APPENDIX H:

PUBLIC COMMENT LETTERS

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. BEFORE THE CITY PLANNING COMMISSION IN SUPPORT OF THE 125TH STREET CORRIDOR REZONING

January 30, 2007

The Real Estate Board of New York, Inc. is a broadly based trade association of 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We support the proposed rezoning of the 125th Street corridor and the establishment of the Special 125th Street District. We also strongly prefer the "A" version which would create an Arts Bonus mechanism to provide a floor area bonus in exchange for the provision of visual or performing arts space within new development and would map a C4-4D district along an additional portion of the corridor.

This rezoning plan is an important and exciting one for the Harlem neighborhood, for the borough of Manhattan and for the entire city and region. This street functions as a regional business district, a popular tourist destination, a successful shopping area and a center of history and culture. We believe that the plan provides for appropriate new development including significant amounts of new retail, office, hotel and visual and performing arts space and over 2000 units of housing including affordable housing. These zoning changes reinforce the commercial and cultural character of the street and will bring new investment and new job opportunities into the neighborhood.

We support the zoning districts proposed along the corridor in the A version and believe that the FARs are sufficient to stimulate development. The plan to allow increases in both residential and commercial densities is a good one and will support mixed-use projects that will only add to the vibrancy and diversity of the street. We also agree with the ground-floor limits on the width of bank and residential frontages on 125th Street.

There are two aspects of the plan that deserve further study. We do not support height limits for commercial buildings in the C4-7 district. Given the practical needs of commercial buildings, we do not think that a rigid height limit is appropriate. The proposed 60 to 85 foot streetwall requirement should also be reviewed as this impedes efficient design of apartments and adds to costs.

REBNY has advocated for floor area bonuses for cultural uses for a long time and in various parts of the city. We recognize the difficulties that non-profit arts companies have in locating properly sized and designed spaces. We are very pleased that Harlem will be the first community to have this advantage and we commend City Planning for advancing this proposal. Having a well-known physical location will only increase the viability of non-profit cultural groups who will be able to attract new audiences and grow. The process spelled out in the text is a good way to ensure that the space continues to be occupied by an arts group. There has been experience with ongoing use requirements before, for example, the existing Theater Rehabilitation Bonus in Midtown.

We recommend that you take a look at a few modifications to this Bonus. For example, currently the plan does not allow basement space to be bonused. However, some uses like black box theatres, auditoriums, museums and rehearsal spaces can make good use of below-grade spaces. We also recommend consideration of the different space needs of different arts uses. Sound studios require double height column free space and dance studios also need high ceilings. Perhaps there could be different levels of bonus depending on the type of arts space provided. In addition, the amount of bonus per square foot of cultural space must be tested to ensure its economic viability.

We share the concerns of many about the vehicular traffic congestion along the street and problems of parking and loading. We encourage the interagency task force to keep working on solutions to these issues.

In conclusion, we commend City Planning for a very thoughtful and very much needed rezoning that's had an enormous amount of community consultation and input. We strongly support the 125th Street rezoning with the A text and map and urge you to adopt it.

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

2008 HOLIDAY CALENDAR		
Tuesday	January 1	New Year's Day
Monday	January 21	Martin Luther King Jr.'s Birthday
Monday	February 18	Washington's Birthday (Observed)
Monday	May 26	Memorial Day
Friday	July 4	Independence Day
Monday	September 1	Labor Day
Monday	October 13	Columbus Day (Observed)
Tuesday	November 4	Election Day
Tuesday	November 11	Veteran's Day
Thursday	November 27	Thanksgiving Day
Thursday	December 25	Christmas Day
Thursday	January 1, 2009	New Year's Day
	Formerly February 12	Floating Holiday in lieu of Lincoln's Birthday *

*** Employees covered by the DC 37 Citywide Agreement who were newly hired on or after July 1, 2004 are not entitled to the floating holiday.**

Eligible full-time employees are entitled to one floating holiday in each calendar year during which the employee is in active pay status with the employer **prior to Lincoln's Birthday** of such calendar year.

The floating holiday must be used in the calendar year in which it is earned and **may not be carried over to a succeeding year** or cashed out upon separation of service. **An unused floating holiday automatically expires if not used by December 31st.**

From: ROBERT DOBRUSKIN
To: DINERSTEIN, BARRY; EVANS, CELESTE; GASTIL, RAYMOND; JENSEN, JENNIFER;...
Date: 2/7/2008 1:08 PM
Subject: Fwd: blast from the past

An EIS comment.

>>> "billr" <billr@uptownt.com> 2/6/2008 7:04 PM >>>
Hey Robert

Don't know if you remembered me. I recommended the trolleys and parking on 125th.

Anyway - seems to be calamity about displaced businesses up on 125th.

Why don't you increase commercial zoning on the side streets?? Kinda like restaurant row or the east village? I bet lots of owners in Harlem would love to put bobby's happy house in their garden level but the zoning doesn't allow for it unless the property is within 100' of the corner.

Just a thought

Hope you are well

b

bill rohlfing

uptown townhouse

109 west 118th street

ny ny 10026

212 678 0979 [v & f]

917 692 5716

http://www.uptownt.com

485 Lenox Avenue
New York, NY 10037

February 7, 2008

OFFICE OF THE
CHAIRPERSON
FEB - 8 2008

Ms. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

17291

Dear Ms. Burden:

This letter is to voice our concern about the proposed changes to the 125th Street corridor. As lifelong residents of Harlem, we have grown to love and cherish our community and its distinctive nature. While some change is good, change that comes as a result of the eradication of what was before does not yield benefits to all concerned parties. We support provisions that would ensure that the nature of 125 Street remains as is.

Many local, long-standing businesses have been displaced by old and new landlords with plans for redevelopment of the 125th Street corridor. Many businesses such as The Record Shack or Bobby's Happy House have been displaced with virtually no hope of finding affordable commercial space in the same area. A move is often times devastating to a business as its clientele may or may not be able to follow the business to its new location. We support a stipulation that would require new developers to make affordable retail space available on the street level of their new buildings in order to have the privilege of erecting buildings taller than six stories high. We also support a realistic definition of the term "affordable." In the housing market, "affordable" rents are based on an income level higher than most Harlem residents' income. Similarly, in the retail context, it is crucial that rents be left within reach of those businesses who have soldiered on, through Harlem's lean years. This is not charity. Rather, such a provision would allow people to continue to shop for the goods and services to which they have become accustomed without leaving the community. All segments of the Harlem economy are vital to the life of our community.

We welcome some of the new shopping opportunities available to us but we do not wish to have a strip mall or a generic downtown area filled with chain retail stores transplanted uptown. The unique quality and spirit of our neighborhood comes in part from the Harlem flair. We want to continue shopping for clothes in stores such as The Brownstone, where our unique essence is celebrated. We want our community to continue to have the option of eating healthy and culturally relevant food at restaurants such as The Uptown Juice Bar and Charles Southern Cooking. Good change is organic. It should be a natural development of something new, coming from what existed beforehand. Customers shopping on a redeveloped 125th Street should be able to shop in

many of the stores that they have patronized for decades. They should st... purchase the same types of foods, goods and services that they can purch...

We support change on 125th Street that does not come at the expense of ... businesses and their clientele. Make developers pay for the right to dev... buildings on 125th Street by requiring them to make real provisions for ... businesses to remain on Harlem's main commercial corridor, in street lev... spaces.

Sincerely,

Brenda ...
Carla M...
Brenda V...

E-mails

Diane Eamtrakul
212 West 122nd St.,
New York, NY 10027
Tel. 212 866-4411

DEPT OF CITY PLANNING
RECEIVED
2008 FEB -4 PM 4:04
ENVIRONMENTAL REV'W DIV.

February 1, 2008

To:

Robert Dobruskin, AICP, Director,
Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, NY. 10007-1216

Ref; Harlem Rezoning

Dear Mr. Dobruskin,

There were many good ideas and recommendation from the testimonies for Harlem Rezoning with city Planning commissioner on last Wendesday. I also would like to forward my comments and reconsideration after the meeting of the following.

Bill Rolfing proposed the trolley back on 125th St I think is a fantastic idea!!!.

I think 29-30th Stories building along 125th St is too tall, if we cut out inclusionary housing and all tax benefits and air rights and stay lower than 20 stories we will have more sunlight!!!.

Frank Lloyd Wright, our great American Architect once said do not build anything higher than natural landmarks, (mountains).

I would like to see DECENTRALIZATION of 125th STREET.. spread Harlem economy through out.

I really Love CITY PLANNER COMMISSION to appoint representatives who lives in Harlem to be part of this Project Rezoning!.. atleast a third/ 1/3 of resident , 1/3 of developers& business owners, and 1/3 of existing City Planner would be a good proportion to make what best for Planning in Harlem*****. Right now most of the commissioners didn't appear to live in Harlem or may be ALL never live here.

I also would like to submit my comment pre meeting on Wednesday here as well, please note I am a 5 yrs resident of Harlem, I have Economics and Business background and would like to be part of this successful planning of beautiful future Harlem.

****

Harlem Rezoning Comment
January 30, 2008
by Diane Eamtrakul

1.
Harlem is approximately a little over 2 miles long and 1.5 mile wide approximate area of less than 3 square miles. The Center of harlem is on 125th St., there are business wide spread along Lenox Ave., St Nicholas,.Amsterdam, Frederick Douglas and Adam Clayton Powell and 116th St. .

My recommendation/comments for the rezoning are the following;

1. **Decentralize 125th St;** expanding small and unique which could preserve local business which are unique and welcome many new business and promote local resident to be able to afford operating cost at their home or nearby without having every business have to be on 125th St. We have many small hidden business which i would like to see spread through our Harlem not only 100 ft away from the main Avenue. The highrises could be along 125th St or 116th St but not too tall that our granite foundation can comfortable handle and not overly shadow the neighbor streets. Such business should be able to operate in little hidden brownstones in throughout Harlem and we could legalize and make them easier to spots not only for tourists but for local resident as well. Such as Hat stores, Artist(Painters, Sculptors) Hair Braided Salons, Special bakery or ethenic grocery stores, Record stores, Tea shops, Hat shops, home offices, consulting, realtor offices, Medical & Dental clinics, local wine/beer makers, soap and jam and small gift shops, Bed &breakfasts, repair electronic - refridgerator shops,Spa, nail salons, Architecture, Engineer, Accountant or professional offices etc. some of these small business which drive our economy together we can make future Harlem more economic powerful district. Small business these days bear cost more than before we have rent, taxes on rent, utilities, payrolls, workman compensation, insurance, health insurance, sales taxes..that is what kill small business. We need to put incentives and help small enterpreneurs to get good start, one way to do it to have them be able to run their business from home. It will save gasoline, heating, high rent attracting more business into Harlem and encourage home owners to run business through out Harlem not only one or a few streets.

2. For **Safety**; I would like to see small police booths spread through out corner of the streets with rotated officers rather than having every officers works behind the thick walls in big building precincts. The more the police intergrate with the neighbor , the less crime will take place and the gap of communication between the authorities and the people are closer, they can hear the problems as hand on, I have seen and heard from Providence, Rhode Island in similar situations where the neighbor used to run down and decentralizing the police had helped and improve the neighbor tremendously. I like to see friendly police booth for tourists help and and make the commute subway riders walked back home after dark feel safer.

More lighting on the streets, more surveillance cameras to prevent any illegal misconduct, reduce crime, more patrol cars like what they did at Columbia University, more safety to protect tourists, residence and business . SAFER NEIGHBOR WILL ATTRACT MORE INVESTORS WITHOUT GIVING THEM TAXES BREAK.

3. We are loosing many **beautiful old architecture buildings** every day, The old beautiful brick works of which younger generation do not have a chance to see old Dwyer warehouse which is now turning into the condo north of 23rd Precinct. Last week the church on 122nd St and Morningside Park was demolishing and 2nd friendship Baptist church on 122nd St which has a remarkable brick works almost was destroyed by fire. These are not landmarks but these architecture which make Harlem so special and beautiful and attracted many visitors and new home owners in Harlem. Many of facades of the brownstones should have been saved to preserve the harmony and consistant of the architecture through out the streets. Right now the new building were built with setback shorter than old buildings and the facade were much plain, simpler where the developer could spend a little more to have the facade resemble and carry out the continuous and blending of the other standing brownstones. I like to see the city gives a tax benefit to project who spend extra effort to at least preserve some of the old beautiful architecture or stone, wood or brick works etc. I think all of these contribute high values in returns to all in the community. For new buildings from

can coexist.

4. Allow new idea of **renewable energy** such as Solar system, recycle gray water, the use of rain water to ease our community out of being oil highly dependable area. Creating more green buildings and giving tax break for greener buildings. or **Modern Architecture design** should be reasons to give tax incentive to the developers.

5. Inclusionary housing are not always the answer, they are complicated, costly and take time, passing the cost to the new owner or developers, any new business large or small would generate more income and tax revenues to Harlem and HPD could have done a good job or better in provide housing for medium or low income projects. Some of HPD housing in Harlem are wonderful and they should do more of those. If the area are most use for commercial and business, the landlord should be able to relocate tenants within 10 blocks or 1 mile radius **with similar or better living enviroment of compatible space**. We can use airspace to get more sunlight and fresh air to our community. **Many at Rezoning testimonies agreed that should keep 125th St as Business only and Hotels but not residential.** Resident need super market and needs different than business needs.

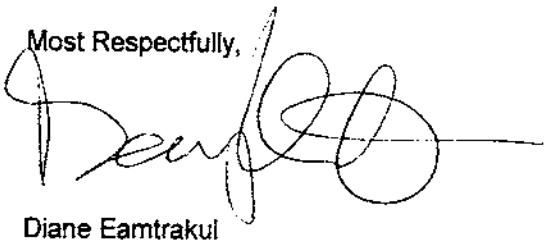
6. The community should give incentives or benefits to attract healthy or environmental friendly business also to the home owners who are willing to keep original brownstones should have the right to use the same space(same square foot) as the next door old brownstones.
I agree with 29th Story max for buildings along 125th St as long as the granite foundation can handle the load and safety, not higher than 10 stories through out other area and maybe slightly higher on 116th St.
I agree there should be more night business along 125th St and later 116th St and 145th St.
I disagree to see residential units along 125th St, I think it is too polluted and we have a lot more space spread throughout Harlem.

There are many supply of apartments throughout Harlem right now.

Big hotels along 125th St and main Avenues should be ok because it generates a lot of business there..

Last, I also am very concern about our sewer system in Harlem. There are always flood when heavy rain for more than 2-3 days occur. Especially it is like a river on Amsterdam Ave and 123rd St. The water run through central Harlem and go to lower area of East Harlem and East river. But out drainage system are very old and may not able to accommodate more of new housings.

Most Respectfully,



Diane Eamtrakul

212 West 122nd St.

New York., NY 10027

Tel. 212-866-4411

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In conclusion, we commend City Planning for a very thoughtful and very much needed rezoning that's had an enormous amount of community consultation and input. We strongly support the 125th Street rezoning with the A text and map and urge you to adopt it.

INEZ E. DICKENS
MAJORITY WHIP
DISTRICT 9, MANHATTAN

DISTRICT OFFICE

CITY HALL OFFICE

THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
STANDARDS & ETHICS

Statement of Council Member Inez E. Dickens Before City Planning Commission
January 30, 2008
125th Street River-to-River Rezoning

I come before you today to talk to you about a significant portion of my Council District, my home, Central Harlem and the proposed rezoning of 125th St.

My family settled in Harlem over 75 years ago. I use the word "settled" because, despite incredibly hard times, they set down roots in a place of promise and great challenge. We were black folks living through the Great Depression. We tilled the tough, discriminatory, unyielding soil with the plough of our blood, sweat and tears. Our fortitude was our desire for ownership, knowledge and providing a way for others to have shoulders on which to stand in their pursuit of that all-too-elusive dream.

I want to ask for your indulgence for just a minute because history is important. I listen closely to the sounds and voices in my community. There have been many rhetorical statements, press conferences, op-ed pieces and, as many of you know, I am not given to rhetoric. However history, understanding from "whence I came" or from whence my community evolves" I believe will help set the record straight.

I was born and raised in Harlem and lived here for all of my 58 years. I have never lived anywhere else but Harlem and never wanted to. My family worked hard, built businesses and bought property. My family also helped other black families from the south and those immigrating to Harlem from the Caribbean to secure housing and jobs. We helped to make Harlem a black homeland, an international cultural destination. Through the tough years, my family stayed. We worked hard and we were instilled with an uncompromising sense of public service because my father, Lloyd E. Dickens, was committed to achieving civil rights and economic equality for black folks in America. I always say only an atomic bomb will take me from my homeland. My family continues to work here. Each day I give 150% to the community I love and for this I offer no apology. My community is my heart.

My office has received calls for assistance from businesses affected by the fallout of economic revitalization. I was able to negotiate a lease extension for Sukulu Shange, owner of the Record Shack, in order for him to remain on 125th Street since March of 2007 providing Mr. Shange with additional time to renegotiate his lease. My intervention helped to keep the Record Shack in its present location for nearly a year. His landlord is the black church and the church wants to allow for its own expansion. Further, with regard to Mr. Robinson and his record store, my office received a letter from Mr. Robinson and his granddaughter expressing satisfaction at the arrangement that was made regarding his store. My colleague, Assemblyman Keith Wright, joined me and

other elected officials to make sure that Mr. Robinson's contribution to our community was safeguarded. However, these are merely two out of a myriad of problems to which we attempted to bring some resolution.

Each new millennium ushers in whirlwinds of challenge, change and emotion. The challenge of economic revitalization brings great change and fear. I feel the emotion in this room today and it is right and just to be emotional when people talk about changes to your home and your family. We must work together to address this "change" that will affect every corner, every aspect of our daily life. Change is about process. I believe that the community must have input into this process. To that end, I have repeatedly asked for and received extensions of time for comment periods to provide for extensive community outreach and input. In this effort, the Department of City Planning has been an excellent partner. City Planning has been receptive to my community's comments and suggestions at every juncture. This has been more than a three year process.

This proposed action by City Planning is not an upzoning, nor is eminent domain a part of it. The zoning as it currently stands allows for buildings to be built to the heavens – there are no height limits preventing anyone from building skyscrapers without regard to become targeted housing or, and I quote, "affordable commercial space." If you had the resources and you could get a shovel into the ground before this rezoning, no one could stop you from building something so out of context, so out of character with the rest of the streetscape, you could pierce the very fabric of this Village of Harlem. This action, for all practical purposes, is perhaps the largest downzoning that the City of New York has considered to date. More than anything, this action is an attempt to curtail brazenly out-of-context development, over-development, before it happens. This will be the only opportunity our community has to ensure protection for the coming decades that will prevent such inappropriate development in Harlem.

In the discussions leading up to today's hearing, I have been listening to innumerable community organizations and activists as well. I have listened to the visions of a wide array of people and organizations – other City, State and Federal elected officials, Community Boards 9, 10, and 11, the 125th Street BID, Harlem Arts Alliance, Apollo Theater, Greater Harlem Chamber of Commerce and concerned residents from every corner of Harlem and New York City. All of their comments and questions have helped me to form my thoughts on this matter. With regard to achieving maximum input into the rezoning process representative of community concerns, I believe that the Community Boards are organizational structures that best address issues of paramount importance to the people in their target community. I have reviewed concerns expressed by the Community Boards, in particular Community Board 10. In spite of knowing the shared commitment all of these people and organizations have to Harlem, my heart was filled anew to hear the collective passion and love these people share for this community, our Village of Harlem.

Today, I have attempted to distill all of these opinions into one large idea about what this conversation is about: Character. 125th Street is the heart of this Village and as such it is our heart. To protect the heart of Harlem, I recommend the following actions be taken by City Planning and the City of New York on 125th Street, for the character and heart of Harlem:

- Preservation Of 125th St As Harlem's Main Commercial Corridor – Before the 1940's, although 125th Street was a commercial corridor, it was not the main black commercial corridor. Our commercial corridor was 135th Street both for shopping and employment. This was the root of Adam Clayton Powell's fight – bringing us to 125th Street. Between the 1940's and early 1950's, due to his and others' fight, we began to have employment and shop on 125th Street. By the 1950's, 125th Street was the main business corridor for all of Harlem. However, we were employed here but we still did not own the businesses nor the properties

in which the businesses were located. By the early 1960's, we began to own a business or two. The first to my knowledge was Bobby's Record Shop. But, with the 1960's, 70's and 80's came little or no investment in Harlem and the businesses on our hub did not thrive, they suffered. Many people who lived in Harlem did little or no shopping on 125th Street. Businesses came and went like running water. Percy Sutton tried to stem the tide early with his investment in the Apollo Theatre, attempting to revitalize 125th Street. Today 125th Street is once again a bustling hub of commercial activity creating employment opportunities and eliminating the need to have to go downtown to spend our dollars. We must allow our dollars to circulate within our community like it does in every other community, as it should. But, survival must include the protection of our businesses that are presently located on 125th Street.

- Local Business – Times are changing and, with them, the face of Harlem. For those businesses that will be displaced by this rezoning action, there must be safeguards to ensure that the base of business that has been built here is retained. I support the 125th Street BID's recommendation that at least a 5% set-aside of new commercial space be reserved for community-owned businesses. In choosing businesses that will qualify for this set-aside commercial space, existing businesses that are presently on 125th Street with annual revenues of $250,000 or less should be considered for these spaces. There must be opportunities for community businesses to be reinforced, consisting of financial and other assistance, both along 125th Street and on the boulevards like Adam Clayton Powell Jr. Blvd., Malcolm X Blvd. and Frederick Douglas Blvd.

I take strong exception to CPC'S preliminary assessment of rezoning and displacement that the rezoning would not cause a significant adverse economic impact because the displaced businesses are not found to have substantial economic value to the City. These are the indigenous businesses in my community and indeed many of these hard working small businesses are part of the fabric, character, the very essence of the meaning of Harlem. Contrary to CPC'S assessment, these businesses individually and collectively contribute substantially to our neighborhood's character and financial stability by providing goods and services that we want offered in our community. Is that not what all communities ask for? Why shouldn't we?

Loss of jobs for my community is always tragic, especially in a recession. Yes, I call it as I see it. I believe this unjust war has thrown us into a domestic recession and, in a recession, communities of color are the hardest economic hit. We are the last hired and the first fired. Our small businesses give Harlem's young people their first job and Harlem's seniors opportunities close to home to earn supplemental income. The issue of sustaining, relocating, and compensation of indigenous small businesses in my community that have indeed helped shape the unique fabric of my "Village of Harlem" must be addressed and worked out in partnership with the appropriate community organizations. This must be a top priority.

In addition, I would also like City Planning to work closely with the appropriate community organizations on issues of large scale commercial development, for instance over 50,000 square feet, on City-owned land. I would like to see labor standards and prevailing wage agreements put into place that would govern any development on City-owned land to benefit the citizens of my community.

- Preservation Of The Physical Character Of 125th Street And The Village Of Harlem With A Height Restriction That No Building Should Be Higher Than The Teresa Hotel – Many buildings on 125th Street were built at the turn of the last century. In some instances, the architecture of these structures represents the last vestige that New York City has of these buildings. To allow our historic, beautifully aged structures

to be so graphically swallowed up by buildings taller, bulkier and more contemporary would deal a deathblow to the character that Community Board 10 and many others have spoken so passionately about.

- Community Benefits – I have said it many times and I will say it again – if you do not own or hold title over the place where you reside or do business, then you don't own your community. You just live and work there. With regard to housing, there must be a housing bonus to provide affordable housing stock to persons with incomes of less than $30,000 yearly. Any housing development must not freely grant luxury housing space without gaining affordable housing space in return. Undoubtedly, this rezoning will stimulate residential and commercial development, generating population growth and traffic increases. This will require new places for people to play and congregate and, as such, I recommend the City undertake a revitalization of Marcus Garvey Park. Such improvements include upgrades in lighting and sound systems, weather and sun shielding for the Amphitheater in the Park, enhanced security systems throughout the Park and capital improvements to the Pelham Fritz Recreation Center. Since green space is at a premium around the City, I am recommending substantial capital and other improvements to Marcus Garvey Park. I have consulted with the Marcus Garvey Park Alliance and leadership at the Pelham Fritz Recreation Center and will be submitting their lists to the City as part of this discussion of 125th Street.

- Arts Spaces – In the Black artistic world, Harlem is considered the international meccca. No other place on Earth has been so influential in stimulating the artistic process in people of color than our Village of Harlem. The art that Harlem has inspired has been a mirror of self-reflection for generations of Black Americans that have fought so bravely to overcome racial, economic barriers and internal strife. As such, 125th Street must continue to be the center of this universe. There must be bonus space allotted and targeted for preservation and sustenance of indigenous cultural organizations. The arts bonus benefit must be directed to local institutions with local civic involvement.

- Health Mitigation Programs At Our Local Hospitals – With new development, as we all have seen in recent years, comes negative impacts, like dust, noise and other health problems. We do NOT need another study – we need programs. To address these inevitable problems, I ask that the City develop new programs at Harlem Hospital and North General Hospital to treat families for asthma, hearing damage and other health problems before they become epidemic conditions.

- Transportation Impacts – The issue of transportation is currently a city-wide issue, with the discussion of congestion pricing. However, for 125th Street, this is an especially important discussion. First off, to encourage a continuing successful commercial corridor, 125th Street must not be turned into a thoroughfare, accommodating only those who wish to get through as quickly as possible. Not only would a thoroughfare paralyze the commercial community, it would compromise the stabilizing effect successful commercial businesses have on the safety of the community. Faster traffic could also be a danger to local children, especially with two major schools located on 125th St., and many more within the immediate vicinity – PS 154 at 127th Street, the school complex at 123rd and Morningside Avenue, Rice High School at 124th Street and Harlem Children's Zone on 125th Street and Madison Avenue. Particular attention must be paid to developing a transportation hub especially when it comes to "tour buses" to lessen harmful effects of diesel emissions, especially as the arts community begins to thrive along 125th Street. A facility must be developed so that these buses no longer idle on 125th Street, waiting for tourists to return.

I am elected to serve and make decisions that are in the best interests of all of the citizens of my district and not merely a few. I believe that being at the table, in discussion and negotiation, is the best way to make the voices

of my people heard. I believe that this is the best way to preserve the fabric of community that is uniquely Central Harlem and to provide equitable opportunities for our children and for generations to come.

There are those who simply want to stand on the corner and deliver personal attacks. More often than not these same divisive voices are those who have self-serving political agendas, trying to get to the next election and capitalize on a difficult situation. Meanwhile, they put the very souls of the people they claim to care about at grave risk. These toxic few individuals merely talk loud, say nothing and, with responsibility to no one, achieve nothing. The naysayers would urge you not to be productively involved in the "process." Indeed this is a process of change and this is our, your opportunity to be involved in the process. It is quite clear to me that by doing nothing, our Village loses. I will not sit idly by and see our community, our history and our culture corrupted. I say to those who would not work within an organizational structure that maximizes community concerns: you are the enemy of the people. Keeping 125th Street as is only satisfies the status quo. If we are truly to affect the unemployment rate, especially amongst the young Black and Latino males of our community, then we must pursue our involvement in inevitable change.

We have this one chance to look into the future and cultivate a vision and plan for how Harlem should look in 25, 50 and 100 years. With controls that we formulate we will be in a better position to manage growth and development along our corridor. Already, developers are seeking variances to even City Planning's proposed height limits, which is higher than what I am proposing. If they get their shovels in the ground tomorrow, they do not need to seek a variance for this egregious development. We must take this opportunity and engage in collective dialogue with the City of New York to ensure that Harlem retains its character. To quote Dr. Barbara Ann Teer, "Harlem is a recognized international cultural destination and Harlem is our black cultural mecca." Failure to act now would be to turn our backs on those whose shoulders we all stand on - Malcolm X, Langston Hughes, A. Philip Randolph, Ruby Dee, Marcus Garvey, WEB DuBois, Adam Clayton Powell, Mayor David N. Dinkins, Chairman Charles B. Rangel, Percy E. Sutton and so many unnamed heroes and sheroes who have been our last lines of defense when forces from outside wanted to tear Harlem apart.

In closing, Harlem is my home. My life here has left a deep imprint on my mind, body and soul. I am humbled to carry the torch of my family, the great names I just mentioned, the people who live here and the many people who look to Harlem, not only as a destination, but an idea of how life in Black America, how an America that truly embraces equity and diversity for all regardless of race, color, or creed should be lived. No one here feels more fully than me the responsibility of my role in this process, the importance of preserving 125th Street and Harlem's diverse legacies and the vast, unlimited hope that all of us know for the future of 125th Street and Harlem. I thank the Chair Burden, the Commissioners, Community Boards 9, 10 and 11 and my community and I will continue to listen closely to the voices of my people and to work to in the best interests of my entire district and my beloved Village of Harlem.

Regional Plan Association NJ NY CT

Statement for the New York City Planning Commission Hearing on the 125th Street Rezoning

by
L. Nicolas Ronderos, Senior Planner, Regional Plan Association
January 30, 2008

Good morning. My name is Nicolas Ronderos and I'm a Senior Planner for Regional Plan Association, a private, nonprofit research and planning organization serving the greater New York metropolitan region.

As with any action of this scale, the 125th Street rezoning will impact the lives of residents and businesses both within and surrounding the rezoning area, and interact with development pressures that will transform it in the coming years. 125th Street boasts a unique character and many distinct assets that this action will need to enhance. It offers a multitude of cultural, commercial and institutional resources, many of which have historic importance for the Harlem community.

Regional Plan Association supports the proposed action, and wishes to suggest enhancements that would help insure that benefits are fully shared by the surrounding community. The rezoning would enhance the corridor through a balanced strategy which provides new opportunities to catalyze future mixed-use commercial and residential development, including affordable housing and arts and entertainment space. The proposed densities and uses are appropriate for a thriving central business district served by multiple subway, commuter rail and bus lines.

The 125th Street Plan will enable Harlem to fulfill its potential as a leading business and residential district in the City. Given the change that this will bring to existing firms and organizations, we suggest that the Arts Bonus and Arts/Entertainment Requirement be modified to support local institutions and businesses by including a local preference to organizations from Harlem. The rezoning and enhancements will encourage a diverse mix of businesses, including arts and entertainment, expand career opportunities for Harlem residents, and sustain and enhance the revitalization of 125th Street as a unique Manhattan Main Street.

We also hope that the Commission's hearing will facilitate continued dialogue to reach the best outcome for the community, Upper Manhattan and the City. Community Boards 9, 10 and 11 and the Manhattan Borough President have expressed ideas for enhancing and reinforcing the existing larger Harlem community. These are legitimate concerns and deserve further consideration by the Commission and the City Council. Of special interest are the proposals for a Harlem-wide development strategy by the Borough President's Office and community based business incentives and income targeted housing by the Community Boards.

Thank you for the opportunity to testify at this public hearing.

NEW YORK CITY
CENTRAL LABOR COUNCIL
AFL-CIO

Testimony to NYC Department of City Planning
Hearing on the 125th Street Corridor Rezoning

The New York City Central Labor Council
Edward F. Ott, Executive Director
January 30th, 2007

Good afternoon. Thank you for the opportunity to testify today on the 125th Street Corridor Rezoning. My name is Ed Ott, Executive Director of the NYC Central Labor Council (CLC), a federation of 400 affiliated local unions representing 1.5 million working men and women in New York City.

The NYC Central Labor Council believes that the proposed rezoning at 125th Street presents the City with a great opportunity to impact future development in the area. We believe that in order to promote development that is both responsible and sustainable, labor standards must be applied. As one of the landowners on the 125th Street Corridor, the City has the ability to implement labor standards, and to set a precedent for future development.

In order to protect the interest of the existing community on the 125th Street Corridor, we believe that where the City has proprietary interest, they must include labor standards that incorporate the following concepts:

- The City should provide meaningful training and career opportunities for new workers and encourage the use of contractors and subcontractors which invest in a skilled, qualified and safe work force.
- The plan must include labor standards that support good jobs defined by livable wages.
- The City should ensure that all building and construction jobs pay prevailing wage, and that real wage standards are attached to all building service jobs, retail jobs, hotel jobs, and other jobs that are generated from the redevelopment.
- Such wage requirements should apply to all permanent employees whether they work under a contract or subcontract. All tenants, subtenants, contractors and subcontractors should comply with set wage requirements.

The City should protect its proprietary interest in such situations by ensuring that the projects will not be disrupted by labor disputes.

In addition, to ensure that any hotels that are built in the area are not unreasonably disruptive to the surrounding neighborhood or blur the line between hotel and residential development, a special permit should be required for any hotel, motel, or other such extended stay facility built on the area that is being rezoned.

VOTE PEOPLE

VOTE PEOPLE'S POSITION ON NEW YORK CITY PLANNING COMMISSION'S PROPOSAL TO REZONE 125TH STREET

Representing the Voices Of The Everyday People, VOTE People works to speak the collective voice of communities impacted by economic, political and legal reform and to secure the fundamental rights of those communities. In our current work in Harlem, we enjoy the support and participation of many of the community's residents, non-profit organizations and businesses to help ensure lasting respect and protection of their culture, history and livelihood in the face of massive proposed rezoning and redevelopment.

VOTE People itself lives, works, and communes in Central Harlem and as such takes particular offense to the systematic exiling of its people and culture, which has long been recognized and appreciated around the world.

Preface

The Harlem community has been traumatized by sweeping changes to its landscape as its culture, businesses, and electorate is forced into exile. These are inevitable results of an executed policy of quietly selling public and private land to developers who, without regard for the indigenous community, have turned land and buildings into residential and commercial units at rates far beyond the affordability or means of much of the long-time residential and commercial community. City agencies and their private-sector partners systematically blindfold meaningful community oversight and mute community voice in abuse of the Uniformed Land Use Review Procedure (ULURP), constitutional and statutory protections and human rights standards.

The proposed "River-to-River" rezoning of 125th Street and related proposals are clear examples of this abuse. Appointed and elected officials often do not inform the public of ULURP applications, do not mention much of the potential impact of such applications, and do not conduct the proper outreach to invite and accommodate public hearings. After community voices have been largely excluded, the input that *is* provided is largely ignored. Area residents have unequivocally expressed opposition to the proposed rezoning plans yet elected and appointed officials have given varying degrees of approval. Rather than collaborating with the community, decisions made outside of it are imposed on it. This will no longer be tolerated.

Because of this abuse of due process rights and substantive economic, social, cultural and political rights, VOTE People seeks to defeat New York City Planning Commission's proposal to rezone 125th Street, along with related proposed actions. The following is a detailed discussion of the failures of the proposed actions and VOTE People's demands for a fair community betterment strategy.

Summary

1 VOTE People, in harmony with the community, unequivocally opposes the attempt by New York City agencies, in collaboration with private developers, to exile the community that has lived and worked in Harlem for generations and to replace it with a new culture and class wielding a higher-income, thereby forever changing the demographic, through allegedly benign rezoning proposals.

2 The racial, ethnic, and economic undertones of these plans are undeniable. Harlem, through the last century, a mostly African-American and Hispanic community, is the target of mass exiling and eviscerating of its culture and way of life to make way for a new, more affluent population without the meaningful and adequate protections for those currently living and working there. If 125th Street is changed as proposed, it and its surrounding area will become unaffordable to long-time residents and businesses while newcomers will be granted not only space, but opportunity to own and control Harlem and to erase what will become mere memories of a community destroyed.

3 The proposed action to rezone 125th Street is also virtually silent on the need to preserve and revitalize Harlem's historical, cultural, and social institutions. For example, the community's battle to restore the historical, landmark-quality Victoria Theatre shows City Planning's and other involved city and state agencies' and entities' blatant disregard for past and future cultural recognition and advancement in the African-American Harlem community.

The community is in a protracted battle with the Harlem Community Development Corporation to make the theatre a landmark, but the Victoria is not alone. Several other buildings in the area, such as Blumstein's Department Store Building, where Adam Clayton Powell initiated the "Don't Buy Where You Can't Work" boycott establishing employment rights for blacks, and the Elks Lodge, home to the first African-American union, among others, deserve historical landmark status before any discussion of rezoning 125th Street begins. The City's proposal is plainly insufficient in its commitment to Harlem's culturally significant buildings and institutions.

4 International law protects all peoples' rights to self-determination (*"[to] freely determine their political status and freely pursue their economic, social and cultural development"*), to be free from discrimination and to adequate housing. (International Covenant on Civil and Political Rights[1]; International Covenant on Economic, Social and Cultural Rights[2]) The proposed rezoning of 125th Street, and the way it has been pursued, tramples on these rights belonging to the largely racial minority community of Harlem. The actual displacement impact has not been seriously addressed by the proposed action and community input is not adequately reflected in the plan.

The UN High Commissioner on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities has reaffirmed that forced evictions constitute a gross violation of human rights and recognized that racial and other discriminatory motives often fuel forced evictions and result in the removal of people and families from their communities.[3] The Sub-Commission strongly urged

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[1] ICCPR. GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 52, UN Doc. A/6316 (1966); 999 UNTS 171; 6 ILM 368 (1967)

[2] ICESCR. GA res. 2200A (XXI), 21 UN GAOR Supp. (No. 16) at 49, UN Doc. A/6316 (1966); 993 UNTS 3; 6 ILM 368 (1967)

[3] "...[T]he practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions... and invariably affect[s] the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society..." United Nations High Commissioner on Human Rights Sub-Commission on Prevention of Discrimination and

governments to "adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups". (Id.) New York City has not effectively consulted with the Harlem community in any of its "development" plans. The violations of the community's human rights come not only with the mass displacement that will inevitably occur, but with the utter lack of meaningful negotiation with affected residents.

VOTE People calls on New York City and State to respect the human rights of the Harlem community in substance and procedure and outlines a non-exclusive list of recommendations for approaching 125th Street and the community in alignment with internationally accepted standards.

Protection of Minorities Resolution 1993/41. The Sub-Commission also stated it is aware that "racially motivated and other discriminatory motives are behind a large number of forced evictions". Id.

Forced evictions are evictions that are carried out without adequate notice, consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. As the UN Committee on Economic, Social and Cultural Rights has clarified, forced evictions are "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with (international human rights law)". *See* Amnesty International Australia Report, "Forced Evictions Must End in Cambodia," November 26, 2007.

Although a global phenomenon, the modalities of eviction differ widely between regions, states, cities, communities and households. The form that evictions take and the justifications supporting these vary widely from one setting to another. In some countries mass forced evictions are not uncommon, whereas in others, individual households are those chiefly affected. Despite these and other distinctions, several common themes are also evident. The most pressing is the fact that the poorest sectors of society are far and above the most frequent victim of this human rights violation; that is, the social group already disproportionately denied other correlative rights related to an adequate standard of living. *See* "When Push Comes to Shove. Forced Eviction and Human Rights," Leckie, Scott, Habitat International Coalition, COHRE, Mexico, Utrecht, Netherlands. Analysis, 1995.

I. How the Proposed Rezoning Violates the Harlem Community

A. Inevitable Residential and Business Mass Eviction and Displacement

The proposal grossly underestimates the imminent exiling of Harlem's community in its conclusion that only "500 residents in 190 units in five census tracts...could be vulnerable to...[being exiled] if rents rise as a result of the proposed action".[4] The reality within the Harlem community is in stark contrast to the City's projected outcome of 500 residents being displaced. According to Community Board 10, 2,077 currently occupied units will be directly impacted by the rezoning, in addition to the indirect impacts caused by the development. One example of such impact is that the actual median income for the area is far lower than what is officially recognized; once new residential developments arise in the area, even regulated rents will be unaffordable to much of the community. There is nothing to indicate that this condition of inaccessibility will reverse itself in any way in the near future.

Similarly, many long-time, locally owned and managed businesses in the area will be unable to afford higher rents and will have to close or relocate. Community Board 10 estimates that at least 71 businesses on 125th Street will be displaced if the proposed action is approved.

B. Environmental Impacts Ignored

The proposal has turned a deaf ear to the voices of the Harlem community, and now closes its eyes to a fact that Harlem has "one of the highest asthma rates in the country".[5] This reality belies the City's statement that a "full assessment of the proposed action's potential impact on public health [does] not necessarily...adverse[ly] impact...[Harlem] as a result of the proposed action"[6]. The proposed action requires that for several years heavy construction vehicles exacerbate the already steady flow of vehicle traffic adding to the asthma crisis without adequate mitigation strategies. The combined plans of the 125th Street rezoning proposal and the proposed Columbia Expansion Plan, have a negative total affect on the people and environment of Harlem, not withstanding current ongoing construction.[7]

The proposal has failed to analyze the deficiencies in the "quality" of local schools and how they may be adversely impacted even more so by the increase in residential units as a result of the proposed action.[8]

C. Residential Development As Political and Economic Abuse; the "Affordable Housing" Scam

The proposed rezoning of 125th Street would remove the current population of residents and replace them with people of a different economic, and likely racial and ethnic, class.

This would happen because the new residential developments that would be built pursuant to the rezoning would be 80% market rate (at a Community Board 10 Land Use Committee meeting, one developer, The

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[4] *Community Board 10-Manhattan Resolution 125th Corridor Rezoning*, Footnote: 4 Draft Environmental Impact Statement, Chapter 1, page 11.
[5] *Community Board 10-Manhattan Resolution 125th Corridor Rezoning*, page 2, paragraph 3, line 1.
[6] *Community Board 10-Manhattan Resolution 125th Corridor Rezoning*, Footnote: 10 Draft Environmental Impact Statement, Chapter 1, page 24.
[7] *Community Board 10-Manhattan Resolution 125th Corridor Rezoning*, page 2, paragraph 4, lines 1-6.
[8] *Community Board 10-Manhattan Resolution 125th Corridor Rezoning*, page 2, paragraph 5, lines 1-3.

Richman Group, estimated monthly rentals of $2,600-$3,300[9]), an expense the indigenous community can not afford. Once a new populace fills the vast quantities of residential developments built pursuant to the rezoning, the demographic of the area will change. Crucial services to the community, like healthcare provisions and affordable housing needs will no longer be available to the indigenous community members who remain, as such services and provisions are dependant on the metric of Area Median Income (AMI)[10]. The availability of these services will be obliterated once the AMI is calculated on the new, higher-income residents. At that point, even so-called affordable housing will be out of reach of the current indigenous Harlem community.

The residential development to follow the rezoning, as proposed, would thus give new residents significant economic, social and political control in an area that is internationally recognized as the heart and soul of African-American and Latino culture. Further, it would transfer the community's equity in the City and the immediate area to powerful, wealthy developers without meaningful economic benefits in exchange.

D. Preparation for Eminent Domain Abuse

The plan says it wants to "enliven" 125th street. Is it not live now? 125th Street is a vibrant street, filled with commerce, culture and history. While some recent development has brought in larger chain stores, 125th Street still retains the essence of its community. What is the real motivating purpose behind the statement "enlivening the street"? Is it code for replacing the face, people and culture of Harlem we now know and love?

The word "enliven" is used several times in the City's rezoning proposal and environmental impact documents. Using this word indicates that if it becomes necessary for the City and its chosen developers to use eminent domain to acquire the property necessary for the development that the rezoning intends to occur, they are prepared to justify the use of eminent domain by arguing that 125th street is blighted, or at least economically depressed, and that taking the property is necessary to improve it economically. There must be a public commitment by government officials not to invoke eminent domain for private gain.

E. Voices of Harlem Community Ignored

If the City truly wanted to create a better Harlem and serve the needs of the people who live and work there, it would start with the community and collect information from the local businesses and residents to understand what its real needs are. The proposal says it reflects the input of many community members, but this is a deceptive statement. The overwhelming sentiment in the community is that of surprise and dismay, not of having been consulted. At every opportunity, community residents vociferously and without hesitation, doubt, or ambiguity, expressed their opposition to both the River-to-River plan and the Columbia Expansion, yet that strong opposition is not reflected in any proposed action.

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[9] This projected market-rate rental range was confirmed by HPD following the January 17, 2008 Community Board 10 Land Use Committee meeting.

[10] Area Median Income (AMI) is estimated by the US Department of Housing and Urban Development (HUD) annually and represents the midpoint in the income distribution within a specific geographic area. By definition, 50% of households earn less than the median income, and 50% earn more. HUD calculates AMI levels for different communities annually, with adjustments for family size. AMI is used to determine the eligibility of applicants for both federally and locally funded housing programs.

F. Due Process of Community Violated by Elected Officials and Community Board Representatives

The New York City Planning Commission website states that the River-to-River plan has been in the works for four years now, and that civic/community organizations and members of the public have attended meetings since 2004. Why then has the public only been invited to open hearings by their community boards in late 2007, at the threshold of the holiday season?

The City has had a plan for Harlem for years. It knew it wanted to change Harlem and worked behind-the-scenes, allowing access to a small few, and using deceptive tactics to move forward with a veneer of "community support" and approval. Then, with all the details of their plan finalized, they allowed community residents to whoop and holler at a few public hearings in vain, understanding the need to put on a good show.

Additionally, the elected officials and representatives of churches and community boards who knew of this plan did nothing or very little to inform their constituents of the tremendous impact the plan would have on them – literally uprooting them, their homes and their culture – are complicit in the abuse of the community's due process rights. Property and liberty will be taken from Harlem residents under these proposed actions without tenants and owners having a meaningful chance to be heard on the matter, a right the Harlem community must enjoy.

II. A Better Plan for Harlem

We call on the City, State and all involved agencies and individuals to:

- Come to Harlem and begin a development process by assessing the needs of the community, with particular care and attention to the indigenous community, to be impacted, rather than the needs of developers and city agencies.
- Strive to include representatives of the indigenous community not only in planning considerations, but also as development partners.
- In consulting with the community and developing a plan, adhere to internationally accepted standards of social, cultural, political, and economic rights.
    - Do not engage in mass exiling of indigenous communities
    - Use all available means to protect current Harlem residents from forced and malicious evictions
    - If Community Boards are to represent community members, allow community members to vote for representatives on the boards
    - Ensure that the community is aware of processes that would result in significant changes in their area, in particular ULURP actions and property bidding processes
- Ensure that housing development, for example, meets the needs of the current community members, rather than tailoring the project to future residents at the expense of mass exiling of the indigenous community.
- Seek to fulfill the needs of the current community – through educational, cultural, and health care provisions.
- Ensure that places of historical and cultural importance are restored, protected and preserved.
- Ensure that long-time businesses of the community have the right and affordable option to remain in the neighborhood
- Protect the 125th Street Mart (Mart 125), the Victoria Theatre and other establishments that allow local artisans and small businesses to flourish.

VOTE People believes, during negotiations, the spectrum of ideas to genuinely protect and enhance Harlem's culture, businesses, and electorate are only limited by the willingness of the City and developers to honestly negotiate with the community. Our voice is not mutable, but it is a reasonable one. Therefore, with just cause, VOTE People opposes the current City Planning Commission's proposal to rezone 125th Street. In its replacement, we call for the immediate halt of the proposed River-to-River plan and for the implementation of our above-outlined alternative.

Daniel Perez

128 West 116th Street, #4
New York, NY 10026
212-666-6160

January 30, 2008

Good Morning:

Commissioners, my name is Daniel Perez and I was a member of Community Board 10 for 15 years and I am now a member of Community Board 11 for the last 3 years. I am here to testify on the re-zoning of 125th Street from 2nd Avenue to Broadway on the main issue that I believe has been left out and that is the issue of community facilities uses. As you all know, community facilities could benefit or destroy a community board area. Therefore, I am asking that the Planning Commission meet with each community board in order to negotiate the uses of the community facilities not only on 125th Street but also in the community board area's.

I am hoping that you give this idea a quick consideration and that this be included in U.L.U.R.P to be presented to the City Council. If you wish to further discuss this matter please feel free to contact me.

Sincerely,

Daniel Perez
Member
Community Board 11

Harlem Rezoning Recommendation

January 30. 2008

by Diane Eamtrakul

Harlem is approximately a little over 2 miles long and 1.5 mile wide approximate **area of less than 3 square miles**. The Center of harlem is on 125th St., there are business wide spread along Lenox Ave., St Nicholas,.Amsterdam, Frederick Douglas and Adam Clayton Powell and 116th St.

My recommendation/comments for the rezoning are the following:

1 Decentralize 125th St; expanding small and unique which could preserve local business which are unique and welcome many new business and promote local resident to be able to afford operating cost at their home or nearby without having every business have to be on 125th St. We have many small hidden business which I would like to see spread through our Harlem not only 100 ft away from the main Avenue. The highrises could be along 125th St or 116th St but not too tall that our granite foundation can comfortable handle and not overly shadow the neighbor streets. Such business should be able to operate in little hidden brownstones in throughout Harlem and we could legalize and make them easier to spots not only for tourists but for local resident as well. Such as Hat stores, Artist(Painters, Sculptors) Hair Braided Salons, Special bakery or ethenic grocery stores, Record stores, Tea shops, Hat shops, home offices, consulting, realtor offices, Medical & Dental clinics, local wine/beer makers, soap and jam and small gift shops, Bed &breakfasts, repair electronic - refridgerator shops,Spa, nail salons, Architecture, Engineer, Accountant or professional offices etc. some of these small business which drive our economy together we can make future Harlem more economic powerful district. Small business these days bear cost more than before we have rent, taxes on rent, utilities, payrolls, workman compensation, insurance, health insurance, sales taxes..that is what kill small business. We need to put incentives and help small enterpreneurs to get good start, one way to do it to have them be able to run their business from home. It will save gasoline, heating, high rent attracting more business into Harlem and encourage home owners to run business through out Harlem not only one or a few streets.

2. For Saftey; I would like to see small police booths spread through out corner of the streets with rotated officers rather than having every officers works behind the thick walls in big building precincts. The more the police intergrate with the neighbor , the less crime will take place and the gap of communication between the authorities and the people are closer, they can hear the problems as hand on, I have seen and heard from Providence. Rhode Island in similar situations where the neighbor used to run down and decentralizing the police had helped and improve the neighbor tremendously. I like to see friendly police booth for tourists help and and make the commute subway riders walked back home after dark feel safer.

More lighting on the streets, more surveillance cameras to prevent any illegal misconduct, reduce crime, more patrol cars like what they did at Columbia University, more safety to protect tourists, residence and business .

3. We are loosing many beautiful old architecture building every day, The old beautiful brick works of which younger generation do not have a chance to see old Dwyer warehouse which is now turning into the condo north of 23rd Precinct. Last week the church on 122nd St and Morningside Park was demolishing and 2nd friendship Baptist church on 122nd St which has a remarkable brick works almost was destroyed by fire. These are not landmarks but these architecture which make Harlem so special and beautiful and attracted many visitors and new home owners in Harlem. Many of facades of the brownstones should have been saved to preserve the harmony and consistant of the architecture through out the streets. Right now the new building were built with setback shorter than old buildings and the facade were much plain. simpler where the developer could spend a little more to have the facade resemble and carry out the continuous and blending of the other standing brownstones. I like to see the city gives a tax benefit to project who spend extra effort to at least preserve some of the old beautiful architecture or stone, wood or brick works etc. I think all of these contribute high values in returns to all in the community. For new buildings from vacant lot could challenge new design or new materials of modern architects. I believe that the old and new can coexist.

4. Allow new idea of renewable energy such as Solar system, recycle gray water, the use of rain water to ease our community out of being oil highly dependable area. Creating more green buildings and giving tax break for greener buildings.

5. Inclusionary housing are not always the answer, they are complicated, costly and take time, passing the cost to the new owner or developers, any new business large or small would generate more income and tax revenues to Harlem and HPD could have done a good job or better in provide housing for medium or low income projects. Some of HPD housing in Harlem are wonderful and they should do more of those. If the area are most use for commercial and business, the landlord shoud be able to relocate tenants within 10 blocks or 1 mile radius with similar or better living enviroment of compatible space. We can use airspace to get more sunlight and fresh air to our community.

6. The community should give incentives or benefits to attract healthy or environmental friendly business also to the home owners who are willing to keep original brownstones should have the right to use the same space(same square foot) as the next door old brownstones.
I agree with 29th Story max for buildings along 125th St as long as the granite foundation can handle the load and safety, not higher than 10 stories through out other area and maybe slightly higher on 116th St.
I agree there should be more night business along 125th St and later 116th St and 145th St.
I disagree to see residental units along 125th St, I think it is too polluted and we have a lot more space spread throughout Harlem.

There are many supply of apartments throughout Harlem right now.

Big hotels along 125th St and main Avenues should be ok because it generates a lot of business there..

Last. I also am very concern about our sewer system in Harlem. There are always flood when heavy rain for more than 2-3 days occur. Especially it is like a river on Amsterdam Ave and 123rd St. The water run through central Harlem and go to lower area of East Harlem and East river. But out drainage system are very old and may not able to accommodate more of new housings.



THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

125th Street Corridor Rezoning and DEIS (CEQR No. 07DCP030M)

City Planning Commission, January 30, 2008

The City Planning Commission has created an extensive record of community consultation, which however appears to have commenced after the formative decision to remake the 125th Street Corridor was taken. Using zoning tools which create an incentive for demolition rather than infill and new construction rather than adaptive re-use, the proposal cuts out the existing spine of central Harlem, a place loved and revered by many who find its history central and indispensable, and linked to its existing architecture. Together with the Manhattanville plan, the adoption of these changes will move us to a new level of change, and we will have to contemplate the possibility that Harlem will now exist only in the words of Langston Hughes, James Baldwin and Ralph Ellison, or in the paintings of Jacob Lawrence, among others.

The DEIS Historic Resources section is less open to criticism than other recent examples.

It states quite unambiguously that the proposed action "has the potential to result in unmitigated significant adverse impacts to designated New York City landmarks and S/NR-listed and eligible architectural resources due to demolition and/or construction-related activity."

It highlights the disparity between the number of buildings found eligible by the State Office of Historic Preservation and the much smaller number recognized by the New York City Landmarks Preservation Commission.

It correctly notes the dangers facing all buildings that are not NYC designated landmarks.

However, in stating that NYC landmarks are "protected" by the Department of Buildings protocol, TPPN # 10/88, we believe the DEIS should note the limitations inherent in that process, especially in conjunction with self-certification. 10/88 in recent years has not always been successful in preventing serious damage leading to a need for evacuation of landmarked buildings, creating considerable economic hardship for owners and renters. We are attaching an example popular in the blogosphere, "The leaning tower of Manhattan" at 287 Broadway. While this building did not actually collapse into the pit created by demolition and excavation next door, and we should perhaps be grateful for that, the DOB did not require adequate shoring up initially to prevent the landmark from becoming unsafe, leaning between three and four inches to the south. This is not a unique case, and points to the dangers that beset historic buildings in a demolition oriented economy.

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Ronald Kopnicki, President • Matt McGhee, Treasurer • Christabel Gough, Secretary
The Society for the Architecture of the City, Inc. publishes the *review*, *Village Views*

THURSDAY, JANUARY 17, 2008



A landmarked 1872 cast-iron building is looking strangely similar to the Tower of Pisa, leaning precipitously to one side after the demolition and excavation of an adjacent site. Engineers have placed long wooden supports against the wall to keep the building, on 287 Broadway, from tipping over.

The leaning tower of Manhattan

Settlement over time caused the building to lean slightly to the south by approximately four inches, according to city buildings officials. After John Buck Co., a Chicago-based developer, began excavation work on the neighboring property to develop a 20-story residential tower, monitors installed on 287 Broadway recorded further movement of between 3 and 4 inches. In November, residents and businesses were told to vacate the building.

POSTED BY QUEENS CRAPPER AT 5:09 AM

6 COMMENTS:

Wallyhorse said...

HARLEM BUSINESS ALLIANCE, INC.
275 Lenox Avenue, 2nd Floor, New York, NY 10027 • Phone (212) 665-7010 • Fax (212) 665-7011
OFFICERS: Walter J. Edwards, *Chairman* • DeLores Richards, *Second Vice President*
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December 4, 2007

To: Honorable Franc Perry, Chair - CB 10
Members of Community Board 10
Department of City Planning
Honorable Inez Dickens
Honorable Robert Jackson
Honorable Scott Stringer

The Harlem Business Alliance (HBA) is troubled by the continued loss and displacement of African American businesses and residents as a result of Harlem's "second renaissance". We are reminded of past public policy initiatives that have adversely affected our people. The destruction of Seneca Village, a thriving Black community, to facilitate the creation of Central Park is one example. Another is Robert Moses' massive "urban renewal" developments which resulted in the razing of brownstone neighborhoods depriving Black homeowners, entrepreneurs and families of their basic wealth creation vehicles.

Today our concern first and foremost is the development of the Harlem community in a manner in which its indigenous residents, businesses and cultural institutions benefit. The proposed 125th Street River-to-River rezoning will have a tremendous adverse impact on the entire Harlem community. As the corridor is further developed higher property values, real estate taxes, commercial and residential rents will result in greater displacement forces than those currently afflicting the community.

HBA found disturbing the Department of City Planning's (DCP) preliminary assessment that the rezoning's potential displacement of "approximately 71 firms and 975 employees would not cause a significant adverse direct business impact because the displaced businesses are not found to have substantial economic value to the City"...nor do they "individually or collectively, contribute substantially to neighborhood character".

The proposed rezoning has the potential to generate the following economic benefits for the city, developers, and property owners:

- approximately 8 million square feet of new development space;
- the potential for over $7 billion in development activity revenue; and
- an additional $500 million in city property tax revenues.

This exponential increase in the economic value of 125th Street does not however inure to the benefit of the Harlem community. Harlem remains an economically distressed community with a 34% poverty rate; $23,460 in median income; barely 19% of the population college educated; and an adult male unemployment rate in excess of 40%. Harlem's long term residents, business men and women deserve to also benefit

economically from this plan. Increased opportunities to rent, shop and be entertained will not suffice.

Overall HBA is in agreement with Community Boards 10 & 11 request for affordable "income targeted" housing: a local business requirement; an arts/culture bonus; consistent building heights and streetscape. HBA does believe however any residential development along the corridor should also include at least 20% market rate units.

The Harlem Business Alliance further supports the linkage of regulatory zoning policy to a distributive policy of benefits. Specifically, HBA recommends that:

- a development fee on the approximate 8+ million square feet created by the new zoning be instituted;
- critical needs of the community impacted by the rezoning be addressed; and
- HBA or another community based organization establish a community development bank for the collection and disbursement of *community benefit* funds.

The critical community needs to be targeted would include:

- local business development particularly targeting local retail corridors;
- funds to assist Harlem community-based organizations in affordable "income targeted" housing development and preservation;
- job development generated from construction and new commercial establishments; and
- cultural enrichment through funding of local indigenous arts and educational institutions.

HBA urges the development of green buildings across the 125th Street corridor and that the transportation impacts from Columbia University's Manhattanville project, the east side's *Uptown New York* development and the Mayor's congestive pricing plan are mitigated.

HBA will continue to work with Community Board 10 and Harlem's elected officials to accomplish what the Department of City Planning states had not been done and that is publicly adopt "plans to preserve, enhance, and protect our small businesses" and address the needs of our residents through increased employment and educational opportunities.

Walter J. Edwards
Chairman

River to River – 125th Street Rezoning Hearing
Submitted – Wednesday January 30, 2008
Testimony Given By – Stanley N. Gleaton
Member – CB 10, Manhattan

Commissioner Burden and the other Commissioners present here today for the record I would like to express my total opposition to this rezoning plan as presented to CB 10 and stand firm with the board on its unanimous "no"vote. I would first like to begin by contradicting the EIS first line that states that there will be no "negative" impact on the community, there is nothing farther from the truth and raises question about the validity of that document. If this plan is approved there will be a major impact on traffic(both pedestrian and vehicular), as well as health.The increased cars and fuel emissions are potential for accidents as well as impact on the health of our residents as a starter. If you are not aware Central and East Harlem has the highest incidents of asthma and reparatory ailments in the city, will this not be a negative impact? As former chair of CB 10, a homeowner and lifelong Harlem resident I know intimately the issues, nuances and historical implications of this plan and its impact. Second this plan in your efforts to address the needs of "our community" says very little to Harlems' indigenous residents and at the end of the day benefits developers and those who will come from other places to reap the benefits of "our main street". Again, in no way in its present form does this plan benefit Harlem residents! Another issue here for us in the community is preservation of our culture, architecture and way of life which has been the impetus for millions worldwide to come and visit Harlem. 125th Street was named one of the nations 10 greatest thoroughfares because of its present state – and not due to what it will become. Preservation of our culture, buildings and unique businesses is "What makes Harlem Harlem" and brings interest

and the mystic of our community to visitors worldwide. It is also very interesting that over the past 20 or so years when Harlem residents desperately tried to landmark and preserve structures as other communities did and were granted their approvals, we were systematically denied, but now you come and talk about preservation as part of your plan which now seems to be a priority. In my opinion this plan is suspect and in no way reflects the needs of this community, and that is why I voted in the negative.

On the proposed 125th Street Corridor Rezoning: **There's a Better Way.**

The proposed rezoning of 125th Street, in its present form, constitutes, not development, but devolvement.

As a proud, born and bred Harlemite, on behalf of all Harlemites who are actively pursuing sustainable preservation of this celebrated neighborhood, I stand vehemently, thoughtfully and respectfully against it. As it affects Martin Luther King, Jr. Blvd., this proposition, cannot and will not work, and *should not* proceed for reasons of consciousness, economy and conscience.

Maybe you consider yourselves to be fully-conscious of Harlem's symbolic import throughout the world, not to mention the Black Diaspora, and 125th street's prominence therein: 125th street was the site of key formative events that would inspire the Civil Rights Movements. There, A. Philip Randolph's Pullman Porters - the first black labor union - would become the most important black institution of its time. W.E.B. DuBois had an office on 125th for years. There, Adam Clayton Powell, Jr. and the "Don't Buy Where You Can't Work" movement integrated Harlem's workforce. It was the regular site of Marcus Garvey and later Malcolm X's potent soapbox orations. Just four months out of a 28-year prison term, Nelson Mandela demanded to address 125th street at the beginning of his historic 1990 U.S. tour. And of course, there's a reason it was the site of James Brown and Luther Vandross' recent funeral processions... 125th street's influence on the worldwide resonance of black culture is massive.

But you probably know these things.

Yet your appreciation of Harlem and 125th street's symbolic perimeter, which distinguishes them from anywhere else in Manhattan, somehow fails to recognize the distinct economic opportunity they offer. Visitors simply do not come to Harlem to see Manhattan or to experience the "42nd street on 125th street" atmosphere you're trying to manufacture.

It's in the interest of everyone here to leverage the historic and cultural resources of this community (with the highest name recognition in the most famous city in the world*). To render unrecognizable its historic main street, deemed "one of the top ten streets in America" by the American Planning Association, severely compromises that potential. To do so would be unconscionable.

Unfortunately, little about this process appears to have proceeded in good conscience. You started in 2003, but without any serious attempt at the "meaningful dialogue with the people" referred to in your mission statement. If CB10 hadn't shined the light, this very consequential proposition would have continued under the radar, thereby perpetuating the historical disenfranschisement of this community.

Rather than waddling down that road again, we intend to chart a more appropriate and productive way forward. We invite you to join us.

01/30/08

Fatima Faloye, Harlem, NY

[illegible]

* *Per the New York State Visitor and Convention Bureau*

HOPE community inc
Rebuilding neighborhoods one block at a time

STATEMENT BY HOPE COMMUNITY, INC. EXECUTIVE DIRECTOR ROBIN LEBARON BEFORE THE CITY PLANNING COMMISSION'S HEARING ON THE PROPOSED REZONING OF THE EAST 125TH STREET CORRIDOR, WEDNESDAY, JANUARY 30, 2008

Hope Community, Inc. concurs with the sentiments of Community Boards 10 and 11, and Manhattan Borough President Scott M. Stringer on the matter of the proposed rezoning of 125th Street, and we respectfully request that the current plan be amended to include:

- A more viable plan for on-site housing at rates that are affordable to current East and Central Harlem residents;
- Financial incentives and assistance targeted to local small businesses at risk for displacement;
- A bonus preference geared toward local non-profit arts groups, and
- Neighborhood preservation of local historic architectural structures.

In particular, we support Community Board 11's recommendations that:

- The areas zoned R6A on 124th and 126th Street remain unchanged;
- Affordable housing units conform to CB 11's Affordable Housing Guidelines;
- ~~100% of the inclusionary housing units be affordable as per CB 11's~~ guidelines; and
- There be added a Local Hiring FAR Bonus applicable to construction and post-construction jobs under the conditions set forth by CB 11.

# # #

174 East 104th Street, New York, NY 10029 • Tel: (212) 860-8821 • Fax: (212) 289-6563 • www.hopecr.org

Hana B. Wiles #72

I am opposed to the 125th St rezoning plan. Tall buildings block out sunlight & bring a cold, shadowy atmosphere to an area. Also, there is a fault line on 125 St. Tall buildings would put stress on these fault lines & add to problems in case of disaster.

Luxury housing on 125 St. would push housing costs up all over Harlem, past the outrageously high prices that already exist. The so-called affordable house that is supposedly built into the plan would not be for the people who already live here whose income is below $25,000 a year. Even if it did, the plan is saying that it will push the majority of us out & allow a few favored ones to remain.

Lastly, I would caution the Commission to be mindful of the current economic situation in America with the housing crisis, and the dollar continuously falling, who will be able to afford luxury housing? The housing bubble in NY will not continue forever. NY is bound to go the way of the rest of America. Already there is talk about halting construction on the #7 line. Condos for $[illegible],000 for a 2-bedroom apartment lie vacant on 129th & Lenox Ave. I think the plan needs to be revamped so that it is more human for the people that live here and so that it projects the present & future reality of an economically depleted America.

OPEN SPACE

THE RESULTS OF THE 125TH STREET REZONING WILL HAVE A NEGATIVE IMPACT ON OPEN SPACE IN THE CENTRAL HARLEM AREA AT 125TH STREET.

THE PROPOSE PROJECT WOULD RESULT IN A REDUCTION IN THE OPEN SPACE RATIO BY THE BUILD YEAR 2017.

OPEN SPACE CONTAINS HEALTHY ENVIROMENTAL GREEN ELEMENTS SUCH AS TREES FLOWERS GRASS AND RELATED ITEMS

IT ALSO PROVIDES SIGNIFICANT HEALTH BENEFITS FOR THE BODY AND MIND BECAUSE OF
RELAXING ATMOSPHERE
PHYSICAL ATTRIBUTES

I AM AGAINST AN ADDITION OF RESIDENTIAL HOUSING IN CENTRAL HARLEM AT 125TH STREET BECAUSE OF THE ADVERSE NEGATIVE IMPACT IT WILL HAVE ON OPEN SPACE

I SUGGEST THE CITY PLANNING COMMITTEE ELIMINATE ANY RESIDENTIAL HOUSING IN THE CENTRAL AREA AND INSTEAD INCREASE THE OPEN SPACE, PASSIVE SPACE ALLOTMENTS IN THE CORRIDOR IN THE VILLAGE OF HARLEM ON 125.

Deborah Gilliard

January 30, 2008

To Department of City Planning

From Deborah Gilliard – Parks and Recreation Committee Board #10

Subject 125th Street Rezoning - Open Space Section - Central Harlem Area

The results of the 125th Street rezoning will have a significant negative impact on the open space in the community. The rezoning and related actions will not include the development of new open space resources. Seven thousand eight hundred (7,800) new residents and employees are expected to occupy the new area. The open space ratios in the area would be less than the New York City Department of City Planning's recommended weighted average for conditions in the future with and without the proposed project. The proposed project would also result in a reduction in the open space ratio by the build year of 2017

There are two kinds of open space, active open space and passive open space. Active open space is characterized by activities such as jogging, sports and children active play, for example playgrounds. Passive open space is characterized by activities such as strolling, reading and relaxing on benches and people watching, for example 125th State Office Plaza. Open spaces usually contains healthy environmental green elements such as trees, flowers, grass and related items, it also provides significant health benefits for the body and mind because of the relaxing atmosphere and physical attributes.

The quantitative analysis indicates that the open space ratios in the residential and non-residential study area would continue to be less than the DCP guidelines. It examined the useable open space acreage compared to the area population (Below 1.5 acres of open space per 1,000 residents). The qualitative analysis indicated the proposed rezoning would not result in significant adverse impact to open space. This is entirely not true; it would have a major adverse negative impact to open space and the quality of life for the residence in Harlem. According to the report "The availability of open space resources located outside the area would offset any negative deficiencies in the area open space". This statement is also false, because open space outside the area is already heavily utilized from the residents in the outside areas.

Community Board #10 Park and Recreation Committee proposes an increase in the present open space allotment be included in the central Harlem area of 125th street rezoning action. It is necessary for a healthy balance between the future high density congested area and an environmental healthy area in the Village of Harlem.

Deborah Gilliard

APOLLO

THE APOLLO THEATER FOUNDATION, INC.

125th Street Rezoning Testimony
Jonelle Procope, President and CEO

It is my pleasure and an honor to be here today to share my thoughts and the priorities of the Apollo Theater Foundation in light of the proposed rezoning of the 125th Street Corridor.

I am Jonelle Procope, the Apollo's president and CEO.

Before I begin, I would like to thank Commissioner Burden for leading this process, as well as to extend my sincere gratitude for the effort that our elected officials, community boards, and peer organizations have taken in striving to make 125th Street and Harlem even more vibrant with cultural and commercial activity than it already is.

The Apollo is undergoing a period of significant change:

- Initiating new artistic and community-based programming;
- Garnering new, increased, and diversified audiences;
- Expanding its facilities;
- Restoring its landmark building;
- Evaluating its audiences; and
- Expanding its role in the performing arts field.

It is reassuring to me that our City at large recognizes the same conditions that are informing our institution's development:

- Responding to the evolving make-up of Harlem; and
- Providing for the economic and cultural future of 125th Street.

The current dialogue surrounding the zoning of Harlem's most important thoroughfare demonstrates to me that our work in revitalizing the iconic Apollo is filled with implications and necessities relating to our surrounding businesses, nonprofit organizations, and community residents.

In this process, we have discovered common goals, all of which will create a better environment for the unique cultures of uptown communities not only to continue to evolve, but to thrive.

The plan presented by Commissioner Burden has at its heart a return to a time that made Harlem famous:

- When 125th Street was synonymous with a great night out;
- When cultural and entertainment establishments could not be counted on both hands;
- When Broadway and Hollywood stars came to Harlem to be entertained.

More than this, it demonstrates the core belief that these Uptown communities have a home on 125th Street and that it is the place to celebrate their diversity and to showcase it before the world.

We are committed to making the Apollo representative of that history while simultaneously providing a place where culture can continue to grow. I commend this current process—and any

effort—that expounds these values to encompass, not only our famous Theater, but our neighbors along Harlem's Main Street.

Harlem is an undeniable tourist attraction, not only because of the great history of culture here, but because that culture persists as one of the most unique communities in the nation.

It is our imperative to make 125th Street a place where visitors get off of their tour busses and patronize the establishments that make Harlem so special.

We are in desperate need of an environment that beckons people both into our storefronts and onto our sidewalks.

- More spaces for cultural expression and exploration;
- Table-service restaurants with the ability to draw and accommodate wide arrays of international clientele;
- Hotels that solidify 125th Street as a place to visit and to STAY;
- Shops that appeal to many different types of consumer; and
- An environment up and down the 125th Street corridor that is exciting, beautiful, and safe.

Achieving these will allow the cultures and innovation that have always made our few blocks one of the most exciting places on earth to be celebrated, shared, and nurtured.

A holistic approach such as this creates inestimable synergies:

- Collaborations between cultural organizations, deepening the pool of resources and experiences for artists and audiences alike;
- Seamless 24-hour experiences created by museums, performance venues, businesses, restaurants, hotels, and entertainment establishments working together;
- forums for local residents and international communities to interact with one another; and
- a streetscape where the richness of Harlem is available and attractive to all who walk down 125th Street.

This is the only way to ensure not only that the Apollo's marquee will shine brightly for decades to come, but that it is one of many marquees, restaurants, shops, and hotels that will make 125th Street truly representative of the communities that have made it home.

The 125th Street rezoning is one of the most important and impactful city planning efforts to affect New York City in recent memory. I am heartened to know that this collaborative effort is focused on the cultural enhancement of our community, as well as on economic redevelopment.

Moreover, this process demonstrates a true understanding of Harlem, where culture is not simply important, but fundamentally woven into the fabric of community.

On behalf of my colleagues at the Apollo, I am pleased to thank you for your focus on allowing 125th Street to grow in its ability to serve the diverse groups that make it so unique, and for helping us to grow its distinction as one of New York City's most treasured Main Streets.

Thank you for your time.

REMARKS FOR HOPE KNIGHT
CHIEF OPERATING OFFICER
UPPER MANHATTAN EMPOWERMENT ZONE DEVELOPMENT CORP. (UMEZ)
CITY PLANNING COMMISSION HEARING ON THE RE-ZONING OF 125TH STREET
WEDNESDAY, JANUARY 30, 2008

GOOD AFTERNOON MEMBERS OF THE COMMISSION, FRIENDS AND COLLEAGUES.

MY NAME IS HOPE KNIGHT, AND I AM THE CHIEF OPERATING OFFICER OF THE UPPER MANHATTAN EMPOWERMENT ZONE DEVELOPMENT CORPORATION, OR AS IT IS BETTER KNOWN, UMEZ.

IT IS MY PRIVILEGE TO STAND BEFORE YOU TODAY, TO SPEAK IN SUPPORT OF THE RE-ZONING OF 125TH STREET.

SINCE ITS INCEPTION, UMEZ HAS WORKED TO LAY THE FOUNDATION FOR THE CONTINUED GROWTH AND DEVELOPMENT OF UPPER MANHATTAN IN GENERAL AND 125TH STREET IN PARTICULAR. WE LONG AGO RECOGNIZED THE POTENTIAL THAT LAY IN ONE OF THIS CITY'S GREAT THOROUGHFARES.

TO DATE, UMEZ HAS INVESTED OVER $206 MILLION IN LOANS, GRANTS AND BONDS IN UPPER MANHATTAN AND CREATED OVER 8,000 PERMANENT AND TEMPORARY JOBS.

OUR ECONOMIC DEVELOPMENT ACTIVITIES - - INCLUDING BUSINESS LOANS, WORKFORCE DEVELOPMENT, TAX INCENTIVE PROGRAMS, AND SUPPORT OF CULTURAL ORGANIZATIONS AND INSTITUTIONS - - HAVE ALLOWED US TO LEARN FIRST HAND THE

IMPORTANCE OF ESTABLISHING FIRM FOUNDATIONS FOR THE FUTURE GROWTH OF COMMUNITIES, AND, I AM PLEASED TO NOTE THAT 125th STREET CONTINUES TO GROW AND IMPROVE IN MANY NEW, DIFFERENT AND EXCITING WAYS.

AS SUCH, OUR EFFORTS TO REVITALIZE 125TH STREET HAVE STRETCHED FROM EAST TO WEST BY PROVIDING THE NECESSARY RESOURCES, ENERGY AND ENGAGEMENT TO MOVE PROJECTS FROM CONCEPTION TO REALITY.

OVER ON THE HUDSON RIVER, FOR EXAMPLE, UMEZ IS PROUD OF ITS CONTRIBUTION TO THE HARLEM PIERS PROJECT, WHICH AS YOU KNOW WILL REVITALIZE THE HUDSON RIVER WATERFRONT AT 125TH STREET.

IN ADDITION TO RECREATIONAL PROJECTS, WE ALSO RECOGNIZE THE IMPORTANCE OF EDUCATION. OUR $4.7 MILLION LOAN TO TOURO COLLEGE HAS ALLOWED IT TO OPEN THE TOURO COLLEGE OF OSTEOPATHIC MEDICINE AT WEST 125TH STREET IN THE FORMER BLUMSTEIN'S BUILDING.

UMEZ HAS ALSO PROVIDED FUNDING FOR THE APOLLO THEATER, THE NATIONAL BLACK THEATRE, AND THE STUDIO MUSEUM IN HARLEM.

AS YOU CAN SEE, OUR CONTRIBUTIONS TO THE DEVELOPMENT OF WHAT WILL BE THE 125TH STREET CULTURAL CORRIDOR ARE EXTENSIVE.

ON ANOTHER FRONT, 125TH STREET CONTINUES TO FLOURISH ECONOMICALLY, THANKS TO INVESTMENTS UMEZ HAS MADE SINCE 1996.

FOR EXAMPLE, UMEZ PROVIDED AN $11 MILLION LOAN FOR HARLEM USA. THE BUILDING, WHICH OPENED IN 2000, IS A 275,000 SQUARE FOOT RETAIL AND ENTERTAINMENT COMPLEX.

ON THE EAST SIDE OF 125TH STREET, WE PROVIDED A $3 MILLION LOAN FOR THE CONSTRUCTION OF GOTHAM PLAZA, A 90,000-SQUARE-FOOT RETAIL AND OFFICE BUILDING.

ANOTHER EAST SIDE PROJECT OF WHICH WE ARE EQUALLY PROUD IS THE GATEWAY BUILDING AT LEXINGTON AVENUE. UMEZ PROVIDED THE DEVELOPERS OF THIS BUILDING WITH A $3 MILLION LOAN.

WE RECOGNIZE THAT THE RE-ZONING MAY HAVE AN ADVERSE IMPACT ON THE BUSINESS COMMUNITY ALONG 125TH STREET. IN FACT, THIS COMMISSION'S OWN ENVIRONMENTAL IMPACT STATEMENT ESTIMATES THAT IT WOULD POTENTIALLY DIRECTLY DISPLACE A NUMBER OF BUSINESSES.

AS SUCH, WE ARE CURRENTLY WORKING ON SEVERAL NEW INITIATIVES TO ASSIST THESE BUSINESSES.

WHILE THE SPECIFICS OF THESE NEW INITIATIVES ARE STILL BEING FINALIZED, I THINK IT'S IMPORTANT TO NOTE THAT UMEZ

HAS AN EXTENSIVE AND LAUDABLE HISTORY OF WORKING WITH THE SMALL BUSINESS COMMUNITY.

WE BELIEVE THAT OUR PREVIOUS EXPERIENCES, COMBINED WITH OUR NEW PROGRAMS, WILL ALLOW US TO ASSIST THOSE BUSINESSES THAT FACE DISPLACEMENT DUE TO 125TH STREET'S RE-ZONING.

WE AT UMEZ FEEL THAT THE COMPREHENSIVE AND STRUCTURED APPROACH TO THE RE-ZONING OF ONE OF THE MOST HISTORIC THOROUGHFARES IN OUR CITY, WILL ONLY SERVE TO ELEVATE THE STREET'S IDENTITY AND CREATE A MORE VIBRANT MIX OF USES.

IN CONCLUSION, IT IS OUR BELIEF THAT THIS RE-ZONING REPRESENTS A UNIQUE OPPORTUNITY TO BUILD UPON THE STREET'S STRONG CULTURAL LEGACY BY BRINGING MORE ARTS , CULTURAL, AND ENTERTAINMENT USES TO CORRIDOR.

MOREOVER, WE BELIEVE THAT WITH OUR ASSISTANCE, THIS WILL, IN TURN, HAVE A SIGNIFICANT ECONOMIC DEVELOPMENT IMPACT ON THE ENTIRE COMMUNITY.

THANK YOU.

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THE VOICES OF THE EVERYDAY PEOPLE HAVE SPOKEN:

125TH STREET PLAN WILL LEAD TO MASS EVICTION AND DISPLACEMENT

The plan grossly underestimates the effect of the rezoning on the lives and livelihoods of Harlem residents and business owners.

THE CITY DISREGARDS THE ENVIRONMENTAL IMPACT OF THE PLAN

Harlem's asthma crisis will be exacerbated by pollution from increased traffic; the plan does not address how increased density in Harlem will impact our already-crowded public schools.

ANOTHER "AFFORDABLE HOUSING" SCAM

Harlem faces a severe shortage of low-income housing. Yet the proposed action perpetuates the "affordable housing" scam, using the bogus metric of a $56,000 Area Media Income when the actual average income in Harlem is less than $25,000. The plan can only estimate the number of "affordable housing" units because they are optional incentives offered to developers. The plan, therefore, shows no true commitment to housing for the middle-class and the working poor.

NO EMINENT DOMAIN FOR PRIVATE GAIN

The proposal repeatedly says it wants to "enliven" 125th Street. This repeated characterization has a clear intention: the city wants to paint 125th Street as a blighted area, so eminent domain can be invoked. We say, No Eminent Domain for Private Gain.

VOICES OF HARLEM IGNORED

The Harlem community has vehemently rejected the proposed rezoning, yet the proposal claims to reflect the input of many community members. Statements by Community Board 10 and Scott Stringer do not reflect the fervent opposition to this plan within the Harlem community.

DUE PROCESS RIGHTS OF COMMUNITY VIOLATED BY ELECTED OFFICIALS AND COMMUNITY BOARD

Tthis plan was four years in the making, but the public was only invited to public hearings late in 2007. This plan was developed without true community oversight and transparency; it is the result of backroom dealings that provide the veneer of "community support". Elected officials, members of the community board, and representatives of churches and non-profits appear to be complicit in violating the due process rights of all Harlemites by failing to notify the community of this proposal.

VOTE

VOICES OF THE EVERYDAY

PEOPLE

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917 720 8341

Testimony of the Municipal Art Society
Before the City Planning Commission
By Susanna Schaller, Senior Planner
Regarding the Rezoning of 125th Street
January 30, 2008

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to promote a more livable city. Since 1893, the Society has worked to advocate excellence in urban design and planning, contemporary architecture, historic preservation and public art.

I am Susanna Schaller, Senior Planner, speaking on behalf of the Municipal Art Society. The MAS is pleased to submit comments on the rezoning of a 125th Street and creation of an arts and entertainment sub-district.

Let me begin by stating that we support the New York City Planning Department's initiative to strengthen and revitalize the 125th Street corridor as Harlem's Main Street, and we approve of the department's goal to put into effect a "balanced re-zoning plan that encourages development and growth while promoting preservation" on the 125th Street corridor. We are also encouraged by the department's proactive strategies to build on and support Harlem's internationally recognized historic legacy and contemporary role as a center for African American arts and culture. Finally, we laud the department's clearly stated objective to encourage the development of permanently affordable housing.

At the same time, while we support the overall goals guiding this rezoning initiative, MAS is concerned that the proposal as it stands today will not adequately support the revitalization of 125th Street as Harlem's Main Street, distinguished for its arts and culture venues, the diversity of its urban retail, and its unique position to connect Harlem's residents to the Hudson River and Harlem River Waterfronts. Finally, we are concerned that the affordable housing component as it is currently formulated does not correspond with the local socio-economic reality.

We believe that the rezoning of 125th Street ought to be guided by the following principles:

1. Respect the existing neighborhood and its special character and promote integrated new development on 125th Street:

The City Planning Department's stated goal is to create a zoning plan sensitive to the existing character of the commercial corridor and its surrounding neighborhood. Increasing density on a 125th Street is advisable, given it is well served by public transit; however, the proposed C4-7 zoning of sections on a 125th Street with a 290 ft height restriction takes its cue not from the historic Theresa Hotel but from the State building an anomaly on the corridor. The C6-3 Alternative spreading density and bulk more uniformly across the corridor that was studied seems to accomplish that important goal.

The C4-7 area in the core sub-district also includes important Harlem landmark buildings, like the Apollo Theater. These historic places attract visitors from across the world. The history and culture of Harlem is truly unique, and the buildings on this famed street are the physical legacy of that rich past. We believe that the streets historic buildings, both grand and modest, can play an important role in fostering the arts and culture district – as Jane Jacobs said, "new ideas must use old buildings."

The majority of significant buildings are unprotected by local landmark designation, which leaves them vulnerable to increased development pressures. Although outside the environmental review process, we believe the Landmarks Preservation Commission should designate as many significant buildings as possible prior to the rezoning taking place. We are concerned that the Environmental Impact Statement does not adequately identify all of the Street's historic resources, for example the McDermott-Burger Dairy (527-535 West 125th Street) was found to be eligible for the National Register in the Manhattanville rezoning, but is not included in this EIS. We urge the City to reach out to the State Historic Preservation Office to identify all National Register-eligible buildings, and to seek their determinations of eligibility for the National Register. Doing so would allow for the property owners to reap rich Federal tax credits for the restoration of their National Register-eligible buildings.

2. Include affordable housing that meets the community's needs:
The current proposal, although commendable for encouraging the development of desperately needed affordable housing, fails to respond to the dual reality that the area is generally losing affordable units and that local median income levels are much lower than in the rest of the city. Of the projected residential development 79% are projected to be market-rate units. Furthermore, the 498 projected affordable units would only be affordable to families making in excess of the local area median income, which at $22,122 in 2000 was and continues to be considerably lower than the area median income used to calculate eligibility for affordable housing. Finally, MAS believes that income-targeted affordable housing provisions would ensure that more lower-income households receive the benefits of new development while also encouraging residential diversity.

3. Maintain Urban Retail Diversity:
As Harlem's Main Street, 125th Street today still offers a diversity of retail and entertainment experiences. Strategies must be devised to foster a balance of local and national retailers. The proposed rezoning already indicates that 71 small businesses will be directly displaced. MAS is concerned that the scale of projected development as a

result of the proposed rezoning will further erode the urban retail diversity unless safeguards are developed. Consequently, MAS believe that in the Arts and Entertainment core sub-district rules should be created that could serve as incentives to the preservation of local arts and culture organizations as well as locally-owned small businesses.

4. Foster Harlem's Arts and Culture Institutions:
MAS applauds the plan's aim to support Harlem's legacy in the arts and culture. However, we consider that the currently proposed Arts and Entertainment Core Sub-district created to spur the development of arts and entertainment venues is too small and does not take advantage of the potential to create a continuous arts and culture corridor, potentially connecting to the New Amsterdam Special District proposed in CB 9's 197-a plan to the west and to the 5th Avenue Museum Mile. Additionally, MAS would like to urge that DCP further refine and define the qualifying arts and entertainment uses, including clauses that give preferential treatment to local non-profit and for-profit arts organizations.

5. Plan for Waterfront Access:
This plan had originally been promoted as 125th Street "River to River," which had the promise to provide access to both the Hudson and Harlem Rivers and linking them through the 125th Street corridor. While there are separate plans for the waterfront to the west, this plan fails to address waterfront access to the east. This is a historic opportunity to connect neighbors to the water but it will require concerted effort on the part of City Planning to ensure that the various plans work in concert to create public access to the water.

Harlem Rezoning Recommendation

January 21, 2008

by Diane Dantzaki

Harlem is approximately a little over 2 miles long and 1.5 mile wide approximate **area of less than 3 square miles**. The Center of harlem is on 125th St., there are business wide spread alone [illegible] Ave. St Nicholas, Amsterdam, Frederick Douglas and Adam Clayton Powell and [illegible]

My recommendation comments for the rezoning are the following.

Decentralize 125th St: expanding small and unique which could preserve local business which is unique and welcome many new business and promote local resident to be able to afford operating cost at their home or nearby without having every business have to be on 125th St. We have many small hidden business which I would like to see spread through our Harlem not only right off the main Avenue. The highrises could be along 125th St or 116th St but not to tall that our granite foundation can comfortable handle and not overly shadow the neighbor streets. Such business should be able to operate in little hidden brownstones in throughout Harlem and we could legalize and make them easier to spots not only for tourists but for local resident as well. Such as Hat stores, Artist Painters, Sculptors) Hair Braided Salons, Special bakery or ethenic grocery stores, Record stores, Tea shops, Hat shops, home offices, consulting, realtor offices, Medical & Dental clinics, local wine/beer makers, soap and jam and small gift shops, Bed &breakfasts, repair electronic - refridgerator shops Spa, nail salons, Architecture, Engineer, Accountant or professional offices etc. some of these small business which drives our economy together we can make future Harlem more economic powerful district. Small business owners lives be forced more than before we have rent taxes on rent, utilities, payrolls, workmen compensation, insurance, health insurance, sales taxes, that is what kill small business. We need to set incentives and help small enterpreneurs to get good start, one way to do it to have them be able to run their business from home. It will save gasoline heating, high rent attracting more business into Harlem and encourage home owners to run business through out Harlem not only [illegible]

[illegible] I would like to see small police booths spread through our corner of the [illegible] police stations rather than having every officers works behind the thick [illegible] the [illegible] Harlem. By [illegible] the police can get [illegible] with the neighbor [illegible] [illegible] [illegible]

3. We are loosing many beautiful old architecture building every day, The old beautiful brick works of which younger generation do not have a chance to see old Dwyer warehouse which is now turning into the condo north of 23rd Precinct. Last week the church on 122nd St and Morningside Park was demolishing and 2nd friendship Baptist church on 122nd St which has a remarkable brick works almost was destroyed by fire. These are not landmarks but these architecture which make Harlem so special and beautiful and attracted many visitors and new home owners in Harlem. Many of facades of the brownstones should have been saved to preserve the harmony and consistant of the architecture through out the streets. Right now the new building were built with setback shorter than old buildings and the facade were much plain, simpler where the developer could spend a little more to have the facade resemble and carry out the continuous and blending of the other standing brownstones. I like to see the city gives a tax benefit to project who spend extra effort to at least preserve some of the old beautiful architecture or stone, wood or brick works etc. I think all of these contribute high values in returns to all in the community. For new buildings from vacant lot could challenge new design or new materials of modern architects. I believe that the old and new can coexist.

4. Allow new idea of renewable energy such as Solar system, recycle gray water, the use of rain water to ease our community out of being oil highly dependable area. Creating more green buildings and giving tax break for greener buildings.

5. Inclusionary housing are not always the answer, they are complicated, costly and take time, passing the cost to the new owner or developers, any new business large or small would generate more income and tax revenues to Harlem and HPD could have done a good job or better in provide housing for medium or low income projects. Some of HPD housing in Harlem are wonderful and they should do more of those. If the area are most use for commercial and business, the landlord shoud be able to relocate tenants within 10 blocks or 1 mile radius with similar or better living enviroment of compatible space. We can use airspace to get more sunlight and fresh air to our community.

6. The community should give incentives or benefits to attract healthy or environmental friendly business also to the home owners who are willing to keep original brownstones should have the right to use the same space(same square foot) as the next door old brownstones.
I agree with 29th Story max for buildings along 125th St as long as the granite foundation can handle the load and safety, not higher than 10 stories through out other area and maybe slightly higher on 116th St.
I agree there should be more night business along 125th St and later 116th St and 145th St.
I disagree to see residental units along 125th St, I think it is too polluted and we have a lot more space spread throughout Harlem.

There are many supply of apartments throughout Harlem right now.

Big hotels along 125th St and main Avenues should be ok because it generates a lot of business there..

Last, I also am very concern about our sewer system in Harlem. There are always flood when heavy rain for more than 2-3 days occur. Especially it is like a river on Amsterdam Ave and 123rd St. The water run through central Harlem and go to lower area of East Harlem and East river. But out drainage system are very old and may not able to accommodate more of new housings.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. BEFORE THE CITY PLANNING COMMISSION IN SUPPORT OF THE 125TH STREET CORRIDOR REZONING

January 30, 2007

The Real Estate Board of New York, Inc. is a broadly based trade association of 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We support the proposed rezoning of the 125th Street corridor and the establishment of the Special 125th Street District. We also strongly prefer the "A" version which would create an Arts Bonus mechanism to provide a floor area bonus in exchange for the provision of visual or performing arts space within new development and would map a C4-4D district along an additional portion of the corridor.

This rezoning plan is an important and exciting one for the Harlem neighborhood, for the borough of Manhattan and for the entire city and region. This street functions as a regional business district, a popular tourist destination, a successful shopping area and a center of history and culture. We believe that the plan provides for appropriate new development including significant amounts of new retail, office, hotel and visual and performing arts space and over 2000 units of housing including affordable housing. These zoning changes reinforce the commercial and cultural character of the street and will bring new investment and new job opportunities into the neighborhood.

We support the zoning districts proposed along the corridor in the A version and believe that the FARs are sufficient to stimulate development. The plan to allow increases in both residential and commercial densities is a good one and will support mixed-use projects that will only add to the vibrancy and diversity of the street. We also agree with the ground-floor limits on the width of bank and residential frontages on 125th Street.

There are two aspects of the plan that deserve further study. We do not support height limits for commercial buildings in the C4-7 district. Given the practical needs of commercial buildings, we do not think that a rigid height limit is appropriate. The proposed 60 to 85 foot streetwall requirement should also be reviewed as this impedes efficient design of apartments and adds to costs.

REBNY has advocated for floor area bonuses for cultural uses for a long time and in various parts of the city. We recognize the difficulties that non-profit arts companies have in locating properly sized and designed spaces. We are very pleased that Harlem will be the first community to have this advantage and we commend City Planning for advancing this proposal. Having a well-known physical location will only increase the viability of non-profit cultural groups who will be able to attract new audiences and grow. The process spelled out in the text is a good way to ensure that the space continues to be occupied by an arts group. There has been experience with ongoing use requirements before, for example, the existing Theater Rehabilitation Bonus in Midtown.

We recommend that you take a look at a few modifications to this Bonus. For example, currently the plan does not allow basement space to be bonused. However, some uses like black box theatres, auditoriums, museums and rehearsal spaces can make good use of below-grade spaces. We also recommend consideration of the different space needs of different arts uses. Sound studios require double height column free space and dance studios also need high ceilings. Perhaps there could be different levels of bonus depending on the type of arts space provided. In addition, the amount of bonus per square foot of cultural space must be tested to ensure its economic viability.

We share the concerns of many about the vehicular traffic congestion along the street and problems of parking and loading. We encourage the interagency task force to keep working on solutions to these issues.

In conclusion, we commend City Planning for a very thoughtful and very much needed rezoning that's had an enormous amount of community consultation and input. We strongly support the 125th Street rezoning with the A text and map and urge you to adopt it.

City Planning Commission Public Hearing

January 30, 2008

Testimony of Joseph Aliotta

My name is Joseph Aliotta. I am a Principal of Swanke Hayden Connell Architects, the architects for Harlem Park located at 1800 Park Avenue on the west side of Park Avenue between 124th Street and 125th Street. The award winning design of this proposed Class A office building was recognized in 2007 by the New York State American Institute of Architects for its design; it will be a Silver rated LEED project. To supplement Mr. Johnson's previous testimony; we take the opportunity to present the project architecturally.

The project is designed as-of-right in conformance to the current zoning requirements. A building permit for the project was issued on July 31, 2007. The podium floor plates are approximately 35,000 gross square feet and the typical office floor plates vary from approximately 20,000 to 22,000 gross square feet. The twenty-two story building has a height of 302 feet 7 inches to the top of the main roof. The height of the mechanical space extends to 342 feet due to the relatively small floor plate. Additionally, mechanical equipment and associated telecommunications equipment required for the media tenants extends the height of the mechanical space to approximately 365 feet in height. Although the Commission rezoned the site without a height limit in 2004 and approved a height and setback Special Permit at that time for a 498 foot high hotel, this building packs the zoning bulk to maximize office floor plates and thus significantly reduces the height from a previous design proposal.

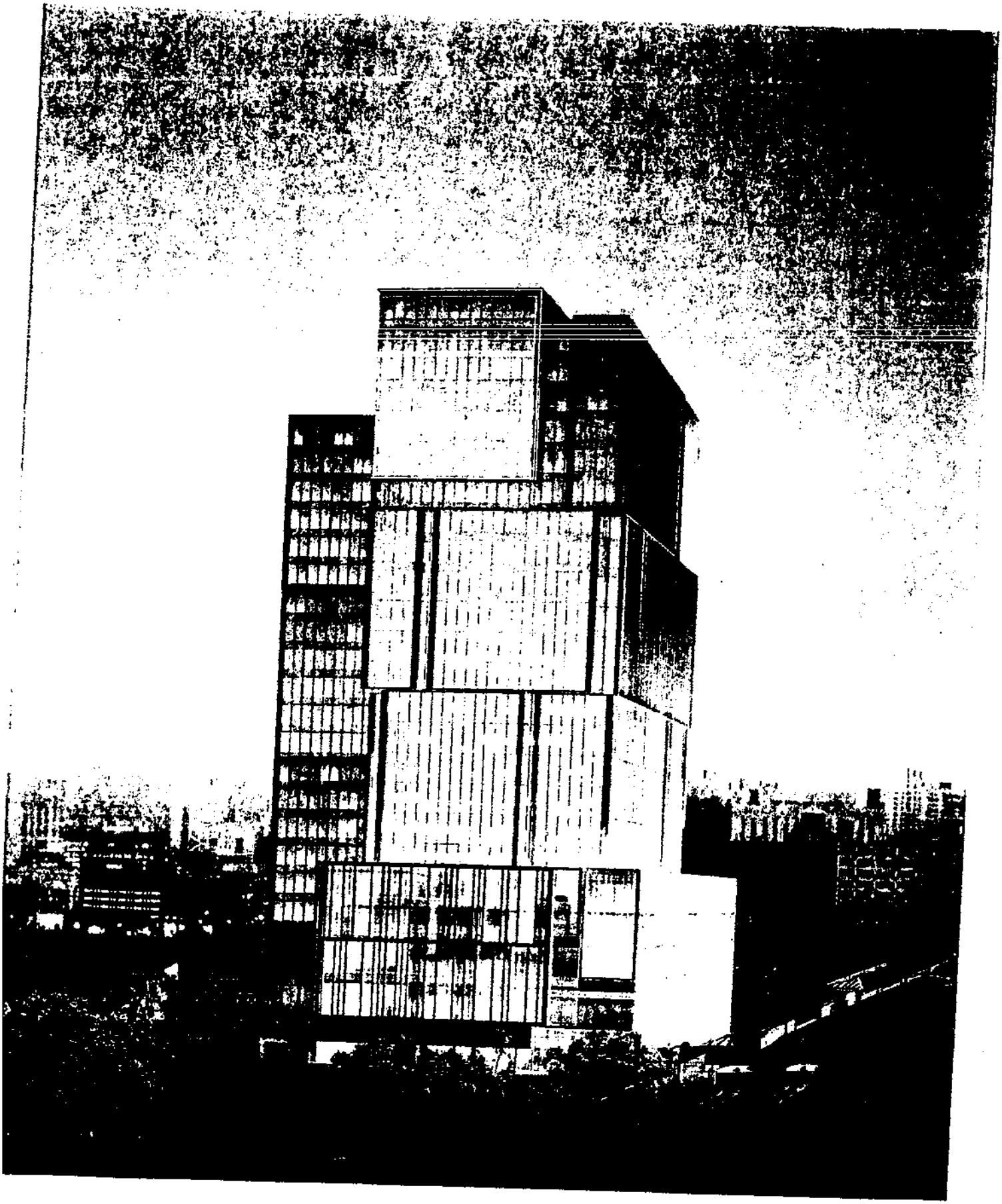
In keeping with the stated goals of the 125th Street Rezoning Plan, the project promotes an active retail streetscape by the addition of over 51,000 square feet of retail with approximately 175 feet of frontage on 125th Street as well as additional street frontage on Park Avenue. It is

designed to maintain contextual streetscape similar in size and bulk to the surrounding buildings by varying the roofline along 125th Street from approximately 57 feet to 85 feet as illustrated in the rendering. Additionally, the use of vertical terracotta colored fins and trim creates an enclosure that echoes the predominantly masonry construction of the surrounding buildings. By developing a composition of smaller-scale 'stacked boxes' trimmed in the terracotta color, the design breaks down the scale of the building.

The project is fully designed with a planned construction start of April 1, 2008. Changes to the envelope by the proposed zoning changes will cause a redesign and delay of approximately six months. Per Mr. Johnson's testimony, a redesign will undermine the project schedule and established tenant move-in dates.

We ask the Commission to support the project by adjusting the proposed zoning envelope to meet the project as approved.

Thank you.



City Planning Commission Public Hearing

January 30, 2008

Testimony of Derek Johnson

My name is Derek Johnson. I am the Managing Member of Integrated Holdings which – along with an affiliate of Vornado Realty Trust, and MacFarlane Partners Calpers – is a member of CV Harlem Park, LLC, the owner of the property located at 1800 Park Avenue on the west side of Park Avenue between 124th Street and 125th Street. Although in general we are supportive of the 125th rezoning, we oppose the height limit of 290 feet (plus up to 40 feet for mechanical equipment) that is proposed for our property. We note that the C4-7 zoning for the site was originally adopted by the Commission and City Council in 2004. At that time, the City Council approved a special permit for height and setback waivers for a proposed hotel that would have been 478 feet tall. If the Commission determines that a height limit is now appropriate, we request that the height limit be at least 325 feet plus mechanical floors, which height is significantly lower than that originally permitted.

We acquired this approximately 35,000 square foot site in May 2007 and have successfully advanced plans to build a new Class A office building designed by the firm of Swanke, Hayden, Connell Architects. This will be the first new Class A office building on 125th Street in 40 years and, we believe, an important anchor that will stimulate growth on the eastern part of 125th Street. Equally importantly, we intend to construct this building to a silver LEED standard, making it among the most environmentally friendly buildings in Harlem and setting the standard for future buildings along 125th Street.

We obtained a building permit for our building on July 31, 2007 and are targeting April 2008 for the start of construction. We are in advanced negotiations with both an anchor tenant

for studio and office space, which represents a significant portion of the new building and will be home to a newly launched major sports network, as well as a second media tenant. The building will contain approximately 583,000 gross square feet and is 302 feet - 7 inches to the top of the roof and 365 feet to the top of the mechanical. If the rezoning is adopted as proposed, we will have to redesign the building, eliminating at least one story from the office tower and reconfiguring the mechanical space to be under the proposed height limitation. Not only would this be a significant financial hardship to a building that has already been designed with a careful eye to cost, but the associated delay would not permit us to meet the timetable set out for construction and completion by our prospective anchor tenant.

Our Harlem Park project will spur significant economic development in the surrounding area, serving as the source of an estimated $1.1 billion in economic impact and 2,300 direct, permanent jobs, 500 of which we expect will go to members of the local community, along with another 1,500 construction jobs. We are also excited about the prospect of bringing a major media tenant to Harlem, which will highlight the attractiveness of Harlem as a major media and entertainment destination and potentially lure other media companies.

We ask the Commission to support us by adjusting the proposed zoning envelope so that we can avoid a time-consuming redesign of our building, which would undermine our ability to meet our prospective tenant's timetable and jeopardize the viability of the project. Joseph Aliotta of Swanke, Hayden, Connell will also testify and present our building and its physical context. Thank you.

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OFFICE OF THE
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JAN 30 2008
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NEW YORK
BUILDING
CONGRESS

VIA OVERNIGHT MAIL

January 29, 2008

Ms. Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: 125th Street Rezoning

Dear Chair Burden and Members of the Commission:

On behalf of the New York Building Congress, the City's largest and most diverse coalition serving the design, construction and real estate industry and involving 1,500 members from 400 constituent organizations, please accept this letter in lieu of testimony at the January 30 City Planning Commission public hearing on the proposed rezoning of the 125th Street corridor in East, Central and West Harlem ("125th Street Rezoning" or "Plan").

The Building Congress commends and enthusiastically supports the City on this impressive interagency initiative, which has spanned more than four years and involved extensive public outreach and guidance from a community-based Advisory Committee. The product of the City's efforts is a comprehensive, balanced plan to achieve clearly-defined goals for preserving and promoting the unique character and history of 125th Street, while creating opportunities to further the ongoing revitalization of the area. That revitalization can progress only so far under the existing zoning, which has remained largely unchanged since 1961 and fails to maximize the potential of this transit-rich corridor.

The Department's plan proposes to unlock that potential by positioning high-density zones where they make the most sense – at the transit hubs and major thoroughfares, while gradually lowering density in zones farther from major transportation infrastructure. Furthermore, by increasing densities for generally the same land uses and replacing existing manufacturing districts to allow new mixed uses and commercial uses, the Plan lays the foundation for enhancing 125th Street as a regional business district and stimulating residential development to help meet the City's increasing demand for housing. These changes are projected to yield two million square feet of new commercial space, more than 2,300 dwelling units, including approximately 450 permanent income-targeted affordable housing units through the first Inclusionary Housing Program in Upper

Manhattan, and over 6,500 new jobs. At the same time, the Plan's proposed zoning changes would preserve the scale and character of areas to complement existing building patterns.

The Plan also includes innovative strategies for enhancing 125th Street's world-famous reputation as an arts, entertainment and retail destination, starting with the City's first-time use of an Arts Bonus, which would give developers a density bonus in exchange for providing visual or performing arts space. This Arts Bonus is expected to create approximately 90,000 square feet of arts and performance space on 125th Street. Equally impressive, the Plan's proposed Special District, a 24-block stretch of 125th Street, would incorporate provisions to maintain and improve its lively pedestrian environment through regulations aimed at ensuring that ground floors are dominated by active uses, such as retail, entertainment and restaurants. In addition, the proposed Special District would contain a Core Subdistrict, where developments with 60,000 square feet of floor area or more would be required to allocate five percent of their space in the building to qualifying arts and entertainment-related uses. Indeed, these measures would pave the way for significantly boosting 125th Street's established cultural repertoire.

Given all of the economic benefits and quality-of-life improvements to be derived from the Plan, the 125th Street Rezoning is exactly the kind of well-planned development the Building Congress endorses. We encourage the Commission to approve it.

Though not specific to this Plan, the Building Congress would like to take this opportunity to express its concern about infrastructure planning and investment related to private and public-initiated development activity citywide. As the Commission knows, Mayor Bloomberg's PLANYC begins to take a hard look at the increasing demand being placed on the City's aging infrastructure and includes a number of initiatives for meeting that demand. But more can and should done to advance that effort.

The Building Congress recommends that, consistent with its mission under the New York City Charter, the Department of City Planning examine the capital programs of the Metropolitan Transit Authority and city agencies responsible for critical infrastructure oversight to determine the extent to which infrastructure planning and investment is keeping pace with citywide demand. Based on this comprehensive examination, capital programs could be adjusted, as appropriate, to make them even more effective in addressing existing and future infrastructure requirements essential to sustaining, let alone growing, development activity and a robust economy.

Sincerely,

Richard T. Anderson
President

cc: The Honorable Inez E. Dickens, New York City Council
The Honorable Michael N. Gianaris, New York State Assembly
The Honorable Robert Jackson, New York City Council
The Honorable Miguel Martinez, New York City Council
The Honorable Daniel O'Donnell, New York State Assembly
The Honorable Bill Perkins, New York State Senate
The Honorable Adam Clayton Powell, IV, New York State Assembly
The Honorable Christine C. Quinn, Speaker, New York City Council
The Honorable Eric T. Schneiderman, New York State Senate
The Honorable Jose Serrano, New York State Senate
The Honorable Scott M. Stringer, Manhattan Borough President
The Honorable Keith L.T. Wright, New York State Assembly

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CB9M

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COMMUNITY BOARD #9, MANHATTAN

OFFICE OF THE CHAIRPERSON
JAN 22 2008
172/3

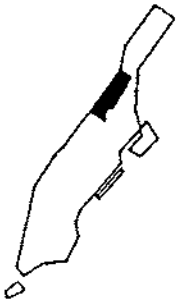
January 16, 2008

The Honorable Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, New York 10007-1216

Re: 125th Street River to River Rezoning Proposal

Dear Commissioner Burden:

We at Community Board No. 9 Manhattan believe that the 125th Street River to River Rezoning Proposal ("Rezoning Plan") provides an important catalyst for the economic development of West 125th Street. In preparation for the upcoming Public Hearing, we have enclosed certain background information in support of our position on the Rezoning Plan for 125th Street.



Included are:

1. The Resolution in support, with conditions, of the Rezoning Proposal passed at our December 5, 2007 *Special Board Meeting;*
2. Support Letters from various Community Members;
3. Power Point Presentation *"West Harlem Development Economic Strategies and Recommendations"*

If you have any questions please, contact me or District Manager Lawrence T. McClean at (212) 864-6268.

Sincerely,

Patricia Jones
Chair

cc: City Planning Commissioners
Ray Gastil, Director, Manhattan Borough Office, DCP
Edwin Marshall, Upper Manhattan Planner, DCP
Hon. Yvonne Stennett, Chair, Housing & Land Use Committee
Hon. Savona Bailey-McClain, Chair, Harlem Piers & Economic Development Committee

The City of New York

CB9M

565 West 125 Street
New York, New York 10027
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Lawrence T. McClean
District Manager

December 7, 2007

Hon. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, New York 10007-1216

Re: Application # C080099ZMM

Dear Commissioner Burden:

At its Special Meeting held on Wednesday December 5, 2007 Community Board No. 9 Manhattan voted to approve the following resolution re: The 125th Street River to River Rezoning by a vote of 19 in favor, 3 opposed and 5 abstentions:



WHEREAS the Department of City Planning put forth an application for the rezoning of 125th Street in Manhattan to cover the area from 124th to 126th Street between Broadway and Second Ave. and;

WHEREAS the Department of City Planning submitted the Draft Environmental Impact Statement on September 28, 2007 and certified this application on October 1st, 2007, and;

WHEREAS the area on 125th street from St. Nicholas Avenue to Broadway falls within the purview of Manhattan Community Board 9 and therefore subject to the ULURP process of Manhattan Community Board 9, and;

WHEREAS the 60-day period for community board review under the Uniform Land Use Review Process (ULURP) commenced on October 10th, 2007, and:

WHEREAS Manhattan Community Board 9 held a public hearing in accordance with ULURP rules on December 3, 2007, and;

WHEREAS the Community Board expects that the current proposed plan for a C4-4D, R7A and R7-2 (with C2-4 commercial overlays) districts along 125th Street from Broadway to Morningside Ave. will not allow for sufficient commercial space, and;

WHEREAS, the city's proposed R7-2 and R7-A zoning designations were meant to protect existing residents, but unduly restricted commercial development; and

WHEREAS Community Board 9 supports the development of affordable housing onsite that is targeted and periodically adjusted to the income levels of Community Board 9 under the following guidelines:

- 20% at 60% or less than AMI
- 40% at 60-100% AMI
- 40% at 100-120% AMI

WHEREAS Community Board 9 has sought to preserve light manufacturing in West Harlem in accordance with its 197-a plan and recommendations, and;

WHEREAS Community Board 9 voted unanimously to support a mix of businesses coupled with arts, culture and creative services as defined by the Standard Industrial Categories (SIC) in the New Amsterdam Special District and;

WHEREAS the benefits of the 125th Street Special District applies primarily to the Core Sub district that is contained in Community Board 10, therefore;

BE IT RESOLVED that the ULURP Committee recommends to the full board of Community Board 9 to vote to support the Department of City Planning's Land Use Review Application for the 125th Street Corridor Rezoning (Application #N080100 ZRM); if the following conditions are met:

(1)The Department of City Planning expand its current rezoning plan and amend the Draft Environmental Impact Statement to include the "New Amsterdam Special District", which will cover the area from the south side of 126th Street to 130th Street between Amsterdam and Morningside/Convent Aves, and be zoned C6-3 (with a Base of 4 FAR, and 4 FAR Bonus for Inclusionary Housing or Arts/Cultural uses, totaling a Max of 8 FAR), with height limitations of 160ft. and

(2) The rezoning plan for both sides of 125th street from St. Nicholas to Broadway be changed to a C6-2A designation (with a Base of 4 FAR, and 3.2 FAR Bonus for Inclusionary Housing or Arts/Cultural uses, totaling a Max of 7.2 FAR), with a height

limitation of 120ft instead of the current C4-4D, R7A and R7-2 (with C2-4 commercial overlays) designations,

(3)The proposed Arts and Culture bonus be extended to cover the area of the rezoning west of Convent Ave./Morningside Ave, to Broadway in order that the entire 125th Street corridor serve as an arts and culture district;

(4) The Arts and Culture bonus give indigenous qualifying businesses and individuals an incentive to own property;

(5)Due to the increase in development potential brought on by the proposed C6-2A and C6-3 designations, anti-harassment and cure provisions be instituted within the Special 125th Street District that are modeled on Article IX: Special Purpose Districts, Chapter 6: Special Clinton District, Section 96-110 in order to ensure that while attracting new development to Community Board 9, safeguards will be in place to prevent displacement of long-time residents.

(6)All housing developed in the proposed 125th Street Special District as recommended by Community Board 9 be affordable housing onsite and only within the site of rezoning that is targeted to the income levels of CB9, as periodically adjusted, according to the following guidelines:

- 20% at 60% or less than AMI
- 40% at 60-100% AMI
- 40% at 100-120% AMI

(7) Consistent streetscape design for the entire 125th Street corridor (i.e., lighting, benches, trash receptacles) to visually unify the districts affected;

(8)Consistent with Community Board 9's 197-a plan and recommendations, the rezoning application includes building code requirements that meet or exceeds Leadership in Energy and Environmental Design (LEED) Silver standard as specified by the U.S. Green Buildings Council (USGBC) as per the goals of the Mayor's PlaNYC 2030; and

(9) The proposed Arts & Entertainment Requirement be changed to a Local Business Requirement. Qualifying local businesses are defined as businesses indigenous to Community Boards 9, 10, or 11, or those registered as minority, woman, disabled or disadvantaged-owned businesses, and not members in a national chain.

(10) That the CB9M considers the preservation and Landmarking of buildings identified in CB9M's 197-a Plan to be of prime importance and desire and that the complete transportation infrastructure serving 125th Street be further studied and the traffic congestion mitigated to insure the smooth development of the 125th Street corridor.

If you have any questions please contact District Manager Lawrence T. McClean or myself at (212) 864-6268.

Sincerely,

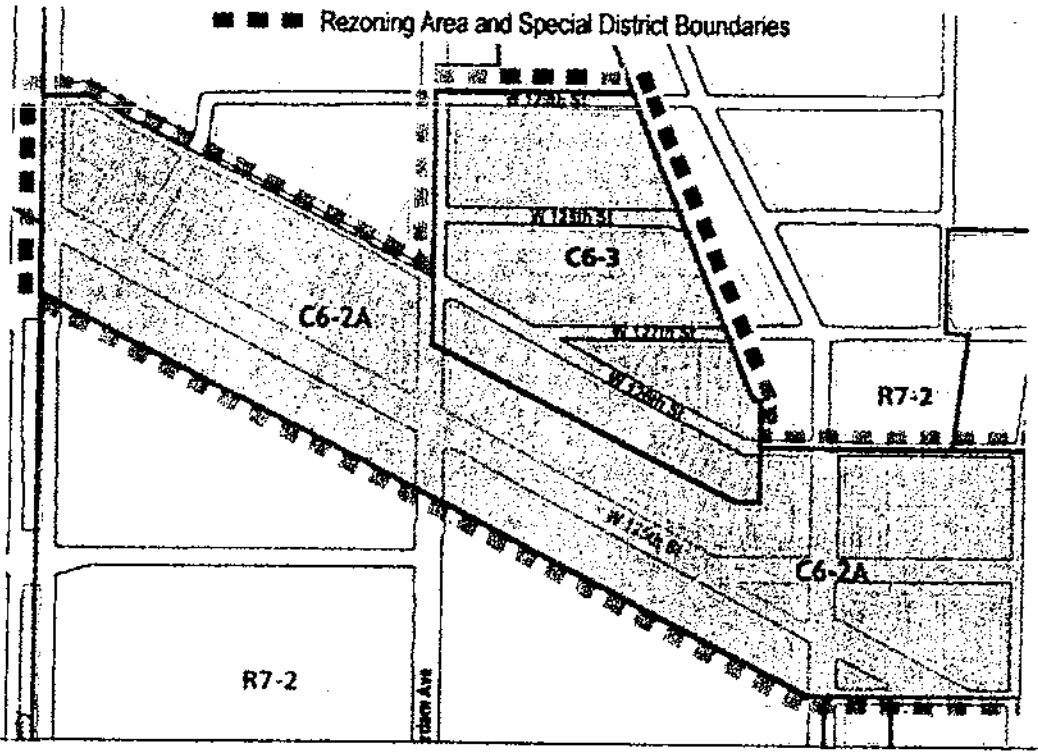
Jordi Reyes-Montblanc
Chair

cc: Hon. Michael Bloomberg, Mayor
Hon. Scott Stringer, Manhattan Borough President
Hon. Robert Jackson, City Councilmember
Hon. Inez Dickens, City Councilmember
Hon. Keith Wright, Assemblymember
Hon. Bill Perkins, State Senator
Hon. Earl Andrews, Vice-Chairman, NYCHA
Maxine Griffith, Executive Vice President, Government & Community Affairs, CU
Hon. Carolyn Thompson, 1st Vice-Chair
Hon. Patricia Jones, 2nd Vice-Chair
Hon. Yvonne Stennett, Chair, Housing Land Use
Hon. Savona Bailey-McClain, Chair, Harlem Piers
Manhattan Community Board(s) 10 and 11

125th Street Rezoning

CB9

PROPOSED ZONING



PROPOSED ZONING

Allowed Density within Special District (FAR):

Use:		RESIDENTIAL		COMMERCIAL	COMMUNITY FACILITY	Building Form: Special District bulk controls		
Underlying Zoning District	Base FAR	Inclusionary Housing Bonus	Max. FAR	Max. FAR	Max. FAR	Building base (streetwall): min.	max.	Building height: max.
R6A	-	-	3.0	-	3.0	40'	60'	70'
C4-4A	-	-	4.0	4.0	4.0	40'	65'	80'
C4-4D	4.0	3.2	7.2	7.2*	4.0	60'	85'	120'
C6-2A*	4.0	3.2	7.2	7.2*	4.0	60'	85'	120'
C6-3	4.0	4.0	8.0	8.0**	4.0	60'	85'	130' - 160'
C4-7	9.0	3.0	12.0	10.0	10.0	60'	85'	290'

*Proposed replacement of C4-4D with C6-2A to allow for greater flexibility in commercial uses (i.e., arts/cultural uses)
**Base 4.0 FAR with bonus of 4.0 FAR given if a certain percent of additional floor area is devoted to arts/cultural uses
*Base 4.0 FAR with bonus of 3.2 FAR given if a certain percent of additional floor area is devoted to arts/cultural uses
C6-3 max building height of 160' within CB9 & CB11 and a max building height of 130' within CB10

---------- Forwarded Message ----------
November 15, 2007

The Honorable Amanda Burden
Commissioner, NYC Department of Planning
22 Reade Street
New York, N.Y. 10007

Dear Commissioner Burden,

Judy Shepherd-King and A Delicate Balance support the inclusion of the New Amsterdam Mixed Use Sub-district in the 125th Street River to River re-zoning plan. Such an inclusion would help facilitate the creation of a much desired cultural arts district. As outlined in CB9's 197a plan, a cultural arts district would generate viable creative jobs in design, production and related services. Tourism will continue to play a major role in NYC overall but Harlem specifically. Improving cultural offerings will benefit the entire district in West Harlem. Our organization is asking that City Planning include our request for this new re-zoning.

Sincerely,

Judy Shepherd-King
cc: Jordi Reyes-Montblanc
Chair, Manhattan Community Board 9
565 West 125th Street
New York, N.Y. 10027

Savona Bailey-McClain
Chair, Harlem Piers, Waterfront & Economic Development
565 West 125th Street
New York, N.Y. 10027

---------- Forwarded Message ----------
November , 2007

The Honorable Amanda Burden
Commissioner, NYC Department of Planning
22 Reade Street
New York, N.Y. 10007

Dear Commissioner Burden,

I, Linda Banton, support the inclusion of the New Amsterdam Mixed Use Sub-district in the 125th Street River to River re-zoning plan. Such an inclusion would help facilitate the creation of a much desired cultural arts district. As outlined in CB9's 197a plan, a cultural arts district would generate viable creative jobs in design, production and related services. Tourism will continue to play a major role in NYC overall but Harlem specifically. Improving cultural offerings will benefit the entire district in West Harlem. Our organization is asking that City Planning include our request for this new re-zoning.

Sincerely,

Linda Banton

cc: Jordi Reyes-Montblanc
Chair, Manhattan Community Board 9
565 West 125th Street
New York, N.Y. 10027

Savona Bailey-McClain
Chair, Harlem Piers, Waterfront & Economic Development
565 West 125th Street
New York, N.Y. 10027

Trust in the LORD with all thine heart; and lean not unto thine own understanding. In all they ways acknowledge him, and he shall direct they paths. (Prov 3:5,6)

December 8, 2007

Darlene C. DeFour, Ph.D.
1919 Madison Avenue, #615
New York, NY 10035

The Honorable Amanda Burden
Commissioner, NYC Department of Planning
22 Reade Street
New York, N.Y. 10007

Dear Commissioner Burden,

I, Darlene DeFour, support the inclusion of the New Amsterdam Mixed Use Sub-district the 125th Street River to River re-zoning plan. Such an inclusion would help facilit the creation of a much desired cultural arts district. As outlined in CB9's 197a pla cultural arts district would generate viable creative jobs in design, production and related services. Tourism will continue to play a major role in NYC overall but Harl specifically. Improving cultural offerings will benefit the entire district in West Harlem. Our organization is asking that City Planning include our request for this n re-zoning.

Sincerely,

Darlene C. DeFour, Ph.D.

---

cc: Jordi Reyes-Montblanc
Chair, Manhattan Community Board 9
565 West 125th Street
New York, N.Y. 10027

Savona Bailey-McClain
Chair, Harlem Piers, Waterfront & Economic Development
565 West 125th Street
New York, N.Y. 10027

December 10, 2007

The Honorable Amanda Burden
Commissioner, NYC Department of Planning
22 Reade Street
New York, N.Y. 10007

Dear Commissioner Burden,

As an artist, I support the inclusion of the New Amsterdam Mixed Use Sub-district in the 125th Street River to River re-zoning plan. Such an inclusion would help facilitate the creation of a much desired cultural arts district.

As outlined in CB9's 197a plan, a cultural arts district would generate viable creative jobs in design, production and related services. Tourism will continue to play a major role in NYC overall but Harlem specifically. Improving cultural offerings will benefit the entire district in West Harlem. I am asking that City Planning include the community's request for this new re-zoning.

Sincerely,

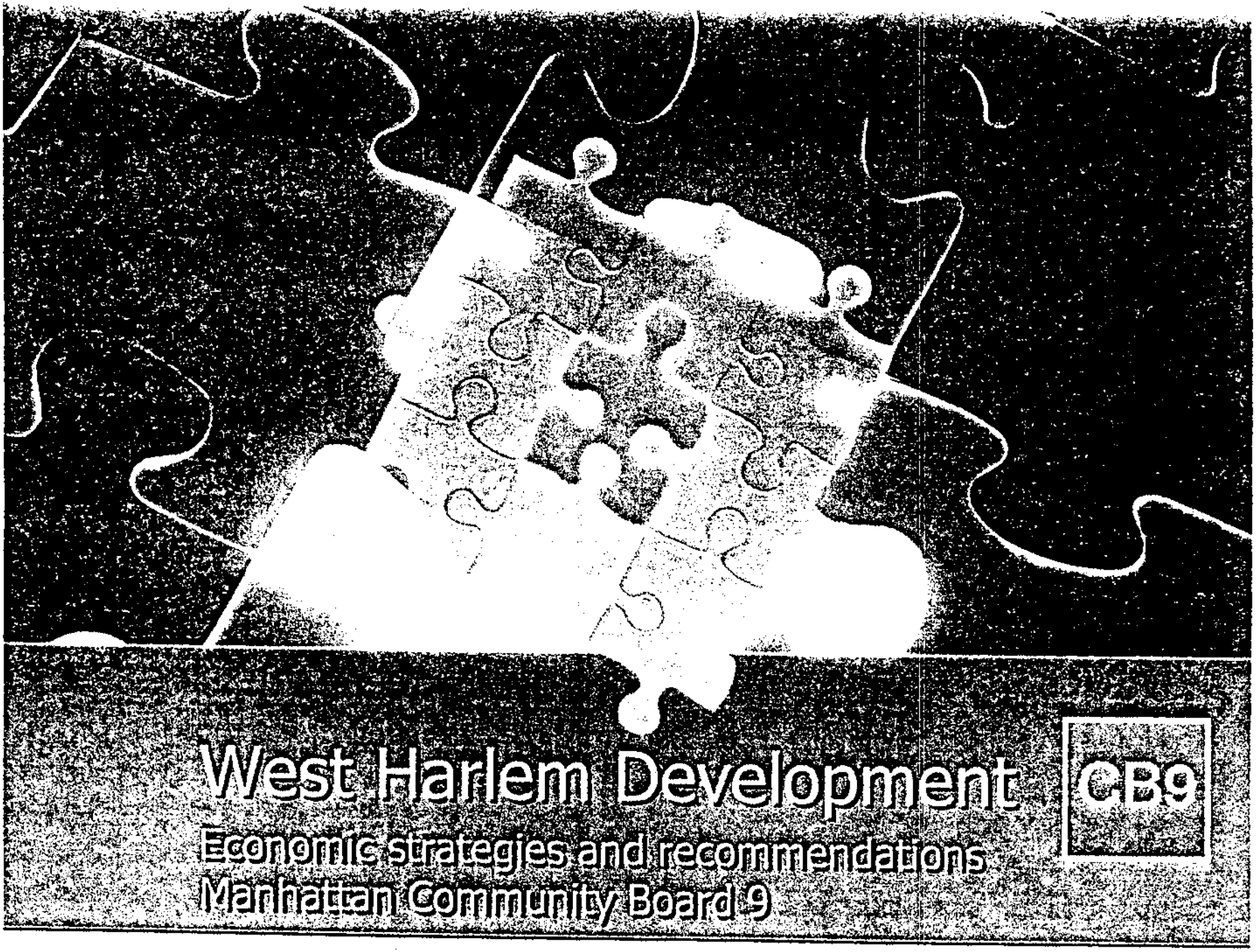
Joan Green

Joan Green
Arts Supporter

cc: Jordi Reyes-Montblanc
Chair, Manhattan Community Board 9
565 West 125th Street
New York, N.Y. 10027

Savona Bailey-McClain
Chair, Harlem Piers, Waterfront & Economic Development
565 West 125th Street
New York, N.Y. 10027

****
See AOL's top rated recipes (http://food.aol.com/top-rated-recipes?NCID=aoltop00030000000004)



West Harlem Development

Economic strategies and recommendations

Manhattan Community Board 9

CB9

Acknowledgements

This presentation was created by the Harlem Piers, Waterfront, Economic Development & Consumer Affairs Committee.

We wish to thank Blaine North, committee member for leading the team and for design, layout & research.

We also wish to thank Marc Bleyer, CB9's Urban Fellow, for providing economic research and committee chair Savona Bailey-McClain for providing creative service data.

Introduction

CB9

The purpose of this presentation is to provide recommendations for the re-zoning of 125th Street River to River, the marketing of West Harlem and tourism for our Harlem Piers area.

River to River

CB9

One hundred and twenty-fifth Street is being re-zoned for the first time in 40 years. The impact of this re-zoning will effect quality of life for all of Harlem -- East, Central and West. CB9's portion of 125th Street begins at St. Nicholas Avenue where we have a mixture of one to two story buildings on the northern side of the boulevard along with a few six story buildings. The height limitations on the northern side of the boulevard is approximately 80 feet. The southern side of our boulevard is zoned R7-2 (primarily residential) with more taller buildings and a few retail businesses.

City Planning recommends no zoning changes in our district on 125th Street up to Broadway. Such zoning would limit opportunities for mixed use developments that could benefit residents. And City Planning is omitting our New Amsterdam/Mixed Use District which would stifle local entrepreneurship and make Columbia our primary economic engine.

After much consideration and review, CB9 wants the following inclusions to the 125th Street River to River plan that will offer a more integrative mix:

CONSISTENCY:

- Inclusion of CB9 in the 125th Street re-zoning plan going west to Broadway and include our New Amsterdam/Special Mixed Use District
- Consistent C-6(3) designation from St. Nicholas Ave. to Broadway
- Consistent height limits of 160 feet
- Consistent streetscape along 125th Street

River to River

CB9

AFFORDABLE HOUSING:

CB9 wants any new housing to include income targeted units (50% of Area Median Income or $35,000 for a family of four) and to be developed on 124th or 126th Street.

LOCAL BUSINESS REQUIREMENT:

CB9 want the Arts and Entertainment Requirement proposed by City Planning *(New development of 60,000 square feet or more must dedicate 5% percent of floor area space to an arts and entertainment business)* to be changed to a Local Business Requirement. A local business is defined as being a business based in CB9, CB10, CB11 or a registered Minority Business.

CULTURAL BONUS:

CB9 wants a cultural bonus adopted as an additional incentive for development. And CB9 wants the definition of Cultural expanded to include creative service as defined by the **Standard Industrialization Classification (SIC) Codes of the Nation's Art Related Businesses**.

Rationale: A Look at Local Businesses in CB9 Manhattan

CB9

CB9 lacks diverse businesses to serve the local population

The business make-up in zip code 10031*

- 67 restaurants
- 44 grocery stores
- 65 beauty salons
- 59 health care professionals
- 37 real estate services
- 30 churches

*Source: Reference USA, all data is as of January 2007

A Look at Local Businesses in CB9 Manhattan

CB9

Businesses in zip code 10031*

- 67% of local businesses have sales volume of less than $1 million per year.
- Nearly 50% have less than $500,000 in sales volume.
- 8 local businesses have sales totaling between $10 and $20 million per year.
- Food services, including restaurants and grocery stores, make up the greatest number of businesses in the area.

*Source: Reference USA, all data is as of January 2007

A Look at Local Businesses in CB9 Manhattan

Businesses in zip code 10031*

- A total of 1225 businesses, including street level retail space, home-based small businesses, non-profits, and religious institutions among others
- The majority of businesses employ between 1 and 4 people
- 85% of businesses employ less than 10 people
- Only 10 businesses have more than 100 employees

*Source: Reference USA, all data is as of January 2007

Consumer Demographics

By 2007, the Selig Center for Economic Growth projected ethnic multicultural marketing buying power at:

- African Americans, $852.8 billion
- Native Americans, $57.3 billion
- Asian Americans, $454.9 billion
- Hispanics, $926.1 billion

Waterfront Development
West Harlem Piers

CB9

- The West Harlem Piers is the strip of waterfront property between St. Clair Place/125th Street and West 133rd Street.
- A series of piers and an adjoining park is in the final stage of construction and slated for a Spring 2008 opening.
- The piers will bring visitors closer to the waterfront and can be developed into a dynamic tourist destination in Upper Manhattan.
- The Harlem Piers area begins from Old Broadway to 12th Avenue from 125th Street to 135th Street

Developing a Tourism Plan

CB9

- The name "West Harlem Piers" recognizes the increasing significance of the piers in positioning West Harlem as a tourism destination
- Although the offerings of the Pier will be substantial, there are many further opportunities to be seized.
- In particular, the piers area is a tremendous opportunity for the development of an arts and culture hub attractive to both community members and tourists alike.

The Economic Opportunities in Arts & Culture Tourism

CB9

- There is an un-tapped economic opportunity for the West Harlem Piers in arts & culture tourism.
- Arts & culture tourism is based on the development and support of creative industries in West Harlem.
- Creative industries are defined by Americans for the Arts as "arts-centric businesses that range from nonprofit museums, to for-profit film, architecture, and advertising companies, creative industries are the high-octane fuel that drive the information economy – the fastest growing segment of the nation's economy."

The Economic Opportunities in Arts & Culture Tourism

CB9

- Americans for the Arts documented the economic impact of arts & culture organizations and their attendees for the year 2005 :
  - Attendees spent $103.1 billion or an average of $27.79 per person per event*
  - 39% of attendees were visitors who spent $40.19 per person per event*
  - Local residents naturally become attendees compromising 61% of attendees spending an average of $19.53 per person per year*

*Data Source: "Arts & Economic Prosperity" by Americans for the Arts

The Economic Opportunities in Arts & Culture Tourism

Data shows that the support and development of creative industries:

- Creates desirable tourist destinations.
- Attracts both local and non-local audiences.
- Attendees both local and non-local spend considerable money thus spurring business growth, creating jobs, and generating government revenue
- Encourages the use of technology

A Look at Creative Industries in CB9 Manhattan

Data on Creative Professionals:

- 46 businesses in the 10031 zip code are in the creative industries or 3.7% of the total.
- Art galleries and dealers make up the largest number of a single type of creative business with a total of 8 in the area.
- The other businesses cover a range of services including music, visual and performing arts

*Source: Reference USA, all data is as of January 2007

A Look at Creative Industries in CB9 Manhattan

- Creative industries, defined by Americans for the Arts as businesses involved in the "creation or distribution of the arts"
- Overall, creative industries make up 4.3% of all businesses in the country
- These industries tend to be much more adept at retaining their workforce.
- From 2004 to 2006, employment for all businesses dropped 5.6% while employment in creative industries dropped by only 3.7%

*Source: Americans for the Arts

A Look at Creative Industries in CB9 Manhattan

A comparison of creative industries in U.S. Congressional District 15 and New York State District 30 vs. zip code 10031

U.S. 15 & N.Y.S. 30*	10031*
18 & 19% film & video related	>1% film & video related
18% photography related	>1% photography related
2-3% visual arts related	0.08% visual arts related

*Source: American for the Arts

*Source: Reference USA, all data is as of January 2007

A Look at Creative Industries in CB9 Manhattan

- It is clear that more analysis is needed to have a total look at the business needs in CB9 Manhattan.
- However, the aforementioned data shows that there is a clear shortage of arts-related businesses in some sectors.
- The development of these sectors along with the use of technology can only enhance the branding and marketing of West Harlem and the Harlem Piers Area.

A Look at Creative Industries in CB9 Manhattan

A comparison of creative industries in U.S. Congressional District 15 and New York State District 30 vs. zip code 10031

U.S. 15 & N.Y.S. 30*	10031*
18 & 19% film & video related	>1% film & video related
18% photography related	>1% photography related
2-3% visual arts related	0.08% visual arts related

*Source: American for the Arts

Creating a West Harlem Piers Brand

CB9

- It is not as simple as "build it and they will come", the West Harlem Piers, to be the best, must be marketed.
- To differentiate the area, the piers must be positioned as not only a simple park but apart of a bigger arts & culture "scene".
- Thus the marketing of the Piers and West Harlem as a new and fresh cultural destination should start immediately and continue to expand and evolve as the area develops.

Creating a West Harlem Piers Brand

Marketing Strategies:

- Develop the brand concept of the West Harlem Piers and promote it to local businesses, key stakeholders and residents to ensure that actively advocate for the area.
- Encourage business owners and stakeholders within the Piers area to see themselves as part of the waterfront.
- Program a diverse range of high quality arts & culture attractions for visitors to encourage them to move through out the waterfront area
- Develop and make easily accessible to all a full calendar of major and minor events to be staged in the Piers area
- Develop a multi-faceted advertising and promotion campaign targeted at both visitors and local residents

Case Study: Chattanooga, TN

- A former industrial center, Chattanooga's land along the Tennessee River was once so polluted that it was near uninhabitable.
- The city created a riverfront vision, entitled "The 21st Century Waterfront" putting $120 million into a 129-acre project using the river to revitalize the city's downtown area.
- Central to this revitalization was the appreciation of art, both informal and formal.
- Twenty years after they started the project is complete and the banks are lined with an aquarium, art museum, children's museum, carousel, theatres, green space and public art.

International Initiatives

CB9

Creative London

"Economically, London's creative industries are one of the fastest growing sectors in the city: generating £21bn annually, employing more than 500,000 Londoners, they will contribute significantly to future job growth in London."
Ken Livingstone, Mayor of London

It's only recently that we've been able to fully appreciate the contribution that the creative industries make to London's economy and present the case for studying and supporting them.

London's creative industries are clearly doing well and the future looks very promising. Research suggests that growth rates of 4.5 per cent are sustainable in the medium term, particular in sectors like digital content, music, design and fashion. So, by the time the Olympics come to London in 2012, we could be talking about a £30bn plus business – a business that's bigger than the city's financial sector.

But besides the sums, the creative industries also provide ideal opportunities to achieve social inclusion in the capital – challenging existing economic and social barriers, promoting diverse workforces, engaging with disadvantaged communities and allowing individuals to use talent and innovation alone to shine.

And that's priceless.

Case Study: Boston Piers Park

CB9

- Boston Piers Park is a 6.5 acre children's playground that was built along the East Boston riverfront in 1995.
- It aimed to answer East Boston's need for public open space.
- The park reclaims an abandoned pier and provides direct pedestrian access to the waterfront.
- The park includes, besides the children's playground, and amphitheatre for culture activities, a sailing center, and an "outdoor fitness system"

International Initiatives

CB9

CREATE BERLIN

CREATE BERLIN IS AN INITIATIVE BY AND FOR BERLIN DESIGNERS

CREATE BERLIN is an ambassador representing creative variety of the Berlin design scene

CREATE BERLIN unites creative minds and talents from agencies, companies and institutions in Fashion Design, Product / Interior Design and New Media / Graphic Design and is a network spanning all design disciplines.

CREATE BERLIN clusters the energies and ideas of Berlin's creative talents and provides them with a platform to realize their projects and visions by joining forces with other creatives under the label CREATE BERLIN.

With help of national and international funding organisations and businesses CREATE BERLIN promotes the economic potential of Berlin's design industry and strengthens Berlin's reputation as a unique and aspiring design metropolis and as a recently designated UNESCO City of Design.

CREATE BERLIN is committed establishing Berlin as an internationally recognized design metropolis and to promoting innovative design products from Berlin wordlwide.

Source: www.create-berlin.de

Recommendations

CB9

- Lengthen the re-zoning area west to the Hudson River
- Inclusion of CB9's New Amsterdam – Mixed Use District from 125th Street to 129th Street in the River to River re-zoning area.
- Acquire a C6(3) re-zoning of 125th Street & the New Amsterdam – Mixed Use District (height limitations to 160 feet)
- Expansion of the 125th Street Business Improvement District to the Hudson River & across 12th Avenue.
- Shared management of the West Harlem Piers which includes a programmatic arm driven by West Harlem community partners.
- Branding of West Harlem & the Harlem Piers Area

From: EDWIN MARSHALL
To: BRAGDON, KATHERINE; DOBRUSKIN, ROBERT; EVANS, CELESTE; GRUEL, YVETTE;...
Date: 2/11/2008 6:45 PM
Subject: Fwd: Written Testimony

>>> ehym <ehym@yahoo.com> 2/10/2008 11:17 PM >>>
My name is Elloheim K Tucker.

I am testifying in opposition to the 125th street Rezoning Plan. Your plan will eradicated our Black heritage. Harlem will no longer be affordable for small businesses or our black residents. Some of our families like mine have live in Harlem for over 5 generations. I am in strong opposition of your plan.

Elloheim K. Tucker

Looking for last minute shopping deals?
Find them fast with Yahoo! Search. http://tools.search.yahoo.com/newsearch/category.php?category=shopping

From: EDWIN MARSHALL
To: BRAGDON, KATHERINE; DOBRUSKIN, ROBERT; EVANS, CELESTE; GRUEL, YVETTE;...
Date: 2/11/2008 6:41 PM
Subject: Fwd: QUEEN MOTHER DR. BLAKELY TESTIMONY
Attachments: Housing Statement 01-30-08.doc

>>> "Patreinnah Acosta-Pelle PR City Company" <prcity@nycmail.com> 2/10/2008 11:44 PM >>>
Attached is Queen Mother Dr. Blakely's testimony in response to
The City Planning Commission Meeting on Wednesday, January 30, 2008.

Please confirm receipt of this email transmission.

Thank you,

Patreinnah Acosta-Pelle
Executive Officer
PR City, Company
New Future Foundation, Inc
{718} 568-8626
prcity@nycmail.com

--
Want an e-mail address like mine?
Get a free e-mail account today at mail.com!

From: ADAM WOLFF
To: ALISON McCABE; CELESTE EVANS; EDWARD GREENFIELD; JULIE LUBIN; MELISS...
CC: PATRICIA BUSSEY
Date: 2/8/2008 12:48 PM
Subject: Re: Hospital for Special Surgery, CEQR 05DCP061 / WRP 06-029

Can we meet to discuss this in more detail. How does next **Tuesday 2/12 at 10:30 am** sound? 6th floor conference room (small one).

>>> EDWARD GREENFIELD 02/[illegible] PM >>>
Adam,

I looked over the 1/15/2008 Preliminary DEIS which refers to significant adverse impacts (1) to urban design and visual resources and (2) due to consistency issues with NYC Waterfront Revitalization Program policies.

The PDEIS WRP assessment sta[illegible]ct would "partially block visual access to the waterfront."

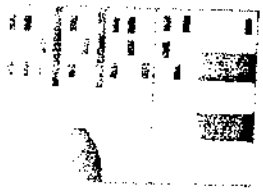
The Urban Design / Visual Resou[illegible]P issues appear to be similar, or closely linked.
I'd like to review this application w[illegible]etter understand the impacts which have been identified.
Adam, I'm copying this email to C[illegible]EARD) as she may also be interested in reviewing this matter.

Please let me know when we could discuss this.
Thanks,

Eddie Greenfield
Waterfront & Open Space Division
NYC Department of City Planning
22 Reade Street, 6E
New York, NY 10007

Phone: 212 720 3445
Fax: 212 720 3490
E-mail: EGreenf@planning.[illegible]

http://www.nyc.gov/html/dcp[illegible]



WEST HARLEM ENVIRONMENTAL ACTION

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Vernice D. Miller
Peggy M. Shepard
Chuck Sutton

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Dennis Derryck

Executive Director
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Roberto G. Lebron, Esq.

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Stanley E. Michels
Phillip Morrow
Norma Ramos, Esq.
Kerri D. Rogers

February 11, 2008

Amanda Burden
Director
New York City Department of City Planning
City Planning Commission
Calendar Information Office
22 Reade Street – Room 2E
New York, New York 10007-1216

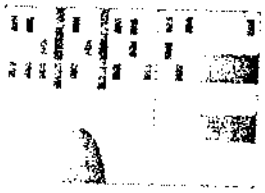
RE: Proposed 125th Street Rezoning Draft Environmental Impact Statement

Dear Ms. Burden,

West Harlem Environmental Action, Inc. ("WE ACT") submits these comments on the Draft Environmental Impact Statement ("DEIS") for the Proposed 125th Street Rezoning ("125th Street Rezoning" or "Plan"). We are deeply disappointed to find that despite a three-year public collaborative process to develop a rezoning plan the Department of City Planning ("DCP") promised would meet the both the development and economic needs of the Harlem community, DCP has gone forward with a plan that not only ignores the community's expressed needs but that would have such profoundly significant negative impacts on every aspect of life and the environment in Harlem. The DCP has betrayed Harlem's trust and the spirit of collaboration in which the River to River Plan was developed.

As a model of community participation in city planning initiatives, the DCP came to Harlem residents in 2004 to propose a way to sketch out a plan for developing the 125th Street Corridor. DCP offered to host a community charette to solicit ideas from residents and community members about their needs and vision for the rezoning. The charette was extremely successful, with 150 participants, and culminated a shared vision of how 125th Street should be developed. One of the results of that visioning process was the Harlem Waterfront Park, which will open in Spring 2008.

After the community charette, DCP has held regular meetings purportedly to update community members on the progress of the planning for the 125th Street Corridor and on the implementation of our shared vision. Many residents and other Harlem community members, including WE ACT, took part in the planning process. We gave of our time and effort in attending the meetings and to comment on the zoning changes necessary to reconcile community's with the City's needs. We believed that, because the City initiated the rezoning action, our input would be respected and our interests protected. To everyone's surprise, DCP unveiled a rezoning plan that is diametrically opposed to suggestions made at numerous committees and betrays Harlem community members' interests. Moreover, rather than attempting to meet the community needs, which is purportedly its goal, DCP has chosen to support developers of luxury condominiums and corporate entertainment and shopping outlets whose aim is to capitalize on New York City's newly regained status as a tourist destination in



recreating the mid-town entertainment "mecca" at 42nd Street, uptown on 125th Street and beyond.

As detailed herein, the rezoning will bring in health and safety problems as a result of the anticipated increase in vehicle traffic that unwise economic development in the area would bring, not to mention other pollution sources. This will cause bus idling and increase diesel exhaust in neighborhoods that are already plagued by poor air quality, as cited by a recent study with WE ACT and the Columbia School of Public Health. Furthermore, community members are troubled that the corporate entertainment venue will cause Harlem to lose its cultural heritage and historic character as the cradle and home of the black literary, artistic, political, and cultural movements that have swept the world. WE ACT urges the Department of City Planning (hereinafter, "DCP") to incorporate the recommendations identified in these, WE ACT's, comments.

The DCP's approach undermines CEQR's intent to ensure that the public and decisionmakers are provided with enough detail about the project and its environmental consequences to determine the advisability of a development. More specifically, the DEIS is deficient because 1) it fails to take the requisite "hard look" at the project's impact on West Harlem's air quality, public health and safety, hazardous waste, infrastructure, noise, and construction; 2) it fails to consider with sufficient adequacy reasonable alternatives; 3) it fails to conduct the required environmental justice issues involved, and 4) it fails to discuss project mitigation "to the maximum extent practicable, minimize or avoid adverse environmental effects."

For the reasons outlined herein, WE ACT strongly urges that the City Planning Commission ("CPC") and the City Council to reject the DEIS as written. CPC and the City Council should refuse to allow the Plan to go forward the DCP revises its environmental impact statement to provide a thorough analysis of its significantly negative environmental impacts and design ways to avoid them.

Sincerely,

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WE ACT'S COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACTS STATEMENT FOR THE 125TH STREET REZONING PROPOSAL BEFORE THE NEW YORK CITY CITY PLANNING COMMISSION

I. The DEIS Fails to Take the Requisite "Hard Look" at the Environmental Impacts of the Proposed Columbia Expansion

The purpose of an Environmental Impact Statement ("EIS") is to ensure environmental concerns are addressed at the planning stages of a project.[1] Under the State Environmental Quality Review Act ("SEQRA") and CEQR, development projects must undertake an EIS if the lead agency, the state or city agency responsible for the environmental review of the project, determines that it may have significantly negative impacts on the environment. In order for the agency to make this determination, the EIS must disclose all significant environmental impacts,[2] discuss alternatives[3], and adopt mitigation measures to reduce or eliminate impacts to the maximum extent possible[4]. The law requires the lead agency, in this case DCP, to take a "hard look" at the project's environmental impacts and provide a "reasoned elaboration" as to its decision to allow the project to go forward. Therefore, the lead agency must have on record evidence showing that it examined the environmental impacts of the project and weighed the alternatives and mitigation in reaching its conclusion[5]. "[A] conclusory statement, unsupported by empirical or experimental data, scientific authorities or any explanatory information will not suffice as reasoned elaboration for [an agency's] determination." [6]

Here, the DEIS fails to analyze the scope and scale of the 125th Street Rezoning's potential impacts at the level of detail that the relevant decision makers, including the Planning Commission, the City Council, and DCP itself, would need to give the project a sufficiently "hard look." Therefore, the DCP's lackluster "scrutiny" of the project cannot have allowed it to make a reasoned consideration of the relevant issues. A careful examination is particularly important in this case because the rezoning of 125th Street would forever transfer the unique character as an urban "village" with an eclectic mix of local businesses, architectural style, and cultural institutions. If DCP is allowed to go forward with this rezoning, it would irretrievably commit this precious public resource to very detrimental change.

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[1] *See e.g., Weinberger v. Catholic Action of Hawaii/Peace Educ. Project*, 454 U.S. 139, 142-43 (1981); *Matter of WEOK Broad. Corp. v. Planning Bd. of Lloyd*, 79 N.Y.2d 373, 380 (N.Y. 1992); *Matter of Jackson v. New York State Urban Dev. Corp.*, 67 N.Y.2d 400, 414-15 (N.Y. 1986).
[2] 6 NYCRR 617.9(b)(5)(iii).
[3] 6 NYCRR 617.9(b)(5)(v).
[4] 6 NYCRR 617.9(b)(5)(iv); CEQR Technical Manual ("CTM") 1-11 (2001).
[5] *NRDC v. U.S. Army Corps of Eng'rs*, 399 F. Supp. 2d 386; *Matter of UPROSE v. Power Auth. of N.Y.*, 729 N.Y.S.2d 42 (App. Div. 2001); *Town of Red Hook v. Dutchess County Res. Recovery Agency*, 552 N.Y.S.2d 191 (Sup. Ct. 1990).
[6] *Tehan v. Scrivani*, 468 N.Y.S2d 402, 406 (App. Div. 1983).

A. The DEIS Fails to Disclose Significantly Negative Air Quality Impacts on the West Harlem Community

The Clean Air Act ("CAA") authorizes the Environmental Protection Agency ("EPA") to regulate emissions of air pollutants that "may reasonably be anticipated to endanger public health or welfare."[7] Accordingly, EPA named six criteria pollutants (e.g., sulfur dioxide – SO_x, nitrogen oxide – NO_x, carbon monoxide, photochemical oxidant agents of smog, particulate matter, and lead) and set the national ambient air quality standards (NAAQS) that govern acceptable levels of each of them.[8] The CAA requires each state to prepare an implementation plan (e.g., the State Implementation Plan, "SIP") that provides for the implementation, maintenance, and enforcement of the NAAQS.[9] Emission sources located in areas that have not attained the NAAQS for any given pollutant must meet the stringent Lowest Achievable Emission Rate ("LAER") standard for that pollutant. The LAER mandates the most effective emission control technology.

In addition to federal and state air quality regulations, the CTM identifies three sources of air pollution that must be considered in a proper environmental impact analysis; these are mobile, stationary and construction sources.[10] Actions that increase mobile source emissions are those that: add vehicles to the roads regardless of mitigation that affect traffic flow, anticipate construction of parking lots or garages that emit air pollution as part of the facility's operation, and create new uses next to sources of pollution.[11] The 125th Street rezoning will add some 2103 vehicles trips to the 125th Street Corridor; it will create 16 new parking facilities with a capacity of 1743 spaces; and construct over square feet of new uses including 2,328 residential dwelling units (DUs), 189,099 square-feet of specialty retail space, 19,488 square-feet of boutique retail space, 436,014 square-feet of office space, and 11,672 square-feet of hotel space on the 26 projected development sites – all activities that would exacerbate the impact of existing air pollution sources including Route 90 the Henry Hudson Parkway, FDR Drive, local truck routes, five MTA bus depots, and the North River Sewage Treatment Plant.

Similarly, an action increases stationary source emissions if it involves installing a new large boiler that exhausts pollution into the air.[12] Here, DCP anticipates that some 52 sites (26 identified and 26 "potential" development sites) will be developed as a result of the upzoning of residential and commercial use on 125th Street. The new development will be many-folds larger, more energy intensive, and therefore more polluting than anything that currently exists on 125th Street. Although DCP has attempted to analyze the pollution generating potential of the anticipated development, the agency assumes building boilers will be burning both Number 2 fuel oil and natural gas. However, precedence from other large-scale, mixed-use buildings in the area suggests that new developments on 125th Street will likely employ fuel oil, and probably at a heavier grade, thus more polluting, than Number 2. Fuel oil is one of the most polluting energy sources, emitting tremendous amounts of key criteria pollutants such as NO_x, SO_x, and PM, not to mention other toxic pollutants, hazardous air pollutants

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[7] 42 U.S.C. § 7508(a)(1)(A).
[8] 42 U.S.C. §§ 7508(a), (b).
[9] 42 U.S.C. § 7510 (a).
[10] CTM 3Q-1.
[11] CTM 3Q-1.
[12] CTM 3Q-1.

("HAP"), for which both New York State and the EPA are developing emission guidelines.

In addition to the boilers, the rezoning-accommodated mixed-use commercial buildings will probably install emergency generators, which will most likely also employ diesel fuel. The combination of higher energy demands and low-quality fuel types sets Harlem up for an air quality disaster that will exacerbate already unacceptable rates of asthma, asthma hospitalizations, respiratory disease, and cancer. The City must require the use of alternative fuel and energy sources. At a minimum, new developments or renovations must be subject to strict energy conservation guidelines (e.g., weatherization, energy efficient office and residential appliances, and energy efficient HVAC systems, etc.) and required to employ natural gas or biodiesel as a start. Developmental incentives should be given for developments that make use of such other sources energy as solar and geothermal power.

Finally, a development may have construction air quality impacts if it involves dust emissions from the construction of new facilities, from sandblasting, from the operation of construction equipment, and from construction-generated traffic.[13] The impact of such activity is assessed by the magnitude and duration of the construction activity.[14] Here, the rezoning allows dramatic increases in building heights and anticipates that owners of up to 52 sites will take advantage of the upzoning. The construction-related traffic and fugitive dust generated from the sheer size and number of construction projects that will result from this rezoning is unimaginable. Add to this mix, the fact that many of these sites contain older buildings that will have to be demolished and new foundations will have to be laid to accommodate dramatic height increases, and you have unbearable dust, noise, vibration, and air pollution conditions that would discourage outdoor activity. Harlem residents already have a taste of this, albeit on a smaller scale, from the numerous condominium projects cropping up haphazardly throughout the neighborhood, and they already report respiratory problems and eye irritations from construction vehicle emission, traffic, and fugitive dust. Environmental health and safety restrictions on construction site operations must be put in place to avoid and/or minimize future construction impacts on the health and well-being of members of this community.

1. DCP Fails to Disclose the Full Range of Toxic Air Pollution That Will Result from the Construction and Operation of the 125th Street Rezoning

Carbon Monoxide

Carbon Monoxide ("CO"), the by-product of an incomplete combustion of fossil fuels including fuel oil (used in firing commercial boilers) and diesel (used in powering trucks, construction vehicles and equipment, and emergency generators), is a potent air pollutant that can have acute, well-documented adverse health effects. CO enters the bloodstream through the normal breathing apparatus and exerts its damaging effects by disrupting the body's normal oxygen delivery system. The disruption of the body's supply of oxygen puts at risk the functions of the heart, brain, and other organs of the

[13] CTM 3Q-1.
[14] *Id.*

body.[15] The worst part is that, because CO is a colorless, odorless gas, potential victims do not know to avoid areas of high CO concentrations. Because of its potentially deadly effects, EPA has named CO among the six criteria pollutants for which a NAAQS is necessary. Having fallen out of CO attainment during the 1990's, New York City and its partners in the metropolitan area has worked hard to come back into compliance with federal standards set by EPA.

DCP disingenuously discounts any CO impacts despite disclosing higher vehicle counts, construction activity on at least 52 development sites, and additional energy and HVAC needs for the upzoned commercial and residential uses in the rezoned area. However, one look at DCP's methodology for estimating these impacts reveals why. First, DCP only estimated CO concentrations at intersections on 125th Street itself, claiming that these are the areas most likely to be impacted by the rezoning. However, the rezoning plan calls for the new regulations to cover a north-south border from 124th to 126th Streets. Therefore, construction activity as well as HVAC exhausts will spill over to both these streets. Additionally, because the rezoning-related traffic mitigation were designed to relieve congestion on 125th Street, traffic on 124th and 126th Streets will likely increase; thus, increasing their air pollution profile. Second, air monitors on whose data the DCP relies are located in Brooklyn and in the north Bronx, at substantial distances from the rezoning site while CO can have both regional and local health impacts. DCP needs to reconsider CO impacts arising from the rezoning by monitoring CO increases more locally and to widen the geographic scope of the CO changes.

In addition to the deadly effects CO can have on its own, global warming can exacerbate its public health impacts on Harlem community members. Scientists the world over agree that global temperatures are rising in some places by as much as 1.8-3.4 degrees Fahrenheit. In New York City, this is a particularly important issue to consider because heavily built neighborhoods are vulnerable to the urban heat island effect, a phenomenon that cold lead to urban temperature increases of 2-10 degree Fahrenheit above what can be expected from global warming impacts in rural areas.[16] That is, green open spaces that can help reflect radiation and absorb carbon dioxide ("CO_2") are in short supply while heavy use of asphalt and other paving material store heat for sustained warming throughout the day and night. The persistent elevated temperature means that CO will have a much longer opportunity to effect its destructive power on the health of Harlem residents. Moreover, the Northeast Climate Impacts Assessment,[17] a study conducted by leading climate experts, expects warmer temperatures to become more prevalent; by mid-century, NYC may experience as many as 49 days per year over 90 degrees and much shorter winter seasons (as many as 13 days shorter). Yet DCP ignores cumulative impacts of combined climate forces and conveniently hides behind its simpleminded CO emission estimates. DCP must be made to conduct a more thorough study of CO air quality and public health impacts.

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[15] http://www.epa.gov/iaq/pubs/coftsht.html

[16] http://www.epa.gov/heatisland/about/index.html

[17] Frumhoff *et al.* 2007. Confronting Climate Change in the U.S. Northeast: Science, Impacts, and Solutions. Synthesis Report of the Northeast Climate Impacts Assessment. Cambridge, MA: Union of Concerned Scientists (UCS)

Particulate Matter

Particulate matter ("PM") is the generic term used to describe a type of pollution that consists of complex and varying mixtures of particles suspended in the air. PM is comprised of fine (10 microns in diameter) to ultrafine (less than 1 micron in diameter) solids such as dirt, soil dust, pollens, molds, ashes, and soot as well as gaseous combustion by-products such as VOCs (like benzene), sulfur dioxide ("SO_2") and nitrogen oxides ("NO_x"). PM pollution can be generated through a variety of activities but in urban areas such as New York City, it is produced primarily as a product of combustion fuel oil, diesel, and automobiles as well as more recently construction activities, particularly those requiring substantial demolition and excavation. Therefore, activities such as heating residential and commercial buildings, transportation of people and materials, construction equipment, construction activities, and automobile traffic all contribute to New York City's PM load. NYC, with the dubious distiinction of heading the EPA's 2005 list of the cities with the worst air quality[18] in the nation, has been out of compliance the PM NAAQS since 1990.

In 2001, the EPA declared Harlem an air pollution "hotspot," having shown in collaboration with WE ACT and Mailman School of Public Health researchers that this area had some of the highest ground-level ozone and PM in the country. Researchers and environmental regulators alike recognize the tremendous threat that air pollution poses to an already vulnerable population like Harlem.

PM pollution, particularly that in the range of 2.5 microns or less, because of its varied composition, is one of the more dangerous of the criteria pollutants. PM pollution has been linked to diseases as far ranging as asthma, cardiovascular disease, chronic bronchitis, and emphysema. At the ultrafine end (e.g., particles less than 1 micron in diameter), PM has been linked to cancer and neurocognitive delay, even in children who were only exposed during gestation. Control and reduction of PM is particularly important in Harlem, and particularly around development sites, where childhood asthma hospitalization rates are nearly six times the national average and cardiovascular health is the second worst in Manhattan. These health impacts will have to be borne by a community where some 38% of the resident live below the federal poverty line, many are underinsured, and 19-26% of the residents have no health insurance at all. Adding more air pollution to this community would simply push it over the edge in most health indicators.

The CTM requires project applicants to analyze the environmental and health impacts of PM pollution. Moreover, the law requires cumulative impacts analysis to be performed on both PM_{10} and $PM_{2.5}$ separately.[19] The *UPROSE* Court concluded that in light of the fact that $PM_{2.5}$ is a non-threshold pollutant (one that has negative impacts at any level), and that the purpose of an EIS is to analyze the impact of any environmental factor that could have at least one negative effect, a failure to study the cumulative impact of $PM_{2.5}$ constitutes a failure to take the requisite "hard look" required under SEQRA. [20]Yet DCP has all but ignored analyzing PM impacts.

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[18] Anthony DePalma, *Metro Briefing New York: E.P.A. Warns Of City's Air Quality*, N.Y. TIMES, Mar. 23, 2006, at B4.

[19] *In the Matter of UPROSE v. Power Authority of State of New York* ("*UPROSE*"), 285 A.D.2d 603, 606; 729 N.Y.S.2d 42, 45 (App. Div. 2001).

[20] *Id.* at 45.

First, DCP hides behind the New York State Department of Environmental Conservation ("DEC") guidance for estimating the number of project-induced heavy-duty diesel ("HDD") trucks to claim that the rezoning will only induce the equivalent $PM_{2.5}$ emission of a sub-threshold (some 67) number of HDD vehicles; thus, exempting it from analyzing $PM_{2.5}$ impacts. What DCP fails to discuss is that the DEC guidance assumes that emission equivalents are from HDD vehicles that comply with state and federal regulations. In fact, many (DEC's latest estimate is 25%) of the HDD and light-duty diesel delivery vehicles traveling through Harlem streets operate in violation of relevant standards. Therefore, DCP's attempt to paint a rosy picture of the $PM_{2.5}$ emission potential of project-generated vehicle traffic grossly underestimates the pollution impacts of the proposed rezoning. Second, by concentrating the analysis on just intersections on 125th Street, DCP fails to capture the cumulative impact of $PM_{2.5}$ pollution on the entire rezoned area – including 124th and 126th Streets as well as the mid-blocks. HDD vehicles are predominantly delivery vehicles that tend to idle on the mid-block as they make their deliveries to various businesses. Third, DCP fails to consider $PM_{2.5}$ impacts from stationary sources such as HVAC exhausts from the mega-commercial structures (e.g., the 290-foot tall retail-office-hotel-luxury residents, "mixed-use" buildings), which the rezoning aims to facilitate. Fourth, DCP fails to consider the cumulative impacts of the Metropolitan Transit Authority's already implemented plans to expand two local bus depots (the Mother Clara Hale, just 20 blocks away from the rezoning area, and the 126th Street Bus Depots, within the proposed rezoning), as well as the construction and operational activities of the East River Plaza and the Manhattanville expansion of Columbia University along with the myriad other condominium construction projects in Harlem. The agency must be made to conduct the appropriate direct and cumulative impact analyses of $PM_{2.5}$ air pollution generated by the project (during both construction and operation) and other nearby pollution sources. This includes the PM_{10} and $PM_{2.5}$ emission profiles of both pollutant types. DCP must design programs and/or requirements that will adequate avoid the environmental and health impacts of these pollutants on the Harlem community.

Ozone

Ozone is created when vehicle and fossil-burning equipment emissions of Nitrogen oxides ("NO_x") and volatile organic compounds ("VOCs") react in the presence of sunlight. Like other air pollutants, ozone has significant negative impacts on both human health and the environment. At breathing level, ozone is a pollutant that can cause a host of negative health impacts including lung damage and respiratory disorders such as emphysema, bronchitis, and asthma. Even with short-term exposure, ozone can cause shortness of breath, coughing, chest tightness, or irritation of nose and throat; these health effects are especially pronounced on hot sunny days in summer. People engaged in outdoors activity, children, elderly, and those with pre-existing respiratory conditions are particularly vulnerable to ozone's harmful effects. In addition to its negative impacts on human health, ozone can also damage vegetation, crop trees and plants, leading to increased susceptibility to disease, foliage damage, and decreased yield. In the urban setting, this means excessive ozone pollution can damage precious park and city tree plantings, not to mention urban heat island mitigation measures such as green roofs.

Ozone is such a dangerous air pollutant that EPA is in the process of revising its NAAQS to provide for more stringent standards in order to protect human health to as

low as 0.060 ppm from its current standard 0.080 ppm. Currently, New York City already violates EPA's ozone NAAQS, which means that once the new rules are promulgated in March 2008, the City will be out of attainment with the national standards by even a wider margin.

The proposed rezoning has the potential to increase Harlem's loading of ozone in a number of ways. First, during both construction and operation of the developments anticipated by the rezoning, more vehicles (automobiles and diesel-operated vehicles such as buses and delivery trucks) will be added to local roadways and smaller neighborhoods. DCP implies that because traffic flow on 125th Street, the most impacted avenue in the proposed rezoning area, will be completely mitigated through signaling and other traffic controls, the local air quality will not be impacted by traffic. However, even if traffic flow were to be mitigated (which it may not be), the absolute number of vehicles, and thus amount of vehicle exhaust pollution, will increase regardless of whether traffic delay increases. Second, construction vehicles and equipments, regardless of whether they use ultra-low sulfur diesel fuel or regular dirty diesel fuel, will generate ground-level ozone, and thus the local pollution loading in Harlem. Third, the operation, especially fuel choice, of the additional (and higher capacity) boilers and other power generation equipment including emergency generators will generate ozone. Finally, the use of VOCs in building material, building adhesive, furnishings, and other operations will increase Harlem's ground-level ozone. Despite the potential for this development to have such an immense impact, DCP ignores any analysis of ozone impacts that could result from the rezoning action. DCP must revise the DEIS to include an analysis of the rezoning's ozone impacts.

Nitrogen Oxides

Nitrogen Oxides ("NO_x"), a precursor of chemical smog, are formed from incomplete combustion of fossil fuels such as fuel oil and diesel. At temperatures greater than 70 degrees Fahrenheit, NO_x becomes a reddish-brown color, which forms the brown haze we see as smog. Like ozone and other air pollutants, the primary cause of NO_x in urban environments are mobile sources such as diesel delivery trucks, nonroad sources such as diesel-burning construction equipments and vehicles, and stationary sources such as fuel oil burning boilers and building HVAC systems.

NO_x is a known airway irritant that can cause respiratory diseases, lung damage, and potential birth defects in the long-term and eye irritation and difficulty breathing, especially at higher temperatures. NO_x's effects on human respiratory health are worsened by its role in the formation of PM. Because of its severe health impacts, especially on workers exposed at close range, NO_x is regulated by both EPA and the Occupational Safety and Health Administration ("OSHA").

In addition to the human health impacts NO_x creates, it can also cause fundamental changes to natural ecosystems. NO_x reacts with atmospheric water to form nitric acid, a major component of acid rain. NO_x's role in acid rain formation is particularly important because it threatens Harlem and Hudson River restoration efforts. Moreover, because NO_x can travel long ranges, NO_x's impact can be felt far from its point of origin.

Despite the danger NO_x poses both to human health and the environment, DCP makes no effort to discuss the project's impact on the overall NO_x profile of Harlem nor

does it discuss the cumulative impact of the project's NO_x output and that of other pollution sources in the area. To be sure, the DEIS does give some tables of the NO_x output of various equipment configurations including its cooling towers, boilers, and HVAC systems. Lacking, however, is a discussion of what each of these numbers mean to the public health profile of the community or the air quality of the area. DCP must be made to study these factors so that decision makers, including the public, can truly assess the environmental impacts of this development and consider the wisdom (or lack thereof) of allowing it to go forward or not.

Sulfur Oxides

Sulfur Oxides ("SO_x"), like NO_x, are air pollutants derived primarily from the incomplete combustion of fossil fuels such as fuel oil, coal, and diesel. In urban environments where coal-fired power plants are not in operation, construction vehicles and equipment, diesel trucks and buses, and power generators are the main sources of SO_x pollution. SO_x is so dangerous because it has negative impacts on both human health and the environment. SO_x irritates airways and causes respiratory damage and disease; it also exacerbates existing heart and lung disease. SO_x can also contribute to acid rain, cause damage to plants and wildlife, and contribute to visibility impairment through formation of particulate matter and haze.

DCP altogether fails to provide any specific data or analysis on the level and impacts of SO_x emission that will result from project-facilitated development. The only information the community, stakeholders, and City decision makers are left to ponder is DCP's determination of how far apart the building exhaust stacks are required to be. The omitted disclosure is inexcusable. DCP must revise the DEIS to provide a full description of the anticipated SO_x emission so that the CPC, Harlem community members and their elected representatives can understand the full suite of environmental exposures and impacts that the rezoning will wrought on Harlem residents.

Odors

With the growth of industrial development and the increased density of urban living, odors have emerged as a major environmental concern. Odors can be released from a variety of sources including industrial and research operations, municipal service facilities such as garbage transfer stations and sewage treatment plants, household uses, construction activities, and automobile and truck traffic. Such odors can detrimentally impair local residents' quality of life, right to quiet enjoyment of their environment, and depending on the chemical composition of the odor-causing agent[21], their health.

The proposed rezoning will increase the odor loading in Harlem through activities including the use of VOCs in building material and adhesives, the unearthing of hazardous material such as paint, organic solvents, and petroleum waste (e.g., products used in auto body work, auto repair, and other industrial processes), and mass storage

[21] For example, sulfur gives off a "rotten egg smell" that can cause headaches and gastrointestinal discomfort, and benzene, a carcinogen, gives off an acrid sweet smell that can interfere with central nervous system functioning and cause irritation to eyes, skin, and the respiratory tract.

of fuel oils and other chemicals required to support the sort of commercial and luxury residential uses facilitated by the action.

DCP has identified some 52 development and potential development sites; 26 of these are probably already somewhere in the planning stages. All 52 sites have severe contamination ranging from VOCs to semi-volatile organic compounds ("SVOCs") to PCB and petroleum waste and heavy metals. Contaminants that are currently in the soil or housed in vacant buildings will be disturbed during demolition, excavation, and construction. Once disturbed these compounds will be released to wreak their full range of health devastation on the Harlem community. Yet the DEIS completely fails to discuss any effort to control odors and emissions that could result from the remediation activities. Instead, DCP hides behind the "E" designation that will placed on properties found to contain contaminants to dismiss any need for additional environmental review or protection that would have to performed for these parcels. However, the remediation plans will not be developed until development plans are submitted to the City. Even then, these plans will be reviewed piecemeal without consideration for their cumulative impacts on the health and environment of this community. More importantly, the plans will be negotiated between individual developers and DEP and will not be subject to public or legislative review. Therefore, residents and community members who will be most affected by these potentially deadly chemicals will have no say in the type of protections they will need in order to be ensured of their continued health and safety. Ironically, DEP has a mechanism for property owners to appeal the "E" restrictions on their parcels, but the agency provides no redress for community members who would be endangered by failure to provide appropriate protections during hazardous material remediation work.

DCP must revise the DEIS to include more information about the specific types of odorants that contaminate properties within the rezoned area, discuss odorants that may result from the development of those parcels, and discuss the health impacts of each. Additionally, the CPC and the City Council must demand more stringent environmental and health protections be placed on any plans to redevelop contaminated parcels.

Hazardous Air Pollutants

Hazardous Air Pollutants (HAPs), including such dangerous compounds as benzene, perchloroethelene, and methylene chloride, comprise a list of 188 air pollutants that they EPA has determined to be toxic, teratogenic (causing birth defects), or carcinogenic or having all these effects. HAPs are derived from human-made sources including diesel-burning vehicles such as buses, delivery trucks, and construction vehicles as well as stationary sources such as boilers and power generators.

Although the DEIS acknowledges that EPA regulates air toxics emission, it makes the misleading statement that the agency has not set federal standards for these non-criteria compounds. This statement is untrue. While EPA has not developed standards for all 188 compounds, both EPA and DEC have begun to address these air toxics and require all permit applicants to identify and all address the potential for emission of these toxics in their DEIS. At the same time, DEC has indeed issued standards for some non-criteria compounds including beryllium, gaseous fluorides, and hydrogen sulfide. The CAA also addresses HAPs emission from motor vehicle and motor vehicle fuels; it specifies that benzene, formaldehyde, and 1,3-butadiene are to be

evaluated as air toxics. In addition, EPA has identified 21 chemicals that need detailed evaluation during a permit review.

Despite the increased regulatory attention to the control of air toxics and that both the construction and operation of the expansion campus at least has the potential causing releases of these compounds, DCP hides behind the fact that there are as yet no state or federal standards to altogether ignores analysis of the rezoning's potential for generating these compounds and fails to discuss the consequent health impacts of any release and/or emission. Although DCP is correct in stating that there are no legal standards defining safety levels of HAPs, public health organizations and the U.S. Centers for Disease Control all have resources concerning the health impacts of and strategies for avoidance of HAPs. Because HAPs can have detrimental effects on human health and have the greatest potency at local levels, DCP must revise the DEIS to include a proper analysis of the additional HAP loading in Harlem.

Greenhouse Gas Emissions and Global Climate Change

Greenhouse gas emissions and the associated issues of global climate change have in recent years emerged as the single environmental impact of human activity that threatens human health. Among these are sea level rises that could threaten waterfront areas such as Battery Park, higher numbers of summer days exceeding 90-degrees, greater number of and more intense storm surges that could cause flooding and flash floods, and increased ground-level air pollution such as ozone and CO. In the urban context of Harlem, perhaps the biggest public health consequence of the temperature increase is that summer heat will be more intense, necessitating the use of artificial ventilation techniques such as fanning and air conditioning, both of which are very energy intensive. At the same time, utility companies are predicting rate increases as demand increases and delivery capacity remains limited. For low-income community members, the burden of the cost of the additional energy use will be a hardship that will force them to choose between rent, food, and mitigating the overpowering heat. Families that can marginally meet the additional costs of global mitigation will face health problems associated with mental stress and depression; those that cannot afford the costs will suffer severe health problems including exacerbated respiratory and cardiovascular disease as well as heat exhaustion and other extreme heat related health problems.

In 2007, the United States Supreme Court made the landmark ruling that greenhouse gas emissions such as those from vehicle exhaust pose a serious endanger public health and welfare.[22] Since then, a number of federal and state courts have found that climate change and greenhouse gas emissions should be a part of the environmental impact review analysis.[23] At the same time, both the New York City Council and Mayor Bloomberg have rolled out sustainability plans that include a suite of legislative and policy initiatives aimed at improving the region's air quality and reducing greenhouse gas emissions. DCP, as the leading land use planning agency in the City, should be leading the effort to implement these policies rather than adding to the very problems they aim to alleviate. DCP should revise the DEIS to include thorough analysis of the climate change impacts of the proposed rezoning.

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[22] *Mass. v. EPA*, 127 S. Ct. 1438 (2007).

[23] *See e.g., Ctr. for Biol. Div. v. Nat'l. Hwy. Traffic Safety Admin.*, 508 F.3d 508 (9th Cir., 2007).

Construction Air Pollution Control

DCP fails properly to analyze all relevant construction-related air pollution. The agency has failed to take the appropriate "hard look" at whether sufficient public review will be available for parcels that are known to contain hazardous material contamination, the environmental and health impacts of construction-generated fugitive dust, and construction vehicle exhaust. Moreover, the construction impacts analyses that are undertaken consider impacts of development at individual parcels rather than the worst case scenario that 1) all 52 sites available for development may be simultaneously undergoing construction, or at least will be simultaneously undergoing some stage of construction or 2) that construction may stretch out over the full 10-year buildout anticipated in the DEIS.

Hazardous Material – DCP disingenuously claims that because an "E" designation would be placed on properties found to contain hazardous material contamination, DEP would ensure that contamination levels would be studied properly and that appropriate remediation would be conducted. However, the procedure for lifting the "E" designation on a property calls for exclusive negotiation between DEP and the property owner, with no opportunity for public or City Council review or input. DEP regulation provides no assurance to Harlem community members that contaminated sites will be remediated in a way that ensures their health and safety. Furthermore, there is no discussion in the DEIS of how sensitive receptors will be protected should remediation work become necessary near areas they frequent and/or use. DCP must know well that there are numerous schools, daycare, after school activity, community centers, and senior centers, hospices and hospitals that serve sensitive, particularly vulnerable populations. Importantly, while DEP provides a process for private property owners to appeal "E" restrictions placed on their property and to negotiate lower standards of remediation with the City, no such procedure is afforded community members, particularly sensitive receptors, to appeal lax remediation practices that could endanger their health, safety, and perhaps even their lives.

As minimal as the environmental and health protection the E-designation affords, this mechanism is not available to neighbors of city-owned parcels of contaminated land. While the DEIS boldly states that City agencies that own or control contaminated parcels will enter into Memoranda of Understanding with the DEP in order to ensure proper testing and remediation, the DEIS provides absolutely no assurance that such agreements will be reached or the specific conditions under which they would operate. Moreover, the DEIS fails to address what would happen to presently city-owned property should they be conveyed to private developers. Woe is the Harlem community member who finds himself neighbor to one of these sites, because he would have no protection whatsoever. Because of their current status as city-owned property, they would have no E-designation attached to their titles. Once they are conveyed, the private owner can develop them as he wishes with no regard for any contamination that may be present on the property; he would neither be subject to any E-designation restrictions nor any other agreement to use proper remediation methodology.

Finally, many of the buildings and structures on parcels listed as development or potential development sites are older structures that may contain asbestos or lead. The DCP claims that NYC Building Department codes provide guidelines for asbestos and lead abatement before construction or demolition may begin. While interior remediation work is regulated by OSHA in order to ensure worker health and safety, much of the

day-to-day compliance with regulations is self-reported by construction contractors; inspections may take place once during the DCP's sample building timeline of two years. Yet the City provides no independent monitoring mechanism to provide assurance that appropriate oversight will take place in order to ensure the health and safety of Harlem community members.

DCP's failure to discuss specific environmental protection from construction-related hazardous material pollution is legally insufficient; therefore the agency must revise its DEIS analysis to include a more thorough analysis of the environmental and health impacts of hazardous material remediation. DCP must also identify appropriate remediation for those impacts.

Fugitive Dust – Fugitive dust can arise from any of numerous activities associated with a construction site. Anyone who has lived in or visited Harlem in the past five years knows that DCP's claim that most of the fugitive dust occur as large particles that settle near the construction site. Dust from excavation, demolition, and construction work can travel several hundred feet, and in addition to creating respiratory and other health problems, can settle on cars and private as well as community gardens; it can disrupt businesses, especially for street vendors and outdoors restaurants; it can disrupt the use of public plazas such as the one at the Adam Clayton Powell State Office Building which are key community-building fora, where community members congregate to for cultural events, markets, and to discuss the day's politics and news.

Construction-related dust is particularly harmful in the summertime when children are out of school and young mothers (with their small children) and seniors leave their apartments to escape the heat. Often, watering exposed areas and covers for trucks are insufficient to control the dust.

DCP's DEIS completely ignores the health impacts of fugitive dust and makes no mention of sensitive populations using the rezoning area. Consequently, it completely overlooks analysis of ways to avoid or even mitigate the impacts. DCP must revise the DEIS to include a thorough analysis of these issues so that the public and decision makers can make informed decisions about this proposal.

Construction Vehicles – Construction vehicles, especially those that operate on diesel, are some of the biggest generators of air pollution. So much so that New York City and many other municipalities across the country have begun to mandate the use of ultra-low sulfur diesel and particulate filters on city-related construction projects. Additionally, the EPA has also begun to require stringent emission control technologies. Yet, despite the mounting evidence of negative health impacts associated with construction vehicle emissions, the DCP has completely disregarded any analysis of their contribution to Harlem's already extremely poor air quality.

As part of the E-designation process on the development parcels in the rezoning area, DCP should require developers to use electrified equipment where available and ultra-low sulfur diesel along with best available control technology on all other construction vehicles, including large equipment of 50 horsepower or larger. Electrified equipment is feasible on development in the rezoning area because, unlike, unbuilt sites or sites on large industrial tracks, the sites in question are discreet parcels which have already accommodated that made use of electricity or have had electrical service in the past.

Operational Air Pollution Control

The rezoning will facilitate much more density and increased commercial retail, office, and residential uses. These are much more energy intensive and will cause much greater emission than the uses currently existing on 125th Street. Depending on the size of the developments, equipment such as energy plants, cogenerators, and emergency generators and associated exhaust stacks will be installed. These will all cause greater emissions of dangerous air pollution such as PM, NO_x, SO_x, and VOCs into Harlem's air. Yet the only discussion to be found in the DEIS about emission sources is how far apart they need to be so that pollution is not directly blown into neighboring properties or apartment units. DCP must revise the DEIS to include a more detailed disclosure of the pollution profiles of the anticipated developments.

Exhaust stacks are also vulnerable to plume fogging, rime icing, formation of visible plumes, deposition of salts and other chemicals, deposition of microorganisms such as bacteria, mold, and other components of biological films. Rime icing, salts, and other chemicals are typically cleaned by industrial solvents. However, DCP does not even address the problem of filming on exhaust stacks much less discuss how the use of solvents or cleaners of any kind will impact the local environment, specifically Harlem's air, water, and soil quality or how these actions will impact the health and well-being of local residents and workers.

Deposits of biological film can contain bacteria, mold and other fungi, and other microorganisms. But the DEIS does not discuss how DCP plans to ensure that developers and/or managers of the facilities that will result from the rezoning will safely clean the stacks of these colonizers and/or prevent their deposition. A key issue of concern is whether toxic solvents be used and how these toxicants will affect local community members. These are all important questions that must be addressed in the environmental impact statement so that decision makers including the public can make a reasonable and informed decision about the wisdom of such a development.

B. The DCP Fails to Disclose Significantly Negative Public Health and Safety Impacts on the Harlem Community

1. The DEIS Fails to Disclose Significantly Negative Public Health Impacts of Noise and Vibration Pollution

Noise – Under CEQR, noise is defined simply as any unwanted sound.[24] Noise raises environmental concerns because even at beneath levels beneath that which can cause hearing loss, noise can cause stress-related illnesses, disrupt sleep and interrupt activities requiring concentration.[25] Noise in New York City is regulated as three types: mobile sources, stationary sources, and construction sources.[26] Whereas mobile sources of noise (e.g., trucks, buses, aircrafts, and trains) are those that move relative to a sensitive receptor, stationary sources noise sources (e.g., machinery or mechanical equipment associated with industry or manufacturing and building related equipment such as heating, ventilation, and air conditioning systems) do not move in relation to a

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[24] CTM § 3R at 3R-1.
[25] *Id.*
[26] *Id.*

noise-sensitive receptor.[27] Construction noise results from both mobile and stationary sources but is analyzed separately because such noise is temporary, even though they may last for years.[28]

The most important step in the analysis of noise impacts is the identification of source, path, and receptor.[29] The source of noise is discussed *supra*; the path of noise is the medium through which sound propagates (e.g., air, water, solid materials); and the receptor is the final destination of the sound, which for all intents and purposes under CEQR, is the person(s) hearing the noise.[30]

The law demands a detailed analysis of a development's noise impacts when the project will generate or reroute vehicular traffic, be located within 1,500 feet of a railway, place a stationary source within 1,500 feet of a sensitive receptor, or cause construction equipment to operate within 1,500 feet of a sensitive receptor.[31]

Construction – Construction noise has been shown to negatively affect human health,[32] and this noise produced from construction work and vehicular traffic is very high on most sound level scales.[33] High noise levels can negatively affect sleep, school, and work performance – all of which have social, economic and health implications.[34] The noise decibels identified by the draft scope, 70 db, is wholly inappropriate for maintaining human. In fact, the World Health Organization has found that noise at 70 db can cause permanent hearing damage. A more fitting noise exposure guidelines would be the World Health Organization's ("WHO") noise exposure thresholds.[35] Accordingly, individuals not involved in direct construction work should only be exposed to 30 decibels [hereinafter *db*] indoors noise and 45 db outdoors, much lower levels than the 70 db identified in the draft scope which is more appropriate for commercial/public areas.[36] Moreover, the NYS DEC recommends that noise exposure for non-industrial, residential settings should not exceed 6 db above ambient noise for any receptor.[37] Therefore, the project's noise impacts should be considered significantly adverse if it increases noise exposure to 6 db above ambient noise.

There is ample evidence showing that exposure to excessive noise negatively impacts health. In children, even common urban noise (such as vehicle traffic) can increase resting systolic blood pressure (which has been associated with ischemic heart disease) and elevate urinary stress hormones.[38] As a consequence, children who live in noisier environments, though within parameters common to urban areas, have stronger

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[27] *Id.* § 3R.100at 3R-1.
[28] *Id.*
[29] *Id.* § 3R.120 at 3R-1.
[30] *Id.* § 3R.121 at 3R-1.
[31] CTM § 3R.220 at 3R-8.
[32] D. Ouis, *Annoyance from Road Traffic Noise: A Review*, J. Envtl. Psychol. 21:101-120 (2001), Gary W. Evans et al., *Community Noise Exposure and Stress in Children*, J. Acoust. Soc. Am 109:1023-1027 (2001), Gary W. Evans, *The Built Environment and Mental Health*, J. Urb. Health: Bulletin of the New York Academy of Medicine, 80: 536-554 (2003).
[33] Ouis, *supra*, (2001).
[34] *Id.*
[35] *Factsheet No. 258*, WHO (2001).
[36] *Id.*
[37] *Id.*
[38] Evans et al., *supra* (2001).

physiological reactions to discreet stressors (such as reading tests), report higher levels of perceived stress symptoms, and girls report diminished motivation – unable to persist in assigned tasks.[39] Similarly, adults also respond poorly to noise; the resulting pathologies can range from diminished concentration to anxiety and depression.[40]

DCP is proposing the rezoning of a swath of Harlem with a north-south border of 126th to 124th Streets and an east-west border of Second Avenue to Broadway. The agency has identified some 52 development and potential development sites that will most likely be undergoing construction activity of one type or another within the next ten years. But construction may be even more pervasive once other property owners within the rezoned areas decide they can realize greater profit margins by taking advantage of the very generous upzoning and bonuses that the proposed rezoning offers.

Harlem's noise level will be increased substantially as a result of construction activities within the rezoned areas; these include intensive ground (e.g., pile driving) and soil disturbance that will generate vibrational pollution, demolition, construction vehicle traffic, automobile street traffic bottlenecks and diversion due to construction roadblocks, and excavation and the associated mechanical equipments such activity, just to name a few. DCP considers these impacts insignificant because they are "temporary" in nature, such an off-hand dismissal a serious public health threat is unwarranted. First, research shows that even short-term exposure to noise and vibration pollution can have detrimental health impacts, especially to sensitive receptors such as the elderly, children, and infirmed individuals.[41] Second, taken cumulatively, the ten years of continuous construction and/or construction spread out over 10 avenue blocks that will accompany the anticipated build-out on 125th Street, even if for only six months, will cause a severe diminution of our health, quality of life, intellectual development and economic productivity for members of the Harlem community. But the real construction time period will be more on the order of ten years according DCP's own projections. Yet, despite the serious health consequences of this rezoning action, DCP has flatly refuses to detail a plan to study the project's noise impacts and the measures required to either avoid or mitigate the impacts. This omission is especially egregious given the project's location in a densely populated community and its very close proximity to neighborhood schools, centers of worship, senior gathering places, and high-density residential buildings.

Operation – The rezoning of 125th Street will increase Harlem's noise level in a number of ways. First, if the rezoning succeeds in drawing the type of businesses that it aims to attract, the corridor will be littered with destination retail, restaurants, and nightclubs whose noise generation and patrons will disturb Harlem residents' quiet enjoyment of their community. Second, the increased population of luxury residential users and commercial retail activity will add noise from delivery vehicle, bus, and automobile traffic. All these uses trigger the need for a detailed analysis of the noise impacts of the project.[42] Despite specific guidance from the CEQR Technical Manual, DCP has failed to detail the necessary analysis.

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[39] *Id.*
[40] Ouis, *supra* (2001).
[41] *See e.g.*, Ouis (2001) and WHO Factsheet.
[42] *See e.g.*, CEQR regulations *supra*.

DCP's analysis of the rezoning's noise impacts is inadequate to assess the public health impacts of the noise that will result from the rezoning. Because CEQR's primary purpose in demanding an analysis of a project's noise impacts is the protection of the health and safety of area residents and users, the determination of the location of receptors, their sensitivity, and the sensitivity of their particular use of the area is an important part of the noise impacts analysis. Nowhere in the DEIS does DCP even begin to develop this analysis, even though the rezoning area hosts many facilities that serve sensitive receptors such senior centers, hospitals and other medical care facilities, schools, daycare centers, and meeting places for after school programs. Additionally, there are many seniors and homebound infirmed residents who live along the rezoned area. Also lacking is any discussion of the public health consequences of the sort of noise levels that can be expected to result from the rezoning.

Given the lack of study of the public health issues involved in the noise generation potential of the project, the DEIS proposal of measures to mitigate potential impacts is downright insulting. DCP proposes to require thicker glass, windowpanes, and masonry to block out noise and "alternate ventilation" mechanism so as to help residents and users of new buildings to avoid the invasion of noise into their space. Neglected in DCP's "mitigation" plan is how the agency plans to protect existing residents and users of neighboring properties from the noise impacts of the new rezoning-facilitated uses.

The law demands mitigation of significantly adverse impacts and an analysis of the impacts of suggested mitigation.[43] DCP suggests that new constructions should use "alternate ventilation," which generally means air conditioning, as a mechanism for avoiding noise impacts raises the specter of increased electricity demand, increased fuel use, and increased air pollution. In a time when businesses, municipalities, and countries the world over are wrestling with how best to cut green house gas emissions to lessen the impact of global warming, it seems irresponsible of a public agency to be advocating increased loading of these pollutants in a vulnerable community such as Harlem. DCP must be made to consider the rezoning's significantly negative noise impact on these populations in a revised DEIS and re-circulate this document for review.

Vibration – Like noise, vibration pollution can have detrimental effects on human health (see references to health studies, *supra*). The rezoning will cause increased vibration pollution in and around the rezoning area, particularly through the construction period with demolition, excavation, and building activities. As stated, numerous uses that host sensitive receptors are located along the proposed rezoning area. Yet DCP completely ignores analysis of the level of vibration pollution that can be expected and the public impacts that it will cause. DCP must be made to consider these important public issues and mitigate them as appropriate.

2. The DEIS Fails to Disclose Significantly Negative Public Health Impacts of Air Pollution

Despite using monitoring data from sensors that were often miles from the proposed rezoning area, even DCP had to admit that by some measures, Harlem's air quality would be diminished by developments facilitated by the proposed rezoning. For example, tetrachloroethylene ("TCE"), a dangerous carcinogen, neurotoxin and immune

[43] CTM § 2D.100 at 2-8.

system suppressor could increase to a subthreshold level of 9.15×10^{-7} (1.0×10^{-6} for some is the EPA's threshold for unacceptable health risk); and at some intersections, CO levels would be increased above levels at which they would be found were no action allowed. (Amazingly, DCP would have us all believe that CO, a pollutant generated by vehicle traffic, would be decreased with the addition of motor vehicles ranging from private automobiles to diesel delivery trucks.) However, DCP merely states that the incremental changes are below the threshold level for concern under DEP guidelines, providing absolutely no analysis as to how the change in air pollution would impact the health of Harlem community members. Such an analysis is particularly crucial given the already very poor health rating[44] and the lack of access to health care for many members of this low-income community of color.

The yardstick the City should use to decide whether to approve or disapprove a development plan should not be whether it so degrades a community's health that federal cancer risk standards have to be triggered before mitigation is required for the action. The decision should be based on whether a particular action would improve the health and well-being of the local residents. DCP should be made to re-examine the air quality impacts and their associated public health consequences in a revised DEIS analysis. Such an analysis must also include appropriate measures to either avoid the impact or substantially mitigate its negative effects.

3. The DEIS Fails to Disclose Significantly Negative Public Health Impacts of Hazardous Material Remediation

According to DCP, at least 52 of the development sites and potential development sites within the proposed rezoning area are contaminated with hazardous materials ranging from VOCs to heavy metals to polychlorinated biphenyls ("PCB"). These chemical contaminants have been known to cause health effects ranging from respiratory disease to neurotoxicity to cancer. These health impacts are particularly dangerous to the elderly, the infirmed, young children, and pregnant women and their fetuses. The properties so contaminated are adjacent to uses that include the patronage of these vulnerable populations, which is all the more reason the safe and complete remediation of the contamination is important.

DCP improperly defers review and enforcement of proper remediation to DEP, an altogether separate agency. Moreover, DCP's proposal abandons Harlem's residents to a process that, while determining their health and safety, will subject them to the closed-door negotiations between DEP and private developers. Afterward, no one, not the Harlem community, not the public, nor the City Council will have any power of review of the remediation plan nor any authority to ensure that the plan, whatever its contents, will be carried out as agreed between DEP and the developer. This plan is insufficient to ensure the health and safety of the impacted people of this community. CPC and the City Council must require that any plan to develop and/or remediate contaminated sites must be subjected to public review and oversight.

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[44] *See e.g.*, the Department of Health and Mental Hygiene Community Health Survey for East and Central Harlem including Morningside Heights.

C. The DEIS Fails to Disclose Significantly Negative Infrastructure Impacts on the Harlem Community

1. The DEIS Fails to Address Water Quality Impacts

The proposed rezoning spans an area whose reach is nearly from the Harlem River to the Hudson River. Development along this rezoning corridor, therefore, will have substantially impacts on the water quality of these waterways. Runoff from development sites is particularly important to consider because the waterfronts in both East and West Harlem are becoming developed after decades of neglect. Significantly, both rivers support subsistence fishing by local residents who (wisely or not) must supplement their family's protein intake with fish taken from the river, public parks and water-based recreations are being planned for the waterfronts, and the City anticipates that both riverfronts will be more intensely used by local residents (and especially children and the elderly) than in decades past. Yet the DEIS ignores all consideration of construction runoffs. Of particular concern is the development and/or remediation of the 52 brownfield sites DCP has identified as particularly attractive to developers. Many of the chemical contaminants, most notably heavy metals and PCBs can persist in the environment for decades and bioaccumulate through the food chain to continue to poison low-income subsistent fishermen and their families for decades. DCP needs to revise the DEIS to include a plan to limit construction-related runoff to the Harlem and Hudson Rivers and to ensure that Harlem community members will not be disproportionately impacted by the poor land use policy of allowing redevelopment of contaminated sites without public review.

2. The DEIS Fails to Address Sewer Capacity and Stormwater Runoff Impacts

The DEIS fails to analyze the sewer capacity and stormwater impacts of the proposed rezoning. The sewage processing needs of projects within the proposed rezoning area would be served by the North River and the Wards Island Sewage Treatment Plants. Although combined, these facilities have a capacity of approximately 420 million gallons per day (which is sufficient to process sewage for the entire area during dry weather), wet weather has the capacity to generate flow up to 50 times more than dry weather flows. This means, that during most wet weather events, the sewage processing capacity is overwhelmed and raw sewage is poured into the Harlem and Hudson Rivers.

The DEIS claims that development anticipated under the rezoning would not impact the City's stormwater management capability because it constitutes such a small portion of the sewage plants' processing abilities. However, the reasoning behind such an assertion is fallacious, because the key issue should not be the percentage increase in demand on the capacity of the sewage plant but rather the health and environmental impacts of such an increase. The questions to be addressed should be how many more overflow events can we expect from the increased demand and what are the health consequences to humans and wildlife from this increase – e.g., what are the increases in risk of a bacterial contamination event or increased algal bloom should more stormwater overflow events occur? Importantly, the DEIS must be revised to include an examination of the cumulative impacts of the combined sewage processing pressures applied by the multitudes of "mega-developments" occurring in Harlem within the next 30 years – East River Plaza, Uptown New York, and Columbia University's Manhattanville Expansion,

not to mention the myriad of luxury condominium projects popping up all over Harlem. The analysis must include mechanisms for avoiding or mitigating the stormwater impacts of the potential developments, including creation of parks and green space to absorb and slow stormwater runoff, greater use of green roofs and pervious paving materials, and stormwater retention and slow release mechanisms including catchment tanks that would slowly release water in order to avoid storm surges that necessitate sewer overflows..

D. The DEIS Fails to Conduct an Appropriate Environmental Justice Analysis Pursuant to the DEC Commissioner's Policy 29

Under existing regulations, as part of its impact review, DEC must consider other sources of pollution or similar facility types in the project area in order to establish the baseline conditions against which project impacts will be assessed. DEC shall continue to consider sources of pollution or similar facility types in the respective airshed, watershed, or wasteshed for the project under consideration.[45] The full Environmental Justice ("EJ") analysis requires applicants proposing to develop within an environmental justice community, among other things to develop and implement an enhanced public participation process, complete an environmental impact assessment, mandatory project scoping, and conduct the appropriate cumulative impact analysis of all environmental factors that can affect the project area taking into consideration the special susceptibility of the local population.

An EJ community is defined as one with a demographic makeup of 51% people of color and/or where 23% of the population subsists with incomes below the federal poverty level. With a racial composition of 88% African American and Latino and a median income well below federal poverty level, Harlem is the quintessential EJ community requiring an EJ analysis as part of the New York State permitting process.

Depending on the size of the development constructed, they will need to obtain include people of color and State Facilities Permits or Title V permits for their stationary sources of air pollution. DCP should similarly take EJ issues into consideration in analyzing the impacts of the proposed rezoning, but disappointingly, it does not.

II. DCP Fails to Consider Reasonable Alternatives That Could Have Less Impact on the Harlem Community

A. The DEIS Fails to Consider Alternative Energy Sources that Would Decrease Harlem's Pollution Loading

Although great strides have been made in the development of non-fossil fuel alternative energy sources and despite the fact that such fuel sources are increasingly used in development projects all over the City, the DEIS is completely silent on this issue. Given Harlem's health status, particularly in respiratory cardiovascular, and other air pollution-related health indices, rather than allowing the continued use of heavily polluting fuels like fuel oil, the City should require all properties in the rezoning area to create and implement a plan for incorporating alternative energy use into their development.

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[45] Commissioner's Policy ("CP") 29.

As currently conceived, the "as of right" upzoning creates a windfall to area property owners by increasing their property values, while Harlem community members suffer the negative environmental impacts of the heavy build-out while government entities will suffer the financial burden of increased health care costs and loss of productivity. The upzoning should be available only as part of a development package that includes the use of innovations in energy conservation and clean energy use, income-targeted housing, and community uses like green and open spaces. Among the alternative energy sources that should be considered as such part of the clean fuel review are geothermal energy, solar energy, and innovative designs that allow for greater efficiency performance and decreased energy use.

By requiring the use of alternative energy to reduce the pollution burden on Harlem, community members will win by achieving better health and the City will gain through greater productivity and lower health care costs. At a minimum, fuel oil should be excluded from all new developments in the rezoning area.

B. The DEIS Fails to Consider Appropriate Conservation Plans that Would Decrease Its Energy Requirements

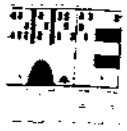
The DEIS fails to consider design requirements that would increase energy conservation and decrease demand. Such designs could include lower height limitations on building, greater open space requirements that will increase the ventilation efficiency of the buildings and allow for planted public plazas where community members can during hot weather so as to decrease energy demands, building transparency in order to reduce lighting needs, use of porous surfaces and other mechanisms to decrease stormwater velocity in order to decrease pressure on sewage treatment facilities, and use of green roofs and terraces in order to decrease the urban heat island effect so as to decrease the need for energy-intensive cooling and stormwater flow.

III. The DEIS Paints a Disingenuously Rosy Picture of the Economic Growth the Rezoning Represents to Harlem

DCP claims that the rezoning is for the good of Harlem because it is intended to generate more tourism, more commercial and retail activity, more foot traffic through business areas, and more business office base in order to increase employment. However, what the agency does not realize is that businesses and tourists flock to Harlem because of its history and because they want to experience the independent entrepreneurial spirit that makes Harlem unique even among New York City neighborhoods. Tourists are not flocking to Harlem to visit fancy hotels and shop at venues (like the ubiquitous Disney store or the Gap) that they can easily visit nearer their home.

DCP also claims that the rezoning will bring jobs and opportunities that would allow Harlem residents to participate in the economic boom that the City has experienced in recent years but which has largely bypassed Harlem. This claim is unlikely to be realized and unsubstantiated by any of the documentation available in the DEIS. First, the sort of job generation the plan facilitates is in areas such as retail, hotel service, and perhaps building maintenance for luxury high-rise condominiums. These service jobs will hardly pay the level of wages that would allow residents to remain in a rapidly gentrifying Harlem much less allow them to move up the economic ladder. Second, even if the rezoning were able to attract businesses willing to relocate

headquarters or back office operations to Harlem, they would probably bring their own management and skilled workforce, leaving only the lower-paying clerical and support positions for local residents to fill. If the City genuinely desires to increase economic opportunities in Harlem and to increase economic mobility for Harlem residents, numerous community and non-profit organizations have proposed job/skills training and educational (especially higher education) programs that would meet these goals and create permanent change in this community. Whereas retail service jobs are ephemeral, vulnerable to the tides of consumer appetites, a well-trained, skilled workforce would remain competitive in changing economic conditions.



WE ACT'S KEY CONCERNS REGARDING THE 125th STREET REZONING

The Rezoning of the 125th Street Corridor, according to the Department of City Planning ("DCP"), promises to spur economic growth for the benefit of New York City. But this growth should not come at a cost to the health, environment, or safety of the Harlem community. City leaders must find ways to mitigate the negative impacts of this rezoning before going forward with this decision:

1. **Impact**: **Air Quality** – Harlem children suffer asthma at **3x** and are hospitalized at **6x** the national average largely because of the currently extremely poor air quality. The proposed rezoning will increase density and intensity of both residential and commercial uses in the Harlem community. This tremendous density will increase air pollution from the heating and cooling, the operation of emergency generators, and motor vehicle exhaust (regardless of whether traffic throughput is increased because of the additional number of vehicles that will be on the road).

   Solution: Considering that Harlem is already negatively impacted by poor planning decisions of the past, the City must take appropriate measures to *improve*, rather than degrade to a "non-substantial" level, air quality. First, the City must require developers to use natural gas for all building heating, cooling, and electrical generation needs. Second, emergency power generators must use natural gas rather than diesel fuel. Third, City officials must ensure that diesel-fueled delivery trucks that operate in Harlem are compliant with state vehicle emission and city anti-idling laws.

2. **Impact**: **Stressing Already Overburdened Waste Disposal and Municipal Waste Water Infrastructure** – The Proposed rezoning will add to additional stress to Harlem's already overburdened sewage treatment and water delivery infrastructure. The added building bulk will intensify storm water velocity and increase the number of overflow events, which already occur with unacceptably high frequency, that will further degrade the Harlem and Hudson Rivers. Moreover, the increased commercial, office, and residential activities will amplify the litter, garbage, and pest problems that Harlem community members.

   Solution: City leaders must ensure that development within the proposed rezoning area would take steps to control storm water runoff and minimize sewage treatment needs of users the new facilities. These measures can include water conservation measures, porous building surfaces that would slow storm water flow, and green roofs. Businesses, particularly restaurant, hotel, and office building operators, must also implement a zero-waste and recycling policy that would ensure Harlem will not be burdened with increased litter, pests, and diesel garbage truck traffic.

3. **Impact**: **Hazardous Material Generation and Disposal** – According to the DCP, a large number of potential development sites within the rezoning area could contain petroleum and other environmental contaminants because of their past uses. Moreover, many sites that were not former industrial or manufacturing sites were developed in the early and middle portions of the last century, which means they potentially contain asbestos. Because the rezoning anticipates substantial increase in the intensity of the land use, particularly in the Special District commercial zone, many of the structures on these sites will have to be demolished, and perhaps excavated, in order to facilitate their new retail/residential/office uses.

   Solution: City leaders must require that appropriate investigation and preparations are made to ensure *safe and complete* removal of all hazardous material before any demolition or construction-related activities commence. In addition, any soil remediation work must ensure neighboring properties and users will not be negatively impacted now or in the future from migrating vapor (such as volatile chemicals) or airborne (such as asbestos) pollution. Importantly, developers must give neighbors ample notice of the extent and schedule of any demolition, excavation, or remediation work.

4. Impact: **Construction-Related Pollution –** The development of sites within in the proposed rezoning area will create air, water, noise, and vibration pollution that will degrade the environment for the Harlem community.

   Solution: City leaders must ensure that building activities within the rezoning area take measures to minimize construction impacts on this community. First, all construction sites must be electrified so as to limit the need for diesel-operated construction vehicles. Second, where such equipment is available, all construction vehicles must be electrified; those that cannot use electricity must use ultra low sulfur diesel and best available technology emission controls. Third, construction sites must use best management practices and best available technology to minimize fugitive emissions from demolition, excavation, and building activities. Fourth, construction sites must use best available technology and best management practices to control noise. Fifth, construction sites must limit activity time to 8:30 AM - 5 PM to avoid disruption to existing uses and extra precautions must be taken when construction occurs near sensitive receptors such as senior centers, schools and childcare centers, and medical clinics.

5. Impact: **Public Health and Safety –** The proposed rezoning threatens the health and safety of Harlem community members by increasing respiratory problems through pollution (e.g., air, water, and noise), degrading the mental health through residential and job displacement, increasing obesity and related diseases by limiting outdoors activity with fugitive dust and diesel vehicle emissions, and increasing the chances of pedestrian and traffic accidents. Furthermore, the City must take under consideration the fact that the cumulative impacts of the proposed rezoning, the expansion of Columbia University along the West Harlem waterfront, and the development of the East River Plaza will engulf Harlem in 30 years of constant, river-to-river construction; and after the developments are complete, the current Harlem community will be replaced by a completely new set of users.

   Solution: City leaders must recognize the seriousness of the negative impacts that residential displacement, the rapidly degrading air and water quality, and the noise and vibration pollution from the multiple construction sites already active in Harlem will have on this community. Considering that Harlem is already suffering from a myriad of environmental and economic insults, the high-water mark for the City's environmental review should not be whether the additional environmental impacts skirt the threshold of "significance;" it should be that any development or land use action (including the rezoning) should *improve* the environment and quality of life of Harlem residents. Therefore, the zoning text must include requirements and incentives for community gathering places, physical and mental health care facilities and clinics, and dedication of publicly available green spaces and parks.

WE ACT COMMENTS ON THE 125th STREET REZONING DRAFT ENVIRONMENTAL IMPACT STATEMENT

CITY PLANNING COMMISSION DRAFT EIS HEARING
Aaron Davis Hall, City University
January 30, 2008

TESTIMONY OF CHARLES CALLAWAY, WE ACT for ENVIRONMENTAL JUSTICE

My name is Charles Callaway, and I am WE ACT's community organizer. I am here today as an environmental health activist to ask the City Planning Commission to vote no on the 125th Street Rezoning unless major modifications are made to the Plan to address the air, hazardous material, noise, and vibration pollution that will threaten the public health of Harlem community members.

First, Columbia's air pollution analysis gives an incomplete picture of air pollution impact of the rezoning. While the EIS improperly narrows its focus on the supposedly limited impact of the rezoning, over the next 10 years, Harlem will actually be simultaneously experiencing the cumulative impacts of emission pollution from three massive development sites (including the East River Plaza, the Columbia Manhattanville expansion, and the 125th Street rezoning), the rebuilding and expansion of three major MTA bus depots (the Mother Clara Hale, the 126th Street, and the Manhattanville bus depots), and the myriad of luxury condominium developments throughout the village. According to the Department of Health, Harlem has the worst health profile in Manhattan, chief among these problems are asthma, respiratory and cardiovascular disease, and cancer – all results of air pollution. The EIS must take these cumulative impacts into consideration and design appropriate strategies for avoiding these health impacts from these emissions.

Second, the Department of City Planning ignores review of health threat posed by the hazardous material known to exist on some 55 identified development sites by simply placing an "E" designation on them; thus deferring review of remediation requirements to a later time and a very development friendly Department of Environmental Protection. The danger is that these sites contain everything from petroleum contamination to volatile organic compounds to PCBs – all of which pose severe cancer risks to residents who may become exposed. DCP must develop a clean up and construction management plan that will ensure nearby residents and other community members will not be exposed to the toxic effects of the onsite chemical contamination.

Third, there are numerous residences, schools, hospitals, and community centers along the length of the area proposed to be rezoned, many of which host

sensitive users such as seniors and infirmed residents. The noise and vibration pollution generated during construction and the noise will deny these individuals quiet enjoyment of their homes and activity centers as well as potentially disrupt critical health care treatments. Once construction is complete, traffic and noise will continue to plague them. DCP must provide mechanisms to avoid these noise impacts. Such strategies could include erection of noise barriers, limit construction hours, limit business operating hours, enforcement of stringent noise ordinances, and requirement that commercial developers (such as hotels or shopping centers) to provide sound-proofing to sensitive users.

As a tax-funded, government agency, DCP's actions must consider the needs and protection of the City's citizens first and foremost. The Commission must ensure that DCP fulfills its mission rather than pander to the needs of big, highly financed commercial interests. Again, please vote no on the 125th Street rezoning.

Thoughts on the Rezoning of 125^{t}Street

In the first place, you have to understand that the term City Planning is a complete misnomer. City Planning does no planning. They basically do rezoning as a functionary for large real estate speculators such as Columbia University.

In July 2006 I sent to City Planning a four or five page memo which I will basically outline for you this evening on my thoughts in regard to the proposed rezoning of 125th Street. The results of my memo were stupendous. Silence!

(A) In my opinion, in the process for Urban Planning, the first step has to always be the development of adequate public transit. For example, if you look at the history of the upper West Side, the area developed after the opening of the Broadway Subway. And this is, in my opinion, the glaring weakness of the recent rezoning of Greenpoint. In Greenpoint instead of public transit the reliance is on massive garages for private parking.

While the automobile cannot be ignored, the problem with 125th Street is just that i.e. the private car. This is not just an enforcement problem. The real problem is by walking you can go faster than the public transit (bus) system which not only has seen little or no improvement over the past 75 years but at the same time has become slower due to double parking. Hence people double park.

The solution for 125th Street is **improved public transit, improved traffic flow** and **parking,** which in turn will make the street more pedestrian friendly and which in turn can support the greatly needed density.

The key to generating this change is the location of 125th Street. It is the major uptown cross street, and a direct link between LaGuardia Airport and all of the uptown trains, subways and down Avenues and even the George Washington Bridge.

Two new developments are going to accelerate this change: the extension of the 2nd Avenue Subway, and the opening of an Intermodal Center with ferry service and a Metro North stop at 12th Avenue.

It is no accident that at present the M60 Bus is the fastest growing line in the City. This proves the huge demand and need for this service.

But providing bus service on this route is really a mistake. If you board at the Airport you can not get off because of the vast amounts of luggage stacked in the aisle. The aisles are

absolutely packed with trunks and boxes; you cannot even move out of a seat until you get to Amsterdam Avenue. What is needed is a **bus rapid transit system** or even light rail system which is designed for passengers and luggage. Nearly every major City in the world has such a system but not New York. And a route between LaGuardia and the new Intermodal Center at 12th Avenue along 125th Street is the logical third development which will accelerate this change

But as it is at present it is clogged with double parking and the street is reduced to one lane. It probably takes longer to go across 125th Street than from the middle of Madrid to Spain's busy Capital airport.

This is key rational for the argument that the key to improving 125th Street is not the issue of rezoning but of improvements in public transportation. Density is not the problem; access is. At present 125th Street is a mess primarily because of traffic. When the present rezoning efforts are complete, the mess will be a complete mess.

The key to 125th Street is a street dedicated to a public transit system. It needs four lanes for a bus rapid transit system with a bike path in the middle. It needs to become a waking, strolling street with no cars. Why do I say this/ The answer is simple.

(B) The vitality of 125th Street is its curse: an example, the **street vend**ors. This and, the density of its **pedestrian traffic** makes it one of the most popular streets uptown. These are the strengths and provide the keys for its future development. And these factors point to where can be found a vision for redevelopment.

If the vitality of 125th Street is the street scene with its great variety, and this life is its strength then the question, is what can be done to support this?

The City could provide sanctioned tents for vendors, benches and opportunities for outdoor cafes, double and triple rows of shade trees and planted areas, places for carts of street food and public transit.

The vision which is needed here is an uptown pedestrian street mall supported by a good system of public transit and adequate off street parking.

Perhaps now is a great opportunity to realize such a vision. MTA is proposing the introduction of a new transportation system on 125th. The new system is a BRT which will cross 125th from 12th Avenue to Second Avenue and down to the Battery.

This system with new transit stops should go down the middle of 125th Street in two lanes for

east and west service, with a bike and jogging path in the middle. Next should come local bus service on two dedicated lanes, Then should come extended walks with street vending and seating under tree rows. At this point 125th can become a **pedestrian mall**. The Street should have no traffic, no private parking and only public transit along with a lively pedestrian life. It would be a great uptown attraction and a focal point for the community.

What can be done to create this vision? Thur traffic should be routed to 124th East and 126th West with no parking permitted on these two streets to impede the traffic flow. The area begs for a traffic management plan.

To compensate for and property loss on these two streets they could be rezoned commercial.

For deliveries the corners of the Avenues North and South could be reserved for deliveries only by special permits. And delivery zones could be created on 125th Street itself for off hour deliveries with again permits only.

Private parking should be provided by **Municipal Supported mechanical co-op and public garages** located along 124th and 126th Streets.

One of the basic problems of the proposed BRT scheme is that as presently proposed it is not a system. It will have one line in the Bronx and another in Queens and another in Manhattan. But, at present, there are no tangible plans to connect these parts to make it a system.

The line in the Bronx should tie into Manhattan probably around Third Avenue, and the proposed Flushing Line should tie into LaGuardia Airport and 125th Street.

(C) In my opinion the next thing that needs to be done is to make a survey of all of the buildings in this corridor which are of **historical signi**ficant. These building should be discussed (along with the rational and along with the documentation) at a public forum and there needs be a consensus as to which buildings need to be saved and these buildings should be given to Landmarks as soon as possible. An example is Prentis, Hall and Hudson Moving and Storage on 129th Streets. Columbia has no intentions of getting these building Landmarked and as a consequence there will be no public control over work which is sure to come about in the near future on these buildings.

Buildings such as the Blumstein Building and the Corn Exchange Building are part of the cultural history of our urban fabric of the area and the purpose of zoning is to protect, as well as to promote.

(D) Next sites need to be found for **affordable housing**. When I use the term affordable I do

not mean low income housing. I mean **skewed income housing.** I mean buildings with 60% middle income units, 10% low to middle income units, 10% low income units, 10% upper income units and 10% at market level. I mean owned units which are priced at 2x the income for each level. These developments should be on sites held by a Housing Trust and leased to the each development. And in order to preserve for the City that these units are always affordable the resales would be pegged to the current income levels. The seller gets his cash back and the development gets the difference for capital improvements which have been eaten used by the seller but for which there had been no tab to date.

In addition these should be good urban buildings with convenience stores, community spaces, such as day care centers and other facilities on the ground floors.

After making decisions on mass transit, pedestrians, public parking, historic preservation, and affordable housing sites, then decisions can be made in regard to zoning.

(E) It is apparent that a great deal of effort went into the fine grained zoning proposal presented by City Planning. In my opinion that is exactly the basic problem with the presentation. It is too fine grained and will lead to constant variance requests in the future. I feel a better approach is to basically rezone the whole area the same and let the market do the building. For example, make the area a Special District for the fine tuning but have an overall constancy, such as an FAR 8 with commercial overlays and mixed use.(Not necessarily commercial nor residential but mixed.)

Lastly, I also feel that terminating the rezoning efforts at Amsterdam Avenue is also a wrong step. The Street needs to be treated as a whole. The transit issue goes from East River to the Hudson. The same needs be said for the issue of Historic Preservation, for municipal sponsored parking, for consistency. Giving Columbia free rein is not the task for City Planning.

The last issue, not the first, is to clarify street furniture and signage.

It seems to me that the goal here is to strengthen the fabric of 125th Street. But it has to be seen within the context of its location in an urban center. It can be a transit center for the City. It serves as a connector for trains, ferries, buses, and subways as well as a cross town traffic route. But at the same time it is a unique neighbor center of great diversity flanked by several centers of culture such as historic churches and universities. But it is also a center where people live in neighborhoods in buildings of great continuity. The focal point of all needs to be a livable 125th Street and this is not what is found there today.

Walter South 22 Jan 08

CIVITAS

A Union of Citizens

1457 Lexington Avenue New York NY 10128-2506

Founder

Chairman

President

Vice Presidents

Treasurer

Secretary

Executive Committee

Board of Directors

Advisory Board

Administrator/Office Manager

Statement by CIVITAS Citizens, Inc. at a Public Hearing of the City Planning Commission on the 125th Street Rezoning Plan, held on January 30, 2008

Madame Chair and members of the Commission:

I am Gorman Reilly, President of CIVITAS Citizens, Inc. CIVITAS is a volunteer organization concerned with land use, zoning and related issues affecting the Upper East Side and East Harlem. CIVITAS has been a member of the 125th Street River-to-River Study Advisory Group since its initial meeting on December 3, 2003. One of the important items studied under this River-to-River Study was the rezoning of 125th Street.

CIVITAS has always supported the following goals of the study group and the rezoning to include: (1) strengthening the character of 125th Street, (2) increasing density in order to encourage future development, (3) encouraging more affordable housing, (4) encouraging a diversity of land uses including mixed-uses to include residential, commercial, retail, arts and entertainment, (5) protecting the character and scale of 125th Street, and (6) addressing improved transportation along this commercial regional shopping street.

We believe that the proposed rezoning developed by the Department of City Planning for 125th Street reflects most, if not all, of these concerns and for this reason CIVITAS supports the proposal.

At the same time, we find much to commend in the land use issues raised by Community Boards 9, 10, and 11, which include: (1) increased opportunities for more affordable housing, (2) affordable commercial space for not-for-profit arts and cultural groups, (3) affordable commercial space for incubator and local businesses, (4) local hiring in both the construction and post construction phases of new developments and (5) sustainable environmentally-friendly design.

civitascitizens@yahoo.com
www.civitasnyc.org

In retrospect, the River-to-River Study, although comprehensive in its reach from the Hudson River all the way east to the Harlem River, may have been too limited by restricting itself to the narrow slice of two blocks between 124th and 126th Streets. A rezoning, such as proposed here, will have impacts well to the north and south of 125th Street. CIVITAS also finds merit in the urgings made by the Manhattan Borough President, among others, that the Department of City Planning address much larger areas of the three impacted communities – West Harlem, Central Harlem and East Harlem.

Thank you.

125th STREET REZONING PLAN

TESTIMONY SUBMITTED TO THE NEW YORK CITY DEPARTMENT OF CITY PLANNING PUBLIC HEARING

WEDNESDAY, JANUARY 30, 2008

KATHRYN WYLDE
PRESIDENT & CEO

PARTNERSHIP FOR NEW YORK CITY

The Partnership for New York City represents the city's business leadership and its largest private sector employers. Through its housing programs, the Partnership was a major participant in the redevelopment of Harlem during the 1980s and early 1990s. The Housing Partnership was responsible for construction of more than 30,000 units of affordable housing citywide in collaboration with the city, state and community organizations, which helped spur widespread economic revitalization. We also helped a number of local and minority-owned development and contracting firms secure contracts and bank financing. As a result, these firms have made a major contribution to renewal of communities across the five boroughs.

The 125th Street Rezoning plan, if enacted, will launch an exciting new phase of Harlem's renaissance. It will strengthen this regional business district and bolster its historic role as an arts, entertainment and retail center. The plan will provide long-needed zoning updates through the creation of the 24-block 125th Street Special District. The plan provides new opportunities for development, while at the same time preserving the historic character of the neighborhood by limiting the size and scale of new buildings and imposing height limits.

Moving forward with the 125th Street rezoning is particularly important at a time when the national economy is faltering. Harlem is a magnet for international interest in its music, art and culture. With this zoning in place, Harlem is likely to attract international investment to fuel continued economic development that will be an

ongoing source of jobs, housing and business activity. Absent this initiative, national economic conditions could put a break on the positive momentum of renewal in Harlem.

Under this innovative rezoning program, for the first time developers would be allowed an arts density bonus in exchange for providing visual or performing arts spaces, such as a gallery, museum, theater or non-profit organization. This arts bonus is expected to create nearly 90,000 square feet of arts and performance space on 125th Street. In addition, in certain areas, developments over 60,000 s.f. would be required to allocate five percent of their space for arts and entertainment related uses such as galleries or restaurants. These actions are bound to attract new philanthropic support for many of the neighborhood's well-established and emerging arts and cultural institutions.

The zoning along key low-scaled portions of 125th Street (namely, the brownstone blocks close to Fifth Avenue and within the Mount Morris Historic District and the two blocks between Morningside Avenue and Broadway) would be mapped with contextual zoning districts that match the built character of the neighborhood. The current zoning has no height limit.

The plan also provides the opportunity for development of 2,500 new units of housing, of which approximately 450 will be restricted to affordable rents. It establishes the first use of the Inclusionary Housing Program in Upper Manhattan, allowing increased density (within the height limitations) in return for the development and preservation of affordable units.

We urge the leadership of the neighborhood to embrace this important zoning initiative and look forward to working with you to encourage community-oriented private investment that will insure that 125th Street is restored to world class status as a vibrant center of culture and entertainment that reflects its rich history and depth of talent.

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OFFICE OF THE
CHAIRPERSON
FEB 15 2008
17331

TESTIMONY TO New York City Planning Commission

January 30, 2008
Aaron Davis Hall

RE: Martin Luther King Jr. Blvd. (125th St.) Rezoning Scheme

The NYCPC's Martin Luther King Jr. Blvd. Rezoning Scheme is simply about further enriching predatory corporate "developers" and real estate vultures – and dispossessing thousands of working, poor and "middle income" people. The NYCPC gang is determined to carry out michael bloomberg's bent to destroy the lives of 10s-of-thousands of people who have stayed the course in Harlem over the past four (4) decades – despite drugs that were malevolently dumped into this community (and the hundreds of predominantly Africanamerican communities across the u.s. from the 1960s to the 1980s – the most venal of the decades-long white supremacy campaign to empty Harlem of Africanamericans.

Poor, working and real "middle income" people are not going to disappear from NY, Manhattan, the u.s. or the planet - because those like you want to think them away!!

This plan is part of one of the most racist moves of michael Bloomberg – his educational genocidal policies topping the list – and of your gang of 20-or-so.

This rapacious corporate gouging scheme is the most recent phase of the white-supremacist, predatory attacks on Harlem – the foundation of which is the racist redlining against Africanamerican people getting reasonable mortgage and home improvement loans from the 1920s through to the present day – the most robustly venal weapon in this 70-year plan to oust Harlemites and empty Manhattan of People Of Color. This continuum of RACISM has set the stage for declarations of Harlem as "blighted," and 'therefore ripe for this stage of plucking.

Those of us who are defined as "middle income" will not tolerate the INDUCED economic terrorism that plans like this represent. We recognize that the slippery, Orwellian sham that touts the "average" income of Harlem is some $70,000 – in order to jack up the so-called "market rate" of home and business loans and rents. Yet every demographic assessment states that the ***median*** income of Harlem hovers somewhere around $20,000 – if that. This posturing is, in effect, to pretend that the majority of the present residents of Harlem don't exist.

I will be vigorously participating in every legal recourse that is mounted against this most recent phase of diabolical ethnic cleansing by white-supremacist mentalities, notably on the bases of violations of voting rights, fair housing and human rights, along with other critical criteria such as the decimation of the historic and unique character of Harlem.

To continue on such outrageous Orwellian postures and formulas as your '80%-for-the-rich and 20%-for-normal-human beings' of SO-CALLED "affordable housing" - this is NOT "affordable housing!!" Being economically terrorized into housing costs that consume ½ to 2/3 of the average persons income is not "affording" housing. This outrage is heightened by the reality that – at least 80% of the NYC, Harlem and u.s. population is in the working class, poor or "middle income" groups. Indeed, NO percentage of Harlemites can afford so-called "market rates." $300,000—to—$1 million mortgages and egregious monthly rents of $1500 and much, much more!!! Is not affordable. "Affordable" is NOT having to deny the rest of the quality of your life in order to have a reasonably comfortable home.

As for so-called "market rate" – this is nothing more than an economic Orwellian ruse to strangle all but the super rich. "Market rate" is a scam – all over the u.s. – to force people to pay 2-5 times more than what people's incomes reasonable accommodate. This is a key ruse that the super rich corporate mafia of New York and the u.s. has been perpetrating on the rest of the populace in order to force them into perpetual economic servitude and slavery.

Finally, your gang has studiously chosen to dismiss the supremely cogent, rational and natural development recommendations to promote and support the development of Martin Luther King Jr. Blvd. as an entertainment, sports and Black media Center. Your gang has persisted in ignoring such recommendations from the Harlem community because such development would include too many Africanamerican power and business influence brokers; such recommendations are not in keeping with the prevailing, pervasive and pathological ideology of white supremacy.

In addition to the above recommendation, in the process of re-thinking development in Harlem there is the tremendous opportunity to delve deeply and widely into the enormous potential for "green," energy-conserving, renewable-energy--based residences and businesses. Your Martin Luther King Jr. Blvd. darkened cavern rezoning debacle reflects a total ignorance of and contempt for such 21st-century imperatives.

Rethinking this scheme and deriving a human rights—based redevelopment plan – WITH Harlem residents is a MUST!!

Submitted by

Sandra Rivers, MPH

CC: Members of the Coalition to Save Harlem (CSH)
Members of VOTE
NYS State Senator William Perkins
NYC Councilwoman Inez E. Dickens
Manhattan Borough President Scott Stringer
Congressman Charles Rangel
U.S. Senator Barack Obama
U.S. Senator Hillary Clinton
Open Letter to:
- NY Amsterdam News
- Daily Challenge
- Dominic Carter – NY One News
- NY Times
- NY Daily News
- NY Post
- Others

Others

SFDS Development Corp.
DBA LOTT COMMUNITY DEVELOPMENT CORPORATION
1261 Fifth Avenue
New York, NY 10029
Telephone: 212-534-6464 Fax: 212-534-3184

February 5, 2008

1 of 2

The City Planning Commission
Calendar Information Office
22 Reade Street – Room 2E
New York, NY 10007

RE: 125th Street Rezoning

Dear City Planning Commissioner:

We are writing to convey our support for the rezoning proposed for 125th Street, which we believe is critical to jumpstart the long-awaited renaissance of this important commercial corridor. We support the city's stated objective of making this street a world-reknown arts, culture and entertainment destination as well, through the incorporation of arts bonuses and arts/entertainment requirements.

There is little doubt in our view that the street today can support additional density and development, and we should encourage that growth – so long as it is carried out in a way that respects the low-rise nature of the neighborhoods to its north and south. We are aware that the highest proposed densities are located at transit hubs, which we believe are indeed the natural locations for significant commercial developments.

We understand that among the first of the developments adjacent to a transportation hub will be Vornado's Harlem Park development at 125th St and Park Avenue. We also understand that the building is at an advanced stage of design and will require an adjustment to the height limit proposed within the new zoning. We are supportive of this adjustment and enthusiastic about the building's potential for attracting the sort of media tenants that will indeed define this area as a burgeoning entertainment district.

Beyond just commercial development, we hope and expect that the proposed rezoning will succeed in stimulating a series of mixed-use developments -- which will include affordable housing and additional retail. Not only will these bring additional and much-needed jobs to the area, but we hope that both the additional housing and the new retail will contribute to extending the vibrancy of the corridor into the evening hours.

We see a bright future for 125th Street as Upper Manhattan's central business district, and believe that its recent success in attracting investment is just the tip of an iceberg. We hope that the proposed rezoning will be the first of many steps the city takes to ensure the corridor's continued success and growth.

Sincerely,

James F. Janeski, FACHE
President

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TDF Real Estate and Property Services, Inc.

February 7, 2008

345 East 102nd Street
Third Floor
New York, NY 10029
T 646.672.2990
F 212.860.8126
www.doe.org

Ms. Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Burden:

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Yours sincerely,

Richard Roberts, Managing Director

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C&C AFFORDABLE MANAGEMENT LLC
1735 PARK AVENUE
SUITE 300
NEW YORK, NY 10035
Tel: (212) 348-3248 Fax: (212) 348-3602

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February 7, 2008

Ms. Amanda M. Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Burden:

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Yours sincerely,

Ron Moelis

NEW YORK COLLEGE OF PODIATRIC MEDICINE

1800 Park Avenue
New York, N.Y. 10037

(212) 110-8000

February 8, 2008

City Planning Commission
Calendar Information Office
22 Reade Street
Room 2E
New York, New York 10007

Re: 125th Street Rezoning

To Whom It May Concern:

The New York College of Podiatric Medicine is writing to convey its support for the rezoning proposed for the 125th Street Corridor, which we believe is particularly critical to jumpstart the long-awaited renaissance in the area surrounding our campus. Founded in 1911 with a mission dedicated to podiatric medical education and clinical training, the College had its first home on 125th Street. Three successive moves culminated in the erection in 1927 of the present college building on 124th Street between Park Avenue and Madison Avenue. A building grant in 1976 from the US Department of Health, Education and Welfare enabled expansion of the campus to include a new clinical training facility, an expanded updated library and renovations to the existing college building.

As an educational institution with a nearly 100 year history on 125th Street corridor, there is little doubt in our view that this important street today can support additional density and development, and we should encourage that growth – so long as it is carried out in a way that respects the low-rise nature of the neighborhoods to its north and south. We also believe that encouraging arts and entertainment uses is a worthwhile objective, both to strengthen Harlem's worldwide reputation as a cultural center and as a way to enliven the street around the clock.

We are aware that the highest proposed densities are located at transit hubs, which we believe are indeed the natural locations for significant commercial developments. In that regard, we successfully lobbied in 2003-2004 for the rezoning of our parking lot on the southwest corner of 125th Street and Park Avenue to allow for a mixed-use development of 10.0 FAR and over 450 feet in height. After a failed start by another developer, in 2007 we sold this site to a joint venture of Vornado Realty Trust and MacFarlane Partners who has advanced an ambitious plan for an office and retail development called Harlem Park, adjacent to our College.

We also understand that the Harlem Park project is at an advanced stage of design and will require an adjustment to the height limit proposed within the new zoning. We are fully supportive of this adjustment, particularly in light of the fact that their proposed building is significantly shorter than the building we lobbied for in 2004. We are enthusiastic about the building's potential for attracting private sector tenants, including media and sports tenants that will indeed define this area as a burgeoning entertainment district, which will enhance our educational institution.

Beyond just commercial development, we hope and expect that the proposed rezoning will succeed in stimulating a series of mixed-use developments -- which will include affordable housing, student housing and additional retail. Not only will these bring additional and much-needed jobs to the area, but we hope that both the additional housing and the new retail will contribute to extending the vibrancy of the corridor into the evening hours and a conducive environment for our students.

We see a bright future for 125th Street as Upper Manhattan's central business district, and believe that its recent success in attracting investment is just the tip of an iceberg. We hope that the proposed rezoning will be the first of many steps the city takes to ensure the corridor's continued success and growth.

Yours sincerely,

Louis L. Levine
President & Chief Executive Officer

9r *

NEW YORK CITY
CENTRAL LABOR COUNCIL
AFL-CIO

Testimony to NYC Department of City Planning
Hearing on the 125th Street Corridor Rezoning

The New York City Central Labor Council
Edward F. Ott, Executive Director
January 30th, 2007

Good afternoon. Thank you for the opportunity to testify today on the 125th Street Corridor Rezoning. My name is Ed Ott, Executive Director of the NYC Central Labor Council (CLC), a federation of 400 affiliated local unions representing 1.5 million working men and women in New York City.

The NYC Central Labor Council believes that the proposed rezoning at 125th Street presents the City with a great opportunity to impact future development in the area. We believe that in order to promote development that is both responsible and sustainable, labor standards must be applied. As one of the landowners on the 125th Street Corridor, the City has the ability to implement labor standards, and to set a precedent for future development.

In order to protect the interest of the existing community on the 125th Street Corridor, we believe that where the City has proprietary interest, they must include labor standards that incorporate the following concepts:

- The City should provide meaningful training and career opportunities for new workers and encourage the use of contractors and subcontractors which invest in a skilled, qualified and safe work force.
- The plan must include labor standards that support good jobs defined by livable wages.
- The City should ensure that all building and construction jobs pay prevailing wage, and that real wage standards are attached to all building service jobs, retail jobs, hotel jobs, and other jobs that are generated from the redevelopment.
- Such wage requirements should apply to all permanent employees whether they work under a contract or subcontract. All tenants, subtenants, contractors and subcontractors should comply with set wage requirements.

The City should protect its proprietary interest in such situations by ensuring that the projects will not be disrupted by labor disputes.

In addition, to ensure that any hotels that are built in the area are not unreasonably disruptive to the surrounding neighborhood or blur the line between hotel and residential development, a special permit should be required for any hotel, motel, or other such extended stay facility built on the area that is being rezoned.

need to add 102

David R. Greenbaum
President
Vornado Office

Vornado Realty Trust
888 Seventh Avenue
New York, NY 10019
Tel 212 894-7404
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Vornado REALTY TRUST

February 8, 2008

City Planning Commission
22 Reade Street
New York, N.Y.

Re: 125th Street Rezoning

Dear Commissioners:

We are writing to supplement our testimony at the January 30th Public Hearing and to reiterate our support of the 125th Street Rezoning proposal currently being considered by the City Planning Commission. We feel that the proposal thoughtfully balances opportunities for new development with preservation of the qualities that make this corridor unique. We also believe that encouraging arts, entertainment and retail uses, in addition to a balanced range of other mixed uses, is a worthwhile objective, both to strengthen Harlem's worldwide reputation as an arts center and as a way to enliven the street around the clock. Finally, we believe that the increased activity of all types that the rezoning encourages will mean significant numbers of new jobs in an area ready and able to fill them.

With that potential job growth in mind, we plan to develop the first sizeable commercial office building in Harlem in the last 40 years on a site immediately adjacent to the 125th Street Metro North station. We estimate that our project will generate as many as 2,000 new jobs on 125th Street. Our purchase of this site, and our commitment to build there, is testimony not only to our belief in Harlem's future but also to the viability of the city's plans for 125th Street as a retail and commercial corridor, including opportunities for media, arts, and entertainment. We believe that our project meets the goals and objectives of the rezoning, from strengthening this unique and critical commercial corridor, adding vibrant ground floor retail, bringing important media and entertainment-related businesses to the corridor, and overall generating new jobs and new opportunities.

After many months of marketing the development, we are particularly pleased to be on the verge of signing agreements with two significant media tenants who are expected to occupy approximately 175,000 leaseable square feet of the planned development. They will be broadcasting from studios at the site, and we are optimistic that these well-respected tenants will serve as a lure to other media and entertainment tenants and set the stage for 125th Street as a regional business center. Further, the retail

associated with our new building, which is estimated to total 42,000 square feet, will contribute significantly to an improved pedestrian environment near the Metro-North station.

At the time the 125th Street rezoning was certified, our building had been fully designed under the existing C4-7 zoning with a height of 330 feet. The 330-foot height was necessary in order to accommodate the base FAR of 10 while complying with the maximum tower coverage of 40 percent. At the time of certification, we had been actively marketing the building to prospective tenants, having received a building permit for the development in July 2007. Construction did not start because we had not yet secured the primary tenants necessary to obtain financing and advance the project to construction. Now, we believe we are on the verge of securing high-profile tenants for the building based on the current design and our ability to begin construction within the next several months.

However, our building exceeds the permitted height under the proposed rezoning by 40 feet and we are requesting that the maximum permitted height for the site be increased from 290 feet to 330 feet. Without the requested height modification, we would be required to undertake a costly and time-consuming redesign to the building. More important than the cost, this redesign would likely render us unable to meet our media tenants' move-in dates and jeopardize these important agreements which are essential to the project moving forward. We are respectfully asking the Commission to consider the importance of this development to 125th Street corridor and permit the additional height as depicted in our current design. If this additional height is incorporated into the adopted rezoning, we expect to begin construction of our building this spring.

We believe that this modest increase in height, at this unique, large-scale development site adjacent to the Metro-North Rail viaduct, would not be inconsistent with the overall goals of the rezoning to carefully calibrate building heights appropriate for the corridor. Vornado is well aware of the value of a corridor approach to economic development. 125th Street is a critical crossroads for New Yorkers in Upper Manhattan and beyond for many reasons. The corridor has tremendous potential to expand its role as the main commercial and retail spine of northern Manhattan, and we hope to play a major role in unlocking that potential. In addition, 125th Street is today a gateway for transit -- and it will grow in importance as a transportation hub with the completion of the northern leg of the Second Avenue subway. Likewise, the emergence of the 125th Street Metro-North station as an alighting point for commuters to and from northern Manhattan is notable, as is the potential that this commuter growth offers for further retail and commercial development in the adjacent area.

We have recently met separately with Community Board 11 and with Councilmember Inez Dickens, to convey our support for the broader rezoning and explain our request for a slight change in the height restriction which the new zoning would impose at our particular site. We will continue to work to address their concerns and look forward to working with them in the near term on our plans to contribute to streetscape improvements along the corridor and, over the next two years, on our plans to implement a workforce development program to maximize local hiring when the building comes on line in 2010.

In conclusion, while requesting a change to the height restriction at this particular site, we strongly support the city's rezoning proposal in its entirety and look forward to being part of the important new business district that this proposal is designed to foster.

Yours respectfully,

David Greenbaum

125th Street Rezoning
Draft Environmental Impact Statement
February 11, 2008

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to promote a more livable city. Since 1893, the Society has worked to advocate excellence in urban design and planning, contemporary architecture, historic preservation and public art. The Municipal Art Society, having submitted scoping comments on February 20, 2007 as well as provided both oral and written testimony on January 30, 2008, offers the following comments to the Department of City Planning, the leading agency in the City Environmental Review, with the intention of identifying where the Draft Environmental Impact Statement could be improved.

COMMENTS

Project description

The DEIS states that the study was intended "to propose a strategic planning and development framework for 125th Street from the Hudson River to the East River." Furthermore, it posits that, specifically, the "rezoning seeks to sustain and enhance the ongoing revitalization of 125th Street as a unique, diverse, Manhattan mainstreet." As our comments to the specific elements of the DEIS will illustrate, the proposed project unfortunately, still falls short of these very desirable goals; although MAS notes that some of the alternatives that City Planning studied in the DEIS may serve as guide posts to creating a more finely-tuned zoning plan with provisions to maintain precisely the uniqueness of 125th Street that draws in tourists from near and far.

Chapter 1. Land Use, Zoning and Public Policy

City Planning's stated intention is to pass a fine-tuned zoning plan for 125th Street. "Central to the proposal is establishing a new special purpose district" that "would allow for a wide range of retail, arts, entertainment and cultural uses to physically and economically activate the street, would allow fine-tuned building form controls to respond to the specific scale and character of the corridor (2.0-3)." However, the current proposal fails to respect the existing neighborhood and its special character and will not promote integrated new development on 125th Street.

Increasing density on a 125th Street is advisable, given it is well served by public transit; however, the proposed C4-7 zoning of sections on 125th Street with a 290 feet height restriction takes its cue from the State building, an exceptionally tall building on the corridor. Instead the zoning plan ought to reference the historic Theresa Hotel as the

infeasible for various reasons, including the requirement to build two buildings on lots wider than 100 feet; however, a restriction on the width of retail store frontage rather than on buildings themselves may achieve similar results by creating a more variegated street level retail environment.

Chapter 3.2 Socioeconomic Conditions

Residential Displacement

The DEIS inadequately assesses potential direct and secondary residential displacement due to the limited circumference of the primary and secondary study area. By narrowly circumscribing these areas, City Planning, fails to account for the potential spill over effect that development of luxury housing on 125th Street will have on the surrounding neighborhoods. In the study areas alone, the Department of City Planning identifies 190 units as "containing a population potentially vulnerable to indirect displacement in 2007." In the Planning Department's own assessment, the majority of these unprotected units are located in Central Harlem outside of the study area.

Methodologically, the DEIS, moreover, does not take into consideration the pressure experienced by residents in rent-stabilized buildings where harassment and illegal buy-outs contribute to the loss of affordable units. Preservation of existing affordable housing stock in these communities remains one of the most effective strategies to address displacement. Although the DEIS discusses the number of affordable units that have been and are slated to be built in Harlem, there needs to more analysis of the ratio at which affordable units are being lost while new affordable units are being developed. Currently in many communities the ratio is 2 to 1. As the DEIS correctly states, a great number of housing units in the study area are rent protected; nonetheless, further analysis of these units needs to be conducted in order to assess how many of these units are at risk of reaching the threshold for destabilization. Such an analysis will more realistically identify the rate of indirect displacement of residents.

In order to mitigate displacement pressures, the city can and should include anti-harassment/anti displacement provisions for renters as part of the zoning action similar to the ones included in the Greenpoint/Williamsburg rezoning and the rezoning of Clinton/Hells Kitchen. These provisions carry stiffer fines and penalties for landlords, who are harassing tenants in below-market rate apartments. These can also include a provision to create a fund assist harassed tenants acquire counseling services and legal representation.

Consequently, as current trends in Central Harlem, West Harlem and East Harlem indicate, a much more aggressive affordable housing strategy should be devised that safeguards the ability of current residents to remain in their communities. This may warrant a closer look at the use of mandatory inclusionary housing programs as a strategy to ensure the creation of new affordable housing since these programs have been cited by city governments across the country as crucial to the production of affordable housing, especially for the low- and middle- income brackets (See the American Planning Association's *Zoning Practice*, Issue No. 9, September 2004). http://www.planning.org/affordablereader/znzp/ZPSep04.pdf

anchor on this streetscape. While the DEIS states there are a number of tall office buildings in this sub-district core area, only one of them is higher than the Theresa Hotel The DEIS document misrepresents the existing streetscape, which is characterized not by tall 10 – 20 story buildings but in the majority by one to six story buildings. Consequently the C4-7 would foster development out of scale with the existing streetscape and diminish the historic buildings located within this sub district area. The 290 feet height restriction, moreover, would allow buildings higher than the State Building (250 feet) to be erected. This building is truly an anomaly and reminiscent not of an urban planning success but of one of planning's failures. The C6-3 alternative studied by City Planning, spreading density and bulk more uniformly across the corridor, therefore, would be a more adequate alternative, creating a more fine-tuned zoning plan. This alternative, while still allowing building heights (160 feet) to exceed that of the Hotel Theresa (130 feet), would foster a streetscape development more in keeping with the current character and the plan's stated intention to develop Harlem's Main Street.

The C4-7 area in the core sub-district also includes important Harlem landmark buildings, like the Apollo Theater. These historic places attract visitors from across the world. The history and culture of Harlem is truly unique, and the buildings on this famed street are the physical legacy of that rich past. We believe that the street's historic buildings, both grand and modest, can play an important role in fostering the arts and culture district – as Jane Jacobs said, "new ideas must use old buildings." Therefore, any rezoning must speak to the scale of these buildings and respect the surrounding context.

Inclusionary Housing Bonus

While the plan projects the creation of affordable housing through an affordable housing bonus, the initiative falls far short of the pressing need to preserve and create affordable housing in Upper Manhattan where the median income is considerably lower than city-wide. Under the current plan existing Harlem residents would be hard-pressed to qualify for the affordable housing.

The current proposal, although commendable for encouraging the development of desperately needed affordable housing, fails to respond to the dual reality that the area is generally losing affordable units and that local median income levels are much lower than in the rest of the city. Of the projected residential development 79% are projected to be market-rate units. Furthermore, the 498 projected affordable units would only be affordable to families making in excess of the local area median income, which at $22,122 in 2000 (cited by City Planning in its Demographic Study of Harlem) was and continues to be considerably lower than the area median income used to calculate eligibility for affordable housing. Income-targeted affordable housing provisions would ensure that more lower-income households receive the benefits of new development. This should be augmented by a local preference clause, setting aside a percentage of the affordable housing units for local residents. Finally, affordable units built as a result of the bonus should be on site in order to ensure that 125th Street does not become a wealthy residential enclave but rather a neighborhood corridor characterized by its diverse residential population.

- No. 36 St. Mary's Episcopal Church, 521 W.126th St. (Block 1983 Lot 11) is a designated city's landmark identified as NR eligible.
- No.16 New York Public Library, George Bruce Branch, 518 W.125th St. (Block 1980 Lot 22), is listed only as NR determined NYCL eligible in the DEIS of the Manhattanville rezoning.
- No.26 Former Sheffield Farm Dairy, 632 W. 125th Street (Block 1995 Lot 44) is listed only as NR determined NYCL eligible in the DEIS of the Manhattanville rezoning.
- No.35 Former Engine Company No.37, 509 W.129th Street (Block 1983 Lot 6) is listed only as NR determined NYCL eligible in the DEIS of the Manhattanville rezoning.
- No. 40 Former Sheffield Farms Stable, 3229 Broadway (Block 1996 Lot 34) is listed only as NR determined NYCL eligible in the DEIS of the Manhattanville rezoning.

Chapter 3.11 Waterfront Revitalization
Plan for Waterfront Access:
This plan had originally been promoted as 125th Street "River to River," which had the promise of providing access to both the Hudson and Harlem Rivers and linking them through the 125th Street corridor. While there are separate plans for the waterfront to the west, this plan fails to address waterfront access to the east. This is a historic opportunity to connect neighbors to the water, but it will require concerted effort on the part of City Planning to ensure that the various plans work in concert to create public access to the water. How is it that a salt depository managed by the Department of Transportation is allowed to continue to block the neighborhoods' access to the Waterfront? This plan promised in its inception a grand vision of connecting the two waterways through a vibrant commercial corridor buttressed at either side by green spaces leading to the water. This vision must be re-found.

Arts and Entertainment Bonus

125th Street deserves the attention is has and continues to receive as a inimitable center for African American arts, culture and entertainment; therefore, the plan's focus on this heritage is appreciated. However, MAS notes two aspects of the current proposal that compromise the plan's ability to truly encourage the development of 125th Street as a cultural destination: 1) the proposed Arts and Entertainment Core Sub-district as currently conceived is too small; disregarding the organic and multifaceted nature of the arts and culture industry in Harlem; and 2) the mechanism to incentivise the creation of affordable space for arts and entertainment organizations is insufficient and inadequately ensures that benefits will be derived by the Harlem communities.

Circumscribing the sub-district to such a limited geographic area fails to take advantage of the potential to create a continuous arts and culture corridor, potentially connecting to the New Amsterdam Special District proposed in CB 9's 197-a plan to the west and to the 5th Avenue Museum Mile. The mechanism to foster the creation of arts and cultural organizations should be made available within the entire proposed 125th Street Special District. The Arts Bonus Alternative studied by City Planning seems to be another feasible instrument to make available more affordable arts spaces. The positive aspect of this alternative as stated in the DEIS is that "the residential FAR would be the same" under this alternative, thus, not compromising the mixed-use character of this corridor. At the same time, in the words of the DEIS, "represent a 36% increase in the number of jobs compared to the proposed action." The projected economic benefits from the Arts bonus could be crucial to an area suffering from inordinately high unemployment rates.

In order for these benefits to be reaped by existing community members the following strategies should be implemented to channel the distribution of benefits to current community members, businesses, arts organizations and residents:

The use-groups eligible for these arts and entertainment spaces must be refined to prevent their appropriation by restaurants and formula businesses. Local hiring-preferences should be formulated; and, in keeping with recommendations given by the community boards in the area, MAS urges that City Planning develop a plan to set aside these spaces for locally established organization and to ensure that a local advisory committee will be authorized to participate in the selection of these groups rather than conferring decision-making power solely in the "Chairperson of City Planning in cooperation with the Department of Cultural Affairs."

Maintain Urban Retail Diversity:

City Planning proposes that the current rezoning plan for 125th would "substantially reinforce its major mixed-use character and its status as a local and regional destination for the arts, entertainment and retail (3.1-34)." As Harlem's Main Street, 125th Street today still offers a diversity of retail and entertainment experiences. Strategies must be devised to foster a balance of local and national retailers. The C6-3 alternative proposed by Manhattan Community Board 10 and studied by City Planning, which would limit building frontage to 100 feet in conjunction with the "active use" requirement, would work to maintain retail diversity on the corridor. City Planning argues that this option is

Business and Institutional Displacement

As Harlem's Main Street, 125th Street today still offers a diversity of retail and entertainment experiences. Strategies must be devised to foster a balance of local and national retailers. The DEIS states: "The proposed actions would potentially directly displace approximately 71 firms and 975 employees, with the largest displacement occurring in the retail sector, in particular, businesses providing clothing and accessory products. The preliminary assessment concludes that the proposed actions would not cause a significant adverse direct business displacement impact because the displaced businesses are not found to have substantial economic value to the City or region, are not subject to publicly adopted plans to preserve, enhance, or protect them, and do not, individually or collectively, contribute substantially to neighborhood character."

This assessment does injustice to the current dynamic on 125th Street where local establishments--some of which have been in business for over 30 year--are feeling pressure to remain. While the DEIS states these businesses do not "contribute to the neighborhood character," there is no analysis provided of whether these are locally-owned businesses and how they contribute to the current local economic fabric. Because the DEIS focuses primarily on large retail projects as having revitalized 125th Street, it fails to address the role of small retail and how the disproportionate support of large-scale commercial development affects this sector. There is no estimation as to how many locally-owned businesses are expected to be created as a result of the rezoning and the opportunities to mitigate locally-owned business displacement and / or foster their development by working in synergy with UMEZ and Department of Small Business Services programs. Yet, building local capital is a crucial economic development tool.

It hard to fathom how 125th Street will continue to function as Harlem's Mains\ Street and home of African American Arts and Culture if independent small retailers, some of whom have been there over 30 years, are gone. City Planning does not provide any real evidence to substantiate the contention that the businesses "do not contribute to the neighborhood character." Yet it is known that the loss of small retail has ripple effects across low-income communities who rely on personal relationships with locally-owned business establishments to manage credit relationships and secure employment opportunities. Additionally, small business form important linkages to local chains of production and distribution.

The scale of projected development as a result of the proposed rezoning will further erode the urban retail diversity unless safeguards are developed. The proposed rezoning already indicates that 71 small businesses will be directly displaced

- Of the 71 business that will be displaced, the effect that these businesses have on neighborhood character is not addressed in the socioeconomic chapter and it is only briefly addressed in the neighborhood character chapter. Although the sectors these businesses represent will not be lost, their effect on neighborhood character (locally owned small business) is significant and should be accounted for. This should be addressed by the city in the EIS.

- There need to be provisions for mitigating job losses. Although the sectors where job loss is projected to occur are sectors where new jobs are anticipated, there is no assessment of the anticipated skill level these new jobs will require and how that compares to the skill level requirements for existing jobs. There is also no discussion of how these employees will be able to be reasonably transitioned from their displaced jobs into the newly created jobs.

MAS believes that in the Arts and Entertainment Core Sub-district rules to serve as incentives to the preservation of local arts and culture organizations as well as locally-owned small businesses should be created.

Chapter 3.6 Historic Resources
Preservation and Historic Resources
We applaud City Planning's goal for 125th Street to "maintain its unique character." We believe that the future of the fabled street depends on retaining its character and its history. There is no other Harlem in the world, and its historic resources are truly unique and have national cultural and historical significance and should be considered national treasures.

The majority of significant buildings in the EIS are unprotected by local landmark designation, which leaves them vulnerable to increased development pressures. Although outside the environmental review process, we believe the Landmarks Preservation Commission should designate as many significant buildings as possible prior to the rezoning taking place. The project's indirect impact on these resources is a substantial increased development pressures. All of the resources listed in the EIS should be considered threatened.

It is unfortunate that it appears that the State Historic Preservation Office (SHPO) was not consulted to identify National Register-eligible buildings or to seek their determinations of eligibility for listing the National Register. This seems to account for some missing resources. Most importantly, having the SHPO make formal determinations of eligibility is an important first step in encouraging property owners to take advantage of Federal Investment Tax Credits. Given the commercial nature of the street, eligible property owners could reap rich federal tax credits for rehabilitation of their income-producing buildings listed on the National Register.

There are some known historic resources that were not identified in the EIS, and there are a few errors as outlined below.

Not Identified
- The McDermott-Burger Dairy (527-535 West 125th Street) was found to be eligible for the National Register in the Manhattanville DEIS, but is not included in this EIS.
- 28-30 E.125th Street (residential building, Block 1749 Lot 56), determined NR eligible in the Second Avenue Subway FEIS.

Errors in Identification:

ROEBLING CHAPTER
Society for Industrial Archeology

Reply to 40 W. 77th Street, New York, New York 10024, PreservelA@aol.com, 212-769-4946

DEPT OF CITY PLANNING
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February 11, 2008

Robert Dobruskin, Director
Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

BY HAND

Re: 125th Street Plan, C 080099 ZMM, N 080100 ZRM, C 080099(A) ZMM, N 080100(A) ZRM

Dear Mr. Dobruskin:

I write on behalf of the Roebling Chapter, Society for Industrial Archeology. The Roebling Chapter is a not-for profit organization committed to the study, preservation and dissemination of information on our region's industrial past. Of the chapter's over 450 members, nearly 200 live in New York City

We feel that potentially significant industrial heritage sites have been overlooked in the Draft Environmental Impact Statement (DEIS). Since the proposed action "has the potential to result in unmitigated significant adverse impacts," the omission of such sites could result in their loss during re-development.

One very obvious omission is the McDermott-Bunger Dairy at 527-535 W. 125th Street, which was identified as eligible for the National Register of Historic Places during the Manhattanville re-zoning process.

A quirkier one is the Quonset hut at 233 E. 124th Street, undoubtedly the only one in Manhattan. Quonset huts were pre-fabricated buildings developed as part of the build-up to World War II at Quonset Point in Rhode Island. The original 1941 design was the work of an engineer and an architect, both employed by the New York City construction firm, George A. Fuller Co. This company, which was also charged with building a factory to manufacture the huts, was responsible for the Flat Iron Building, the Fuller Building, and portions of the High Line. Many Quonset huts were purchased as surplus after the war and re-used in a variety of ways. The date of this one and when it was moved to the site needs to be investigated.

At 166-172 E. 124th Street is a masonry building with wide Romanesque arches and an elaborate medallion announcing its built date of 1891. Its upper stories housed factory operations in the 1940s.

Another building to be investigated further is the 1891 structure at 124-126 E. 124th Street, now occupied by Eastside Floors. It was a Venetian blind factory in the 1940s. The unique and intricate tie rod plates contrast attractively with the flat brick façade.

The 1896 building at 120 E. 124th Street should be researched more thoroughly. It served for many years as a warehouse, most recently—as can be seen from the fading paint on its front—by the H.C. Oswald

heating supply company. It has distinctive detailing including along the inside of the arches along the first floor

Also deserving more research is 119-125 E. 124th Street, a beautiful cream-colored brick and stone building dating to 1901. It appears to have been built for the New York Telephone Co.and is now used as mini-storage.

The above three buildings are all on the same block, indicating an enclave of industrial storage and factories.

One more to be examined further is 264 W. 124th Street. Newly renovated for apartments, it dates to 1880 and has all the appearances of a commercial or industrial structure, possibly manufacturing lofts with showrooms below.

These are only a few buildings that stood out architecturally and were configured in a way that indicated an industrial purpose during a recent afternoon walk, but which we did not find in the DEIS. There are certainly others. We trust that at least a few will prove to have interesting historical legacies as well.

Several historic industrial and transportation structures were included in the DEIS, we are happy to say. These include the Broadway IRT viaduct, the Metro-North Harlem-125th Street Station and Park Avenue viaduct, the Sheffield Farms Dairy and Stable, and the Yuengling Brewery.

One small correction is to the name of the New York Central and Hudson River Railroad on page 3.6-12 in the description of the Metro-North Harlem-125th Street Station. There is but the one "and."

We look forward to seeing more historic industrial buildings in the Final Environmental Impact Statement examining this corridor that is incredibly rich in architectural beauty and variety.

Sincerely,

Mary Habstritt, Chair
Preservation Committee

CC: NYC Landmarks Preservation Commission
State Historic Preservation Office

February 8, 2008

New York City Planning Department

Amanda M. Burden, AICP, Chair
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John Merolo
Karen A. Phillips

Re: 125th Street River to River Rezoning

To all that it May Concern:

As a planning body, that is acknowledged world wide for master minding so many great projects, it baffles me that you did not designate Harlem U.S.A., as a Special District before proposing to redevelop its 125th Street Corridor. As you know, Special Districts are distinguished and preserved for various reasons and Harlem shares most of the same characteristics as other Special Districts designated by your planning body.

These designations are based on the following:

- To preserve character and architectural quality
- To limit heights reasonable and compatible with the existing character
- To preserve and reinforce the unique character
- To preserve and strengthen unique commercial and residential character of the neighborhood by restricting office building and chain stores
- To enhance the historic and commercial character of the community.

Specifically, out of at least 30 special districts or more you have; the Clinton Special District, the Special Park Improvement District (Fifth and Park Avenue), Greenwich Village and Madison Avenue. You also have the Special Planned Community Preservation Districts, which includes; Manhattan, Queens, and the Bronx; in which no demolition, new development enlargement or alteration of landscape or topography is allowed except by special permit. It encourages residential rehab and new development consistent with existing buildings, discourages the demolition of noteworthy buildings and increases the number of trees in the area. This Special District Zoning permits areas with unique characteristics to flourish rather than be overwhelmed by standard development.

Does all of the above sound familiar as it relates to Harlem? During your planning, you did not consider Harlem and its 125th Street Corridor to be a Special District? Could you have referred to The Harlem River Houses which is designated as a preserved district? As a professional planning body you should have instinctively planned from the perspective, that the World's beloved Harlem is a Special District. Starting from this point, representatives from the community- at- large (not perceived representation) and elected leadership (after having meaningful dialogue and a meeting of the minds

with its constituency) both should have been involved in the planning process, from proposal, to proposed resolution, to project. The community input that you so proudly reported has been challenged by those who were noted as being involved, but were not. The leadership that gave you direction had not engaged the community. BID is made up of business owners, a clear conflict in interest. This is especially so, if the existing small businesses who are faced with displacement, were not represented. The Development Corporations are developers and must also maintain a certain sense of personal profit. You ask whose fault is that. The answer was in the testimony given to you on January 30th. You do not have the support of the majority of the community and this community was left out and misrepresented.

Are you as a planning body, for preservation of such a great community or are you against it?

Your proposed plan to rezone the 125th Street commercial corridor, from commercial to residential with small businesses being displaced by chain stores, is an inappropriate development. New York State requires that it be in accordance with a "well considered plan". This proposed resolution should not be certified without it being designated as a Special District, without a revision prepared in cooperation with representation from the community at large and true representation from elected leadership who honestly speak for the community, based on meetings with real dialogue and an agreed upon resolution showing a meeting of the minds.

Are you as a planning body for preservation of such a great community or against it?
Until this happens and it can happen, I along with thousands of others, say no to the proposed rezoning of 125th Street, River to River.

Respectfully submitted

Sharon M. Bowie
In admiration and of Harlem and its continued Renaissance which embraces all of its community

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STEPHEN P. BARRY, Of Counsel

DEPT OF CITY PLANNING
2008 FEB -7 PM 1:06
ENVIRONMENTAL REVIEW

February 5, 2008

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

Robert Dobruskin, AICP, Director,
Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 1. Testimony regarding Applications (C 080099 ZMM, N 080100 ZRM, C 080099(A) ZMM and N 080100(A) ZRM) submitted by the Department of City Planning relating to the proposed 125th Street Plan

2. Testimony relating to the Draft Environmental Impact Statement (DEIS), CEQR No. 07DCP030M

Dear Sirs/Madams:

I represent Heenam Bae and Uptown Holdings, LLC, which own property just outside (and to the east of) the above-referenced project area. Heenam Bae owns three properties located at 2315-2319 3rd Avenue, 208 East 126th Street, and 2457 2nd Avenue, and Uptown Holdings, LLC owns property at 213-223 East 125th Street. We respectfully request the City Planning Commission and the Department of City Planning to consider the following testimony and comments in regard to the Draft Environmental Impact Statement (DEIS) and the ULURP application for the Proposed 125th Street Corridor Rezoning and Related Actions.

For the reasons set forth herein, it is submitted that neither the DEIS nor the project itself should be approved, inasmuch as the DEIS and the plan itself are fundamentally flawed in numerous significant ways:

- The review of possible alternatives is at the heart of SEQRA process[1], yet the DEIS fails to remotely address obvious alternatives, as set forth more fully below.

- Courts in this State have found that "segmentation occurs when the environmental review is irrationally divided into smaller stages or activities, contrived as if the stages are independent and unrelated, needing individual determinations of significance." *Association for Community Reform Now v. Bloomberg, et al, 2006 WL 2686520 (Sup. Ct. NY 2006)* citing *Matter of Maidman v. Vill. Of Sands Point, 291 AD2d 499 (2d Dept. 2002)*. Segmentation is prohibited "to guard against a distortion of the approval process by preventing a project with potentially significant environmental effects from being split into two or more smaller projects." Id. As presented, the DEIS assumes an interrelated and indeed interdependent relationship with the East 125th Street Project, yet illegally and improperly segments environmental review of the two projects.

- Perhaps most importantly and of most concern to my clients is the fact that the DEIS utterly fails to address the alternative of including in the 125th Street Corridor Re-Zoning the properties which are proposed to be included in the East 125th Street Project. The 125th Street Corridor Re-Zoning Project specifically carves out the entire East 125th Street Project Area, with no explanation for why, and no analysis of the alternative whereby that project area is included in, rather than excluded from, the 125th Street Corridor Re-Zoning Project Area. The DEIS must examine the alternative of including my clients' property in the rezoning, at the very least, and explain why it was left out to begin with.

- The EDC has obviously had an unseemly hand in seeing to it that the properties in the East 125th Street Project Area are excluded from the Corridor Re-Zoning. It is well known that the East 125th Street Project includes a plan to acquire my clients' properties by eminent domain. By arbitrarily, capriciously, and irrationally carving my clients' properties out of the Corridor Re-Zoning for no apparent legitimate, good faith reason, the EDC is seeking to lower the value of these properties to facilitate its plan to take them. Thus, EDC is apparently proceeding in bad faith with the purpose and intent of unconstitutionally taking my clients' property at an artificially lowered value, ultimately in order to convey an unconstitutional private benefit upon the lucky developer who benefits from a lowered acquisition cost should the condemnation ultimately succeed.

---

[1] See *Shawangunk Mountain Environmental Association et al v. Town of Gardiner*, 157 AD2d 273, 276 (3d Dept. 1990) citing (Marsh, *Symposium on the New York State Environmental Quality Review Act Introduction –SEQRA's Scope and Objectives*, 46 Alb.L.Rev. 1097, 1111 [1982]).

- To support its pre-ordained, sugar-coated conclusions with regard to the impacts of the corridor re-zoning, the DEIS specifically relies upon "significant projects undergoing their planning stages" (1.0.4) in the neighboring areas including the proposed East 125th Street Project. The DEIS proceeds on the premise that these neighboring projects are a certainty in order to minimize the reported impacts of the 125th Street Corridor Re-Zoning Project. Such an approach is fundamentally flawed and backward in its analysis. The DEIS is required to consider all relevant alternatives, including the possibility (if not likelihood) that the neighboring significant projects undergoing their planning stages, and in particular, the East 125th Street Project, will not proceed as currently conceived. This is particularly important where the proposed East 125th Street Project (which has been proposed in one format or another since the late 1960s) may indeed never come to fruition, particularly since the private property owners included in that proposed project intend to fight it every step of the way, as it includes the taking of their properties without their consent through the use of eminent domain. At the very least, the DEIS in the 125th Street Corridor Re-Zoning Project must include an analysis of the impacts **without** the East 125th Street Project going forward.

- In conjunction with the above, the DEIS is also flawed insofar as it relies on the East 125th Street Project to serve as a mitigating measure for the direct and indirect residential and business displacement to be caused by the 125th Street Corridor Re-Zoning. For example, the DEIS appears to assume all the displaced low and moderate income residents can simply be re-located to the East 125th Street Project Area, while failing to consider what will happen if and when the East 125th Street Project does not go forward.

- Indeed, one of the reasons the Manhattan Borough President disapproved the plan was on the ground that it did not itself provide enough affordable housing for current Harlem residents, and that was assuming the East 125th Street Project goes forward. What if it does not? That question has yet to be addressed.

- While the DEIS does not purport to analyze the separate rezoning planned for the East 125th Street Project, it does purport to provide details as to the proposed benefits of that project, including the alleged creation of 2,450 new jobs, 1,000 residential units, 470,000 square feet of office space, 100,000 square feet of hotel space, and 30,000 square feet of cultural space, as though these benefits were a certainty and/or already in place. To the extent that the DEIS depends upon these benefits to support its analysis of the Corridor Re-Zoning project, the DEIS is flawed. These benefits are far from a certainty, and to the extent the DEIS relied upon them, it constitutes a stark, illegal exercise in prohibited segmentation.

- The DEIS concludes that while the 125th Street Re-Zoning project "could result in some limited indirect business displacement, the proposed actions would not

result in significant adverse indirect business and institutional displacement within the primary and secondary study areas." (1.0.11-12). No criteria is provided for this conclusion and it ignores the private property owners in the East 125th Street Project Area and the adverse effects to be levied upon them. Further, no consideration is given should the East 125th Street Project either not proceed or not proceed as planned.

- Indeed, the Manhattan Borough President correctly noted in opposing the project that it failed to provide enough assistance to small businesses at risk for displacement.

- The DEIS also concludes that "the proposed action would not have an adverse impact on a specific industry because it would not significantly affect the business conditions for any industry or category of businesses within or outside of the study are, nor would it indirectly reduce employment or impair the economic viability of a specific industrial sector or business category." No detailed analysis was conducted to support this conclusion because it was apparently determined that "there were no specific industries that are unique to the area." (1.0.12). This statement also appears to be premised upon the conclusion that the East 125th Street Project and others will proceed as planned. In other words, the analysis gives little or no attention to the properties and businesses located in the East 125th Street Project Area, and instead just assumes they will not be adversely effected because of the East 125th Street Project, without ever actually taking the "hard look" required by SEQRA at the actual impacts on those properties.

- **We hereby state unequivocally that the project (including most particularly the purposeful exclusion of my clients from it) will indeed adversely affect my clients, their relative property values, their ongoing businesses, and their very lives and livelihoods. Those adverse effects need to be acknowledged, studied, and addressed, not ignored in favor of a pre-ordained plan by the EDC to lower the value of my clients' property then take it by eminent domain.**

Based upon the foregoing, the DEIS is deficient and, if accepted in its current form, will be subject to challenge in Court as having failed to comply with the procedural and substantive requirements of SEQRA.

Please be guided accordingly.

Very truly yours,

J. David MacCartney, Jr.

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OFFICE OF THE
CHAIRPERSON
JAN 30 2008
17254

NEW YORK
BUILDING
CONGRESS

VIA OVERNIGHT MAIL

January 29, 2008

Ms. Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007-1216

Re: 125th Street Rezoning

Dear Chair Burden and Members of the Commission:

On behalf of the New York Building Congress, the City's largest and most diverse coalition serving the design, construction and real estate industry and involving 1,500 members from 400 constituent organizations, please accept this letter in lieu of testimony at the January 30 City Planning Commission public hearing on the proposed rezoning of the 125th Street corridor in East, Central and West Harlem ("125th Street Rezoning" or "Plan").

The Building Congress commends and enthusiastically supports the City on this impressive interagency initiative, which has spanned more than four years and involved extensive public outreach and guidance from a community-based Advisory Committee. The product of the City's efforts is a comprehensive, balanced plan to achieve clearly-defined goals for preserving and promoting the unique character and history of 125th Street, while creating opportunities to further the ongoing revitalization of the area. That revitalization can progress only so far under the existing zoning, which has remained largely unchanged since 1961 and fails to maximize the potential of this transit-rich corridor.

The Department's plan proposes to unlock that potential by positioning high-density zones where they make the most sense -- at the transit hubs and major thoroughfares, while gradually lowering density in zones farther from major transportation infrastructure. Furthermore, by increasing densities for generally the same land uses and replacing existing manufacturing districts to allow new mixed uses and commercial uses, the Plan lays the foundation for enhancing 125th Street as a regional business district and stimulating residential development to help meet the City's increasing demand for housing. These changes are projected to yield two million square feet of new commercial space, more than 2,300 dwelling units, including approximately 450 permanent income-targeted affordable housing units through the first Inclusionary Housing Program in Upper

Manhattan, and over 6,500 new jobs. At the same time, the Plan's proposed zoning changes would preserve the scale and character of areas to complement existing building patterns.

The Plan also includes innovative strategies for enhancing 125th Street's world-famous reputation as an arts, entertainment and retail destination, starting with the City's first-time use of an Arts Bonus, which would give developers a density bonus in exchange for providing visual or performing arts space. This Arts Bonus is expected to create approximately 90,000 square feet of arts and performance space on 125th Street. Equally impressive, the Plan's proposed Special District, a 24-block stretch of 125th Street, would incorporate provisions to maintain and improve its lively pedestrian environment through regulations aimed at ensuring that ground floors are dominated by active uses, such as retail, entertainment and restaurants. In addition, the proposed Special District would contain a Core Subdistrict, where developments with 60,000 square feet of floor area or more would be required to allocate five percent of their space in the building to qualifying arts and entertainment-related uses. Indeed, these measures would pave the way for significantly boosting 125th Street's established cultural repertoire.

Given all of the economic benefits and quality-of-life improvements to be derived from the Plan, the 125th Street Rezoning is exactly the kind of well-planned development the Building Congress endorses. We encourage the Commission to approve it.

Though not specific to this Plan, the Building Congress would like to take this opportunity to express its concern about infrastructure planning and investment related to private and public-initiated development activity citywide. As the Commission knows, Mayor Bloomberg's PLANYC begins to take a hard look at the increasing demand being placed on the City's aging infrastructure and includes a number of initiatives for meeting that demand. But more can and should done to advance that effort.

The Building Congress recommends that, consistent with its mission under the New York City Charter, the Department of City Planning examine the capital programs of the Metropolitan Transit Authority and city agencies responsible for critical infrastructure oversight to determine the extent to which infrastructure planning and investment is keeping pace with citywide demand. Based on this comprehensive examination, capital programs could be adjusted, as appropriate, to make them even more effective in addressing existing and future infrastructure requirements essential to sustaining, let alone growing, development activity and a robust economy.

Sincerely,

Richard T. Anderson
President

cc: The Honorable Inez E. Dickens, New York City Council
The Honorable Michael N. Gianaris, New York State Assembly
The Honorable Robert Jackson, New York City Council
The Honorable Miguel Martinez, New York City Council
The Honorable Daniel O'Donnell, New York State Assembly
The Honorable Bill Perkins, New York State Senate
The Honorable Adam Clayton Powell, IV, New York State Assembly
The Honorable Christine C. Quinn, Speaker, New York City Council
The Honorable Eric T. Schneiderman, New York State Senate
The Honorable Jose Serrano, New York State Senate
The Honorable Scott M. Stringer, Manhattan Borough President
The Honorable Keith L.T. Wright, New York State Assembly

485 Lenox Avenue
New York, NY 10037

February 7, 2008

OFFICE OF THE
CHAIRPERSON
FEB - 8 2008

Ms. Amanda Burden
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

1729\

Dear Ms. Burden:

This letter is to voice our concern about the proposed changes to the 125th Street corridor. As lifelong residents of Harlem, we have grown to love and cherish our community and its distinctive nature. While some change is good, change that comes as a result of the eradication of what was before does not yield benefits to all concerned parties. We support provisions that would ensure that the nature of 125 Street remains as is.

Many local, long-standing businesses have been displaced by old and new landlords with plans for redevelopment of the 125th Street corridor. Many businesses such as The Record Shack or Bobby's Happy House have been displaced with virtually no hope of finding affordable commercial space in the same area. A move is often times devastating to a business as its clientele may or may not be able to follow the business to its new location. We support a stipulation that would require new developers to make affordable retail space available on the street level of their new buildings in order to have the privilege of erecting buildings taller than six stories high. We also support a realistic definition of the term "affordable." In the housing market, "affordable" rents are based on an income level higher than most Harlem residents' income. Similarly, in the retail context, it is crucial that rents be left within reach of those businesses who have soldiered on, through Harlem's lean years. This is not charity. Rather, such a provision would allow people to continue to shop for the goods and services to which they have become accustomed without leaving the community. All segments of the Harlem economy are vital to the life of our community.

We welcome some of the new shopping opportunities available to us but we do not wish to have a strip mall or a generic downtown area filled with chain retail shops transported uptown. The unique quality and spirit of our neighborhood comes in part from its Harlem flair. We want to continue shopping for clothes in stores such as The Brownstone, where our unique essence is celebrated. We want our community to continue to have the option of eating healthy and culturally relevant foods from stores such as The Uptown Juice Bar and Charles Southern Cooking. Good change is organic. It should be a natural development of something new, coming from what existed beforehand. Customers shopping on a redeveloped 125th Street should be able to shop in

many of the stores that they have patronized for decades. They should still be able to purchase the same types of foods, goods and services that they can purchase today.

We support change on 125th Street that does not come at the expense of the old businesses and their clientele. Make developers pay for the right to develop high rise buildings on 125th Street by requiring them to make real provisions for existing businesses to remain on Harlem's main commercial corridor, in street level, accessible spaces.

Sincerely,



Carla McIntosh
Brenda Venable

February 8, 2008

New York City Planning Department

Amanda M. Burden, AICP, Chair
Kenneth J. Knuckles, Esq, Vice Chair
Angela M. Battaglia
Irwin G. Cantor, P.E.
Angela R. Cavaluzzi, R. A.
Alfred C. Cerullo,III
Betty Y. Chen
Maria Del Torro
Richard W. Eaddy
Nathan Leventhal
Shirley A. Mc Rae
John Merolo
Karen A. Phillips

Re: 125th Street River to River Rezoning

To all that it May Concern:

As a planning body, that is acknowledged world wide for master minding so many great projects, it baffles me that you did not designate Harlem U.S.A., as a Special District before proposing to redevelop its 125th Street Corridor. As you know, Special Districts are distinguished and preserved for various reasons and Harlem shares most of the same characteristics as other Special Districts designated by your planning body.

These designations are based on the following:

- To preserve character and architectural quality
- To limit heights reasonable and compatible with the existing character
- To preserve and reinforce the unique character
- To preserve and strengthen unique commercial and residential character of the neighborhood by restricting office building and chain stores
- To enhance the historic and commercial character of the community.

Specifically, out of at least 30 special districts or more you have; the Clinton Special District, the Special Park Improvement District (Fifth and Park Avenue), Greenwich Village and Madison Avenue. You also have the Special Planned Community Preservation Districts, which includes; Manhattan, Queens, and the Bronx; in which no demolition, new development enlargement or alteration of landscape or topography is allowed except by special permit. It encourages residential rehab and new development consistent with existing buildings, discourages the demolition of noteworthy buildings and increases the number of trees in the area. This Special District Zoning permits areas with unique characteristics to flourish rather than be overwhelmed by standard development.

Does all of the above sound familiar as it relates to Harlem? During your planning, you did not consider Harlem and its 125th Street Corridor to be a Special District? Could you have referred to The Harlem River Houses which is designated as a preserved district? As a professional planning body you should have instinctively planned from the perspective, that the World's beloved Harlem is a Special District. Starting from this point, representatives from the community- at- large (not perceived representation) and elected leadership (after having meaningful dialogue and a meeting of the minds

with its constituency) both should have been involved in the planning process, from proposal, to proposed resolution, to project. The community input that you so proudly reported has been challenged by those who were noted as being involved, but were not. The leadership that gave you direction had not engaged the community. BID is made up of business owners, a clear conflict in interest. This is especially so, if the existing small businesses who are faced with displacement, were not represented. The Development Corporations are developers and must also maintain a certain sense of personal profit. You ask whose fault is that. The answer was in the testimony given to you on January 30th. You do not have the support of the majority of the community and this community was left out and misrepresented.

Are you as a planning body, for preservation of such a great community or are you against it?

Your proposed plan to rezone the 125th Street commercial corridor, from commercial to residential with small businesses being displaced by chain stores, is an inappropriate development. New York State requires that it be in accordance with a "well considered plan". This proposed resolution should not be certified without it being designated as a Special District, without a revision prepared in cooperation with representation from the community at large and true representation from elected leadership who honestly speak for the community, based on meetings with real dialogue and an agreed upon resolution showing a meeting of the minds.

Are you as a planning body for preservation of such a great community or against it?
Until this happens and it can happen, I along with thousands of others, say no to the proposed rezoning of 125th Street, River to River.

Respectfully submitted

Sharon M. Bowie
In admiration and of Harlem and its continued Renaissance which embraces all of its community

Abdul Kareem Muhammad
204 West 133rd Street, Apt. 1D
New York, NY 10030
(646) 238-3989

February 11, 2008

Edwin Marshall
New York City Planning Department

Re: NYC 125th Street Rezoning Proposal – Written Testimony

I first want to address the number one issue with the New York City Department of City Planning's 125th Street Rezoning Proposal. That is the issue of a secretive, non-public process associated with the development of the Proposal. In spite of the proclamations by the NYC Planning Commission that this Proposal was vetted with "stakeholders" in the Harlem community, for the vast majority of this community's residents this process happened with little or no effort to inform us or get us involved. I have serious doubts as to whether these so-called stakeholders and the NYC Planning Department represented the legitimate interest of most of the residents of Harlem. Judging by the fervor of protest and public outrage regarding this proposal at the various public hearings the answer is a resounding "NO"!

It is clear that the New York City Department of City Planning's (DCP) 125th Street Rezoning Proposal, which was certified on October 1, 2007, will have a devastating impact to the long-time residents of Harlem and our main commercial corridor. Their plan ushers in luxury condominium development, huge office development and large retail space on a scale that could only be supported by people who earn far more than the average current resident of Harlem. Consequently, the average Harlem resident would be alienated from the "new" 125th Street of DCP's vision. The upward pressure on retail prices and property values would further force long-time residents of the Village of Harlem to move to more "affordable" communities. The DCP Plan should not be considered at all as a viable plan for Harlem!

Any plan to rezone 125th Street must be one which is beneficial to the long-time residents of Harlem and their children. Over the past several decades Harlem has been a place predominated by Black and Latino families who have invested their hopes and dreams in this beloved community. Let us ensure a future which advances these hopes and dreams into a meaningful reality.

125th Street as Business Corridor – Our Main Street

125th Street must remain a business corridor that caters to the shopping, cultural and business needs of the greater Harlem community. Much consideration should be given to preserving and advancing the interest of Black/Latino-owned, small businesses. Below market rate opportunities must be made available to these businesses. What we cannot have are large, luxury retailers which cater primarily to upscale residents. Creative means must be used to advance the business capability of Black/Latino owned and operated businesses.

Housing

Housing development in the 125th Street corridor should not be at the expense of the retail and cultural environment on 125th Street which currently caters to the Greater Harlem community. If you incorporate luxury housing on 125th Street, it will usher in upscale retailers who will serve the new, wealthy tenants. This will be at the expense of retailers who serve the needs of the more moderate income sector of the community. The retail environment on 125th Street should be one which caters to all residents of Harlem, including its poor and moderate income families.

Any housing along the 125th Street corridor must include income targeted housing which is geared to long-time Harlem residents. Creative thinking and planning are necessary if we are to make communities viable for all socioeconomic groups.

Secondary Displacement

Consideration must be given to secondary displacement that will be caused by any rezoning of 125th Street. Development of 125th Street will no doubt put upward pressure on the cost of living in Harlem and on the housing market. Protections must be ensured for public housing tenants and other low and moderate income housing tenants. Rent control and rent stabilization programs must be enforced and measures must be taken against unscrupulous property owners and managers who force long-time tenants from their homes.

Other Related Issues: Youth, Education and Employment

Rezoning on 125th Street offers excellent opportunities to educate the community in general and our youth in particular regarding the impact of government and public policy on the lives of community residents. With unemployment and school drop-out rates at all time highs in the Black and Latino communities, we must highlight the connection between community development, education and employment. We must find a way to make it all relevant to our youth; to inspire them to see their vital role in the development of one of the most well-known communities in the world. So we need to find ways of making our youth's education a relevant one and also work to find ways to use any new development in Harlem as an engine to employ our youth and the currently unemployed. There is something dramatically wrong when development is taking place in our neighborhood, yet there seems to be very few people from the neighborhood who are being employed by these development and construction companies. The same is true for any business or government agency functioning in Harlem that does not reflect the demographics of the community it serves.

Submitted by:

Abdul Kareem Muhammad
Harlem Resident

Attachment – Exhibit A

Exhibit A – 125th Street Rezoning Plan - Written Testimony (CPC)

By Abdul Kareem Muhammad, Concerned Harlem resident

HARLEM AT THE CROSSROADS

Hurricane Katrina is hurtling toward Harlem and its most famous street – 125th Street. Like Katrina in New Orleans, this Katrina packs a punch which will devastate the current physical and social landscape of our beloved community. This storm, however, is not spawned by Mother Nature; this one is generated out of the minds and desires of Mayor Bloomberg's administration along with powerful business interest groups. The impact on this world-renowned community will be the same – it will rip out the heart of Harlem and replace it with a soulless, corporate driven Disneyland for the rich.

The New York City Department of City Planning has crafted a plan for the 125th Street Corridor between Broadway and Second Avenue. Their plan ushers in luxury high-rise condominiums, high-rise office buildings and over-sized retail space. It calls for an eight fold increase in residential units in this corridor. 80% of these residential units would be high priced, market rate units, while 20% would be so-called "affordable" units for households making up to $56,000 annually. Meanwhile, the average household in today's Harlem earns less than $25,000 annually! The City's Plan would change 125th Street from a commercial corridor that caters to the needs of its community into one which caters to the new, upscale tenants and owners. This would put further upward pressure on housing prices and commercial rates, further driving long-time Harlem tenants and businesses out of the community. In short, the impact on 125th Street and Harlem will be huge and devastating if this plan is approved.

We who live in Harlem and other communities throughout this City have seen and felt the impact of gentrification. One of the key questions here is why should long-time residents suffer the ill effects of the make over of their communities? Why aren't housing and tenant's rights of community residents protected? Do we want to live in a society that caters exclusively to the wealthy at the expense of poor and working families? Or do we want a community where people come first, where development is done to better the lives of individuals and families who have been its long-time residents?

HARLEM IS AT A CROSSROADS. This is a pivotal moment in the history of this venerable community. Will we allow this community to become a playground and paradise for the wealthy or will the long time residents in this community unite and reclaim Harlem and its future? Will we accept a death sentence imposed upon us by Mayor Bloomberg's administration and its real estate developer/landlord allies or will we stand up and say "no more business as usual"? Will we "go along to get along" or will we develop a plan and a vision which works in the best interest of the long-time residents of this community?

Any plan for the development of the Village of Harlem must be one which focuses on the needs of all of its residents. It must be one that calls for investment in its people and not in profit-centered motives of outside (or inside) interest groups.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. BEFORE THE CITY PLANNING COMMISSION IN SUPPORT OF THE 125TH STREET CORRIDOR REZONING

January 30, 2007

The Real Estate Board of New York, Inc. is a broadly based trade association of 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We support the proposed rezoning of the 125th Street corridor and the establishment of the Special 125th Street District. We also strongly prefer the "A" version which would create an Arts Bonus mechanism to provide a floor area bonus in exchange for the provision of visual or performing arts space within new development and would map a C4-4D district along an additional portion of the corridor.

This rezoning plan is an important and exciting one for the Harlem neighborhood, for the borough of Manhattan and for the entire city and region. This street functions as a regional business district, a popular tourist destination, a successful shopping area and a center of history and culture. We believe that the plan provides for appropriate new development including significant amounts of new retail, office, hotel and visual and performing arts space and over 2000 units of housing including affordable housing. These zoning changes reinforce the commercial and cultural character of the street and will bring new investment and new job opportunities into the neighborhood.

We support the zoning districts proposed along the corridor in the A version and believe that the FARs are sufficient to stimulate development. The plan to allow increases in both residential and commercial densities is a good one and will support mixed-use projects that will only add to the vibrancy and diversity of the street. We also agree with the ground-floor limits on the width of bank and residential frontages on 125th Street.

There are two aspects of the plan that deserve further study. We do not support height limits for commercial buildings in the C4-7 district. Given the practical needs of commercial buildings, we do not think that a rigid height limit is appropriate. The proposed 60 to 85 foot streetwall requirement should also be reviewed as this impedes efficient design of apartments and adds to costs.

REBNY has advocated for floor area bonuses for cultural uses for a long time and in various parts of the city. We recognize the difficulties that non-profit arts companies have in locating properly sized and designed spaces. We are very pleased that Harlem will be the first community to have this advantage and we commend City Planning for advancing this proposal. Having a well-known physical location will only increase the viability of non-profit cultural groups who will be able to attract new audiences and grow. The process spelled out in the text is a good way to ensure that the space continues to be occupied by an arts group. There has been experience with ongoing use requirements before, for example, the existing Theater Rehabilitation Bonus in Midtown.

We recommend that you take a look at a few modifications to this Bonus. For example, currently the plan does not allow basement space to be bonused. However, some uses like black box theatres, auditoriums, museums and rehearsal spaces can make good use of below-grade spaces. We also recommend consideration of the different space needs of different arts uses. Sound studios require double height column free space and dance studios also need high ceilings. Perhaps there could be different levels of bonus depending on the type of arts space provided. In addition, the amount of bonus per square foot of cultural space must be tested to ensure its economic viability.

We share the concerns of many about the vehicular traffic congestion along the street and problems of parking and loading. We encourage the interagency task force to keep working on solutions to these issues.

In conclusion, we commend City Planning for a very thoughtful and very much needed rezoning that's had an enormous amount of community consultation and input. We strongly support the 125th Street rezoning with the A text and map and urge you to adopt it.

EVENT TITLE:
THE CITY PLANNING COMMISSION HEARING

DATE: WEDNESDAY, JANUARY 30, 2008

HOUSING TESTIMONY
QUEEN MOTHER MOORE INTERNATIONAL HOUSE
ALSO KNOWN AS
477 WEST 142ND STREET HDFC

- I, Queen Mother Dr. Delois Blakely, Community Mayor of Harlem, Founder/Chairwoman of Queen Mother Moore International House {QMMIH}, President/Treasurer of 477 West 142nd Street Housing Development Fund Corporation {HDFC}, CEO/Manager of New Future Foundation, Inc of said property {477 West 142nd Street HDFC} and Graduate of Columbia University, Harvard University and Massachusetts Institute Technology {MIT}, vow to God to keep this Sanctuary for the good of our seniors/elders, handicapped and those persons in dire need, **NOT IN GREED**

- I am here to testify in saving of this said property {477 West 142nd Street HDFC} when it was abandoned, a plight and blight to Harlem 30 years ago

- The **NO ONE NEVER** wanted it or had any interest in the said property, {477 West 142nd Street HDFC}, and with NO MONEY provided to us or assistance from ANY government agencies, in particular Housing Preservation Development {HPD}, we restored through our hard work and made it livable for nearly 30 years

- **New Future Foundation, Inc**, a 501 (c) 3 [not-for-profit organization] founded in 1969 is a forty {40} year-old organization that is the original Founder and Creator of said property {477 West 142nd Street HDFC}

- In 1979, **New Future Foundation, Inc**, a 501 (c) 3 [not-for-profit organization] took leadership in developing the First Tenant Association {477 West 142nd Street} and in 1982 created the HDFC {477 West 142nd Street HDFC}

- **New Future Foundation, Inc**, a 501 (c) 3 [not-for-profit organization] established offices/residency with the purpose of owning the property for low-income families which keeps in the mission of the organization in relation with children, youth and women, through educational, recreational and cultural programs

- **New Future Foundation, Inc**, a 501 (c) 3 [not-for-profit organization] was unanimously voted in by the majority of shareholders and tenants in November 2003 to facilitate and operate as **management** of the said property {477 West 142nd Street} in order to **salvage and maintain** the day-to-day operations when they received a letter from the City of New York regarding possible **IN REM FORECLOSURE** from HPD through the leadership of I, Queen Mother Dr. Delois Blakely

- Residents of the Queen Mother Moore International House aka said property {477 West 142nd Street HDFC} include **impoverished and fixed income Senior Citizens** as well as a **physically and mentally challenged young adult**

- Currently, New Future Foundation, Inc is the managing agent on the record of the City of New York working diligently on said property and corporation with extremely limited resources and support.

- No longer abandoned, a plight and blight to Harlem, the said property {477 West 142nd Street HDFC} aka Queen Mother Moore International House (QMMIH), is a diamond in the Rough and faced an **IN REM FORECLOSURE.** The City of New York claimed said property owed approximately **$600,000 in back taxes.**

Claim for Relief/Resolutions:

1. Currently, we have filed a complaint in the New York State Supreme Court in regards an unknown mortgage taken out on side property 477 West 142nd Street HDFC without the consent of its shareholders

2. We are asking for our said property 477 West 142nd Street HDFC to be a part of the ***"Special District"*** formed by Manhattan Borough President Scott Stringer and designate monetary funding to sustain the property as a low income, senior citizens and affordable housing as a model in Harlem

3. The property is located in the Historical Landmark Area of the Alexander Hamilton Grange. We want to keep this said property as a Legacy to Queen Mother Audley Moore and the Harlem Community

4. **New Future Foundation, Inc**, a 501 (c) 3 [not-for-profit organization] has submitted a 3 million dollar proposal; already written and submitted to Congressman Charles B. Rangel's office since 2004 for development, and renovation of said property {477 West 142nd Street HDFC}

5. Through **SELF-RELIANCE AND PROPERTY OWNERSHIP**, we continue to create viable economic avenues for restoration for the purpose of saving Queen Mother Moore International House also known as {477 West 142nd Street HDFC} through a **Building Fund, *Queen Mother Coffee***

6. ***Queen Mother Coffee*** is a healing coffee blended with Organic Cinnamon and Organic Cardamom from Ethiopia, East Africa

7. Queen Mother Dr. Blakely is seeking Pro Bono attorneys to assist with said property, 477 West 142nd Street HDFC legal issues.

AFFORDABLE HOUSING IS A HUMAN RIGHTS' ISSUE AND EVERYONE HAS A RIGHT TO A HOME!

I Thank You,

Queen Mother Dr. Delois Blakely
Community Mayor of Harlem
President/Treasurer of 477 West 142nd Street HDFC
Tel. (212) 368-3739
E-mails: queenmothercoffee@yahoo.com
prcity@nycmail.com

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Introduction

In urgent response to the 125th Street River to River Rezoning proposal initiated by the New York City Department of City Planning a Harlem wide Commission was formed – The Harlem United (Special Task Force) Commission (HUSTF). The HUSTF Commission consists of Harlem Community Board members, in their unofficial capacity; members of local civic groups; and Harlem residents. The following is a report by the Commission addressing the New York City Department of City Planning's (DCP) proposal to rezone portions of 125th Street in Manhattan Community Districts 9, 10 and 11. The area proposed to be rezoned is generally bounded by 124th Street, 126th Street, Broadway and Second Avenue. The DCP states in its Environmental Impact Statement (EIS) and Executive Summary that the proposed changes are part of a comprehensive City initiative to support the ongoing revitalization of 125th Street, Harlem's Main Street.

This report concludes otherwise and will demonstrate the flaws and defects in the DCP's proposed plan. However, this report will also render a direction that's more in harmony with the Harlem Community-at-large.

For the most part this report is a matrix of the EIS's Executive Summary found in 1.0 of the EIS and answers systematically the areas brought out in the ES. However, the EIS has been carefully studied and reference will be made to certain pages of the EIS elaborating on certain areas.

1.0 Executive Summary

Introduction

The proposed action includes the disposition of City-owned property in the rezoning area. (The prelude to this introduction summarizes what is actually in the ES's introduction. For a more extensive review see page **1.0-1 of ES.**)

The Harlem Community-at-large's demand with regard to City Owned Property:

Since it is the Harlem Community that will be affected by the proposed rezoning the disposition of City Owned properties should either be given to a developer from the Harlem community who lived in Harlem or had a business in Harlem on or before 9/11/01 for the purpose of building a project that will be a benefit to the community by 75% or allow the community to come up with a plan for its disposition and use. This is based on certain information and what the community-at-large would consider fair based on that information. This will be pointed out below.

Purpose And Need For Proposed Action

DCP alleges that its rezoning plan came about in response to recent and anticipated development in Harlem, specifically along the 125th Street corridor. In partnership with other city agencies DCP undertook in 2003 the 125th Street River-to-River Study. The purpose pf this study was to propose a strategic planning and development framework for 125th Street from the Hudson River to the East River. The study focused on several key areas that include: Zoning, transportation, the arts, identity enhancement to promote and support increased visits to the corridor by local residents, as well as regional, national and international visitors, and public realm/street-scape improvements. The study also reviewed strategies to develop housing within the corridor, including affordable housing.

To achieve the study's overall objectives DCP convened an inter-agency working group and community-based Advisory Committee comprising more than 100 Harlem business and local civic representatives, community board members and elected officials. DCP alleges that the actions comprising the 125th Street Corridor Rezoning and Special District described in the EIS document constitute a key product of the study.

Point of Fact

- To many people's memories, as testified to in public forums, the community's involvement didn't happen until the end of 2006.
- The DCP in its Executive Summary admits that the partnership did not include any community or civic groups or community-based advisory committees.
- The DCP and its inter-agency partners came up with overall objectives before it got such groups involved.

This would appear to be a fatal flaw in the DCP's proposed plan because the plan is predicated on ideas that aren't community based or one that must be mitigated with an alternative plan based on a Harlem majority consensus. This report asserts that the EIS states this in so many words; and if we in the Harlem community fail to capitalize on DCP's suggestion it could be said, *"You had the opportunity to do x y and z and you didn't do it."*

Description of the Action

The EIS describes the current zoning and use of the corridor. The Second paragraph of the ES states that the proposed action would serve to enhance the 125th Street corridor through a balanced strategy which provides new opportunities to catalyze future mixed-use commercial and residential development, including affordable housing, while protecting the scale and character of predominantly residential portions of the corridor with a strong built context. "The Special 125th Street District boundaries coincide with the rezoning area boundaries, which is generally bounded by 124th and 126th Streets, Broadway and Second Avenue. 125th Street comprises the spine within the proposed rezoning area."

As will be pointed out later, residency along the 125th corridor and other rezoning areas will be greatly increased. The percentage of residency growth, including short term residency such as hotel stay, in a **reasonable worst case development scenario (RWCDS)** or in a more than likely **reasonable real case development scenario (RRCDS)**, depending on who's point of view you're looking at, that is expected to occur by 2017 as a result of the proposed action would be increased by 900%. Without hotel occupancy, residency would still increase by 750%.

The proposed Special District would contain the "Core Sub-district" but extends further. Many people desire the district to be turned into a Special Historic District as a way of preserving the remaining viable historical landscape of 125th Street often associated with the Harlem Renaissance and Harlem's Black political and religious leaders. In fact, this sentiment has been expressed from the community-at-large. As far as the corridor is concerned it was recommended that both sides of 125th Street from the east side of Malcolm X Blvd to the east side of St. Nicholas Avenue be a part of that special district.

Point of Argument:

- The reason the community at-large feels the "Core" should be extended is to have more buildings within Harlem's historic district that have interesting architectural and historical value.
- The more history and aesthetics in the district the better the chance of getting the district designated as a historic district.
- The buildings on the four corners of St. Nicholas Avenue and 125th Street are key buildings that could advance this cause and have such historical and architectural value.

The Description section has a sub-section - ***Support and enhance the ongoing economic revitalization of 125th Street and neighboring areas***.

It states how 125th Street got in its present condition, which would include why we have quite a few "taxpayers" (one story commercial properties for the purpose of maintaining property taxes). The reasons aren't stated as "some of the reasons." It implies that the reasons stated *are* the reasons for 125th Street's erosion as a competitive functioning major retail corridor. This erosion occurred between the 1960-80's period and is alleged to be the result of population and housing decline, a lack of available public funds for new development and general private disinvestment.

Point of Fact

- What the ES leaves out is that erosion of the 125th Street Corridor from the way it used to be, let's say during the 30's and 40's, was primarily because of the *heroin* epidemic that literally destroyed 125th Street.
- The riots that occurred in the 60's as a result of civil rights injustices against Blacks added to 125th Street's decline. The deterioration of 125th Street due to the riots caused a population and housing decline. With the drug problem ongoing no new development or population spur was going to happen.

This is common sense based on facts that living witnesses can attest to, including the preparers of this report. Whoever put this part of the EIS together wasn't around either by birth or proximity.

Point of Argument/Fact/Logic

- It seems that when the City decided to get the drugs out of the Harlem community new development and new people started moving back in.
- Development and population cycles always work like this - like a never ending revolving door without rezoning change or government interference.
- There are areas in Manhattan that have not undergone a major overhaul by way of rezoning that are flourishing just by the elimination of drugs in their neighborhoods, e.g., Lower East Side.

In DCP's section that pertains to what would happen if no action was taken one might assume that DCP's proposal is necessary and needed for revitalization of the area. But when you factor in the results a community could have with the removal of drugs, especially a drug that could make one kill (and did in fact made many kill), it seems that based on the above example and other areas as well revitalization would automatically happen in a city like New York.

Another sub-section of DCP's Description of Action is ***Promote building forms that are compatible with existing neighborhood character***.

DCP alleges that along most of 125th Street, mid-blocks and intersecting avenue frontages, current zoning regulations allow tower-in-the-park development that is inconsistent with the surrounding context of street wall buildings.

Point of Logic/Point of Fact:

This is not true. If this were allowed then why don't we see developers doing tower-in-the-park development now? It is true that there are some developments on 125th Street that are considered sky scrappers even in this day and time. But these buildings came about by way of superseding State and Federal laws or via the ULURP process (request to make a change in the zoning map) whereby the community had a say so in such application request for height and bulk increase. The truth of the matter is that while there may not be height limits there are bulk and density restrictions per floor area ratio.

If one were to give up some of his bulk per floor then he could go higher creating more floors. The more bulk that is sacrificed per floor area the higher the building can go using that bulk upward. But what purpose would it serve to build a sky scrapping pencil? Would it be feasible to build the size space of a closet per floor just to build 29 stories? Adding to that, once a building goes a certain height there are zoning rules requiring a certain amount of open space to surround the structure. That would also lead to the reduction of bulk. It may be that to meet the open space requirement surrounding a building on 125th Street one would have to build a structure like the Washington Monument, making floor space per floor inconceivable to rent or sell.

Foster new opportunities for mixed-use development

DCP alleges that neighboring blocks, located north and south of 125th Street, comprise a growing neighborhood that is undergoing significant redevelopment. Residential development is critical and valuable to the long term vitality of a mixed-use district; however, no new housing has been built along 125th Street in the past recent years. New mixed-use development that includes housing on 125th Street would add vitality to the street both at day and night times by increasing the residential population.

Point of Fact

- The initial problem with this mixed-use concept is the fact that it doesn't originate with the community's involvement from day one.
- The plan never took into consideration that most of the community does not want a plan that provokes increased residency along this district - at least the residents in CB 10 doesn't want it along the CB 10 corridor, **especially one that could assist an increase of residency by 900%**.
- It is nice to have the area quiet during late night. People in the Harlem community do not want a Times Square on 125th Street, as evidenced by testimony before and during the present ULURP process.

REASONABLE WORST CASE DEVELOPMENT SCENARIO

A Reasonable Worst Case Development Scenario (RWCDS) for both "future no-action" and "future with-action" conditions is provided by DCP and such conditions are analyzed or "will be analyzed" for an analysis year, build year, of 2017.

The structure of this analysis is as follows:

The future with-action scenario identifies the amount, type and location of development that is expected to occur by 2017 as a result of the proposed action. The future without the action scenario identifies similar development projections for 2017 absent the proposed action. The incremental difference between the build and no build scenarios serves as the basis for the impact analyses.

DCP alleges to use standard methodologies following CEQR Technical Manual guidelines to determine the scenarios.

Future No-Action Conditions (no-build Scenario)

DCP alleges that the future without the proposed action would mean that the existing zoning controls would remain in place with the exception of some growth. While it is not necessary to show at this juncture the differences between the two, the following is a correction of the DCP's misstated facts:

- Through a ULURP process (a zoning map change request) anything can be built without an advance zoning amendment.
- The fact that no development of dwelling units would occur in the "core sub-district" area without an advance zoning amendment is fine with most of the community.
- Affordable housing is already within the corridor without an advance zoning amendment.
- The future no-action conditions of the 125th Street corridor will improve and has improved with drugs being under control and greatly reduced from the neighborhood.
- A state or federally related development project could override any city zoning law, and such has been the case along 125th Street, i.e. Adam Clayton Powell State Office Building and Federal Office Building - 55 W. 125th Street.

Future With-Action Conditions (Build Scenario)

DCP's analysis of what would happen to the corridor with an advance change to the zoning map does not have to be addressed fully at this juncture. But it is interesting to note that DCP does not demonstrate in the EIS any reasons why they feel such a change would happen by amending the zoning map in advance other than observing the current trend of development in Harlem.

Point of Argument

- Why wouldn't some change occur more than the DCP analyzes in its Future No-action scenario based on the same observation implied in its Future With-Action Condition scenario?
- An increase in residency by 750% (long-term) that could happen as a result of the proposed action is too aggressive and could only cause a situation under a RWCDS, but more than likely a Reasonable Real Case Development Scenario, that by such action would violate the Fair Housing Act, whereas such amendment to the zoning laws would allow for luxury condominiums that is most likely only affordable to white groups and will push the Black and Latino population out.

Incremental Difference between With-Action and No-action

DCP provides a table showing a Summary of Land Uses on Projected Development Sites Under No Action, With Action and Action Increment.

An analysis of the table shows an Action Increment in the following land use areas:

- Residential - 750%
- Affordable Dwelling Units - 498 (However, DCP leaves out the fact that there is already affordable housing on 125th Street.)
- Commercial Retail - 30%
- Commercial Office - 90%
- Commercial Hotel -150%
- Storage/Manufacturing - eliminated
- Parking/Auto- 90% reduced
- Community Facility - 70% reduced
- Institutional conversion - No plan

In viewing the DCP's ES it appears the outcome of DCP's urban plan for the area when considering all of the zoning changes is designed to be a living hub for the rich with large department stores/chain stores/ *mall type* stores within larger than now structures. Thus, in a RWCDS, but more than likely in a RRCDS based on business trends, all small businesses would be eliminated and under this plan no new small business would even be allowed to come on 125th Street or come back for that matter or at the least it would be very difficult for small businesses to do either. This deduction is reasonable because the proposed action fails to come up with a plan in its EIS that would demonstrate that the above RWCDS would not happen.

FUTURE WITH THE PROPOSED ACTION

DCP alleges that in the future with the proposed action there would be no *significant* adverse impacts anticipated for the land use, zoning, or public policy in the primary or secondary study areas. Emphasis added.

Point of Argument

DCP states in its *land use* section, *"By 2017, much of the rezoning area would be occupied by a diverse mix of commercial, institutional and residential buildings with retail generally located on the ground floor."* ?
As a notation - DCP's table, id., showed no increment for institutional growth.

However, more disturbing is the language in DCP's statement (ES, pg 1.0-8 @ Land Use), *"The mapping of the proposed Special 125th Street District with its modifications to the existing C4-7, C4-4A and R7-2 districts within the rezoning area and the mapping of new C6-3, C4-4D and R6A districts, would enable existing commercial, residential, institutional and mixed uses to remain, but would encourage new mixed-use development that would be consistent with the existing and surrounding land uses."*

The way that a hasty reader could interpret this paragraph is that the small commercial businesses and apartments that are currently in place can remain. The proposed action is simply allowing for an expansion on what's already in place. But the action talks about *uses* not the actual businesses or residency that's currently there. In a RWCDS, but more than likely in a RRCDS based on the development trends, those actual businesses and residencies will likely be gone and new business and residential spaces will take their place that are more expensive to lease or buy. This will result in significant adverse land use impacts in the rezoning area. How can the DCP honestly say that the proposed action would not result in significant adverse land use impacts by up zoning residency on 125th Street that allows its increase by 750%, which would result in high rise luxury condominiums based on the current development trends? In a RWCDS, but more than likely a RRCDS, most of the residents will be white. The proposed action's results will change the core of a Black city from Black to white. This impact will be significant and have adverse effects.

Also, what has been a cultural legacy of Black Harlem - <u>The store front churches - under a RRCDS, will be eliminated.</u>

We have many people in the community as evidenced by public testimony that have heard rumors that owners of buildings renting to churches are being approached by developers, speculators or others for the specific purpose to build housing structures, etc. These rumors stand to be credible because it is a fact based on first hand knowledge that of the numerous churches that have been approached two have already sold or leased their church property to developers, speculators, or others for the purpose of building a housing structure. One such church is Church of The Masters located on 122nd and Morningside Drive.

It also goes against public policy because the integration is not happening naturally. It is being forced and/or maneuvered by the City.

Zoning

The DCP alleges that the proposed action would serve to enhance the 125th Street corridor through a balanced strategy which provides new opportunities to catalyze future mixed-use commercial and residential development, including affordable housing, while protecting the scale and character of predominantly residential portions of the corridor with a strong built context.

It's hard to see how this statement can be made without some kind of virtual drawing because high rise condos don't seem to mix with low scale housing. But equally important is the fact that City Planning omits altogether that the scale and character of 125th's Street remaining viable historical landscape will not be protected if high rise condos are allowed to be on 125th Street. This is most obvious.

Socioeconomic Conditions

DCP alleges that the action is not expected to have a significant adverse impact on socioeconomic conditions related to direct or indirect residential displacement, to direct or indirect business and institutional displacement, or to specific industries.

Point of Fact/Logic:

While DCP can say that the displacement of the 71 businesses is not significant, the strong possibility under a RRCDS that the elimination of all the small Black owned businesses on 125th Street would be significant because it would have an adverse impact on Harlem's Black and Latino residents. The socioeconomic conditions that have been forced on Black people throughout this country's history, including in Harlem, is notoriously known and was no doubt unjust. To suggest a rezoning plan that under a RRCDS enables that policy to continue is equally unjust.

Residential Displacement

DCP alleges that the proposed action is not expected to result in significant adverse impacts as a result of direct displacement. The number of residential units that could potentially be displaced by development occurring on RWCDS or RRCDS sites is small in comparison to the number of units present in the rezoning area and primary study area.

(what is that number?)

Point of Logic:

Without a number this is generalizing.

Indirect Residential Displacement

(*Point of Argument*)

But using the number given by the DCP regarding the strong possibility of secondary displacement if rents rise as a result of the proposed action, 190 out of 500 families, which most if not all would be Black families - based on observation and the census, it is reasonable to say that a 38% displacement of those families already - which is a substantial percentage to bat - would suggest that the percentage of direct displaced families, which most if not all would be Black, would be higher. Couple that with the probability that the majority of the new residents, which under a RWCDS and RRCDS would increase the residency in the corridor and its North and South wing by 750%, will be white.

Arguably, if the displacement removes a group from a specific race - that group being of a percentage as stated - and replaces it with a group of another race, especially exceeding the percentage of displaced residents, such displacement, as implied, would have a significant impact on the socioeconomic conditions of Black people and **result in a change to neighborhood character**. In a RWCDS or RRCDS the Black neighborhood would be eliminated. A plan that reasonably could lead to such a result would also violate the Fair Housing Act.

Fact - There is no such thing as being individually Black in this country and being equal with whites. Black people have to have a sense of community - their community - if they are going to have a chance at socioeconomic conditions that parallel other ethnic communities.

Hence, the DCP's statement that the displaced units represent less than one percent of the study area population is meaningless in this context. But even if we examine the statement within the context that they assert - "*[The] change would not affect neighborhood character in the study area as the vast majority of the study area population resides in protected units and would not be affected by rising rents...nor would the relatively small amount of potential secondary displacement accelerate existing trends as the study area has experienced the widespread renovation of thousands of unprotected units since 2000*"- the neighborhood we're concerned with in this argument is the neighborhood of and around the 125th Street Corridor. This corridor is historic and unique and has a lot to do with its Black people who occupy or visit the neighborhood. To include greater Harlem or a portion of it for this argument is a red herring.

Furthermore, the renovation of thousands of unprotected units since 2000 were mostly done by a ULURP process or built as of right, which because such developments were individually evaluated, renovated or built as of right, over-development was/is controlled.

The DCP also states that there will be new opportunities for affordable housing as a result of the proposed action through inclusionary housing *bonuses*, which is expected to provide an additional 498 units of affordable housing in the study area. Therefore, the limited indirect displacement that might potentially occur as a result of the proposed action is not expected to result in significant adverse impacts from indirect residential displacement. Emphasis added.

However this is optimistic guessing or a misleading statement against realistic scenario examples. The examples of realistic scenarios provided below are highly logical and probable, not hypothetically unrealistic.

Point of Logic/Argument

- Developers may not think it is worth creating inclusionary housing in an unregulated fair housing market (market rates).
- What guarantees the secondary or primary displaced residents the right or opportunity to take residency in these hypothetical affordable apartments?
- The hypothetical affordable apartments in the study area may be smaller than what the secondary or primary displaced residents previously had?

If examples one and two were the reality then we are talking 100% adverse impact on such secondary displaced residents. Even if example three were the reality such a result would still have a significant adverse impact on such residents because under those circumstances they would be subjected to:

1. Getting storage space - additional costs.
2. The hassle of traveling back and forth out of the area due to having storage space because the DCP's proposed plan creates the very real possibility of the elimination of storage space in the study area altogether .
3. Living in cramped and uncomfortable quarters if examples one or two were not an option.

The above examples are under a RWCDS but more than likely a RRCDS, based on the housing development trends in the city.

Direct Business Displacement

DCP recognizes that the proposed action would potentially displace approximately 71 firms and 975 employees, with the largest displacement occurring in the retail sector. The preliminary assessment concludes that the proposed actions would not cause a significant adverse direct business displacement impact because the displaced businesses are not found to have substantial economic value to the City or region, are not subject to publicly adopted plans to preserve, enhance, or protect them, and do not, individually or collectively, contribute substantially to neighborhood character.

Point of Argument/Fact

While this statement is very subjective, insulting and is derived from outsiders of the Harlem community, Harlem is known as a village. These businesses, although they may be mom and pop, are very consistent with the Harlem Character. Harlem is unique and people travel from all over the world to see what's so special about Harlem and its people.

And if these businesses don't add any economic value to the region, how are many of the developers building in Harlem able to get some sort of City assistance, whether by receiving land for free or close to nothing, getting some sort of tax abatement or other? The City, as a business entity itself, needs to offset its giveaways in a particular area against the tax base of that area. If adequate taxes were not being generated in a particular area the City couldn't afford to give developers breaks of any kind. The City doesn't offset its giveaways against the Staten Island tax base for Harlem projects. By attending Community Board, City Planning Commission and City Council meetings many people on this Commission are a witness to the land giveaways, bonuses and tax abatements that developers get.

Moreover, the Black businesses are important to Black people in Harlem. A proposed action that in less than a RWCDS but more probably in a RRCDS can cause their elimination and replace them with businesses that are chain stores or big department stores and doesn't do anything to advance the Black economy.

Neighborhood Character

The neighborhood character of Harlem is its Blackness. People from all over the world come to Harlem to see and experience that Blackness:

- Black restaurants, i.e., Sylvia's, M&G's, MoBay's, Manna's and Wimps
- Black night spots, i.e., Showman's, MoBay's, Lenox Lounge, Window's Over Harlem
- African specialty clothing and art stores
- Black Storefront churches
- House of Prayer of All People church
- Harlem Studio Museum
- National Black Theater
- Harlem Lanes
- Street Vendors
- Marcus Garvey Park

These are some of the businesses, churches, organizations and happenings that are in the DCP's study area, mainly on and near the125th Street corridor. This is part of what tourists from around the world come to see and experience, as evidenced by people who walk the streets of Harlem at various hours of the day and frequents the same can tell you, e.g., testimony throughout this public process.

In addition to the other businesses that make up the thriving corridor that 125th Street is, 125th Street was recently named by the American Planning Association to be one of the most thriving and growing main streets in America.

Does this sound like these businesses don't contribute substantially to the Harlem neighborhood character? Anyone being honest couldn't say no.

Indirect Business Displacement

The DCP states that the proposed actions are expected to facilitate *new* economic growth and housing through mixed-use development along 125th Street, thereby creating a vibrant center of office, retail, entertainment and residential uses. (Emphasis added) While the changes in economic conditions could result in some limited indirect business displacement, the proposed actions would not result in significant adverse indirect business and institutional displacement impacts within the primary or secondary study areas.

Point of Argument

The key word in this subjective statement is *new*. The economic growth will be a different one, one that has not been seen in Harlem in over 100 years. The reality is that under the DCP's proposed plan the new economic growth in the study area under a less than RWCDS but more than likely under a RRCDS will largely come from an increased residency (temporary and permanent) of 900% - which will consist of mainly white residents. Commercial office development comes in at a distant 2nd, having a 90% increase - which will consist of mainly white commercial tenants and commercial retail comes in at a modest 3rd by 30% - which will consist mainly of white commercial tenants. One could suspect that with the new Second Avenue train line in the forecast, which will travel from 125th Street to Downtown Wall Street, the planners of Harlem have envisioned making 125th Street a smaller Wall Street type neighborhood. This no doubt will have significant adverse impact on Harlem as the Mecca of Black America.

However, all that said, would this translate to bringing more money to the region and City than the current scenario with a future no action condition?

The question to be asked is this one. Are the tax dollars that are gathered from practically everyone in the region, whether homeless or wealthy, more than what could be earned under a best case scenario (RWCDS) of the DCP's proposed action? Unequivocally the answer is no. The ones who stand to fair better in this plan are the wealthy – developers/land owners. But there are more poor and middle class than there are wealthy in this region as of this year (2007). It has been said by too many that Black people are the biggest consumer group. The question that should be asked is will the property taxes that will come from the proposed action out way the consumer taxes? The Commission has concluded that it wouldn't. There will be a tremendous reduction in general consumer spending under the DCP's plan.

Adverse Affects on Specific Industries

DCP asserts the same argument of displacement for Specific Industries, within or outside of the study area, alleging that its argument is supported by guidelines of the CEQR Technical Manual. It alleges that it was determined that there were no specific industries that are unique to the area and thus detailed analysis was not required to be performed.

Point of Argument

Most Black folk enjoy "Black" food. Restaurants that serve a menu common to folks of the African Diaspora are unique because one cannot get such food just anywhere in New York City, let alone Manhattan. In less than a RWCDS, but a more than likely in a RRCDS, the proposed action would indirectly and directly reduce employment or impair the economic viability of a specific business category because it would be assisting in the closing of Black restaurants – more common in Harlem (and other Black neighborhoods), which mostly have Black employees. Black food is not just Sylvia's Restaurant (mentioned because she owns her building). There is Mo-Bay's, Manna's and more.

This same argument can be used for specific industrial sectors. There are African clothing stores in Harlem, including on the main corridor. There are African art stores. These types of stores are not just anywhere in New York. They are typically found in Black neighborhoods. We could go on and on with various products that can only be found in neighborhoods like Harlem. The examples above used to counter the DCP's argument that the businesses in the study area were not found to have substantial economic value to the City or Region, etc., can be used to counter DCP's argument in this section. Again this analysis, of whatever degree, was done by someone out of touch with the Harlem community.

Community Facilities

Public Schools

Although, the determination made in the DCP's EIS concluded that public schools (includes elementary, intermediate and High Schools) would not be adversely impacted by the proposed action that assessment only dealt with how the increase in residency would affect a school's capacity overflow - concluding that the schools in the study area would not be operating above capacity - and not a qualitative issue, which people in the Harlem Community see as a difference.

The Department of City Planning failed to analyze *deficiencies* in the **QUALITY** of local schools and how they might be adversely impacted by the plan even more so by an increase in residential units as a result of the proposed action. However, the DCP's assessment on the capacity issue is even flawed because it did not factor in Charter Schools, which are also public schools. **See Chapter 3.3, Community Facilities, pages 3.3-23 - 3.3-29 of the EIS**.

Notwithstanding the above the DCP did not offer any suggestions that could even allude to the following results, which is seen in the community as being important and of necessity:

- Increase in funding for a new library;
- Increase staff/personnel at all of CB10's libraries — make all branches open 6 days a week from 9-7pm;
- If no funding for a new library, then more computers and research software at all branches;
- Onsite after school programs;

- Fund a pilot program that introduces healthy meals/nutrition into our schools;
- Increase funding for more dual language programs;
- Identify the schools with highest percentage of absenteeism due to chronic illness and implement onsite clinics (i.e. Thurgood Marshall);
- Create incentive programs to attract **motivated, creative and experienced** teachers to the inner cities schools; and
- Incentivize programs to attract **experienced teachers to mentor new teachers.**

Open Space

The DCP alleges that the proposed action would not result in significant adverse impacts on open space. While the amount of total and active open space resources in the study area are not and would not continue to be deficient in comparison to DCP guidelines, the quality of park and recreational space in the study area, as well as the availability of high quality regional open space resources located just outside of the residential study area would help offset this.

The DCP speaks of open space that can be experienced by a person's physical body. But what about the open space that can be experienced by the eyes or ears? The DCP recognizes this use of open space in a not so obvious way because it states in its Executive Summary and EIS [Id] that the proposed action would result in significant shadow impacts, due to skyscrapers, to two open space resources, Dream Street Park and the public plaza at the Adam Clayton Powell Jr., State Office Building.

Point of Fact/Argument

Shadows affect the eyes and the degree of warmth of the sun on a person's body. Also hearing is affected by enclosure. Imagine sitting on a beach on the island of Jamaica West Indies or in a hotel room off the beach with no added sound. If one were to take a poll the majority would say that it is more pleasing to the ears sitting on the beach than in a hotel room.

In spite of the significant adverse shadow impacts that the proposed action would have on the two open spaces mentioned, DCP implies that that wouldn't be so bad because only passive open space resources would be affected.

DCP also alleges that there is already a shortage of active open space within the residential study area so the fact that in the proposed action it is projected that none will be given, should not affect anyone. Notwithstanding, because the demographic profile of the residential study area shows that 24.2 percent of all people within the residential study area are age 17 or younger, they are more apt to be users of active recreation amenities that are situated outside of the study area. The DCP names a few, i.e., Harlem River Ball fields and even includes Randall's Island Park. But didn't the City Lease a large percentage of the recreational space in Randall's Park for private use giving those users the more desired time slots?

Be that as it may, the DCP is extremely flawed in this area too because it fails to recognize the following:

- There is public open space on the ground and public open space in the sky. All of the open spaces are public spaces.
- The people in Harlem are accustomed and enjoy with their eyes, face and body the open space in the sky, which happens to be healthier than being shadowed in because the body needs to be exposed to the rays of sunlight to produce Vitamin D.
- Many African Americans are lactose intolerant and therefore have a Vitamin D deficiency. The use of the open space in the sky corridor is beneficial to many African Americans. With the median income in Harlem being less than 25K a strong argument can be made that the rays of the sun are healthy and necessary for African Americans who are lactose intolerant.
- The DCP passively speaks of the 75% - or by omission- (older than 17 years of age) as if such number is insignificant.
- The older population are not as likely to be users of the active recreation amenities outside of the study area, especially as far off as Randall's Park.
- The older population would have more appreciation of the open space in the study area, as demonstrated by public testimony at public hearings/meetings.
- During Summer Stage (a weekly and more frequent event during the Summer held at the ACPSOB Plaza open space), the audience population is about 1500 people. Most of these people are above the age of 17. The fact is that most of the audience is above 30.
- People in the older age group are always sitting on the concrete and wooden benches inside and directly outside the Plaza open space when weather permits.
- The majority within all ages of the Black population, especially the over 30 population, enjoy the open space in the sky of the 125th Street corridor and would enjoy it more so than a shadowy corridor, as demonstrated by public testimony at public hearings/meeting.
- The majority within all ages of the Black population enjoy the open space on the ground within the study area or 125th Street corridor, i.e., DSP, ACPSOB, especially the over 30 population, because it is more conducive for the older crowd, passive crowd or young and energized crowd simply resting from the active recreation amenities outside of the study area.
- Sidewalks are considered active open space to the majority of people in Harlem.
- Under the above examples, there is no such thing as passive open space in Harlem when it comes to "Black" folks. The DCP uses such term subjectively. The Harlem community's interpretation of open space is what counts.

However, what the DCP doesn't admit to is that the open space *uses* in the study area mentioned above are freedoms currently enjoyed by the Harlem public. They are protected rights under the Constitution. The DCP doesn't even show how it can justify taking away these rights and giving them to developers or land owners to convert to a different use. **Because so far, what is offered in the proposed action, is not a fair exchange**.

Shadows

The DCP's preliminary assessment of the projected and potential development sites, and the shadows they would cast, found that several cast shadows long enough to reach open spaces

and architectural resources. The proposed action could potentially cast shadows on 57 historic resources and 24 open space resources in the study area or near by.

Here the DCP acknowledges more open space resources. However, it is interesting to note that the DCP recognizes the adverse affect shadows would have on historic resources in the study area or near by, which is an acknowledgment that *seeing* is an important use of the mentioned resources.

While the DCP admits that the proposed action would result in significant adverse shadow impacts it offered no mitigating plan. Although the DCP offered to work with other City and State agencies to explore potential mitigation measures it concluded that if none manifested the adverse shadow impacts would remain unmitigated.

Point of Law

Under the 14th Amendment an abrogation of such rights, id., as prescribed by the DCP would be unconstitutional.

It is noted that the DCP subjectively concludes that there will be a certain number of hours where some open spaces, architectural resources, and historic resources will be free from the adverse impacts of the shadows therefore it is alright. These measurements of shadow time (**See Chapters 3.5 and 3.6, pages 3.5.3 - 3.6-39 and following Figures in the EIS**) cast on various resources did not factor in community input and what people in the Harlem community might think. This is a red herring. It really amounts to who is being affected and how might that impact affect such person or people.

It appears that the DCP wanted to end with making a positive statement that the "*proposed action would not result on incremental shadows being cast on any other historic resources...*" Yet in the preceding paragraph there was a significant adverse impact on every resource specifically mentioned because of shadows.

Historic Resources

The DCP alleges that the proposed action would not result in significant adverse impacts to archaeological resources; however, it has the potential to result in unmitigated significant adverse impacts to designated New York City Landmarks and S/NR-listed and eligible architectural resources due to demolition and/or construction related activity.

Point of Argument

The DCP implies that even if unmitigated significant adverse impacts to designated New York City landmarks and/or S/NR-listed and eligible architectural resources will result because no feasible or practicable mitigation measures are available these adverse impacts should still be allowed. But who has voted for this measure? Isn't the desire for these landmarks, potential landmarks and/or architectural resources to not be adversely impacted by any thing or act just as

important to the Harlem community? The testimony from the public at the public hearings in CB 10 regarding the proposed action overwhelming have demonstrated such desire.

(DCP alleges that the LPC reviewed sites in the proposed action area and have determined that the impact area is not archaeologically sensitive for prehistoric and historic archaeological resources. It has yet to be determined if there is such a report.)

Architectural Resources

The proposed action could result in significant adverse impacts due to potential demolition of four Register-eligible resources on potential development sites, including: The former **Harlem Savings Bank** (#2), the **Marion Building** (#3), the **Bishop Building** (#4) and the **Amsterdam News Building** (#5).

The DCP suggests that Mitigation could include calendaring these sites for consideration as New York City Landmarks by the NYCLPC then protection for the redevelopment of the sites would be afforded. If the resources were not found to meet the criteria to be designated as a New York City Landmark, then their demolition would not be a significant adverse impact.

Commentary

The DCP's suggestion is considerate in this area, however, what is not precious to one is precious to another. Many people in the Harlem community would find it hard to believe that the buildings mentioned above would not meet the criteria to be designated as a New York City Landmark. However, notwithstanding, anything is possible. Be that as it may that would not change the sentiment in the minds of many that even if the latter were the case demolition of these buildings would still have a significant adverse impact to resources on projected development sites. Moreover, it is possible that an amendment in certain City codes could grant protection for redevelopment of the mentioned sites or such protection could be granted on a state level. If the resources were deemed to be landmarks or protected under the historic preservation commission under the mentioned examples then protection for redevelopment of the sites would be afforded.

Since the certification of the DCP's Draft EIS, there has been an introduction of a bill to amend the Administrative Code of the City of New York to protect these resources and an application to the Historic Preservation Commission of the State of New York to do the same.

DCP asserts that inadvertent construction-related damage could potentially occur to eight eligible and potentially eligible resources including: the Metro-North 125th Street Station **(#7)**; the Park Avenue Viaduct **(#8)**; the former Twelfth Ward Bank **(#11)**; Blumstein's Department Store **(#12)**; 221 East 124th Street **(#19)**, the Apartment Building at 2075-2087 Lexington Avenue **(#20)**; the Lenox Avenue/West 125th Street Subway Station **(#24)** and the H.C.F. Koch Department Store **(#25)**. For these eight non-designated resources, construction under the proposed action could potentially result in construction-related impacts to the resource, as the additional construction protections of TPPN 10/88 would not apply. If these eligible resources are designated in the

future prior to the initiation of construction, TPPN 10/88 would apply and indirect significant adverse impacts resulting from construction would be avoided.

Commentary

It seems that if the DCP finds it necessary to recognize the potential threat of inadvertent construction-related damage to the above mentioned resources it stands logical that a future without the proposed action approach or a separate opportunity to change the zoning map of related structures should be a well received wise alternative. A failure to do so could prove to be an irreparable mistake. As recently reported in an edition of AMNY.com/local, a free local newspaper (October 31, 2007, pg 3) - **Lucky 7 added to landmark list** - *" But it is the very speed of development that may have sparked the current wave of land marking activity,"* 1,158 buildings received landmark protection, the highest number since 1990 compared to only 46 in 2005, which evidences that the trend to proceed cautiously in tearing down has been a recent practice in other areas of New York City.

In 2/22/07 the Harlem Platform Committee (a grassroots organization) responded to the DCP's draft scope of its EIS pertaining to River to River, filed with the DCP on 2/22/07, urged the Department of City Planning to adopt a sensitive approach to any rezoning efforts (more fitting to the needs and best interests of Black people or people of African descent) it may attempt to initiate because of the unique and unwarranted circumstances that have fallen on Harlem's Black community since Blacks first settled in Harlem, circa 1630's - 1650's.

A summary of Harlem's history was provided. It should not be ignored, as it is well grounded in facts and common sense. This argument alone is enough to warrant rescinding the DCP's proposed action and start from the beginning with the Harlem Community at the table providing components of a rezoning structure more in line with long standing residents and small business owners' needs and best interests. It is not like this opportunity to rezone is the last chance.

Urban Design and Visual Resources

The DCP states that no significant adverse impacts on urban design would result from the proposed action. The proposed action is expected to result in positive changes and improvements to urban design conditions within the proposed rezoning area. Views to visual resources would be enhanced to the extent the surrounding setting is improved, and the opportunity to view and participate in the use of such resources as the Apollo Theater and other Harlem destinations through the creation of continuous retail and cultural environments would enhance Harlem's Main Street as a 24-hour destination.

Point of Argument/Fact/logic

The majority of the Harlem population does not want Harlem's Main Street to be a 24 hour destination. This has been said over and over at every public meeting on the matter. In fact,

there has been no testimony, or few to remember, wishing for Harlem's Main Street to be a 24 hour destination.

Furthermore, neither the Apollo Theater nor any other theater in New York nor any other retail or cultural environment shops or spots are continuous or 24 hour. So whose idea was it to make Harlem's Main Street that? It wasn't anybody in the Harlem community.

Moreover, the closest thing that comes to mind of a 24 hour continuous anything in Harlem is the African American Day Parade. Activity is in full swing up till 2 a.m. after the parade ends and NYPD's finest are busy to say the least.

The DCP did not explore reasonable worst case scenarios in this area. Such a reasonable worst case scenario is the equivalent to the hectic ness of the African American Day parade, which is not to say that the parade shouldn't take place, because believe it or not it is just as healthy for African Americans to have their end of summer event in Harlem as Spring Break is for college students going to Florida or Virginia, as evidenced by the fact that Spring Breaks are not banned.

Another example of a reasonable worst case scenario happened this year (2007) after the AADP. There were two homicides in the Community Board 10 area. Having continuous activity creates problems and is a breeding ground for crime. But if the DCP is suggesting that with the study area being densely populated this will produce more lights in the area, more people, more dogs and more police so crime will be under control, look back at Times Square during the 70's and 80's. It had all of the above, yet it was a breeding ground for all sorts of criminal activity. Furthermore, who will pay for the extra electricity usage and police wages? The tax payers. Therefore they should have a say in deciding if they want to incur that expense.

It is well with the majority in Harlem that a few days of long hours or the long days of summer are enough to deal with, as evidenced by testimony coming from the majority of the Harlem community.

Urban Design

The design of Harlem's main street was created without African American input. That mistake should not be repeated. Nevertheless, the history mostly associated with these buildings and/or remaining historical landscape is a Black history. Therefore, the design of Harlem's Main Street is a reminder of that history.

(This area in the EIS has to really be reviewed.)

However, there is a problem with consistency in this section. On the one hand the DCP states that higher density new development is expected as a result of the proposed action within the Mixed-Use Core and the Transit Hub sub areas. The new development at the center of the corridor would replace one and two-story retail structures and vacant lots with new mixed-use buildings. Building form regulations would require the new buildings to frame 125th Street with

street walls of consistent height on both sides of the street and would be substantially lower than the height possible through the existing zoning and building form regulations on the north side of 125th Street.

On the other hand, the DCP on another page states something different. "*The context of the visual resources that define the 125th Street Corridor would not be significantly or substantially altered by the proposed action, given the bulk and massing of new construction which would be compatible with the study area's existing resources and built context.*" See Pg 1.0-18, Para 4 of ES.

Point of Fact

While it may be true that there are no height restrictions along 125th Street there are bulk and density restrictions that would prevent high rise buildings. Id.

Neighborhood Character

The DCP states that the proposed action would result in changes to the general neighborhood character of the rezoning area. The proposed action would result in an overall change in the character of the proposed rezoning area with respect to land use, socioeconomic conditions, historic resources, urban design and visual resources, traffic, and street-level pedestrian activity.

The DCP adds that the neighborhood character of the area would not be impacted by noise increases resulting from the proposed action. In addition, the proposed action would not affect historic resources in ways that would affect neighborhood character.

Point of Argument

When the DCP speaks of the general neighborhood character and states,
" *the proposed action would result in an overall change...with respect to historic resources* "
doesn't that mean that the proposed action would affect historic resources in ways that would affect neighborhood character? Is this an inadvertent mistake made by the DCP or a double talking contradiction?

Point of Notation

As the DCP subtlly suggests the historic resources are a strong component to the study area's neighborhood character. This suggestion is not so subtle elsewhere in the DCP's EIS. Refer to Historic Resources. Id. However, if the DCP admits in the historic resources subcategory that the proposed action could result in significant adverse impacts due to potential demolition of four Register-eligible resources on potential development sites and even acknowledges that inadvertent construction-related damage could potentially occur to eight eligible and potentially eligible resources, Id, how then can it state here that the proposed action would not affect historic resources in ways that would affect neighborhood character?

Another notation of inconsistency is that in this subcategory the DCP acknowledges that the proposed action would result in changes to the general neighborhood character of the rezoning area. Yet, in various other places the DCP states that the neighborhood character won't really be altered but enhanced. Examples: See page 1.0-4, last paragraph of ES, where the DCP states that the proposed action would, "*Promote building forms that are compatible with existing neighborhood character*" and page 1.0-9, 3rd paragraph of ES, "*The proposed R6A zoning district, mapped on portions of 126th Street between Lenox and Park Avenues and on a portion of 124th Street between Lenox and Madison Avenues, would protect the existing residential and community facility uses in these areas and would allow for less density and no commercial uses. These new districts would preserve the existing residential character of 124th and 126th Streets.*"

When carefully examining the total inconsistencies in the neighborhood character subcategory It's hard to accept that the DCP's inconsistencies were inadvertent.

Point of Argument

It's inconceivable that the DCP could state that the neighborhood character of the area would not be impacted by noise increases from the proposed action. Currently the neighborhood character of the125th Street Corridor is commercial in the center and mixed use toward the ends. Wouldn't the neighborhood character of the area be significantly impacted by noise increases resulting from an increase of residency by 900%? Wouldn't the neighborhood character of the area also be significantly impacted by noise resulting from excessive construction for the next ten years? Or is the DCP referring to a new neighborhood character one that is overwhelmingly gentrified after 10 years? Although the DCP gives the impression that the neighborhood character it often refers to is the current one a deeper analysis of its EIS suggests it is referring to the latter one.

With regard to arts and culture, a large part of the community is interested in expanding its arts and cultural hub or adding more A&C districts. Yet the proposed action does no more than support the creation of arts and entertainment uses that would compliment existing cultural institutions.

With regard to the retail and commercial character of the 125th Street corridor the DCP asserts that there will be improvement in those areas. However, change is more like it. The present commercial character can be enhanced with the current zoning in both retail and office. However, the proposed action designs an increase of commercial retail by 30% and residential, long and short term, by 900%. This no doubt will change the feeling and look of the remaining historical landscape most often associated with the Harlem Renaissance and Harlem's Black political and religious leaders.

For the DCP to say that these changes to the neighborhood character of the 125th corridor are considered to be beneficial to the overall character of the corridor shows that the Black and Latino Harlem community has no right to self determination because throughout the scoping and reviewing process of this plan thus far the majority of the community is against the proposed

action. The DCP must mean that people other than those in Harlem/the majority consider the proposed action to be beneficial to them.

Hazardous Materials

The DCP states that the proposed action would not result in significant impacts related to hazardous materials. Here the DCP shows thoughtfulness and creates a plan that addresses environmental concerns. It is not necessary to go into the proposed action's avoidance scheme of potential dangers at this time. However, there will be development on 125th Street of some sort. This development may or may not be associated with the DCP's proposed action. However, the avoidance scheme of potential dangers associated with projected and potential development sites used in this section should be a standard one for all large development sites. And since there will be a vote of some kind regarding this proposed action, the part of the proposed action worth saving and making stronger would be this section.

Regarding property/sites under the control of the City, the DCP is correct in stating that the City is not subject to the regulations governing (E) designations (that which provides the NYCDEP the mechanism for addressing environmental conditions so that significant adverse impacts do not occur as a result of site development. Hence, the Harlem community accepts and agrees to the agencies that control these sites entering into a Memoranda of Understanding or other agreement with NYCDEP and the greater Harlem Community to ensure that any testing and remediation activities, as deemed necessary by NYCDEP and the Harlem community's representatives in accordance with NYCDEP requirements or other lawful allowance, are performed prior to and/or during development of or a change in use on these sites. (*See Table 2 in Appendix D of the DEIS "City Owned Sites with Potential Hazardous Materials."*)

It is important to note that most of us in the Harlem community believe and have attested to the fact that our government, locally or otherwise, is a government of, for and by the people. Therefore, we the people are the City. Agencies are basically City administrative entities and don't own City property. That's why in our book of statutes property owned by the people collectively is considered property owned by the City. Properties owned by the City are administrated under HPD.

Additionally, any agreement regarding rights and benefits, such as this one, must be made with the Harlem community as a party; and it would be proper for our local elected officials or Community Board representatives to sign off on such agreement on the greater Harlem community affected by the present proposed action's behalf.

Natural Resources

The DCP states that the 125th Street Rezoning and Related Actions study area is urbanized and densely developed. The study area does not include any of the following ecological resources: surface water bodies, wetlands, beaches, dunes, bluffs, thickets, significant grasslands, meadows, woodlands or forests. The *CEQR Technical Manual* lists a number of areas that contain natural resources designated by a government agency as significant, sensitive or worthy

of protection. The study area is not located within or immediately adjacent to any of those listed natural resource areas. The study area neither contains natural resources of significance, nor, with the exception of three parks located within or partly adjacent to the study area and the two rivers immediately adjacent to the study area, is located adjacent to natural resources of significance.

Point of Argument/Fact

The three parks the DCP is referring to that the majority of the Harlem community believes are within or partly adjacent to natural resources of significance are Marcus Garvey Park, Morningside Park and St. Nicholas Park. These parks are not the same as a Tompkins Square Park down in the Lower East Side. It can be argued that these parks have ecological value. Not only can these parks be considered woodlands and forest types, as they even have rock mountains, ponds, creeks, etc., the airborne creatures inhabiting these parks aren't what you would call *migratory birds* – except that when its real cold and ponds freeze up, some of them may go somewhere a little warmer, but always they return - but consists of geese, ducks, owls, Hawks, Falcons and other interesting birds. Their main home during most of the year are these parks. Therefore, it can be argued that the number of areas that contain natural resources designated by a governmental agency as significant, sensitive or worthy of protection would include the three mentioned parks, notwithstanding their omission in the *CEQR Technical Manual*.

But, if the DCP recognizes at the least the significance of the latter natural resources, as demonstrated by the statement, *"The study area neither contains natural resources of significance, nor, with the exception of three parks located within or partly adjacent to the study area and the two rivers immediately adjacent to the study area, is located adjacent to natural resources of significance,"* it shows that this area was not thought through or studied carefully, as evidenced by the contradiction in this sentence - *"There are no known state or federally listed or proposed endangered or threatened species in the development project area, except for occasional transient individuals."* See ES, pg 1.0-20, last paragraph.

It is hard to swallow that there truly exists any belief, study or other expectation of genuine character out there asserting that with all the construction going on as a result of the proposed action neither the natural resources mentioned nor their inhabitants don't carry any significance and/or would not be significantly impacted by such construction.

Concerning the rivers east and west of the proposed action area, while the DCP can correctly state that there will be no construction activity in the Hudson or Harlem Rivers as a result of the proposed action, it cannot honestly state that there will be no significant impacts to surface water quality or impacts to threatened or endangered species within those rivers as a result of the proposed action. See ES, pg 1.0-20, last paragraph.

The reason is - because of the construction that is proposed by Columbia's Expansion Plan, including its underground facility that will go into the water, construction that will take place creating the 2nd Avenue Subway line - which will run from 125th Street to Wall Street, the

Mayor's East Side Development Plan, it is hard to make a case that all of the construction going on in between will not **contribute** to significant impacts to surface water quality or impacts to threatened or endangered species within those rivers as a result of such other proposed actions.

Waterfront Revitalization Program

The DCP states that proposed actions subject to CEQR that are situated within the designated boundaries of the NYC Coastal Zone must be assessed for their consistency with the city's Local Waterfront Revitalization Program (LWRP). There are, however, no portions of the project area that are located within the City's designated Coastal Zone. As such, the proposed action is not subject to review for consistency with the City's LWRP. Therefore the DCP made no further assessment of the proposed action's consistency with the City's LWRP.

Point of Argument

Because the DCP missed critical aspects within the Natural Resources area we challenge this.

Infrastructure

The DCP states that the proposed action would not adversely impact the City's infrastructure. Here the DCP mainly talks about the City's wastewater treatment system, storm water management system and the further reduction of water demand should the projected developments include green buildings.

While most of this argument may be persuasive, it has been said that 125th Street is on a fault line. Then there is the reality that the A,C,B and D lines run across 125th Street at St. Nicholas Avenue and the 2 and 3 lines run across Malcolm X Blvd. The DCP offers no study in those infrastructure areas.

Throughout various River to River hearings involving the Harlem public the above has been a major concern. It is inconceivable that a plan/the proposed action can proceed without studies being done addressing these concerns.

Solid Waste and Sanitation Services

The DCP states that the proposed action is not anticipated to result in significant adverse solid waste impacts.

The DCP justifies this by the fact that the projected development would occur in an area which is currently served by DSNY residential trash and recycling pick-ups. The proposed action would not affect the delivery of these services, or place a significant burden on the City's solid waste management system.

Point of Argument

When the DCP speaks of a solid waste management system one would assume that it includes the picking up of solid waste. There will be dump truck/excavation bins everywhere along the 125th Street corridor, including their deliveries and pick ups. One would find it hard to see how the DCP can state that the proposed action would not affect the delivery of services of any kind without clearly showing how it wouldn't.

The DCP gives the volume of various pickups to show that the increase is insignificant:

- Net increase in solid waste to be picked up by DSNY - 7 tons p/day
- Residential and institutional refuse and recyclables - 12,000 tons p/day
- Increase of Non-residential waste serviced by private carters - 3 tons
- Commercial/industrial waste currently removed by private carters - 13,000 tons per day

However, there is such a thing as the straw that breaks the camel's back. These insignificant increases in waste pick up of any kind mean nothing if said by the DCP. It only has meaning if it comes from the DSNY or private carters.

Energy

The DCP gives a similar argument pertaining to energy consumption, starting off with, "*The proposed action is not anticipated to result in significant adverse energy impacts.*"

Point of Argument

Again, coming from the DCP such belief is meaningless. An energy expert would have to make such a statement. Notwithstanding, inarguably, more money would have to be spent on fuel energy during the cold months because the interior of buildings, especially apartment buildings, impacted by shadows would get much colder than buildings exposed to a lot of sun light, **as testified to by many tenants during this process**. Thus, under a RWCDS, but more than likely under a RRCDS, the proposed action would have a significant adverse impact on many, if not the majority, of property owners and/or tenants' - in the study area - energy costs because property owners or tenants would not be able to conserve fuel the way they could if their buildings or units were exposed to excessive sun light the way many, if not most, of the buildings in the study area are exposed to sun light now.

However, it is more than likely that building owners would eventually find ways to off set those costs. The more familiar scenario would be the tenants having to pay for this fuel increase some kind of way, i.e., Rent Guidelines Board increases, or just suffer, as many housing court cases attest to.

Traffic and Parking

The DCP alleges the following with regard to Traffic and Parking: The results of these analyses in Chapter 3.15, "Traffic and Parking" show that the additional traffic demand generated by the proposed action would generate significant adverse traffic impacts on 11 approaches at 10 intersections during the weekday AM peak hour, 13 approaches at 9 intersections during the weekday midday peak hour, 21 approaches at 17 intersections during the weekday PM peak hour, and 24 approaches at 14 intersections during the Saturday midday peak hour. The DCP alleges that the proposed mitigation measures described in Chapter 3.15 and Chapter 3.22, "Mitigation" would mitigate all of the operational impacts.

DCP further alleges that the proposed action would not substantially affect the number of on-street parking spaces within the study area, and there would be sufficient off-street public parking capacity to accommodate all project-generated parking demand not otherwise accommodated in accessory parking facilities.

Point of Argument

Trying to separate parking from traffic is like trying to split the baby in two. While the proposed action may not create a reduction in on-street parking spaces in the long run it certainly will during the construction phase, which under a RWCDS will last for 10 years. The DCP alleges that such reduction could be eliminated because there would be sufficient off-street public parking facilities to accommodate all project-generated parking demand not otherwise accommodated in accessory parking facilities. See page 1.0-22 of Executive Summary Traffic and Parking section.

That sounds reasonable. But what is logically and a realistic scenario (RRCDS) is that the majority of people in Harlem aren't rich; therefore they will always try to get free or low cost parking. Under the DCP's proposed action that may change because the proposed action's results will bring in a wealthier class of people. But as deplorable as that may be, expect traffic chaos for the next five years with its unmitigated damages that will flow, i.e. asthma, air pollution, etc.

Once parking is correctly analyzed the traffic scenario can be correctly analyzed. More traffic will produce more parking. More attempts at on-street public parking will create more traffic tie-ups. The "Mitigation" the DCP offers is meaningless under these circumstances, since it is primarily designed to deal with traffic flow. However, even when reviewing such mitigation the re-allocation of traffic signal times that the DCP suggests for certain locations seems arbitrary. What RWCDS's were they calculated against? What are they based on? They DCP offers no answers to these pertinent questions.

The DCP's traffic and parking assessment is flawed and far from offering a balanced solution that would protect the community.

Transit and Pedestrians

The DCP alleges that the results of the transit and pedestrian analyses show that this new demand would not result in any significant adverse impacts to analyzed stairways or fare arrays at the 125th Street IND (A,B,C,D), 125th Street IRT (2,3) and 125th Street IRT (4,5,6) subway stations. However, in the 2017 future with the proposed action, northbound M60, M100 and Bx15 bus services would be significantly adversely impacted in the PM peak hour.

The DCP shifts the handling or mitigation of this impact on the MTA, using the language, *"As standard practice, MTA New York City Transit monitors bus ridership and increases service where operationally warranted and fiscally feasible. As such, the capacity shortfall on the M60, M100 and Bx15 would be addressed by NYCT..."* **See page 1.0-23 of the Executive Summary - Transit and Pedestrians section**.

DCP therefore felt it was unnecessary to initiate a mitigation plan in this area of the proposed action.

Point of Argument

What is mainly flawed in this studied area is the omission of how pedestrians' health would be affected by the excessive bus traffic due to the proposed action. The significant adverse impacts to analyzed stairways or fare arrays is red herring or not really important under the RWCDS dealing with pedestrian health issues that will arise under the proposed action.

Furthermore, it is very audacious to think that the MTA will fix the problem and therefore the DCP should offer nothing to the significant adverse impacts its proposed action will cause. Be that as it may, who winds up paying for all of this excess - the commuters.

Air Quality

The DCP alleges that the proposed action would not cause or exacerbate an exceedance of an air quality standard nor cause the exceedance of a significant impact criterion.

Point of Argument/Fact/Logic

Although the DCP tries to measure the impacts that the proposed action would create on air quality, See page 3.21-73 of EIS, this does not add up to what the reality is - Harlem has a very high asthma rate among children. There are 6 bus depots in Harlem already. And there is a lot of construction going on. The area of the proposed action is primarily in a valley or what is called a flat land. Air Pollution hovers above. There is no way that anyone can say with honesty that the already bad air quality in areas not enriched with trees will not be made worse by the proposed action under a RRCDS, notwithstanding a RWCDS. There are times that there aren't leaves on the trees, therefore the trees offer no protection during those seasons.

Noise

The DCP alleges that the proposed action would not result in significant adverse impacts related to noise.

Point of Argument

Not even factoring the (E) designations that would be placed on the zoning map for all of the projected and potential development sites to avoid the potential for significant adverse noise impacts, currently the study area and the 125th Street corridor is mostly quiet at night after 10 p.m. What about the significant adverse noise impacts the proposed action will have on various resources, including the most important resource of them all - human resources -after the development phase, as the DCP offers to make 125th Street a 24 hour destination?

Again, the DCP's EIS is flawed in this study area because it fails to address what on its face seems to be important.

Point of Fact

There have been numerous testimonies coming from the community stating that a 24 hour destination district is not what's desired in Harlem, despite what some outside people think.

There have also been numerous testimonies coming from the Harlem community stating the appreciation of quietness after a certain hour. In short, the majority voice coming from the Harlem community is that it does not want Harlem to be another Times Square, 34th Street or 86th Street for that matter.

Construction

The DCP alleges that construction-related activities resulting from the proposed action are not expected to have any significant adverse impacts on natural resources, traffic, air quality, noise, or hazardous materials conditions. Inadvertent construction-related damage could potentially occur to several eligible historic resources. The DCP states that those significant adverse impacts would be unmitigated because development activity on development sites nearby or adjacent to these eligible resources would occur as-of-right.

Point of Argument

It has already been demonstrated under a RRCDS and RWCDS that construction-related activities resulting from the proposed action would have a significant adverse impact on natural resources, traffic, air quality and hazardous materials conditions. Id. However, it seems unbelievable that the DCP, or any agency from our local, state or federal government for that matter, would suggest that significant adverse impacts to historical resources as a result of the proposed action it offers has to be unmitigated because the development activity that will occur is as-of-right.

The kind of development we're talking about will be generated just because of the proposed action. The current zoning map does not allow that kind of development, which is the crust of the DCP's EIS. Therefore, at present there is no such thing as *any* developer having the kind of as-of-right development rights asserted within the proposed action and its EIS. It would seem logical that the extra bulk and height a property owner would gain from this proposed action could have any type of condition the DCP or other government body imposed on him in order for him to gain the extra bulk, density or height. Case in point, Columbia University.

Public Health

The DCP alleges that based on a preliminary screening analysis in accordance with the CEQR Technical Manual guidelines, it was determined that a full assessment of the proposed action's potential impacts on public health is not necessary and that no significant adverse impacts are expected as a result of the proposed action.

Point of Argument

Based on this report it seems that the DCP's preliminary analysis has major short comings and if a proper screening analysis were done there would be an assessment of the proposed action's potential impacts on public health.

Alternatives

The EIS considers five alternatives to the proposed action, to examine reasonable and practicable options that avoid or reduce action-related significant adverse impacts and may still allow for the achievement of the stated goals and objectives of the proposed action.

Discussion

No-Action Alternative

The DCP asserts that significant adverse action-generated impacts would not occur under the As-of-Right Alternative. However, the benefits expected from the proposed action on land use, socioeconomic conditions, urban design and neighborhood character would not be realized under this alternative. In addition, the No-Action Alternative would fall far short of the objectives of the proposed action in encouraging and guiding the development of the 125th Street, Harlem's "Main Street", as a dynamic, 24-hour mixed use neighborhood.

Point of Argument

This grand plan for Harlem's Main Street does not incorporate most of the sentiment of the Harlem Majority, as pointed out in this report and other sources, therefore the realization and

objectives that the DCP outlines are not the same objectives and realization of the Harlem community at-large.

Furthermore, It is a fact that there has been a major reduction in drug trafficking in Harlem, especially drugs that could make people kill. If these kinds of drugs were still rampant in Harlem white folks could not walk through Harlem as freely as they walk now. You wouldn't see this kind of development (luxury condos, etc.,) taking place in Harlem. Much of the credit has to go to the United States Coast Guard and other Drug Enforcement agencies on the international front. It is more difficult for these kinds of drugs to enter into the country than in previous times.

Conclusion

The present development that is going on in Harlem is manageable. It is feasible for 125th Street to grow much further than the DCP asserts with Harlem's former drug problem being much under control. But it will grow in a way that doesn't push Black and Latino people out. The **American Planning Association** chose 125th Street as one of the nation's greatest thoroughfares for bringing in "globalized" retailers, i.e., Old Navy and Starbucks, without driving out mom-and-pop businesses and cultural venues such as the fabled Apollo Theater.

The **No-Impact Alternative** that the DCP offers, which would avoid, without the need for mitigation, all significant environmental impacts of the proposed action is a scaling back on the total number of dwelling units within the proposed rezoning area by 98%. This is what has been asserted by the community at-large all along. This alternative is more desirable for the Harlem community, as stated consistently throughout the unofficial and official public process.

A major concern of the community, but not to over shadow the other mentioned areas of concern, was that the character of the community would change under the DCP's proposed action. The Harlem community does not want this kind of change.

There is no need to rush to try and get 125th Street to be something that won't make it 125th Street anymore. The DCP should rework its proposed action, this time involving the community from the very beginning and really listening to them.

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