activity. Most new residents will therefore seek sunnier, larger parks with a greater diversity of recreational activities. (BRA)

    Response: Neither the mid-block open spaces, which would be new public open space amenities, nor the interior courtyards, which would be private, are intended to serve as destinations that would draw visitors from a large area. The same can be said for the various existing gardens and sitting areas in the open space residential study area, which are listed in Table D-9, Existing Open Space Resources, and which are nonetheless valuable open space resources. Although clearly lacking the size and amenities of Starlight Park or Crotona Park, the mid-block open spaces and courtyards would be more conveniently accessible to residents and workers in the immediate vicinity than larger but more distant open space resources.

    A review of the shadow diagrams in Chapter 2.E, Shadows, suggests that the comment overstates the extent to which the new mid-block open spaces, particularly the southern one, would be in deep shadow. The southern open area, between Jennings and East 172nd Streets, would be predominantly shadow free most of the day during the summer solstice and the midpoints between the two equinoxes and the summer solstice, until about 6 PM or later. At the time of either the spring or fall equinox, it would be predominantly shadow free during the morning and midday but predominantly in shadow by 4:30 PM. At the winter solstice, it would be in shadow except during the morning. The northern mid-block open area, between East 172nd and 173rd Streets, would be mainly shadow free at the time of the summer solstice, until after 4 PM. At the midpoints between the summer solstice and the two equinoxes, it would be mostly in sunlight during the midday period but would be subject to morning and afternoon shadows. It would be in shadow most of the day from the fall equinox through the spring equinox. The two mid-block open spaces would thus be sunny and usable during the warm weather months, when most people seek outdoor relaxation, and the southern mid-block open area would experience ample sunshine during more of the year.

Finally, as noted in the Draft EIS Urban Design chapter (under Development Scenario and Conclusion sections), the two midblock open spaces will act as means of access to the proposed buildings in addition to providing pedestrian access between Boone Avenue and West Farms Road. The midblock open spaces will be landscaped and will act as an open space resource to the residents and the public. They will also open up additional views of Starlight Park and Bronx River from Boone Avenue.

14. The population figures may be under-counts as they are based on 2000 Census data, as opposed to the 2010 figures which are available and now show substantial increases in population and number of units in the study area over the past decade. (Greenfield)

    Response: In the FEIS several sections, including Chapter 2.D, Open Space, have been revised to include the newly released 2010 tract level census counts. The updated census counts reveal that the DEIS slightly overestimated the current population. Accordingly, the revised figures show somewhat smaller study area populations under both existing and future conditions, and thus very slightly higher open space ratios (i.e., approximately 0.01 acres per thousand residents). These changes, however, are too slight to alter the conclusions set forth in the DEIS regarding open space.

Comments on Urban Design and Visual Resources

15. Safety is an issue that needs a really good look in the short term and long term. This project should design a plan around street front uses to activate the strip of West Farms Road. (Youth Ministries)

    Response: As discussed in Chapter 1, Project Description,, the objective of extending the attributes of the Crotona Park East residential neighborhood eastward to West Farms Road and toward the newly refurbished Starlight Park and the Bronx River Greenway has been an important component in the design of the proposed zoning map and the LSGD site plan for the applicant's development sites south of East 173rd Street. The Proposed Action's highest density residential zoning would be mapped along West Farms Road, maximizing the number of residential apartments that would face West Farms Road. Rather than blank walls, main facades with numerous windows would face this street. Commercial overlay districts would be mapped along West Farms Road south of 172nd Street, at both corners of East 173rd and 174th Streets, and continuously between the Cross Bronx Expressway and West Farms Square. In addition to commercial frontages on West Farms Road, the two mid-block open areas (at the south end of the applicant's property on Block 3013 and in the middle of Block 3014) would connect Boone Avenue to West Farms Road. The mid-block open areas shorten the length of these blocks, providing a friendlier, pedestrian-oriented urban scale and activating West Farms Road.

16. Whether or not the Sheridan Expressway is decommissioned, street life must be encouraged along West Farms Road. Aside from the promised commercial space, entrances to the residential portion of the buildings are also a necessity. True transformation can only take place if people are given a reason to walk along the street, otherwise this will create a high-rise, yet desolate corridor. (Diaz)

    Response: The response to the previous comment addresses the Proposed Action's effect on the potential for street life along West Farms Road. With regard to the location of residential building entrances, the applicant and the project architect have not made any final decisions and will continue to consider the possibility of residential building entrances on West Farms Road. The presence of rock outcropping on substantial portions of West Farms Road between 172nd and

173rd Street present a constraint in the location of entrances along that portion of West Farms Road. Regardless of the decisions regarding the Proposed Project, new buildings on non-applicant-controlled projected development sites between East 173rd Street and the Cross Bronx Expressway would likely have entrances onto West Farms Road. For purposes of the EIS, the only pertinent consideration is whether the Proposed Action would have a significant adverse impact on pedestrian conditions or the potential for street life; and Chapter 2.G, Urban Design and Visual Resources, concludes that development under the Proposed Action would create a streetscape that is more pleasing and conducive to pedestrian activity than the existing array of blank walls, fences, and truck bays, which would be expected to continue in the future without the Proposed Action.

17. I am concerned about the height of the buildings along Boone Avenue and their impact and influence on the existing community to the west in Crotona Park East. Crotona Park East is a mixed-density neighborhood that contains a series of low-rise, homeownership developments, such as Charlotte Gardens, Salter Square and the West Farms Homeowners Association (located one block from the rezoning). Development in the neighborhood recently has dwarfed these structures. (Diaz)

    Response: As is discussed in Chapter 2.G, Urban Design and Visual Resources, the residential buildings closest to the Boone Avenue portion of the proposed rezoning area (those along Longfellow Avenue and the cross streets between Longfellow and Boone Avenues) are a mix of six-story apartment buildings, row houses, and two- to four-story homes. The new buildings along the west side of Boone Avenue would be no taller than seven stories, or six stories in the absence of setbacks. The terrain of Crotona Park East slopes steeply downward from west to east, towards West Farms Road, so Boone Avenue is at a lower elevation than Longfellow Avenue. The difference in elevation is about 20 feet (roughly the equivalent of two stories). As a result, the new buildings would not be overwhelming in their height; indeed, the roofs of the new buildings would be lower than the roofs of the existing six-story buildings along the east side of Longfellow Avenue. (See, for example, the massing diagram presented as Figure G-5a.) With regard to the low-rise, homeownership developments mentioned in the comment, Charlotte Gardens and Salter Square are more than a quarter-mile from the closest part of the proposed rezoning area and are outside the urban design and neighborhood character study areas, and the West Farms Homeowners Association buildings are proximate to towers of up to 22 stories, considerably taller than the largest buildings that could be constructed as a result of the Proposed Action.

Comments on Construction Impacts

18. Because of the concerns about possible soil and groundwater contamination within the rezoning area, demolition and excavation should be performed by well trained, adequately paid union labor to ensure that workers and the community are not exposed to hazardous materials. (Local 78)

    Response: Restrictive declarations recorded against the applicant-controlled properties and (E) designations placed on non-applicant-controlled properties would require that Phase II soil and groundwater testing be performed, and that if hazardous materials are found, remediation would be performed before any development could take place. In addition, all testing, remediation, excavation, and construction work would be subject to health and safety plans (HASPs) that will have been reviewed and approved by the Mayor's Office of Environmental Remediation.