

**East 126th Street Bus
Depot Memorial &
Mixed-Use Project**

**Final Scope of Work for a Draft Generic
Environmental Impact Statement**

CEQR # 16DME011M

Lead Agency:

Office of the Deputy Mayor for Housing and Economic Development

~~August-February 196~~, 20176

East 126th Street Bus Depot Memorial & Mixed-Use Project

Final Scope of Work for a Draft Generic Environmental Impact Statement

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EAST 126th STREET BUS DEPOT MEMORIAL & MIXED-USE PROJECT

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SCOPE OF WORK FOR A DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

CEQR NO. 16DME011M

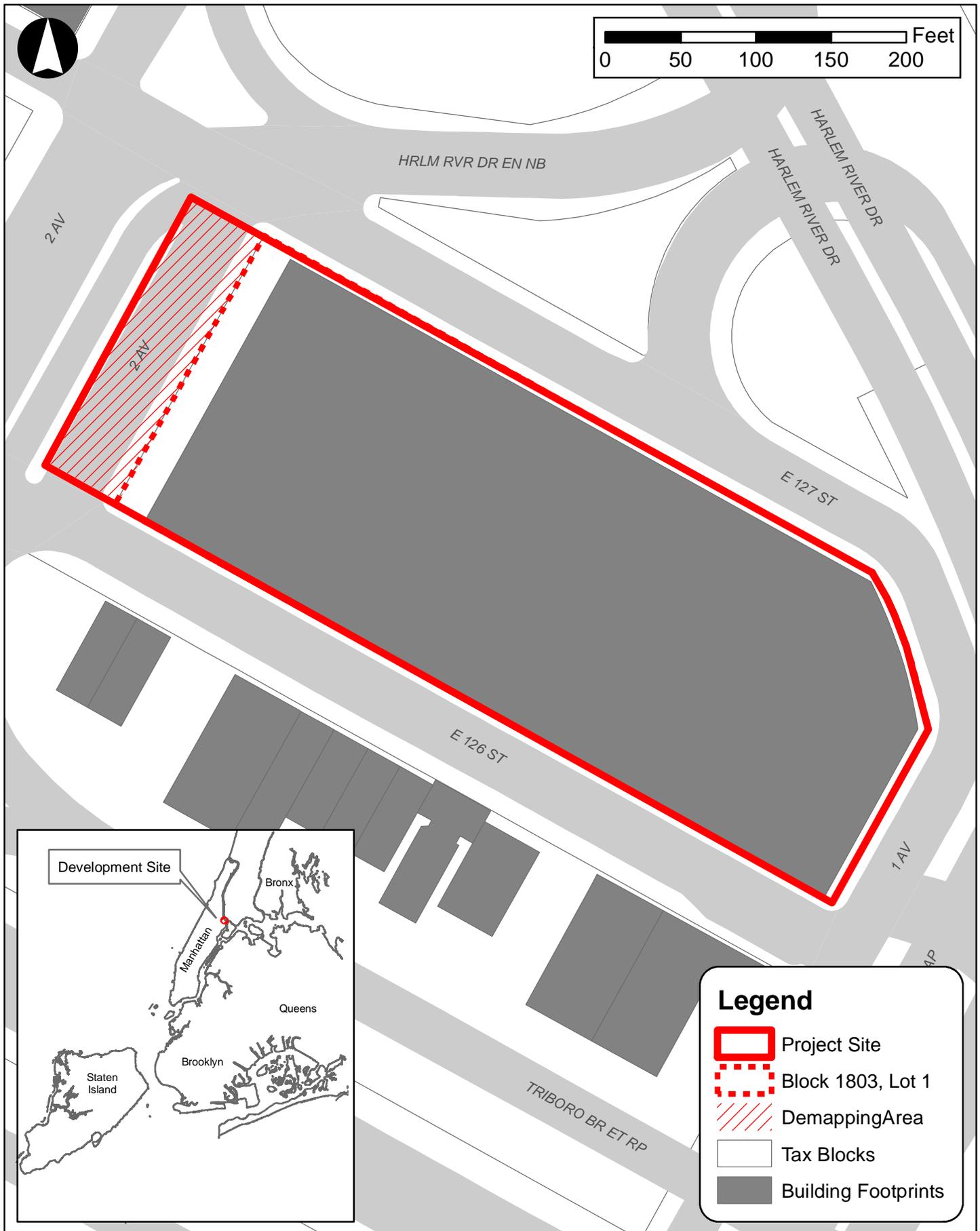
~~August 19~~February 16, 2016

This document is the Final Scope of Work (Final Scope) for the East 126th Street Bus Depot Memorial & Mixed-Use Project Draft Generic Environmental Impact Statement (DGEIS). This Final Scope of Work has been prepared to describe the Proposed Project, present the framework for the DGEIS analysis, and discuss the procedures to be followed in the preparation of the DGEIS. Revisions to the Draft Scope of Work (Draft Scope) have been incorporated into this Final Scope and are indicated by double-underlining new text and striking deleted text.

A. INTRODUCTION

This ~~Draft-Final~~ Scope of Work (~~Draft-Final~~ Scope) outlines the technical areas to be analyzed in the preparation of the Draft Generic Environmental Impact Statement (DGEIS) for the 126th Street Bus Depot site (the “project site”) in the East Harlem neighborhood of Manhattan Community District (CD) 11. The project site consists of the block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west. It includes all of the approximately 105,710-square-foot (sf) existing Block 1803, Lot 1, a City-owned property, which, since the 1940s, has been occupied by the 126th Street Bus Depot, as well as an adjoining bus parking area (comprising ~~up to~~ 9,792 sf) located immediately west of Lot 1 (refer to Figure 1).

~~On behalf of the City of New York is proposing a series of land use actions to facilitate the redevelopment of the City-owned project site, the New York City Economic Development Corporation (NYCEDC) is proposing a series of land use actions (collectively the “Proposed Project”). The Proposed Project is intended to facilitate the redevelopment of the project site with a mix of permanently affordable and middle-income residential, commercial, and community facility uses, and to provide development of a publicly-accessible memorial commemorating the Harlem African Burial Ground and its important role in the history of Harlem and New York City, integrated into a new mixed-use development project, including a mix of affordable and middle-income residential, commercial, and community facility uses.~~ The Proposed Project includes zoning map and text amendments, a City map amendment to demap a portion of a mapped street that was formerly part of the block, and authorization for the future disposition of City-owned property. The New York City Economic Development Corporation (NYCEDC), on behalf of the Office of the Deputy Mayor for Housing and Economic Development (ODMHED), will be the applicant for the zoning map amendment, zoning text amendment, and City map amendment actions. The Department of Citywide Administrative Services (DCAS) is the applicant only for the disposition action. The project may also involve the use of public financing for the development of permanently affordable housing and/or economic development purposes. The Proposed Project and resulting development program were informed by and are consistent with the cultural heritage protection, economic development, and affordable housing goals identified in the East Harlem Neighborhood Plan, issued in February 2016 by a



Steering Committee consisting of a consortium of project partners and community organizations. The Proposed Project also reflects ongoing consultation with the 126th Street Bus Depot Task Force, the Harlem African Burial Ground Task Force, Manhattan Community Board (CB) 11, and local elected officials, who identified the need for affordable housing, economic development, enhanced neighborhood connectivity, and a space to honor the history of the site and of the broader East Harlem community.

The Proposed Project could result in ~~up to~~ approximately 655,215 gross square feet (gsf) of residential development (comprising approximately 730 dwelling units [DUs], ~~of which 50 percent would be affordable to households earning at or below 80 percent Area Median Income [AMI]~~); approximately 315,000 gsf of commercial uses (including retail and office uses); approximately 30,000 gsf of community facility uses (including an approximately 15,000-sf historical and cultural center facility as part of the memorial); 300 accessory parking spaces (to be provided in an above-ground enclosed garage); and approximately 18,000 sf of outdoor, unbuilt memorial space. For CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the units would be affordable to households earning at or below 80 percent of area median income (AMI) . The affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low- and very low-income levels. Overall, ~~the~~ Proposed Project would include a total of ~~up to~~ approximately 952,585 zoning square feet (zsf), representing a ~~built~~ floor area ratio (FAR) of 8.25. ~~Overall, including required~~ accessory parking areas, the project site would have a total of ~~up to~~ approximately 1,090,215 gsf of building area. The Proposed Project is expected to be completed by 2022.

The site is historically significant having once contained, among other things, the historic Dutch-Reformed Low Dutch Church of Harlem (RLDCH) and its associated cemeteries. Recent archaeological investigations conducted in consultation with the New York City Landmarks Preservation Commission (LPC), the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), and members of the Harlem African Burial Ground Task Force, across four test trenches throughout the site uncovered disarticulated human remains (defined as remains that are not oriented as they would have been in their original burial configuration) in one of the trenches, confirming the likely presence of the historic Harlem African Burial Ground.¹ As such, the site has been determined eligible for listing on the State and National Register of Historic Places (S/NR). These disarticulated remains were discovered outside the historic cemetery boundaries, indicating that the formerly intact burials were significantly disturbed and/or removed ~~at some point during~~ over the course of the site's development history. To commemorate the Harlem African Burial Ground, any future development proposal would be required to include a memorial within the likely footprint of the historic cemetery as a central and integrated component of the proposed site plan. Any development on the project site would also require consultation with LPC and others, ~~such as including~~ OPRHP, and the Harlem African Burial Ground Task Force.²

~~As can be inferred from the Proposed Project, consisting of multiple approvals,~~ ~~there~~ is no specific development proposal under consideration at this time. Instead, a reasonable worst-case development scenario (RWCDs) has been formulated based on the proposed zoning changes and will be the subject of this environmental review. Only after the approvals comprising the Proposed Project complete the City's

¹ It should be noted that only portions of the project site were tested (four trenches). Phase 2 Archaeological Evaluation and monitoring on the project site is necessary in order to determine and that the full nature and extent of the site's archaeological sensitivity cannot be determined without further testing. human remains present. The four trench locations were chosen based on historic maps and in areas clear of below-grade obstructions.

² The memorial component of the Proposed Project, as well as any new development built on portions of the site that remain City-owned, would require approval from the New York City Public Design Commission.

Uniform Land Use Review Procedure (ULURP), a Request for Proposals (RFP) soliciting proposals for development under the approvals would be issued. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground ~~Memorial~~, including ~~an~~ the outdoor memorial area and an indoor historical and cultural facility, as well as any required mitigation measures. In order to address the potential range of responses to the RFP, the environmental review analyzes a RWCDs that conservatively considers the reasonable worst-case potential for environmental effects for each impact category ~~the reasonable worst-case potential for environmental effects~~. While the discretionary approvals that comprise the Proposed Project have been defined, the development program and some design specifics under the Proposed Project would be dependent on the RFP responses. Thus, pursuant to City Environmental Quality Review (CEQR), a DGEIS will be prepared that will consider the environmental impacts based on the RWCDs.

This document provides a description of the Proposed Project and associated RWCDs, and includes task categories for all technical areas to be analyzed in the DGEIS.

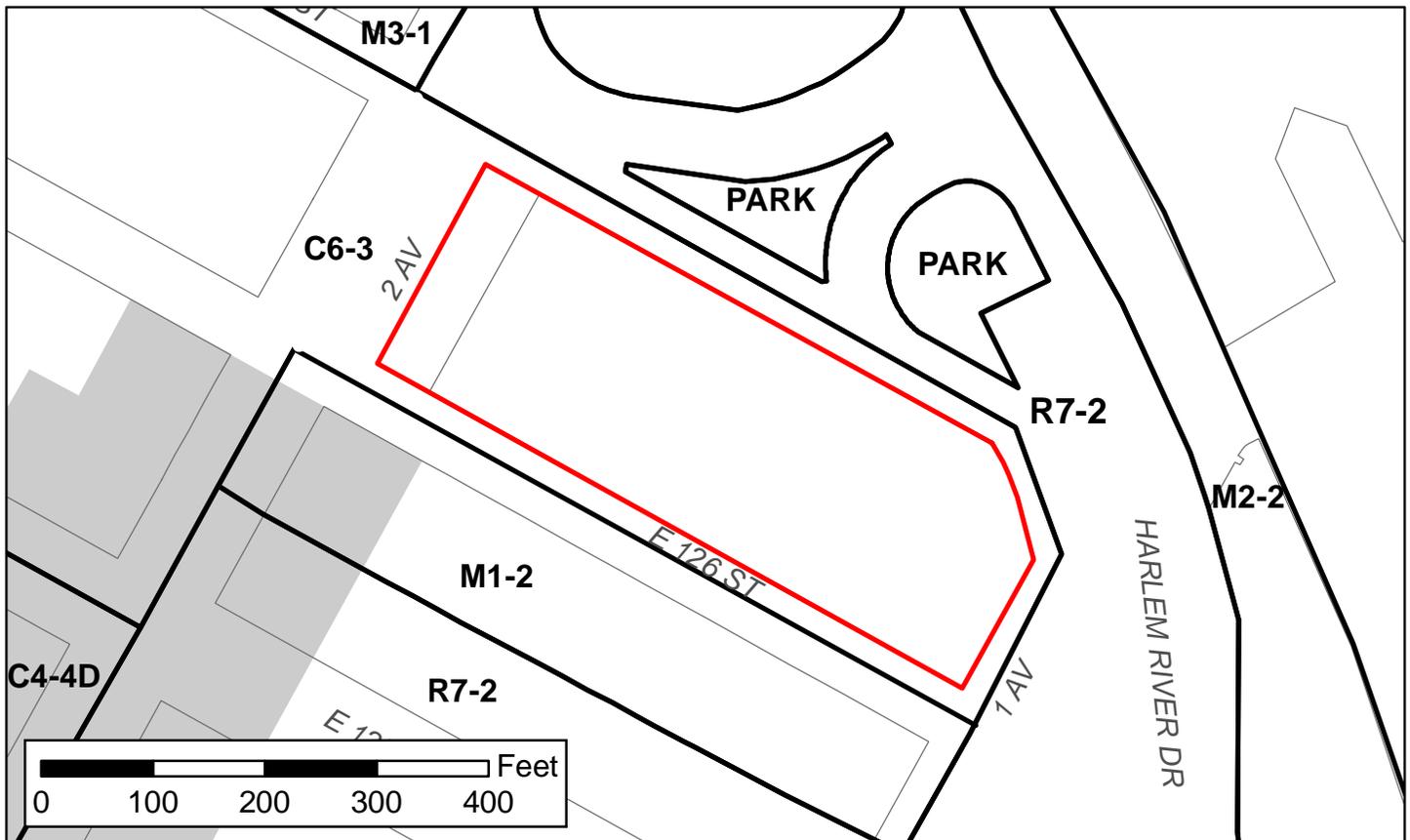
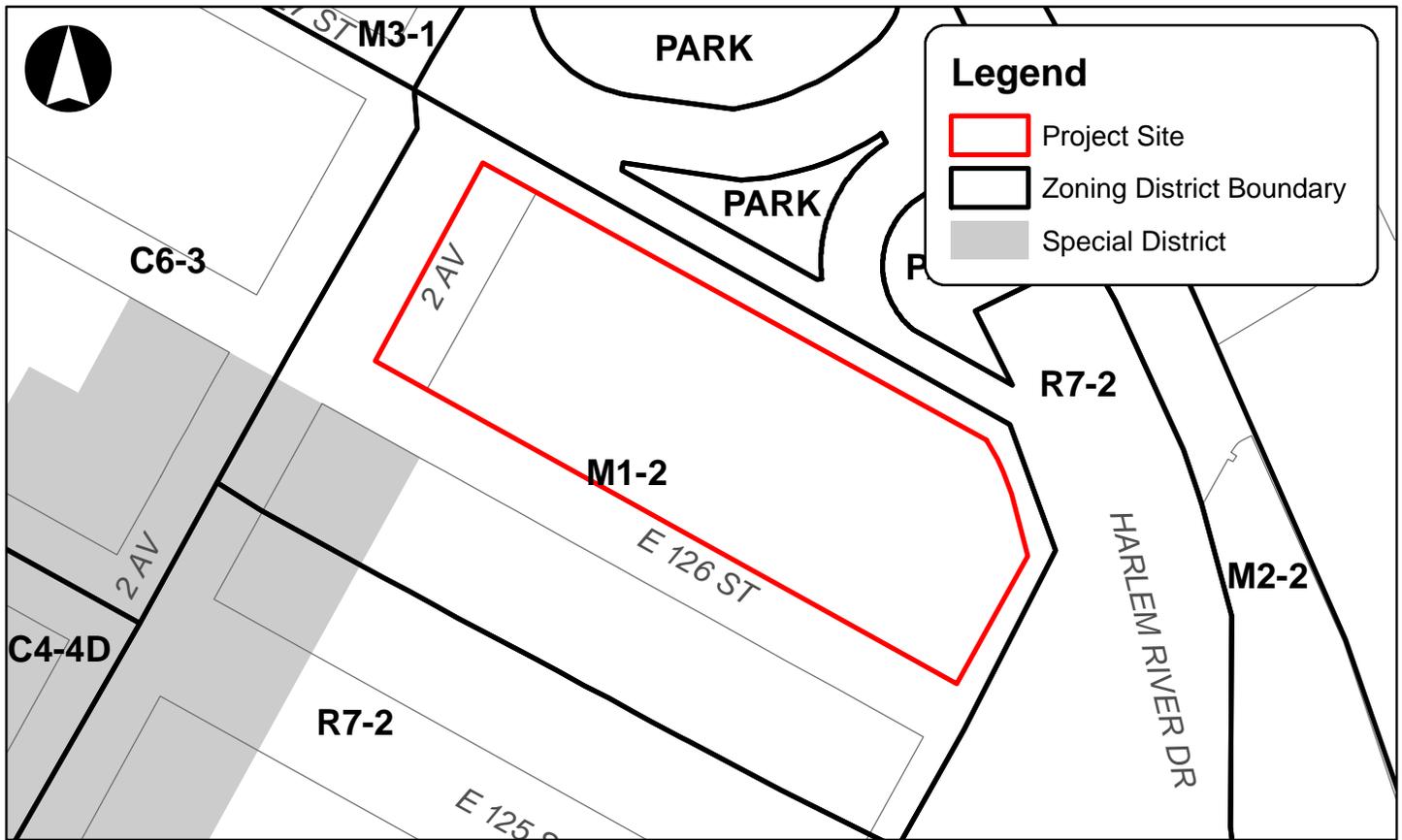
B. REQUIRED APPROVALS AND REVIEW PROCEDURES

Required Approvals

The Proposed Project would encompass discretionary actions that are subject to review under ~~the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, and City Environmental Quality Review (CEQR) process~~. The anticipated discretionary actions include:

- A zoning map amendment (Zoning Sectional Map 6b) approval by the New York City Planning Commission (CPC) to change the zoning on the project site (Block 1803, Lot 1 and the adjacent demapping area) from the existing M1-2 light manufacturing zoning district (high performance) to a C6-3 general central commercial zoning district (R9 residential equivalent district) (see Figure 2);
- A zoning text amendment to map the project site as a Mandatory Inclusionary Housing (MIH) area in ZR Appendix F, pursuant to ZR 23-154;
- A change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of ~~no less than~~ 125 feet (plus an easement for sidewalk purposes, ~~if needed~~) and the conveyance of the demapped area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to Section 4-105 of the Administrative Code of the City of New York; and
- In accordance with Sections 197-c(10) and 384(b)(4) of the New York City Charter, the City seeks disposition approval of of the project site (the City-owned Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and the adjacent demapping area) a portion of Second Avenue between E. 126th Street and E. 127th Street to be demapped (9,792 sf). The total project site that the City seeks to dispose of is approximately 115,502 sf. The New York City Economic Development Corporation (NYCEDC) intends to issue an RFP for the project site. ~~by~~ The City will dispose of this site to the New York City Land Development Corporation, which will then be disposed of to the selected developer of New York for future development, with approval through ULURP under New York City Charter Section 197(c), and separate approval of the business terms of the sale of the disposition pursuant to Section 384(b)(4) of the New York City Charter.

In addition, ~~in the future the private~~ site developer may seek public financing by the New York City Department of Housing Preservation and Development (HPD) or the New York City Housing Development



Corporation (HDC) to facilitate the development of permanently affordable housing and/or the public financing by the New York City Industrial Development Agency for economic development purposes. Depending on the public funding source for the affordable housing and economic development, and the timing of the decision, additional review under the State Environmental Quality Review Act (SEQRA) may be required, including review by the OPRHP. It should also be noted that, though not subject to CEQR, the memorial component of the Proposed Project, as well as any new development built on portions of the site that remain City-owned, would require approval from the New York City Public Design Commission.

City Environmental Quality Review (CEQR) and Scoping

The Proposed Project is classified as a Type 1 Action, as defined under 6 NYCRR 617.4(b)(6)(v) and 617.4(b)(9) and 43 RCNY 6-15, subject to environmental review in accordance with CEQR guidelines. An Environmental Assessment Statement (EAS) and Positive Declaration were issued on August 19, 2016 by the Office of the Deputy Mayor for Housing and Economic Development (ODMHED), as lead agency. ODMHED ~~has~~ determined that the Proposed Project may result in significant adverse environmental impacts and directed that a DGEIS be prepared.

A GEIS is a more general EIS that analyzes the impacts of the maximum build-out of a concept that aligns with the zoning district, rather than those of a specific development plan. ~~The~~ A GEIS is useful when no specific project has been proposed and the details of a specific impact/future development program cannot be accurately identified, as no site-specific project has been proposed, but when. The GEIS is able to capture a broad set of future projects/development options that fit within the RWCDs parameters of the Proposed Project is likely to result from the agency's actions. It should be noted that the program analyzed in the RWCDs is being used for illustrative and analysis purposes only; a site-specific breakdown is required for the environmental review. This is not meant to indicate an actual development program.

This ~~Draft-Final~~ Scope of Work (Draft-Final Scope) for the preparation of a DGEIS contains a description of the Proposed Project and the tasks that would be undertaken to analyze the potential environmental impacts of the Proposed Project. The issuance of the Draft Scope of Work on August 19, 2016 ~~marked~~ the beginning of the public comment period. The scoping process allows the public a voice in framing the scope of the DGEIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the DGEIS. During the public comment period, ~~those interested in reviewing the Draft Scope may do so and give their comments to the lead agency.~~ The public, interested agencies, and elected officials, are/were invited to comment on the Draft Scope, either in writing or orally, at the public scoping meeting.

A public scoping meeting ~~is scheduled to be~~ was held on Tuesday, September 27, 2016 starting at 6:30 pm at:

Silberman School of Social Work
First Floor Conference Room (115AB)
2180 Third Avenue (at E. 119th Street)
New York, NY 10035

Comments received during the Scoping Meeting and written comments received ~~up to ten days after the meeting~~ until 5:00 pm on Friday, October 21, 2016, will be were considered and incorporated, as appropriate, into ~~this~~ Final Scope of Work (Final Scope). This Final Scope will incorporate all relevant comments made on the Draft Scope and revises the extent or methodologies of the studies, as appropriate, in response to comments made during the CEQR scoping process. Appendix 1 includes

responses to comments made on the Draft Scope of Work. The written comments received are included in Appendix 2. The DGEIS will be prepared in accordance with ~~the resulting~~this Final Scope.

Once the DGEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DGEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. At the close of the public review period, a Final GEIS (FGEIS) will be prepared. Comments made on the DGEIS will be responded to and incorporated into the FGEIS, as appropriate. The FGEIS will then be used by the relevant City agencies to evaluate CEQR findings, which address project impacts and proposed mitigation measures, and to decide whether to approve the requested discretionary actions, with or without modifications. The rationale for this decision is then set forth in a document called a Statement of Findings.

C. PROJECT BACKGROUND

The 126th Street bus depot site has seen many uses over the years. It was once situated within the Dutch village of *Nieuw Haarlem*, then a sparsely populated agricultural area far removed from the densely developed settlement of New Amsterdam at the southern tip of Manhattan. Over 350 years ago, the Reformed Low Dutch Church of Harlem was constructed in this Dutch settlement, with the first church building on or near a portion of the bus depot site and near the shore of the Harlem River; the Harlem River was wider then and extended through the northeastern corner of the bus depot lot (Block 1803, Lot 1). Over time, the shoreline was filled in, expanding the block to its current dimensions, and the site was developed into an amusement park and casino, and later, into a movie studio. The property's historic development culminated with construction of the existing bus depot in 1947.

Like much of colonial America, Dutch and English settlements in Harlem were built and maintained with the labor of enslaved individuals of African descent. Though these individuals were often excluded from historical documentary records, there is documentary evidence of their use of a burial ground on the land behind the former Reformed Low Dutch Church of Harlem, an area now occupied by the bus depot. In use from the late 1600s through the mid-19th century, the cemetery was originally referred to as the "Negro Burying Ground" in various historical documents, but is now known as the Harlem African Burial Ground.

The transition of the land from church property to the community of individuals of African descent is poorly documented, as are the burial customs and conditions of its use as a cemetery. After burials on the property ceased in the 1850s, the privately-owned land went through numerous stages of redevelopment. The landscape of the burial ground and the surrounding area was modified as portions of the Harlem River were filled in and the site's ground surfaces were leveled through cutting and filling during the late 19th and early 20th centuries, including construction of the bus depot. Although the area urbanized and what is now called the Harlem African Burial Ground was redeveloped, a recent archaeological investigation has uncovered disarticulated human remains believed to have originated from the Harlem African Burial Ground on a portion of the current 126th Street ~~b~~Bus ~~d~~Depot site.

Despite the erasure of all surface signs of the burial ground as a result of over 150 years of redevelopment, area residents, elected officials, and other concerned parties organized to ensure that the site would be recognized as the site of the Harlem African Burial Ground. The goal of these efforts was to ensure the proper reverence of the individuals buried at the site and recognition of this population so important to the development of Harlem and the City at large.

D. PROJECT DESCRIPTION

Project Site

The project site consists of the block bounded by E. 127th Street to the north, First Avenue to the east, E. 126th Street to the south, and Second Avenue to the west. It is located within the northern part of the neighborhood, sometimes referred to as the East Harlem Triangle, as the course of the Harlem River in this area runs at a diagonal alignment relative to the Manhattan grid.

The project site consists of two properties: (1) the approximately 105,710-square-foot (sf) existing Block 1803, Lot 1, a City-owned property, which since the 1940s has been occupied by the 126th Street Bus Depot, as well as (2) an adjoining bus parking area (comprising up to 9,792 sf) located immediately west of Lot 1 (refer to Figure 1). The existing bus depot building is an approximately 103,000-sf, one-story with mezzanine brick structure that was built in 1947.

126th Street Bus Depot Lot

The 126th Street Bus Depot lot, (existing Block 1803, Lot 1), is an approximately 105,710-sf City-owned property. It is irregularly-shaped, resembling a rectangle with one corner—the northeast corner—that has been rounded off. This is due to its location at the edge of the Manhattan rectilinear street grid adjacent to the right-of-way of the Harlem River Drive, which follows the shape of the Harlem River's curving shoreline. The property has 199.83 feet of frontage on Second Avenue and 541 feet of frontage on E. 126th Street. The First Avenue frontage extends 129.26 feet north from and perpendicular to E. 126th Street. At that point, the boundary curves at a radius arc of 300 feet for a distance of 105 feet. The E. 127th Street frontage extends 463.98 feet east from and perpendicular to Second Avenue. At that point, the frontage meets the curved boundary described above. Addresses associated with the 126th Street Bus Depot Lot include 2460 to 2478 Second Avenue (even numbers), 301 to 359 E. 126th Street (odd numbers), and 300 to 350 E. 127th Street (even numbers).

The 126th Street Bus Depot Lot is fully occupied by the approximately 103,000-gsf bus depot building, a 28-foot tall brick structure that was built in 1947. The Metropolitan Transportation Authority (MTA) intends to return the site back to the City prior to disposition. The adjacent 10,791-sf portion of the project site was mapped as part of Second Avenue in 1946, is physically separated from the street bed by curbs and sidewalks with street trees, and has been used by the MTA primarily as a parking lot for employees and buses.

Demapping Area

The demapping area ~~could~~ comprises ~~up to~~ 9,792 sf, measuring 199.83 long (north-south) and ~~up to~~ 49 feet wide (east-west). Prior to 1946, this area was part of Block 1803, Lot 1; in 1946, as part of a City Map change, the Second Avenue right-of-way between E. 126th and E. 127th Streets was widened to its current configuration to create northbound vehicular lanes providing access to the northbound Harlem River Drive for vehicles entering Manhattan via the RFK Triborough Bridge and to create the bus parking area adjoining the bus depot building (i.e., what is now the demapping area). As part of the Proposed Project, this area would be reincorporated into Block 1803. ~~The specific area to be demapped is still being finalized and will be determined in coordination with the New York City Department of Transportation (DOT). For analysis, the 9,792-sf demapping area represents a RWCDs.~~

Existing Zoning

The 126th Street Bus Depot Lot is currently zoned M1-2. M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, repair shops, and wholesale service and storage facilities, with a maximum permitted manufacturing FAR of 2.0. Nearly all industrial uses are allowed in M1 districts if they meet the stringent M1 performance standards. Offices, hotels, and most retail uses are also permitted up to a maximum commercial FAR of 2.0. Certain community facilities, such as hospitals, are allowed in M1 districts only by Special Permit, but houses of worship are allowed as-of-right; the maximum community facility FAR in M1-2 districts is 4.8. The project site has a built FAR of 0.98 and is therefore underbuilt pursuant to existing zoning regulations.

Floodplain and Coastal Zone

Per the Preliminary Flood Insurance Rate Maps for New York City dated 1/30/2015, which are issued by the Federal Emergency Management Agency (FEMA) and considered the best available flood hazard data, the project site is partly located in the 100-year floodplain “Zone AE-” (refer to Figure 3). As indicated on the map Figure 3, the base flood elevation (BFE) for the eastern edge of the property is +12 NAVD (North American Vertical Datum of 1988 (NAVD)), which is approximately equivalent to +10.4 Manhattan Vertical Datum, and the base flood elevation BFE for the central portion of the property is +11 NAVD. This indicates a special flood hazard area. The western portion of the property is in a “shaded X” zone, indicating an area of moderate to low-risk flood hazard with an annual probability of flooding of 0.2 percent to one percent, usually defined as the area between the limits of the 100-year and 500-year floods. FEMA does not specify base flood elevations BFEs for the shaded X zones. The project site is located outside the Limit of Moderate Wave Action (LIMWA) boundary, indicating it is not considered to be at risk of moderate wave action.

In “AE” 100-year floodplain zones, special requirements of the New York City Building Code and FEMA apply to new developments. For structures such as residential buildings, the required design flood elevation (DFE) is one foot above the base flood elevation BFE indicated on the FIRM. Furthermore, per New York City Building Code, as the project site’s building footprint lies within areas of differing base flood elevations BFEs, the highest one, i.e., +12 NAVD (+10.4 Manhattan vertical datum), applies to the entire building. Accordingly, the entire building must provide all habitable space at a design flood elevation of at least at +13 NAVD (+11.4 Manhattan vertical datum).

The project site is located within the City’s designated coastal zone, and, therefore, the Proposed Project is subject to a Waterfront Revitalization Program (WRP) consistency assessment, which will be provided in the DGEIS.

Surrounding Area and Context

The East Harlem neighborhood is located north on the Upper East Side in upper Manhattan and is generally bounded by E. 96th Street to the south, Fifth Avenue to the west, E. 142nd Street to the north, and the Harlem River to the east. The major commercial corridors in the area are along E. 125th Street, E. 116th Street, and Second and Third Avenues. Although associated with Harlem, which encompasses a much broader swath of upper Manhattan, East Harlem has a distinct identity and is also known as “El Barrio.” It is a high density, predominantly residential community, but also includes a significant presence of commercial and institutional uses. It is a vibrant, culturally dynamic community but, like many New York City neighborhoods, faces many challenges, with many residents in need of affordable housing, economic opportunities, and community facilities and services.

Legend

- Flood Hazard Boundaries
 - 1 Pct Annual Chance Flood
 - - Floodway
 - 0.2 Pct Annual Chance Flood
 - Zone Break
 - Limit of Floodway
 - Limit of Study
- Limit of Moderate Wave Action
 - ▲
- Base Flood Elevations
 -
- Coastal Transects
 - -
- Political Jurisdiction Boundaries
 - County
 - State
- Water Lines
 -
- Flood Hazard Zones
 - Zone A
 - Zone AE
 - Zone AO
 - Zone VE
 - Floodway
 - Zone X - 0.2 PCT
- FIRM Panels
 - COMMUNITY BASED, PANEL PRINTED
 - COMMUNITY BASED, PANEL PRINTED (Revised)
 - COMMUNITY BASED, NOT PRINTED
- Project Site

Issued: 1/30/2015



Within the East Harlem neighborhood, the project site is situated in a triangular-shaped area bounded by man-made and natural boundaries including E. 125th Street and the ramps of the RFK Triborough Bridge on the south, the elevated MTA MetroNorth rail viaduct above Park Avenue on the west, and the Harlem River and Harlem River Drive on the northeast. This area is sometimes referred to as East Harlem Triangle and is used here as a term to describe the area surrounding the project site. The Willis Avenue and Third Avenue bridges and related roadway ramps are also within this area. These transportation facilities have ~~served to physically isolated~~ this area from other parts of East Harlem, but they also provide direct transportation connections to other parts of the City.

Vehicular connections between the East Harlem Triangle and the Bronx are provided by the Willis Avenue Bridge (Bronx-bound) and the Third Avenue Bridge (Manhattan-bound). The RFK Triborough Bridge also provides access to the Bronx, as well as Queens, Randall's Island, and the City's network of limited access roadways, while the Harlem River Drive/FDR Drive provides access to upper Manhattan and the East Side of Manhattan. Crosstown access is provided by E. 125th Street.

East Harlem is well-served by local transit, with subway stations along Lexington Avenue and a MetroNorth station at E. 125th Street and Park Avenue. The most proximate subway station to the project site is the 125th Street station (at E. 125th Street and Lexington Avenue), which is served by the No. 4 and No. 6 trains at all times and the No. 5 train at all times except nights. The MTA ~~is also currently~~ recently completed construction of Phase I of the new IND Second Avenue line, with new stations between E. 63rd Street and E. 96th Street ~~expected to opened on January 1st, in late 2016 or early 2017~~. The MTA is currently in the planning stages of Phase II, which will extend up Second Avenue and west on E. 125th Street to the current Lexington Avenue Line station; the IND Second Avenue Line ~~will be~~ served by extended Q train service and, upon completion of Phase II, the closest stop to the project site will be at E. 125th Street east of Lexington Avenue. ~~Other~~ bus routes serving the area include the M15 and M60 Select Bus Services (SBS), as well as the M35, M100, M1010, M103, M116, and Bx15 local bus routes.

The area surrounding the project site is characterized by a mix of uses, with several City initiatives and new developments replacing formerly underutilized lots planned or currently under construction on the surrounding blocks. Most notably, directly west of the project site is the E125 project site (formerly known as East Harlem MEC), which consists of nearly two full blocks bounded by E. 127th Street, Second Avenue, E. 125th Street, and Third Avenue, and also a property on the southeastern corner of E. 125th Street and Third Avenue. This City-sponsored project is anticipated to include up to 1,000 units of affordable housing at a wide range of income levels, and up to 700,000 sf of commercial development. Portions of this development, including the New York Proton Center, are currently under construction, and it is anticipated that the entire development ~~would~~ will be completed by 2022. In addition, one block north of the E125 development, the New York City Department of Sanitation (DSNY) is proposing to relocate its existing Manhattan District 11 (M11) garage, which serves CD 11, to 207 E. 127th Street, ~~which a site that~~ is currently occupied by auto dealership and vehicle storage uses. In addition, the Lot Cleaning Unit (LCU) Headquarters and Manhattan Office would relocate to the E. 127th Street site.

There are a number of parks located within and in close proximity to the project site. Directly north of the project site are upland portions of Harlem River Park and the Crack is Wack Playground. Other nearby parks and recreation facilities that serve the community include Wagner Park; Louis Cuveillier Park; the East River esplanade, which extends south from E. 125th Street; and completed portions of the Harlem River Park esplanade, which extends north from E. 132nd Street.³ Randall's Island, home of a major

³ It should be noted that the New York City Department of Parks and Recreation (NYC Parks) plans to expand the existing FDR Drive/Harlem River Drive Greenway to connect the currently noncontiguous portions of this open space resource. However, this

regional park, is located directly across the Harlem River from East Harlem. Access to the 256-acre Randall's Island Park is provided via the RFK Triborough Bridge pedestrian and bicycle path, accessible via E. 125th Street, and the M35 bus route; the closest stops to the project site are located at Second Avenue (eastbound on E. 124th Street and westbound on E. 126th Street).

Purpose and Need for the Proposed Project

The Proposed Project is intended to facilitate a mixed-use, mixed-income development on a large City-owned site, currently not in active use, with a dedicated outdoor and indoor space that honors and commemorates the significant social, economic, and cultural history of the Harlem African Burial Ground and its descendent community. The Proposed Project reflects ongoing consultation with the 126th Street Bus Depot Task Force, the Harlem African Burial Ground Task Force, Manhattan CBD 11, and local elected officials, who identified the need for affordable housing, economic development, enhanced neighborhood connectivity, and a space to honor the history of the site and of the broader East Harlem community.

The project site has excellent connections to transit, and is close to neighborhood open space, ~~and as well as~~ commercial services along the 125th Street corridor. The Proposed Project would rezone the project site from M1-2 to C6-3 to allow for the future development of a broader range of uses than allowed currently in an M1-2 district. This enables development plans for the site to, and which respond to neighborhood needs identified by local community organizations and elected officials.

In addition, the Proposed Project includes designating the project site as an MIH area subject to the affordable housing requirements of the recently approved MIH zoning text. The proposed C6-3 (MIH) zoning district would increase the maximum permitted residential FAR from 7.52 to 8.0 and would require the provision of affordable housing (see discussion of MIH below under "Reasonable Worst Case Development Scenario (RWCDs)"). As the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program. For CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the units would be affordable to households earning at or below 80 percent of area median income (AMI), by requiring that at least 50 percent of the residential units introduced on the site be designated affordable for households earning at or below 80 percent AMI. In the future with the Proposed Project, a minimum of 365 affordable DUs aimed at households earning at or below 80 percent AMI would be introduced on the project site (refer to "Reasonable Worst-Case Development Scenario (RWCDs)" section, below), advancing the goals of Housing New York, the City's ten-year strategy to build or preserve 200,000 units of high quality affordable housing to meet the needs of more than 500,000 people. The affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low- and very low-income levels.

The Proposed Project would also advance economic development goals of the City of New York. The proposed C6-3 district would align with the adjacent existing C6-3 districts mapped to the west of the project site, thereby permitting a mix of uses similar to those anticipated as part of the E125 project (formerly known as the MEC project) and providing greater continuity between the well-developed portions of East Harlem to the west and the East Harlem Triangle blocks near the waterfront. The C6-3 district would permit the development of a wide range of commercial uses up to a maximum commercial

expansion is not expected to be completed by the Proposed Project's analysis year.

FAR of 6.0 (compared to 2.0 under the existing M1-2 zoning), facilitating a financially feasible program to support future project site uses and maximizing job creation opportunities.

The recently issued East Harlem Neighborhood Plan identified that the project site as a “Pipeline Site⁴”, a site located outside of the ~~prospective-proposed~~ area-wide East Harlem Rezoning Proposal that the City is working toward developing, but with potential for the creation of new dwelling units, housing and other development. Although further discussion of the project site was not provided, its redevelopment is consistent with a recommendation to “allow for increased density in select places to create more affordable housing and spaces for jobs.” The Plan also distinguished the Harlem African Burial Ground site as among one of the places with significant local and cultural heritage.

As noted above, local residents, elected officials, and other interested stakeholders formed the Harlem African Burial Ground Task Force to ensure that the project site would be formally recognized as the site of the Harlem African Burial Ground. The Harlem African Burial Ground Task Force’s full vision and mission statements can be found in Appendix 31 of this document.

The future RFP to be issued by NYCEDC would require the future site developer to include a memorial area comprised of an outdoor space within the likely footprint of the historic cemetery (minimum of approximately 18,000 sf), in addition to ~~up to an~~ approximately 15,000 gsf of interior ~~community facility space~~ historical and cultural facility, to honor and commemorate the history of the Harlem African Burial Ground and its descendent community.

Description of the Proposed Project

The Proposed Project could result in ~~up to~~ approximately 655,215 gross square feet (gsf) of residential development (comprising approximately 730 DU, of which 50 percent would be affordable to households earning at or below 80 percent Area Median Income (AMI)⁵); approximately 315,000 gsf of commercial uses (including retail and office uses)⁶; approximately 30,000 gsf of community facility uses (including an approximately 15,000 sf historical and cultural ~~center~~ facility as part of the memorial); 300 accessory parking spaces (to be provided in an above-grade enclosed garage); and approximately 18,000 sf of outdoor, unbuilt memorial space) (see Table 1). In addition, the future site developer would be required to complete the project related changes to Second Avenue between E. 126th and E. 127th streets (including project-related changes to the intersections of Second Avenue and E. 126th Street and Second Avenue and E. 127th Street) in accordance with New York City Department of Transportation (DOT) standards and requirements; details regarding the mechanism for completing this work will be discussed in the DGEIS.

The Proposed Project could include a total of ~~up to~~ approximately 952,585 zsf, representing a Built FAR of 8.25. Overall, including ~~required~~ accessory parking areas that would not be higher than 23 feet above the ~~base plane elevation~~ BFE, the project site would have a total of approximately 1,090,215 gsf of building

⁴ The East Harlem Neighborhood Plan defined “Pipeline Sites” as areas that the City is working toward developing, with agreed plans for the sites.

⁵ For CEQR analysis purposes, it has been assumed that 50 percent of the units would be affordable to households earning at or below 80 percent of AMI. The affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low- and very low-income levels.

⁶ While the applicant has indicated that the site could be developed in the future with hotel uses (in place of the RWCDs commercial office uses), for conservative analysis purposes, commercial office uses will be analyzed in the DGEIS, as they represent the worst-case scenario.

area. Note that the site-specific program shown in Table 1 is based on a RWCDs and is illustrative only and for analysis purposes and does not indicate a development program.

Table 1: RWCDs Land Use Breakdown

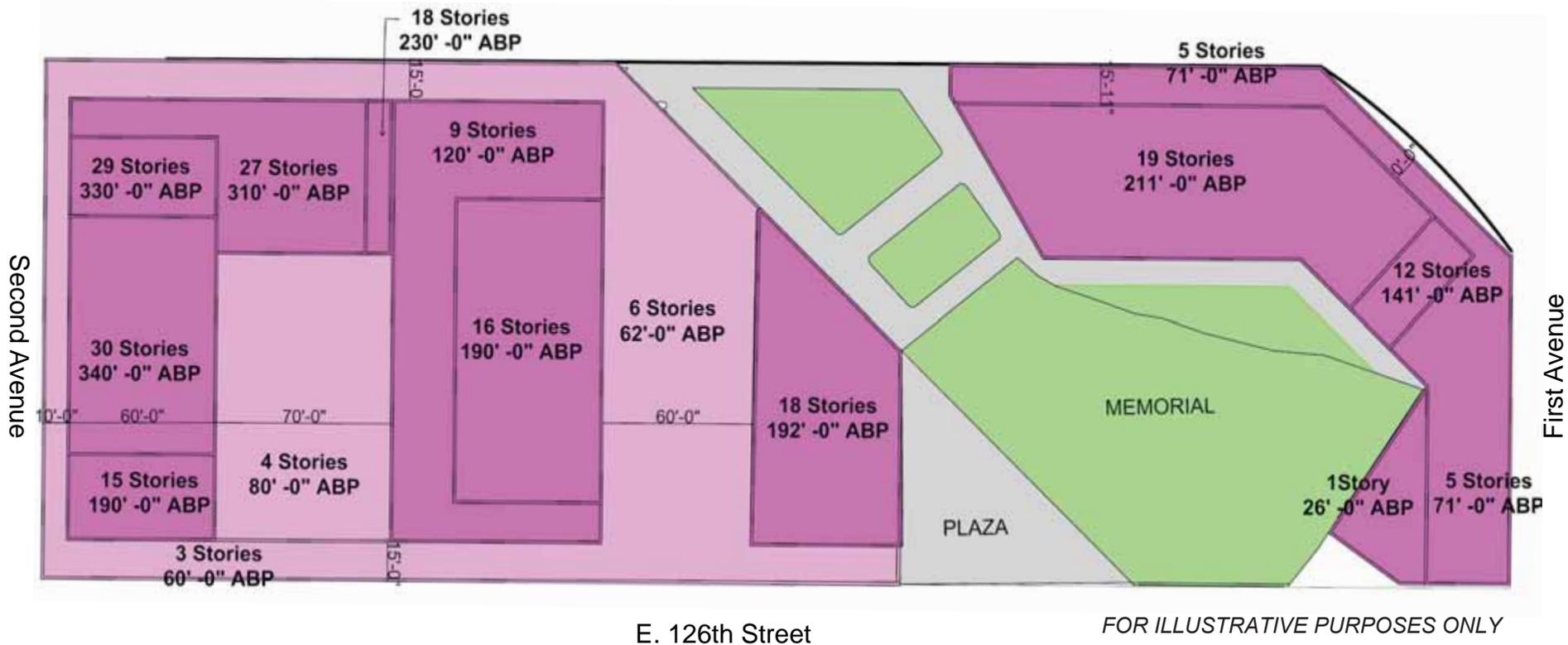
Land Use	Gross Floor Area (gsf)	Zoning Floor Area (zsf)
Local Retail	35,000	33,333
Destination Retail	80,000	76,190
Office	200,000	190,476
<i>Total Commercial</i>	<i>315,000</i>	<i>300,00</i> <i>(2.60 FAR)</i>
Middle-income Affordable Residential (>80% AMI or below)	349,507.4 (365 DUs)	312,007
Affordable-Other Residential (≥80% AMI or below)	349,507.4 (365 DUs)	312,007
<i>Total Residential</i> <i>(exc. Accessory Parking)</i>	<i>655,215</i> <i>(730 DUs)</i>	<i>624,014</i> <i>(5.40 FAR)</i>
Memorial/Museum Historical and Cultural Facility	15,000	14,286
Other Community Facility	15,000	14,286
<i>Total Community Facility</i>	<i>30,000</i>	<i>28,571</i> <i>(0.25 FAR)</i>
Total, exc. Accessory Parking	1,000,215	952,585
Accessory Parking	90,000 (300 spaces)	0
Total Floor Area (including enclosed parking)	1,090,215	952,585 (8.25 FAR)
Open Space (sf)	18,000	

In order to capture the upper range of development possible on the project site, a preliminary massing scenario for the RWCDs has been developed for environmental review purposes and reflects a scenario that maximizes the permitted FAR, is consistent with the land use breakdown presented in Table 1, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. For analysis purposes, the RWCDs massing assumes two separate buildings. As shown in Figures 4 and 5, the larger of the two buildings would occupy the western portion of the project site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, E. 126th Street, and E. 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDs buildings would occupy the eastern portion of the project site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, E. 126th Street, and E. 127th Street, and would have a maximum building height of 211 feet (19 stories).

E. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW

The Proposed Project would change the regulatory controls governing land use and development on the project site. The 2014 *CEQR Technical Manual* will serve as the general guide on the methodologies and impact criteria for evaluating the Proposed Project's potential effects on various environmental areas of analysis. The DGEIS defines a reasonable worst case for analysis using site-specific assumptions that can

E. 127th Street



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be reasonably anticipated base on zoning and surrounding land use trends. Based on this, the DGEIS considers the Proposed Project's potential to result in significant adverse impacts on the environmental setting.

Reasonable Worst-Case Development Scenario (RWCDs)

In order to assess the possible effects of the Proposed Project, a RWCDs was developed for both Future No-Action and Future With-Action conditions. The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis for the impact analyses of the DGEIS.

Analysis Year

The Proposed Project (discussed above) will be analyzed in the DGEIS as the RWCDs for 2022, the year the Proposed Project is expected to be completed and occupied. Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022. Accordingly, the DGEIS will use a 2022 analysis year for analysis purposes. As development facilitated by the Proposed Project is expected to be operational in 2022, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to the analysis year of 2022 for the purposes of determining potential impacts.

Analysis Approach

The DGEIS will be prepared in accordance with the *CEQR Technical Manual*. The DGEIS will provide a description of "Existing Conditions" and assessments of future conditions without the Proposed Project ("Future No-Action") and future conditions with the Proposed Project ("Future With-Action"). The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis for the impact analyses of the DGEIS.

Existing Conditions

For each technical analysis in the DGEIS, existing conditions will be described for the project site and the study area appropriate for each technical area. The analysis framework begins with an assessment of existing conditions because these can be most directly measured and observed. The assessment of existing conditions serves as a starting point for the projection of future conditions with and without the Proposed Project and the analysis of project impacts.

The Future without the Proposed Project (No-Action Condition)

The future without the Proposed Project condition—also known as the "No-Action condition"—assumes the future without the Proposed Project. Absent the Proposed Project, it is anticipated that the bus depot building now located on the project site would be unoccupied and would not support any active uses. For each technical analysis in the DGEIS, the No-Action condition will also incorporate approved or planned development projects within the appropriate study area that are likely to be completed by the 2022 analysis year.

The Future with the Proposed Project (With-Action Condition)

The future with the Proposed Project condition—also known as the “With-Action condition”—assumes the project site would be redeveloped with approximately 655,215 ~~gross square feet (gsf)~~ of residential development (comprising approximately 730 DUs, of which 50 percent would be affordable to households earning at or below 80 percent ~~Area Median Income (AMI)~~⁷); approximately 315,000 gsf of commercial uses (including retail and office uses); approximately 30,000 gsf of community facility uses (including an approximately 15,000 sf historical and cultural center facility as part of the memorial); ~~approximately 300~~ accessory parking spaces (to be located in an above-grade garage); and approximately 18,000 sf of outdoor, unbuilt memorial space) (see Table 1). The RWCDs would include a total of approximately 952,585 zsf, representing a Built FAR of 8.25. Overall, including accessory parking areas that would not be higher than 23 feet above the ~~base plane elevation~~BFE, the project site would have a total of approximately 1,090,215 gsf of building area.

Possible Effects of the Proposed Project

The Proposed Project would change the development potential of the project site, which would allow for residential, commercial, and community facility uses. Under the proposed C6-3 (MIH) zoning, which is equivalent to R9, residential uses would be permitted up to a maximum ~~floor area ratio (FAR)~~ of 8.0, commercial uses would be permitted up to a maximum FAR of 6.0, and community facility uses would be permitted up to a maximum FAR of 10.0. Manufacturing uses would not be allowed. -With C6-3 (MIH) zoning, the maximum permitted floor area on the project site would be 924,015 zoning sf (zsf) of residential space, 693,011 zsf of commercial space, and 1,155,018 zsf of community facility space. -This information is summarized in Table 2.

Table 2: Comparison of the No-Action and With-Action Conditions

Condition	Lot Area	Zoning	Use	FAR	Floor Area (zsf)
No-Action	(105,710 sf)	M1-2	Residential (not permitted)	-	0
			Commercial (Use Groups 5-14, 16)	2.0	211,420
			Community Facility (Use Group 4)	4.8	507,408
			Manufacturing (Use Group 17)	2.0	211,420
With-Action	(115,502) ¹	C6-3 (MIH)	Residential (Use Groups 1-2)	8.0	924,015
			Commercial (Use Groups 5-12)	6.0	693,011
			Community Facility (Use Groups 3-4)	10.0	1,155,018
			Manufacturing (not permitted)	-	0

Notes:

¹ The project site would incorporate the ~~approximately 9,792-sf~~ demapping area under With-Action conditions.

Under MIH, a share of new housing is required to be permanently affordable when land use actions create significant new housing potential, either as part of a City neighborhood plan or private land use application. -MIH consists of two main alternatives: (1) 25 percent of residential floor area be must be affordable housing units affordable to households with income at a weighted average of 60 percent of ~~average median income (AMI)~~; or (2) 30 percent of residential floor area must be affordable housing units

⁷ For CEQR analysis purposes, the current affordable housing program of the Proposed Project assumes that 50 percent of the units reserved for households earning at or below 80 percent of AMI. The current affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low and very low income levels (i.e., deeper affordability).

affordable to households with income at a weighted average of 80 percent of AMI. -In combination with these two alternatives, two other options may be utilized. A “Deep Affordability Option” may be utilized under which 20 percent of residential floor area contains housing units affordable to households with income at a weighted average of 40 percent of AMI. A “Workforce Option” also may be utilized provided that 30 percent of residential floor area contains housing units affordable to households with income at a weighted average of 115 percent of AMI, with five percent of residential floor area kept affordable to households with income at an income band of 70 percent of AMI and another five percent of residential floor area affordable to households with an income band of 90 percent of AMI.⁸ Other restrictions apply to the Deep Affordability and Workforce Options. The CPC and ultimately the City Council determine requirements applicable to each MIH designated area during ULURP. As the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program, ~~by requiring that at least 50 percent of the residential units introduced on the site be designated affordable for households earning at or below 80 percent AMI.~~ For CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the units would be affordable to households earning at or below 80 percent of area median income (AMI). The affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low- and very low-income levels.

In terms of bulk, the proposed C6-3 (MIH) would permit buildings regulated by sky exposure plane height and setback regulations. The regulations applicable to the project site would include a maximum streetwall height of 85 feet or six stories, whichever is less; an initial setback distance of 20 feet on narrow streets and 15 feet on wide streets; and building volumes within the sky exposure plane rising above the site beginning at a height of 85 feet at ratios of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. This information is summarized in Table 3.

Table 3: Bulk Regulations under With-Action Conditions

Zoning	Streetwall Base Height	Setback Distance ¹	Sky Exposure Plane Ratio Above Base
C6-3 (MIH)	85’ or six stories, whichever is less	20’ (narrow street) 15’ (wide street)	2.7 to 1 (narrow street) 5.6 to 1 (wide street)

Notes:

¹ Per ZR 12-10, narrow streets are those with a mapped width of less than 75 feet. For zoning purposes, E. 126th and E. 127th Streets are narrow streets; First and Second Avenues are wide streets.

The site’s actual program would be determined pursuant to a RFP process. For the purposes of the DGEIS, a maximum development envelope/RWCDS has been developed, consistent with the uses and densities permitted under the proposed C6-3 (MIH) zoning. To the extent that actual development proposals exceed the RWCDS analysis development envelope, it would be subject to additional environmental review, as appropriate. For RWCDS purposes, based on similar projects in this area of Manhattan, an average dwelling unit (DU) size of 900 gsf will be analyzed.

F. PROPOSED SCOPE OF WORK FOR THE DGEIS

Because the Proposed Project would affect various areas of environmental concern and ~~were~~ was found to have the potential for significant adverse impacts in a number of impact categories, pursuant to the

⁸ The Workforce Option is only allowed outside of the Manhattan Core.

EAS and Positive Declaration, a DGEIS will be prepared for the Proposed Project that will analyze all technical areas of concern.

The DGEIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules and Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

The DGEIS, following the guidance of the 2014 *CEQR Technical Manual*, will include:

- A description of the Proposed Project and its environmental setting;
- A statement of the environmental impacts of the Proposed Project, including short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Project is implemented;
- A discussion of reasonable alternatives to the Proposed Project;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Project, should it be implemented; and
- A description of mitigation proposed to eliminate or minimize any significant adverse environmental impacts.

~~The analyses in the DGEIS will examine the RWCDs with the greater potential environmental impact for each impact area.~~ Based on the preliminary screening assessments as outlined in the *CEQR Technical Manual* and detailed in the EAS for the Proposed Project, with the exception of solid waste and sanitation services, all of the CEQR technical areas warrant assessment and ~~would~~ will therefore be included in the DGEIS. The specific technical areas to be included in the DGEIS, as well as their respective tasks and methodologies, are described below.

TASK 1. PROJECT DESCRIPTION

The first chapter of the DGEIS introduces the reader to the Proposed Project and sets the context in which to assess impacts. This chapter contains a description of the Proposed Project: site location; the background and/or history of the project; a statement of the purpose and need; key planning considerations that have shaped the current proposal; a detailed description of the Proposed Project; and discussion of the approvals required, procedures to be followed, and the environmental review process.

In addition, the Project Description chapter will present the planning background and rationale for the actions being proposed and summarize the RWCDs for analysis in the DGEIS.

TASK 2. LAND USE, ZONING, AND PUBLIC POLICY

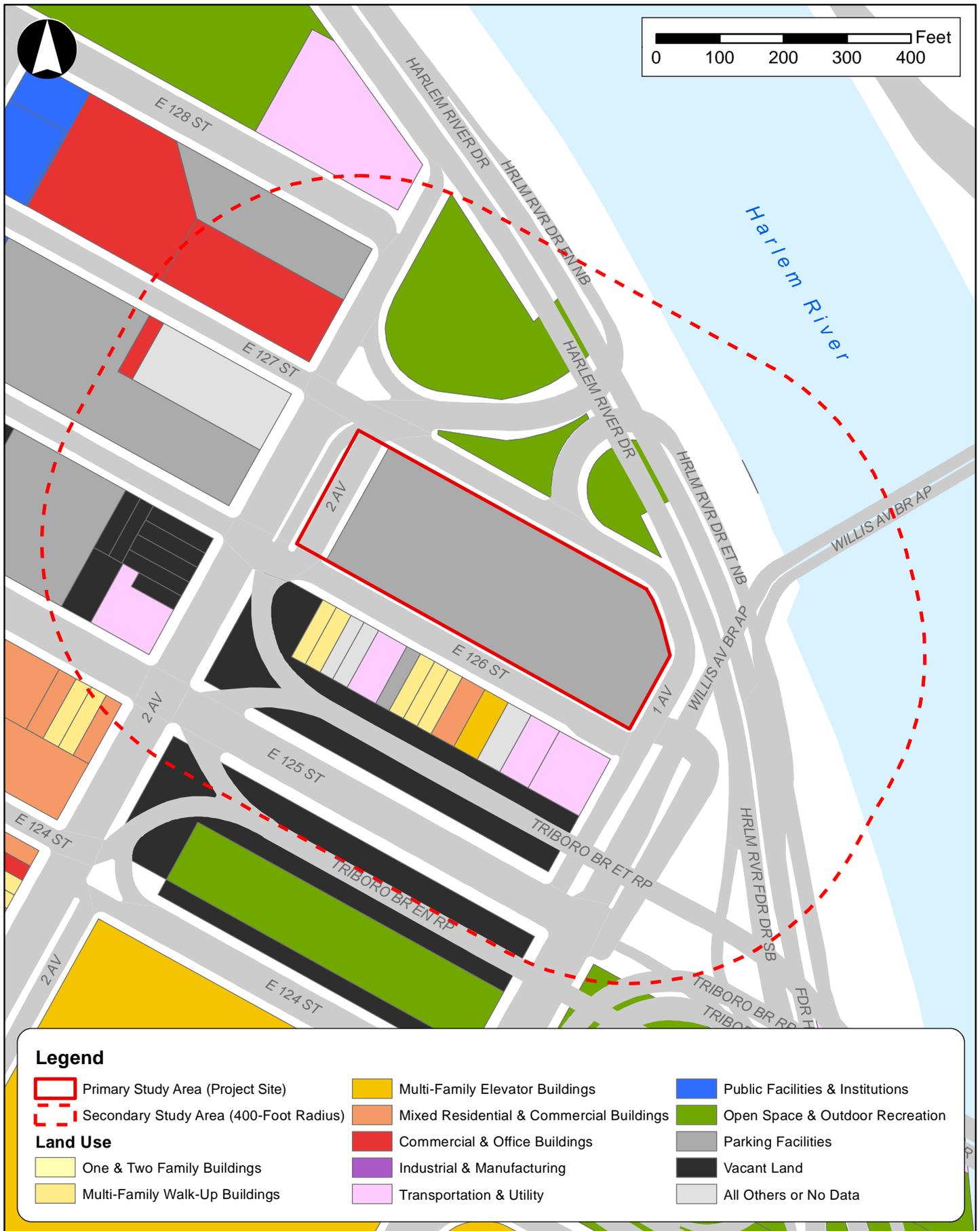
A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed ~~action~~ project, and determines whether a proposed ~~action~~ project is either compatible with those conditions or whether it may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies. This chapter will analyze the potential impacts of the Proposed Project on land use, zoning, and public policy, pursuant to the

methodologies presented in the *CEQR Technical Manual*. The primary land use study area will consist of the project site, where the potential effects of the Proposed Project would be directly experienced (reflecting the proposed rezoning and resultant RWCDs). The secondary land use study area ~~would~~will include the neighboring areas within a 400-foot radius from the project site, as shown in Figure 63, which could experience indirect impacts. The analysis will include the following subtasks:

- Provide a brief development history of the primary (i.e., project site) and secondary study areas.
- Provide a description and map of land use patterns and trends in the study areas, including recent development activity.
- Describe and map existing zoning and recent zoning actions in the study areas.
- Describe public policies that apply the study areas, including specific development projects and plans for public improvement, including: the Statement of District Needs and Community Board Budget Requests for Manhattan Community Board (CB) 11, East Harlem Neighborhood Plan, CB 11's 197-a Plan, the FRESH program, the Harlem-East Harlem Urban Renewal Plan (HEHURP), the East Harlem Empire Zone, the Upper Manhattan Empowerment Zone (UMEZ), Waterfront Plans, and the City's sustainability/PlaNYC and OneNYC policies. In addition, as the project site is within the boundaries of the City's Coastal Zone, an assessment of the Proposed Project's consistency with the City's ~~Waterfront Revitalization Program (WRP)~~ will be prepared, including completion of the updated 2016 WRP Consistency Assessment Form (CAF).
- Based on field surveys and prior studies, identify, describe, and graphically portray predominant land use patterns for the balance of the study areas. Describe recent land use trends in the study areas and identify major factors influencing land use trends.
- Prepare a list of future development projects in the study areas that are expected to be constructed by the 2022 analysis year and may influence future land use trends. Also, identify pending zoning actions or other public policy actions that could affect land use patterns and trends in the study areas. Based on these planned projects and initiatives, assess future land use and zoning conditions without the Proposed Project (No-Action condition).
- Describe proposed zoning changes and the potential land use changes resulting from the Proposed Project.
- Assess the potential impacts of the Proposed Project on land use, land use trends, zoning, and public policy.
- Discuss the Proposed Project's potential effects related to issues of compatibility with surrounding land use, the consistency with zoning and other public policies, and the effect of the Proposed Project on ongoing development trends and conditions in the study areas.
- If necessary, mitigation measures to avoid or reduce potential significant adverse land use, zoning, and/or public policy impacts will be identified.

TASK 3. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. This chapter will assess the Proposed Project's potential effects on the socioeconomic character of the study area.



The socioeconomic study area boundaries are dependent on the size and characteristics of the Proposed Project, pursuant to Section 310 of Chapter 5 of the *CEQR Technical Manual*. A socioeconomic assessment seeks to assess the potential to change socioeconomic character relative to the study area population. The Proposed Project is expected to generate a net increase of 730 residential units. For projects or actions that result in an increase in population, the scale of the relative change is typically represented as a percent increase in population (i.e., a project that would result in a relatively large increase in population may be expected to affect a larger study area). Therefore, the socioeconomic study area would be expanded to a 0.5-mile radius, if the Proposed Project would increase the population by five percent, compared to the expected No-Action population in a quarter-mile (0.25-mile) study area, consistent with the *CEQR Technical Manual*.

The five principal issues of concern with respect to socioeconomic conditions are whether a proposed ~~action-project~~ would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries. As detailed below, the Proposed Project warrants an assessment of socioeconomic conditions with respect to indirect residential displacement and indirect business and institutional displacement, only. Direct displacement of fewer than 500 residents or of fewer than 100 employees would not typically be expected to alter the socioeconomic characteristics of a neighborhood, according to the *CEQR Technical Manual*. The Proposed Project would not exceed the *CEQR Technical Manual* analysis thresholds of 500 displaced residents or 100 displaced employees, and, therefore, are not expected to result in significant adverse impacts due to direct residential or business/institutional displacement. In addition, as the Proposed Project would not affect conditions within a specific industry, an analysis of adverse effects on specific industries is not warranted, and no significant adverse impacts would result.

The assessment of indirect residential and business/institution displacements will begin with a preliminary assessment to determine whether a detailed analysis is necessary. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the Future No-Action and With-Action conditions in 2022, including any population and employment changes anticipated to take place by the analysis year of the Proposed Project.

Indirect Residential Displacement

Indirect residential displacement is the involuntary displacement of residents that results from a change in socioeconomic conditions created by a ~~p~~Proposed ~~P~~project. Indirect residential displacement could occur if a proposed project either introduces a trend or accelerates a trend of changing socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. To assess this potential impact, the *CEQR Technical Manual* seeks to answer a series of threshold questions in terms of whether the project substantially alters the demographic character of an area through population change or the introduction of more costly housing.

The indirect residential displacement analysis will use the most recent available U.S. Census data, the New York City Department of Finance's (DOF's) Real Property Assessment Data (RPAD) database, as well as current real estate market data, to present demographic and residential market trends and conditions for the study area. The presentation of study area characteristics will include population estimates, housing tenure and vacancy status, median value and rent, estimates of the number of housing units not subject to rent protection, and median household income. The preliminary assessment will carry out the following step-by-step evaluation:

- Step 1: Determine if the Proposed Project would add a substantial new population with different income as compared with the income of the study area population. If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is necessary. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis will be conducted.
- Step 2: Determine if the Proposed Project's population is large enough to affect real estate market conditions in the study area. The CEQR Technical Manual defines "large enough" as a population increase of greater than five percent in the study area as a whole, or within any identified subareas. If the population increase may potentially affect real estate market conditions, then Step 3 will be conducted.
- Step 3: Determine whether the study area has already experienced a readily observable trend toward increasing rents, and the likely effect of the ~~action-project~~ on such trends, and whether the study area potentially contains a population at risk of indirect displacement resulting from rent increases due to changes in the real estate market caused by the new population.

A detailed analysis, if warranted, would utilize more in-depth demographic analysis and field surveys to characterize existing conditions of residents and housing, identify populations at risk of displacement, assess current and future socioeconomic trends that may affect these populations, and examine the effects of the Proposed Project on prevailing socioeconomic trends and, thus, impacts on the identified populations at risk.

Indirect Business Displacement

The indirect business displacement analysis determines whether the Proposed Project may introduce trends that would make it difficult for those businesses that provide products or services essential to the local economy, or those subject to regulations or publicly adopted plans to preserve, enhance, or otherwise protect them, to remain in the area. The purpose of the preliminary assessment is to determine whether a proposed ~~action-project~~ has the potential to introduce such a trend. The Proposed Project would introduce more than 200,000 sf of new commercial uses to the area, which is the analysis threshold for "substantial" new development warranting a preliminary assessment. The preliminary assessment will entail the following subtasks:

- Identify and characterize conditions and trends in employment and businesses within the study area. This analysis will be based on field surveys, employment data from the New York State Department of Labor (NYS DOL) and/or the U.S. Census, and discussions with real estate brokers.
- Determine whether the Proposed Project would introduce enough of a new economic activity to alter existing economic patterns.
- Determine whether the Proposed Project would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend, thereby ~~to altering~~ existing economic patterns.
- Determine whether the Proposed Project would directly displace uses of any type that directly support businesses in the area or bring people to the area that form a customer base for local businesses.
- Determine whether the Proposed Project would directly or indirectly displace residents, workers, or visitors who form the customer base of existing businesses in the area.

If the preliminary assessment determines that the Proposed Project could introduce trends that make it difficult for businesses that are essential to the local economy to remain in the area, a detailed analysis will be conducted. The detailed analysis would determine whether the Proposed Project would increase property values, and thus increase rents for a potentially vulnerable category of business, and whether relocation opportunities exist for those businesses.

An assessment of the indirect business displacement due to market saturation is not warranted. The Proposed Project is not expected to add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. The Proposed Project is expected to introduce up to approximately 115,000 gsf of retail uses as compared to the No-Action condition. Projects resulting in less than 200,000 sf of regional-serving retail in the study area, or less than 200,000 sf of locally-serving or regional-serving retail on a single project site would not typically result in socioeconomic impacts, according to the guidelines established in the *CEQR Technical Manual*. As the Proposed Project would not exceed the CEQR threshold, no further analysis is warranted.

TASK 4. COMMUNITY FACILITIES AND SERVICES

The demand for community facilities and services is directly related to the type and size of the new population generated by the development resulting from a proposed project.

The Proposed Project would add 730 new residential units to the area, including 365 affordable units. According to Table 6-1 of the *CEQR Technical Manual*, this level of development in Manhattan would trigger a detailed analysis of elementary and intermediate schools and child care centers.

Public Schools

- The primary study area for the analysis of elementary and intermediate schools should be the ~~school districts~~ “sub-district” of the school district in which the project is located, pursuant to CEQR guidelines. As the project site is located wholly within Community School District (CSD) 5, Sub-district 1, the elementary and intermediate school analyses will be conducted for schools in that sub-district.
- Public elementary and intermediate schools serving CSD 5, Sub-district 1 will be identified and located. Existing capacity, enrollment, and utilization data for all public elementary and intermediate schools within the affected sub-district will be provided for the current (or most recent) school year, noting any specific shortages of school capacity.
- Conditions that would exist in the No-Action condition for the sub-district will be identified, taking into consideration projected changes in future enrollments, including those associated with other developments in the affected sub-district, using the *SCA’s Projected New Housing Starts*. Plans to alter school capacity, either through administrative actions on the part of the New York City Department of Education (DOE), or as a result of the construction of new school space prior to the 2022 analysis year, will also be identified or incorporated into the analyses. DOE will be consulted on their *2015-2019 Five Year Capital Plan* to determine which projects have commenced site preparation and/or construction and should be included in the quantitative analysis or qualitative discussion.

- Future conditions with the Proposed Project will be analyzed, adding students likely to be generated to the projections for the future No-Action condition. Impacts will be assessed based on the difference between the future With-Action projections and the future No-Action projections for enrollment, capacity, and utilization in 2022.
- A determination of whether the Proposed Project would result in significant adverse impacts to elementary and/or intermediate schools will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Project would result in: (1) a collective utilization rate of the elementary and/or intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the With-Action condition; and (2) an increase of five percent or more in the collective utilization rate between the No-Action and With-Action conditions, pursuant to CEQR.

Child Care Centers

- Existing publicly funded child care centers in Manhattan that are within approximately 1.5 miles of the project site will be identified. Each facility will be described in terms of its location, number of slots (capacity), enrollment, and utilization in consultation with the Administration for Children's Services (ACS).
- For No-Action conditions, information will be obtained for any changes planned for child care programs or facilities in the area, including the closing or expansion of existing facilities and the establishment of new facilities. Any expected increase in the population of children under age six within the eligibility income limitations will be discussed as potential additional demand, and the potential effect of any population increases on demand for child care services in the study area will be assessed. The available capacity or resulting deficiency in slots and the utilization rate for the study area will be calculated for the No-Action condition.
- The potential effects of the additional eligible children resulting from the Proposed Project will be assessed by comparing the estimated net demand over capacity in the With-Action condition to a net demand over capacity in the No-Action analysis.
- A determination of whether the Proposed Project would result in significant adverse impacts to child care centers will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Project would result in both of the following: (1) a collective utilization rate of the group child care centers in the study area that is greater than 100 percent in the With-Action condition; and (2) an increase of five percent or more in the collective utilization rate of child care centers in the study area between the No-Action and With-Action conditions, in accordance with the *CEQR Technical Manual*.

TASK 5. OPEN SPACE

If a project may add population to an area, demand for existing open space facilities would typically increase. Indirect effects may occur when the population generated by the proposed project would be sufficiently large to noticeably diminish the ability of an area's open space to serve the future population. For the majority of projects, an assessment is conducted if the proposed project would generate more than 200 residents or 500 employees, or a similar number of other uses. However, the need for an open space assessment may vary in certain areas of the City that are considered either underserved or well-served by open space; if a project is located in an underserved area, an open space assessment should be conducted if that project would generate more than 50 residents or 125 workers. The project site is

neither underserved nor well-served and exceeds the associated residential and worker analysis thresholds of 200 and 500, respectively. Therefore, an assessment of both residential and nonresidential open space is warranted and will be provided in the DGEIS.

The open space analysis will consider both passive and active open space resources. Passive open space ratios will be assessed within a nonresidential (¼-mile radius) study area and a residential (½-mile radius) study area. Active open space ratios will be assessed for the ½-mile residential study area. Both study areas ~~would~~ will generally comprise those census tracts that have 50 percent or more of their area located within the ¼-mile radius and ½-mile radius of the project site, respectively, and in the same borough as recommended in the CEQR Technical Manual.⁹ The resultant open space study areas are shown in Figure 74.

The DGEIS detailed open space analysis ~~in the DGEIS~~ will include the following subtasks:

- Characteristics of the two open space user groups (residents and workers/daytime users) will be determined. To determine the number of residents in the study areas, 2010 U.S. Census data will be compiled for census tracts comprising the nonresidential and residential open space study areas. As the study areas may include a workforce and daytime population that may also use open spaces, the number of employees and daytime workers in the study areas will also be calculated, based on reverse journey-to-work census data.
- Existing passive and active open spaces within the ¼-mile and ½-mile open space study areas will be inventoried and mapped. The condition and usage of existing facilities will be described based on the inventory and field visits. Acreages of these facilities will be determined and the total study area acreages will be calculated. The percentage of passive and active open space will also be calculated.
- Based on the inventory of facilities and study area populations, total, passive, and active open space ratios will be calculated for the residential and worker populations and compared to City guidelines to assess adequacy. Open space ratios are expressed as the amount of open space acreage (total, passive, and active) per 1,000 user population.
- Expected changes in future levels of open space supply and demand in the 2022 analysis year will be assessed, based on other planned development projects within the open space study areas. Any new open space or recreational facilities that are anticipated to be operational by the analysis year will also be accounted for. Open space ratios will be calculated for future No-Action conditions and compared with exiting ratios to determine changes in future levels of adequacy.
- Effects on open space supply and demand resulting from increased residential and worker populations associated with the Proposed Project will be assessed. ~~Any new accessory open space facilities included in the Proposed Project would also be taken into account. While the Proposed Project would include 18,000 sf of outdoor, unbuilt memorial open space, as the specific hours of operation of the memorial are not known at this time, for conservative analysis purposes, the project-generated open space will not be included in the quantitative open space assessment.~~ The assessment of the Proposed Project's impacts will be based on a comparison of open space ratios for the future No-Action versus future With-Action conditions. In addition to the quantitative analysis, a qualitative analysis will be performed to determine if the changes resulting

⁹ ¼-mile and ½-mile radii adjusted to be coterminous with the boundaries of census tracts with existing populations that have 50 percent of their area within the radii; the ¼-mile and ½-mile radii were not adjusted to be coterminous with census tracts without existing populations (e.g., census tracts entirely comprised of open space).

from the Proposed Project constitute a substantial change (positive or negative) or an adverse effect to open space conditions. The qualitative analysis will assess whether or not the study areas are sufficiently served by open space, given the type (active vs. passive), capacity, condition, and distribution of open space, and the profile of the study area populations.

TASK 6. SHADOWS

A shadows analysis assesses whether new structures resulting from a proposed ~~action-project~~ would cast shadows on sunlight-sensitive publicly accessible resources or other resources of concern, such as sunlight-sensitive historic resources and natural resources, and to assess the significance of their impact. This chapter will examine the Proposed Project's potential for significant ~~and~~ adverse shadow impacts pursuant to *CEQR Technical Manual* criteria. Generally, the potential for shadow impacts exists if an ~~action-project~~ would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight. New construction or building additions resulting in incremental height changes of less than 50 feet can also potentially result in shadow impacts if they are located adjacent to, or across the street from, a sunlight-sensitive resource.

Based on the anticipated height and bulk of the RWCDS development envelope, the Proposed Project could result in the construction of a new building that would be greater than 50 feet in height. The DGEIS will assess the Proposed Project on a site-specific basis for potential shadowing effects on sunlight-sensitive uses and disclose the range of shadow impacts, if any, which are likely to result from the Proposed Project. The shadows analysis in the DGEIS will include the following subtasks:

- A preliminary shadows screening assessment will be prepared to ascertain whether shadows from the Proposed Project may potentially reach any sunlight-sensitive resources at any time of year.
 - A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the ~~projected and potential developments~~ Proposed Project, which is defined as 4.3 times the height of a structure (the longest shadow that would occur on December 21, the winter solstice), pursuant to the *CEQR Technical Manual*. A base map that illustrates the locations of the ~~projected and potential developments~~ Proposed Project in relation to the sunlight-sensitive resources will be developed.
 - A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the triangular area that cannot be shaded by the ~~projected and potential developments~~ Proposed Project due to the path of the sun across the sky, which, in New York City, is the area that lies between -108 and +108 degrees from true north.
 - If any portion of a sunlight-sensitive resource is within the area that could be potentially shaded by the ~~projected or potential developments~~ Proposed Project, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment will determine if shadows resulting from the ~~projected and potential developments~~ Proposed Project can reach a sunlight-sensitive resource through the use of three-dimensional computer modeling software with the capacity to accurately calculate shadow patterns. The model will include a three-dimensional representation of the sunlight-sensitive resource(s), a three-dimensional representation of the Proposed Project, and a three-dimensional representation of the topographical information within the area to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the Proposed Project.

- If the screening analysis does not rule out the possibility that ~~action~~project-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly-accessible ~~open spaces or sunlight sensitive historic resources~~ resulting from ~~development~~the Proposed Project will be provided in the DGEIS. The detailed shadow analysis will establish a baseline ~~condition~~(No-Action) condition, which will be compared to the future condition resulting from the Proposed Project (the With-Action condition) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the ~~projected and potential developments~~Proposed Project. The detailed analysis will include the following tasks:
 - The analysis will be documented with graphics comparing shadows resulting from the No-Action condition with shadows resulting from the Proposed Project, with incremental shadow highlighted in a contrasting color.
 - A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource will be provided.
 - The significance of any shadow impacts on sunlight-sensitive resources will be assessed.
 - If potential significant adverse impacts are identified, the amount of remaining sunlight on those sensitive resources, as well as the types of vegetation and or recreational activities involved, will be considered.

TASK 7. HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources include both architectural and archaeological resources. Such resources are identified as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. As the Proposed Project would induce development that could result in new in-ground disturbance and construction, it has the potential to result in impacts to archaeological and architectural resources. Because the project site is known to contain significant historic and cultural resources, measures to avoid, minimize, or mitigate any adverse impacts on historic and cultural resources will be developed in consultation ~~with New York City Landmarks Preservation Commission (LPC)~~ and others ~~as appropriate, such as~~ including the OPRHP and the Harlem African Burial Ground Task Force.¹⁰

Impacts on historic resources are considered on the affected site and in the surrounding area. The historic resources study area is therefore defined as the directly affected area (i.e., the project site), plus a 400-foot radius, as per the guidance provided in the *CEQR Technical Manual*. Archaeological resources are considered only for the project site, where new in-ground disturbance would occur compared to No-Action conditions. This is discussed in more detail below.

Archaeological Resources

Since development facilitated by the Proposed Project would involve in-ground disturbance, the potential for the Proposed Project to result in impacts to archaeological resources will be analyzed.¹¹ In 2011, the

¹⁰ The memorial component of the Proposed Project, as well as any new development built on portions of the site that remain City-owned would require approval from the New York City Public Design Commission.

¹¹ ~~All in-ground disturbance~~Any future demolition, removal of subsurface infrastructure, or construction on the project site would require preparation of an appropriate ~~be conducted in accordance with pre-approved archaeological protocol, to be completed~~ developed in consultation with the LPC, OPRHP, and the Harlem African Burial Ground Task Force. The applicant would, if required, execute a legal binding agreement with OPRHP.

MTA commissioned a Phase 1A archaeological assessment of the project site. The Phase 1A documentary study identified the project site as having potential for historic period resources, including human burials or remains associated with the Harlem African Burial Ground. The study also documented a range of later 19th century and early 20th century development activities that could have disturbed the site before the 1947 construction of the bus depot.

Based on the conclusions of the Phase 1A study, a Phase 1B archaeological investigation was conducted in 2015 in coordination with LPC and the OPRHP to confirm the presence or absence of human remains and archaeological resources associated with the burial ground. The Phase 1B investigation identified the presence of disarticulated human remains on the project site.¹² ~~The full extent of the distribution of human remains has not yet been established. Additional archaeological field investigations (Phase II 2) Archaeological Evaluation and monitoring on the project site will be required to confirm determine the full nature and/or extent of archeological features and/or deposits human remains present.~~

The DGEIS will include a summary of the findings of the Phase 1A study and Phase 1B ~~Archaeological i~~ Investigation. Based on the findings of these studies, the DGEIS will discuss additional field archaeological investigation and assessment of potential impacts and options for avoidance and/or complete data recovery, also known as a Phase 3, and/or archaeological monitoring during ground-surface-disturbing activities that will be required ~~and evaluate the potential for the Proposed Project to result in significant adverse impacts on archaeological resources present at the project site through subsurface disturbance.~~ The DGEIS will also discuss that any future demolition, removal of subsurface infrastructure, or construction would require preparation of an appropriate archaeological testing protocol completed in coordination with LPC, OPRHP, and the Harlem African Burial Ground Task Force, which would consist of ~~Lastly, mitigation~~ measures to avoid, minimize, or reduce mitigate potential significant adverse archaeological impacts to the maximum extent practicable will be developed in consultation with LPC and others as appropriate, such as the OPRHP and the Harlem African Burial Ground Task Force.

Architectural Resources

Impacts to historic resources may result from both temporary (e.g., related to construction process) and permanent (e.g., related to long-term or permanent results of the proposed project or construction project) activities. As part of the architectural resources assessment, known and eligible architectural resources within 400 feet of the project site will be identified in consultation with ~~the~~ LPC. Identified resources will be, mapped, and described. If known and/or eligible architectural resources are identified in the study area, probable impacts of the Proposed Project on architectural resources will be assessed. The assessment would address the following: (a) would there be a physical change to the property; or (b) would there be a physical change to its setting, such as context or visual prominence (“indirect impacts”), and, if so, is the change likely to alter or eliminate the significant characteristics of the resource that make it important. If significant adverse impacts are identified, mitigation measures would be developed in consultation with LPC.

¹² The Phase 1B testing demonstrated that the project site contains disarticulated human remains. Phase 2 Archaeological Evaluation and monitoring on the project site is necessary in order to determine; the full nature and extent of the sensitive area has yet to be confirmed through in-ground testing human remains present.

TASK 8. URBAN DESIGN AND VISUAL RESOURCES

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. When an ~~action-project~~ would potentially obstruct view corridors, compete with icons in the skyline, or ~~would~~ result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

As the Proposed Project would rezone the project site to allow higher density development, a preliminary assessment of urban design and visual resources will be provided in the DGEIS.

The *CEQR Technical Manual* indicates that construction of large buildings at locations that experience high wind conditions may result in an exacerbation of wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. The need for a wind analysis is based on a number of factors, including whether the location is exposed to high wind conditions, such as along west- and northwest-facing waterfronts, as well as the size and orientation of the buildings that are proposed to be constructed. As the project site is not located along a west- or northwest-facing waterfront, a pedestrian wind condition analysis is not warranted for the Proposed Project pursuant to *CEQR Technical Manual* methodology, and will not be included in the DGEIS.

The urban design study area will be the same as that used for the land use analysis (delineated by a 400-foot radius from the project site boundary). For visual resources, the view corridors within the study area from which such resources are publicly viewable will be identified. The preliminary assessment will consist of the following:

- Based on field visits, the urban design and visual resources of the directly affected area and adjacent study area will be described using text, photographs, and other graphic material, as necessary, to identify critical features, use, bulk, form, and scale.
- In coordination with Task 2, Land Use, the changes expected in the urban design and visual character of the study area due to known development projects in the future No-Action condition will be described.
- Potential changes that could occur in the urban design character of the study area as a result of the Proposed Project will be described. For the project site, the analysis will focus on the general massing assumed for the Proposed Project, as well as elements such as streetwall height, setback, and building envelope. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources, including view of/to resources of visual or historic significance and a three-dimensional representation of the future With-Action condition streetscape.

A detailed analysis will be prepared if warranted based on the preliminary assessment. Examples of projects that may require a detailed analysis are those that would make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings, would potentially obstruct view corridors, or would compete with icons in the skyline, as described in the *CEQR Technical Manual*. The detailed analysis would describe the project site and the urban design and visual resources of the surrounding area. The analysis would describe the potential changes that could occur to urban design and visual resources in the future with the Proposed Project ~~condition~~, in comparison to the future conditions without the Proposed Project ~~condition~~, focusing on the changes that could negatively affect a

pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

TASK 9. NATURAL RESOURCES

Under CEQR, a natural resource is defined as the City's biodiversity (plants, wildlife and other organisms); any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Such resources include ground water, soils and geologic features; numerous types of natural and human-created aquatic and terrestrial habitats (including wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks, and built structures); as well as any areas used by wildlife.

Although the project site itself is fully developed and substantially devoid of natural resources, it is located within approximately 200-300 feet of the Harlem River, a natural resources as defined by the CEQR Technical Manual. Given the height of the Proposed Project, and its potential to waterfront and would result in new shadows being cast on the river at certain times. Therefore, a preliminary analysis of natural resources will be included, consistent with the assessment prepared for in order to inform the shadows analysis (Task 6, Shadows). The preliminary analysis will provide a general description of aquatic resources of associated with the Harlem River in the vicinity of the project site, including water quality and aquatic organisms (plankton, macroinvertebrates, fish, and threatened or endangers species) and considers the effects of project-generated shadows on these conditions.

TASK 10. HAZARDOUS MATERIALS

The objective of the hazardous materials assessment is to determine whether the project site may have been adversely affected by current or historical uses at or adjacent to the site. As development facilitated by the Proposed Project would require excavation and in-ground disturbance on the project site¹³, the assessment in the DGEIS will include a detailed description of the protocol that would be necessary due to site archaeological resources. The measures would also be subject to review and approval by the New York City Department of Environmental Protection (DEP). This chapter of the DGEIS will primarily examine the potential for impacts related to subsurface contamination, including an evaluation of the existing soil and groundwater conditions in areas that would be affected by the Proposed Project.

As part of the hazardous materials task, a Phase I Environmental Site Assessment (ESA) will be prepared for the project site. The Phase I ESA will consist of a thorough review of any previous reports, historical maps, City directories, and environmental database materials to identify any potential environmental impacts that would lead to a concern for hazardous materials impacts. A visual inspection of the project site will also be conducted to assess any potential for hazardous materials impacts. The Hazardous Materials chapter of the DGEIS will summarize the findings of the completed Phase I ESA conducted for the project site and will include any necessary recommendations for additional testing or other activities that would be required either prior to or during construction and/or operation of the Proposed pProject. The appropriate remediation measures specific to the future uses of the site, including any DEP recommendations, will be provided in the DGEIS. If necessary, mitigation measures to avoid or reduce

¹³ All in-ground disturbance Any future demolition, removal of subsurface infrastructure, or construction on the project site would require preparation of an appropriate be conducted in accordance with pre approved archaeological protocol; to be developed completed in consultation with the LPC-, OPRHP, and the Harlem African Burial Ground Task Force. The applicant would, if required, execute a legal binding agreement with OPRHP.

potential significant adverse impacts will be identified and discussed in the DGEIS. Any mitigation requirements will be memorialized by a hazardous materials (E) designation placed on the block and lot pursuant to Section 11-15 of the New York City Zoning Resolution and the (E) Rules. -The DGEIS would include (E) designation language describing the requirements that would apply.

TASK 11. WATER AND SEWER INFRASTRUCTURE

The water and sewer infrastructure assessment determines whether a proposed ~~action-project~~ may adversely affect the City's water distribution or sewer system and, if so, assesses the effects of ~~such actions-the project~~ to determine whether ~~their-its~~ impact is significant. The *CEQR Technical Manual* outlines thresholds for analysis of an ~~action's-project's~~ water demand and its generation of wastewater and stormwater. The threshold of preliminary infrastructure analysis for projects in Manhattan with combined sewers is 1,000 ~~dwelling units-DUs~~ or 250,000 sf of commercial development. As the Proposed Project would include more than 250,000 sf of commercial development, an assessment of wastewater and stormwater conveyance systems is required. The water and sewer infrastructure analysis will consider the potential for significant adverse impacts resulting from the Proposed Project. DEP will be consulted in preparation of this assessment.

Water Supply

- The existing water distribution system serving the project site will be described based on information obtained from DEP's Bureau of Water Supply and Wastewater Collection.
- Water demand generated by the project site under existing conditions and No-Action and With-Action conditions will be projected.
- The effects of the incremental demand on the City's water supply system will be assessed to determine if there would be impacts to water supply or pressure. The incremental water demand will be the difference between the water demand on the project sites in the With-Action condition and the demand in the No-Action condition.

Wastewater and Stormwater Infrastructure

- The appropriate study area for the assessment will be established in accordance with the guidelines of the *CEQR Technical Manual* and in consultation with DEP. The ~~Proposed Project's directly affected area~~ project site is primarily located within the service area of the Ward's Island Wastewater Treatment Plant (WWTP).
- The existing stormwater drainage system and surfaces (pervious or impervious) on the project site will be described, and the amount of stormwater generated on the site will be estimated using DEP's volume calculation worksheet.
- The existing sewer system serving the project site will be described based on records obtained from DEP. The existing flows to the Ward's Island WWTP, which serves the ~~directly affected area~~ project site, will be obtained for the latest twelve-month period, and the average dry weather monthly flow will be presented.
- Any changes to the stormwater drainage plan, sewer system, and surface area expected in the future without the Proposed Project will be described, as warranted.
- Future stormwater generation from the Proposed Project will be assessed to determine the Proposed Project's potential to result in impacts. Changes to the project site's surface area will be

described, runoff coefficients and runoff for each surface type/area will be presented, and volume and peak discharge rates from the site will be determined based on the DEP volume calculation worksheet.

- Sanitary sewage generation for the project site will also be estimated. The effects of the incremental demand on the system will be assessed to determine if there will be any impact on operations of the Ward's Island WWTP.

A more detailed assessment may be required if increased sanitary or stormwater discharges from the Proposed Project are predicted to affect the capacity of portions of the existing sewer system, exacerbate combined sewer overflow (CSO) volumes/frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving water bodies. The scope of a more detailed analysis, if necessary, will be developed based on conclusions from the preliminary infrastructure assessment and ~~coordinated-in~~ coordination with DEP.

TASK 12. ENERGY

An EIS must include a discussion of the effects of a proposed ~~action-project~~ on the use and conservation of energy, if applicable and significant, in accordance with CEQR. In most cases, an ~~action-project~~ does not need a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to ~~actions-projects~~ that may significantly affect the transmission or generation of energy. For other ~~actions-projects~~, in lieu of a detailed assessment, the estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from an ~~action-proposed project~~ is disclosed, as recommended in the *CEQR Technical Manual*.

An analysis of the anticipated additional demand from the Proposed Project will be provided in the DGEIS. The DGEIS will disclose the projected amount of energy consumption during long-term operation resulting from the Proposed Project. The projected amount of energy consumption during long-term operation (for the project site) will be estimated based on the average and annual whole-building energy use rates for New York City (per Table 15-1 of the *CEQR Technical Manual*). If warranted, the Mayor's Office of Sustainability Environmental Coordination (MOSOEC) and/or the power utility serving the area (Con Edison of New York) will be consulted.

TASK 13. TRANSPORTATION

The objective of a transportation analysis is to determine whether a proposed ~~action-project~~ may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, the safety of all roadway users (pedestrians, bicyclists, and motorists), on- and off-street parking, or goods movement. The Proposed Project is expected to induce new residential, commercial, and community facility development, which would generate additional vehicular travel and demand for parking, as well as additional subway and bus riders and pedestrian traffic. These new trips have the potential to affect the area's transportation systems.

Travel Demand and Screening Assessment

Detailed travel demand forecasts were prepared for the Proposed Project using standard sources, including the *CEQR Technical Manual*, U.S. census data, previously-approved studies, and other references to determine the worst-case scenario to be analyzed in the DGEIS transportation analysis. The travel

demand forecast (a Level 1 screening assessment) is summarized by peak hour and, mode of travel, as well as person and vehicle trips. The travel demand forecasts also identify the number of peak hour person trips made by transit and the numbers of pedestrian trips traversing the area's sidewalks, corner areas, and crosswalks. The results of these forecasts have been summarized in a Transportation Planning Factors (TPF) ~~and Travel Demand Forecast~~ technical memorandum (refer to Appendix ~~24~~). Detailed vehicle, pedestrian, and transit trip assignments (a Level 2 screening assessment) were prepared based on the results of the Proposed Project's travel demand forecast to identify the intersections and pedestrian/transit elements selected for quantified analysis.

Traffic

The DGEIS will provide a detailed traffic analysis focusing on those peak hours and street network intersections where the highest concentrations of ~~action project~~-generated demand would occur. The peak hours for analysis will be selected, and the specific intersections to be included in the traffic study area will be determined based upon the assignment of project-generated traffic and the *CEQR Technical Manual* analysis threshold of 50 additional vehicle trips per hour, or at known congested locations. A discussion on the existing bicycle network in the study area will be included in the DGEIS.

The Proposed Project would exceed the minimum development density screening thresholds for a transportation analysis specified in Table 16-1 of the *CEQR Technical Manual*. Therefore, a travel demand forecast is required to determine if the Proposed Project would generate 50 or more vehicle trips in any peak hour. Based on a preliminary forecast, the Proposed Project is expected to generate more than 50 additional vehicular trips in the weekday AM, midday, and PM peak hours, as well as the Saturday midday peak hour. Based on ~~the a preliminary~~ vehicle trip assignment and in consideration of the existing congested locations identified by DOT, ~~it is anticipated that~~ a detailed traffic analysis will be warranted in all four peak hours at the following intersections:

- E. 125th Street and First Avenue/Willis Avenue Bridge (signalized)
- E. 126th Street and First Avenue/Willis Avenue Bridge Service Road (unsignalized)
- E. 125th Street and Second Avenue/RFK Bridge Entrance/Exit (signalized)
- E. 126th Street and Second Avenue/RFK Bridge Exit (signalized)
- E. 127th Street and Second Avenue/Harlem River Drive On-Ramp (signalized)
- E. 125th Street and Third Avenue (signalized)
- E. 126th Street and Third Avenue (signalized)
- E. 126th Street and Lexington Avenue (signalized)

The following outlines the ~~anticipated~~ scope of work for conducting a traffic impact analysis for the Proposed Project:

- Conduct a count program for traffic analysis locations that includes a mix of automatic traffic recorder (ATR) machine counts and intersection turning movement counts. If a detailed mobile source air quality analysis required, along with vehicle classification counts and travel time studies (speed runs) will also be collected as support data for ~~air quality and noise~~ analyses. Turning movement count data will be collected at each analyzed intersection during the weekday and Saturday peak hours, and will be supplemented by nine days of continuous ATR counts. If warranted, vehicle classification count data will would be collected during each peak hour at several representative intersections along each of the principal corridors in the study area. The

turning movement counts (as well as the vehicle classification counts and travel time studies, if warranted) will be conducted concurrently with the ATR counts. Where applicable, available information from recent studies in the vicinity of the study area will be compiled, including data from such agencies as the DOT and the New York City Department of City Planning (DCP).

- Inventory physical data at each of the analysis intersections, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, bicycle routes, curbside parking regulations, and vehicle queue lengths. Signal phasing and timing data for each signalized intersection included in the analysis will be obtained from DOT.
- Determine existing traffic operating characteristics at each analysis intersection including capacities, volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service (LOS) per lane group, per intersection approach, and per overall intersection. This analysis will be conducted using the 2000 Highway Capacity Manual (HCM) methodology with the latest approved Highway Capacity Software (HCS).
- Based on available sources, U.S. Census data, and standard references (including the *CEQR Technical Manual*), estimate the demand from other major developments planned in the vicinity of the project site by the 2022 analysis year. This will include total daily and peak hour person and vehicular trips, and the distribution of trips by auto, taxi, and other modes. A truck trip generation forecast will also be prepared based on data from the *CEQR Technical Manual* and previous relevant studies. Mitigation measures accepted for all No-Action projects, as well as other DOT initiatives, will be included in the future No-Action network, as applicable.
- Compute the future 2022 No-Action traffic volumes based on approved background traffic growth rates for the study area (0.25 percent per year for years one through five, 0.125 percent from years ~~six through fifteen~~) and demand from major development projects expected to be completed in the future without the Proposed Project. Incorporate any planned changes to the roadway system anticipated by 2022 (including completion of the connector ramp from the RFK Bridge to the northbound Harlem River Drive), and determine the No-Action v/c ratios, delays, and ~~levels of services~~ LOS at analyzed intersections.
- Based on available sources, U.S. Census data, and standard references (including the *CEQR Technical Manual*), develop a travel demand forecast for the ~~project site~~ Proposed Project based on the net change in uses compared to the No-Action condition. Determine the net change in vehicle trips expected to be generated by the Proposed Project, as described in the TPF technical memorandum. Assign the net project-generated trips in each analysis period to likely approach and departure routes, and prepare traffic volume networks for the 2022 future ~~with the Proposed Project~~ With-Action condition for each analyzed peak hour.
- Determine the v/c ratios, delays, and LOS at analyzed intersections for the With-Action condition, which includes the proposed street geometry improvements to Second Avenue between E. 126th ~~Street~~ and E. 127th ~~Streets~~¹⁴, and identify significant adverse traffic impacts in accordance with *CEQR Technical Manual* criteria.
- Conduct a supplementary No-Action and With-Action traffic impact analysis (“Alternate No-Action condition” and “Alternate With-Action condition”) that assumes the connector ramp from the RFK Bridge to the northbound Harlem River Drive is not completed by the Proposed Project’s 2022 analysis year and, as a result, an alternative street design of Second Avenue would be constructed adjacent to the project site. The supplemental analysis will focus on the traffic study area

¹⁴ The future site developer would be required to complete the project related changes to Second Avenue between E. 126th and E. 127th streets; details regarding the mechanism for completing this work will be discussed in the DGEIS.

intersections that would be affected by the alternative street design and/or experience reduced traffic with completion of the connector ramp, and identify the Proposed Project's potential to have significant adverse traffic impacts, should construction of the connector ramp proceed on a time frame differing from that currently anticipated.

- Identify and evaluate potential traffic mitigation measures, as appropriate, for all significantly impacted locations in the study area in consultation with the lead agency and DOT for both the RWCDs With-Action condition and the Alternate With-Action condition (assuming the connector ramp is not completed by the 2022 analysis year). Potential traffic mitigation could include both operational and physical measures such as changes to lane striping, curbside parking regulations, and traffic signal timing and phasing, roadway widening, and the installation of new traffic signals. Where impacts cannot be fully or partially mitigated, they will be described as unavoidable adverse impacts.

Transit

Detailed transit analyses are generally not required if a proposed ~~action project~~ is projected to result in fewer than 200 peak hour rail or bus transit trips according to the general thresholds used by the Metropolitan Transportation Authority (MTA) and specified in the *CEQR Technical Manual*. If a proposed ~~action project~~ would result in 50 or more bus trips being assigned to a single bus line (in one direction), or if it would result in an increase of 200 or more trips at a single subway station or on a single subway line, a detailed bus or subway analysis would be warranted.

Subway

The Proposed Project is expected to generate a net increase of more than 200 additional subway trips in one or more peak hours, and would therefore require detailed subway analysis. Transit analyses typically focus on the weekday AM and PM commuter peak hours when overall demand on the subway and bus systems is usually highest. The detailed subway analysis will include the following subtasks:

- Identify for analysis those subway stations expected to be utilized by 200 or more ~~action project~~-generated trips in one or more peak hours. At each of these stations, analyze those stairways and fare entrance control elements expected to be used by significant concentrations of ~~action project~~-generated demand in the weekday AM and PM peak hours.
- Conduct counts of existing weekday AM and PM peak hour demand at analyzed subway station elements and determine existing v/c ratios and ~~levels of service~~ LOS based on *CEQR Technical Manual* criteria.
- Determine volumes and conditions at analyzed subway station elements in the future without the Proposed Project using approved background growth rates and accounting for any trips expected to be generated by ~~No-Action~~ major No-Action projects in the vicinity of the project site.
- Add ~~action project~~-generated demand to the No-Action volumes at analyzed subway station elements and determine AM and PM peak hour volumes and conditions in the future with the Proposed Project.
- Identify potential significant adverse impacts at subway station stairways and fare control elements based on *CEQR Technical Manual* impact criteria.
- If development facilitated by the Proposed Project generates 200 or more new subway trips in one direction on one of the subway routes serving the project site, subway line haul conditions will also be assessed in the DGEIS.

- Mitigation needs and potential subway station improvements will be identified, as appropriate, in conjunction with the lead agency and New York City Transit (NYCT). Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Bus

As part of the DGEIS, a Level 1 (trip generation) and Level 2 bus trip assignment will be prepared for the Proposed Project. A detailed analysis of bus conditions is generally not required if a proposed ~~action project~~ project is projected to result in fewer than 50 peak hour trips being assigned to a single bus route (in one direction) based on the general thresholds used by the MTA and specified in the *CEQR Technical Manual*. As the incremental person-trips by bus generated by the Proposed Project would not exceed 50 peak hour trips in one direction on any of the routes serving the project site, a detailed bus analysis is not expected to be warranted and no significant adverse impacts are anticipated (refer to Appendix 2).

Pedestrians

Projected pedestrian volumes of less than 200 persons per hour at any pedestrian element (sidewalks, corner areas, and crosswalks) would not typically be considered a significant impact, since the level of increase would not generally be noticeable and, therefore, would not require further analysis under *CEQR Technical Manual* criteria. Based on the level of new pedestrian demand generated by the Proposed Project, it is anticipated that ~~action project~~ project-generated pedestrian trips would exceed the 200-trip analysis threshold at one or more locations in one or more peak hours. A detailed pedestrian analysis will therefore be prepared for the DGEIS focusing on selected sidewalks, corner areas, and crosswalks along corridors that would experience more than 200 additional peak hour pedestrian trips. Pedestrian counts will be conducted at each analysis location and used to determine existing ~~levels of service~~ LOS. No-Action and With-Action pedestrian volumes and ~~levels of service~~ LOS will be determined based on approved background growth rates, trips expected to be generated by ~~No-Action development on projected development sites and other major~~ No-Action development projects in the vicinity of the study area, and ~~action project~~ project-generated demand. The specific pedestrian facilities to be analyzed will be determined in consultation with the lead agency and DOT once the assignment of ~~action project~~ project-generated pedestrian trips has been finalized. The analysis will evaluate the potential for incremental demand from the Proposed Project to result in significant adverse impacts based on current *CEQR Technical Manual* criteria. Potential measures to mitigate any significant adverse pedestrian impacts will be identified and evaluated, as warranted, in consultation with the lead agency and DOT.

In addition, as construction of the connector ramp, and its resultant effect on traffic volumes along Second Avenue between E. 126th and E. 127th ~~Streets~~ streets, would affect the street design of this roadway segment, a supplementary No-Action and With-Action pedestrian impact analysis (“Alternate No-Action condition” and “Alternate With-Action condition”) will be prepared. The Alternate No-Action and With-Action analyses will assume the connector ramp from the RFK Bridge to the northbound Harlem River Drive is not completed by the Proposed Project’s 2022 analysis year, and, as a result, an alternative street design of Second Avenue would be provided adjacent to the project site. The supplemental analysis will focus on those pedestrian analysis locations that would be affected by the alternative street design and identify the Proposed Project’s potential to have significant adverse pedestrian impacts, should construction of the connector ramp proceed on a time frame differing from that currently anticipated.

Vehicular and Pedestrian Safety

The City's Vision Zero initiative seeks to eliminate all deaths from traffic crashes regardless of whether on foot, bicycle, or inside a motor vehicle. In an effort to drive these fatalities down, DOT and the New York City Police Department (NYPD) developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough's specific challenges to pedestrian safety. As discussed in the *Vision Zero Manhattan Pedestrian Safety Action Plan*, First, Second, and Third Avenues, as well as E. 125th Street, were identified as Priority Corridors along their entire length within the study area; these corridors, which are prioritized for safety interventions. The plans outline a series of recommended actions comprised of engineering, enforcement, and education measures that intend to alter the physical and behavioral conditions on City streets that lead to pedestrian fatality and injury.

Data on traffic crashes involving pedestrians and/or cyclists at study area intersections will be obtained from DOT for the most recent three-year period available. These data will be analyzed to determine if any of the studied locations may be classified as high crash locations and whether vehicle and/or pedestrian trips and any street network changes at these high crash locations resulting from the Proposed Project would adversely affect vehicular and pedestrian safety ~~in the area~~. If any high crash locations are identified, feasible improvement measures will be explored to alleviate potential safety issues.

Parking

Although the Proposed Project would provide 300 accessory parking spaces in the RWCDs to accommodate the majority of projected peak demand (as outlined above), the parking analysis will conservatively assume that only the required minimum of 146 parking spaces are provided on-site, as this worst-case scenario would have the potential to result in the greatest amount of overflow demand for on- and off-street parking spaces in the surrounding area. It is anticipated that the required on-site accessory parking may not be sufficient to accommodate overall incremental demand generated by the Proposed Project. Parking demand from commercial uses typically peaks in the weekday midday period, ~~whereas and~~ demand from retail uses typically peaks in the weekday midday and Saturday midday periods. Parking demand from both of these uses tends to decline during the afternoon and evening. By contrast, residential demand typically peaks during the overnight period and is lower during the weekday midday and Saturday midday periods. As the bulk of the Proposed Project would consist of residential and commercial uses, its peak parking demand is expected to occur during the weekday midday and overnight periods, and there would be lower levels of project-generated parking demand during the Saturday midday. The analyses of on-street and off-street parking conditions will focus on the weekday midday and overnight periods, ~~and will also include~~ as well as an analysis during of the Saturday peak hour. ~~As such, d~~ Detailed existing on-street parking and off-street parking inventories will be conducted for the weekday overnight period (when residential parking demand typically peaks), the weekday midday period (when parking in a business area is frequently at peak occupancy), and the Saturday peak period (when retail parking demand typically peaks) to document existing supply and demand for each period. Parking utilization within ¼-mile of the project site will be analyzed. If the initial on- and off-street parking assessment shows conditions at or near capacity, then a parking assessment will be conducted up to a ½-mile radius to determine if capacity is available to accommodate the projected demand. The parking analyses will document changes in the parking utilization in proximity to the project site under the No-Action and With-Action conditions based on accepted background growth rates and projected demand from No-Action and With-Action development on the project site and other major projects in the vicinity of the ~~study area~~ project site.

Parking demand generated by the projected residential component of the Proposed Project will be forecasted based on auto ownership data for the project site and the surrounding area. Parking demand from all other uses will be derived from the forecasts of daily auto trips generated by these uses.

TASK 14. AIR QUALITY

CEQR Technical Manual criteria require an air quality assessment for ~~actions-projects~~ that can result in significant air quality impacts. There are mobile source impacts that could arise when an ~~action-project~~ increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing mobile sources. There are mobile source impacts that could be produced by parking facilities, parking lots, or garages. Stationary source impacts could occur with (1) ~~actions-projects~~ that create new stationary sources or pollutants, such as emission stacks from industrial plants, hospitals, or other large institutional uses, or a building's boilers, that can affect surrounding uses; ~~or (2) when they-a project add new sensitive uses near existing or planned future-emission stacks, and the new uses might be affected by the emissions from the stacks;~~ or (3) ~~when they-projects~~ add structures near such stacks and those structures can change the dispersion of emissions from stacks so that they begin to affect surrounding uses.

Existing Conditions

A ~~r~~Representative air quality monitor(s) will be identified and existing air quality conditions will be characterized by obtaining the latest three years of available U.S. Environmental Protection Agency (EPA)/New York State Department of Environmental Conservation (NYSDEC) monitoring data for the six criteria pollutants. Data will be obtained from EPA's AirData website and design values comparable to each of the National Ambient Air Quality Standards (NAAQS) reported. The attainment status of New York County for each criteria pollutant will be discussed.

Mobile Source Analysis

The mobile source analysis will evaluate the Proposed Project for potential impacts from carbon monoxide (CO) and fine particulate matter less than 2.5 microns in diameter (PM_{2.5}) due to vehicular traffic anticipated to be generated under the Proposed Project. If the level of incremental traffic generated by the Proposed Project exceeds the applicable detailed mobile source analysis thresholds outlined in the *CEQR Technical Manual*, a detailed analysis ~~will-would~~ be performed using the latest EPA-approved mobile source emissions model (currently MOVES2014a) and CAL3QHC (Version 2.0) and CAL3QHCR. Mitigation measures ~~will-would~~ be identified and evaluated, as appropriate.

Parking Garage Analysis

It is assumed that development facilitated by the Proposed Project would include a parking garage, in accordance with applicable zoning requirements. Based on parking garage location and size, an analysis of CO and PM emissions will be performed. The analysis will use the procedures outlined in the *CEQR Technical Manual* for assessing potential impacts from proposed parking facility. Cumulative impacts from on-street sources and emissions from parking garages will be calculated, where appropriate.

Stationary Source Analysis

HVAC Analysis

The analysis of the heating, ventilation, and air conditioning (HVAC) system(s) of the Proposed Project will consider impacts following the screening procedures outlined in the 2014 *CEQR Technical Manual* to determine the potential for impacts on existing developments, as well as the potential for “project-on-project impacts.” The nearest existing or planned building of a similar or greater height will be analyzed as the potential receptor. If the results fail the initial screening, a refined modeling analysis ~~will~~would be performed using the latest EPA-approved version of the AERMOD model and five years of representative meteorological data. Emission rates ~~will~~would be developed based on the size of the Proposed Project and assumptions developed to represent boiler stack location(s). Concentrations of nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and particulate matter (PM₁₀ and PM_{2.5}) ~~will~~would be determined at surrounding publicly-accessible locations. Receptors ~~will~~would be placed at elevated locations on all facades and at multiple elevations on adjacent buildings to identify maximum pollutant concentrations. Receptors ~~will~~would also be placed on the proposed buildings and in proposed open space/memorial areas to address project-on-project impacts, if warranted. Predicted values ~~will~~would be compared to ~~National Ambient Air Quality Standards (NAAQS)~~ for NO₂, SO₂, and PM₁₀, and the CEQR *de minimis* criteria for PM_{2.5}. If required, an air quality (E) designation will be proposed to memorialize fuel and/or HVAC exhaust stack restrictions that would be required to avoid a significant adverse air quality impact. The DGEIS would include (E) designation language describing the requirements that would apply.

If a detailed HVAC analysis is warranted, ~~One-~~hour NO₂ concentration increments associated with the HVAC system ~~will~~would also be estimated using the AERMOD model’s Plume Volume Molar Ratio Method (PVMRM) module to analyze chemical transformation within the model. The PCMRM module incorporates hourly background ozone concentrations to estimate NO_x transformation within the source plume. The calculation of design values (total concentration comparable to the statistical form of the NAAQS) for the one-hour NO₂ standard ~~will~~would be consistent with EPA guidance.

Industrial Source Analysis

EPA, NYSDEC, and DEP database searches and permit records will be reviewed to identify industrial sources within 400 feet of the project site. A field survey will be performed to confirm the operational status of the sites identified in the permit search, and to identify any additional sites that have sources of emissions that would warrant an analysis. If industrial sources are identified, a detailed industrial source analysis will be performed.

Additional Sources

The *CEQR Technical Manual* requires an analysis of projects that may result in significant adverse impact due to certain types of new uses located near a “large” or “major” stationary emissions source. Major sources are defined as those located at facilities that have a Title V or Prevention of Significant Deterioration air permit, while large sources are defined as those located at facilities that require a State Facility Permit. To assess the potential effects of these existing sources on the project site, a review of existing permitted facilities will be conducted using EPA, NYSDEC, and DEP databases. If any large or major stationary emissions sources are identified, a detailed analysis will be prepared.

TASK 15. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Greenhouse Gas Emissions

Increased greenhouse (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. As the Proposed Project exceeds the 350,000 sf development threshold, GHG emissions generated by the Proposed Project will be quantified and an assessment of the Proposed Project's consistency with the City's established GHG reduction goal will be performed as part of the DGEIS, in accordance with the *CEQR Technical Manual*. The assessment will examine GHG emissions from the Proposed Project's building operations and mobile sources, and construction, as outlined below.

- Sources of GHG from the ~~development projected as part of the~~ Proposed Project will be identified. The pollutants for analysis will be discussed, as well as various City, State, and Federal goals, policies, regulations, standards, and benchmarks for GHG emissions.
- Fuel consumption will be estimated for the Proposed Project based on the calculations of energy use estimated as part of Task 12, Energy.
- GHG emissions associated with the ~~action~~ project-related traffic will be estimated for the Proposed Project using data from Task 13, Transportation. A calculation of vehicle miles traveled (VMT) will be prepared.
- The types of construction materials and equipment proposed will be discussed along with opportunities for alternative approaches that may serve to reduce GHG emissions associated with construction.
- A qualitative discussion of stationary and mobile sources of GHG emissions will be provided in conjunction with a discussion of goals for reducing GHG emissions to determine if the Proposed Project is consistent with GHG reduction goals, including the construction of efficient buildings, using clean power, transit-oriented development and sustainable transportation, reducing construction operations emissions, and using building materials with low carbon intensity.

Climate Change

The project site is located within the federally mapped 100- and 500-year floodplains and the project site is susceptible to storm surge and coastal flooding. This chapter of the DGEIS will include a qualitative discussion of potential effects of climate change and potential design measures that could be incorporated into new development projected to occur on the project site.

TASK 16. NOISE

For the Proposed Project, there are two major areas of concern regarding noise: (1) the effect the Proposed Project would have on noise levels at sensitive existing and future land uses in the surrounding community; and (2) the level of building attenuation necessary to achieve interior noise levels that satisfy CEQR requirements.

The Proposed Project would generate vehicle trips, but, given the background conditions and the anticipated project-generated traffic, it is not expected that project-generated traffic would be likely to result in significant adverse noise impacts. However, a screening assessment will be performed to determine whether there are any locations where there is the potential for the Proposed Project to result in significant noise impacts (i.e., doubling of Noise Passenger Car Equivalents [PCEs]) due to project-generated traffic. A detailed analysis of potential noise impacts due to outdoor mechanical equipment is not required as the outdoor mechanical equipment for ~~any future development facilitated by the~~ Proposed Project would be required to meet applicable regulations. The noise analysis will also examine the level of building attenuation necessary to meet CEQR interior noise level requirements.

The following tasks will be performed in compliance with *CEQR Technical Manual* guidelines:

- Based on the traffic studies conducted for Task 13, Transportation, a screening analysis will be conducted to determine whether there are any locations where there is the potential for the Proposed Project to result in significant noise impacts (i.e., doubling Noise PCEs) due to ~~action~~project-generated traffic. If it is determined that Noise PCEs would double at any sensitive receptor, a detailed analysis would be conducted in accordance with *CEQR Technical Manual* guidelines.
- Appropriate noise descriptors for building attenuation purposes ~~would~~will be selected. Based on CEQR criteria, the noise analysis will examine the L_{10} and the one-hour equivalent ($L_{eq(1)}$) noise levels.
- Existing noise levels will be measured at the project site. Measurements will be made at receptor locations adjacent to the project site. At each receptor site, 20-minute measurements will be performed during typical weekday AM, midday, and PM peak periods (coinciding with the traffic peak periods). Noise measurements will be recorded in conformance with *CEQR Technical Manual* procedures and will be measured in units of “A” weighted decibel scale (dBA) as well as one-third octave bands. The measured noise level descriptors will include equivalent noise level (L_{eq}), maximum level (L_{max}), minimum level (L_{min}), and statistical percentile levels such as L_1 , L_{10} , L_{50} , and L_{90} . A summary table of existing measured noise levels will be provided as part of the DGEIS.
- Following procedures outlined in the *CEQR Technical Manual* for assessing mobile source noise impacts, future No-Action and With-Action noise levels will be estimated at the noise receptor locations based on acoustical using the PCE-based proportionality equation per *CEQR Technical Manual* guidelines, for all locations where local traffic is the dominant noise source. All projections will be made with L_{eq} noise descriptor.
- Future noise levels with the Proposed Project will be predicted using the PCE-based proportionality equation per *CEQR Technical Manual* guidelines based on the Proposed Project’s vehicle trip assignment developed as part of Task 13, Transportation.
- Consistent with Task 13, alternate No-Action and With-Action noise levels along Second Avenue will be predicted for an alternate “pre-connector” scenario to account for the potential for the planned RK-23 connector ramp to proceed on a time frame differing from that currently anticipated (i.e., to not be completed by the Proposed Project’s 2022 analysis year).
- The effect the Proposed Project would have on noise levels at existing and future sensitive land uses (including the proposed memorial) will be identified, in consideration of CEQR noise level guidelines.
- The level of building attenuation necessary to satisfy CEQR requirements (a function of the exterior noise levels) will be determined based on the highest L_{10} noise level estimated at each monitoring site. If warranted, the building attenuation requirements will be memorialized by an

(E) designations placed on the block and lot requiring specific levels of attenuation pursuant to Section 11-15 of the New York City Zoning Resolution and the (E) Rules, as referenced above in the Hazardous Materials and Air Quality sections. The DGEIS ~~would~~ will include (E) designation language describing the requirements that would apply.

TASK 17. PUBLIC HEALTH

~~As defined in the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status, as defined in the *CEQR Technical Manual*.~~ The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a Proposed Project, and, if so, to identify measures to mitigate such effects.

A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise, ~~according to the *CEQR Technical Manual*.~~ If unmitigated significant adverse impacts are identified for the Proposed Project in any of these technical areas and a public health assessment is warranted, an analysis will be provided for the specific technical area ~~or area(s)~~.

TASK 18. NEIGHBORHOOD CHARACTER

Neighborhood character is established by numerous factors, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns, noise, etc. The Proposed Project has the potential to alter certain elements contributing to the affected area's neighborhood character. Therefore, a neighborhood character analysis will be provided in the DGEIS.

A preliminary assessment of neighborhood character will be provided in the DGEIS to determine whether changes expected in other technical analysis areas—land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; transportation; and noise—may affect a defining feature of neighborhood character. The preliminary assessment will:

- Identify the defining features of the existing neighborhood character.
- Summarize changes in the character of the neighborhood that can be expected in the future With-Action condition and compare to the future No-Action condition.
- Evaluate whether the Proposed Project has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas.

If the preliminary assessment determines that the Proposed Project could affect the defining features of neighborhood character, a detailed analysis will be conducted in accordance with the *CEQR Technical Manual* guidelines.

TASK 19. CONSTRUCTION

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction impacts are usually important when construction activity has the potential to affect transportation conditions, archaeological resources and the integrity of historic resources, community noise levels, air quality conditions, and/or mitigation of hazardous materials. Multi-sited projects with overall construction periods lasting longer than two years and that are near to sensitive receptors should undergo a preliminary impact assessment according to the *CEQR Technical Manual*. Construction of the Proposed Project is expected to take place over a period greater than two years, and is therefore considered long-term. In addition, based on the RWCDS building massing and the conceptual construction schedule prepared for the Proposed Project, there is the potential for on-site receptors on buildings to be completed before the final build-out of the Proposed Project. This chapter of the DGEIS will provide a preliminary impact assessment following the guidelines in the *CEQR Technical Manual*. The preliminary assessment will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Given the multiple buildings that are anticipated on the project site, the anticipated construction period, the archaeological sensitivity of the project site and its location in proximity to nearby sensitive receptors, it is anticipated that a detailed construction impact analysis will be prepared for one or more technical areas and reported in the DGEIS, in accordance with guidelines outlined in the *CEQR Technical Manual*. Technical areas to be assessed include the following:

- ~~Transportation Systems~~: The assessment will consider losses in lanes, sidewalks, and other transportation services on the adjacent streets during the various phases of construction and identify the increase in vehicle trips from construction workers and equipment. A travel demand forecast for the worst-case construction period will be prepared if warranted under CEQR guidelines, including the preparation of a trip generation table identifying the number of construction worker vehicles and ~~equipment~~ construction-related trucks for the construction AM and PM peak hours for each ~~construction~~ quarter.
- *Air Quality*: The construction air quality impact section will include a quantitative analysis to assess the impacts of emissions from on-site construction equipment and on-road construction-related vehicles. The pollutants for analysis will be CO, PM_{2.5}, PM₁₀ and NO₂. The conceptual construction schedule developed for the Proposed Project ~~would~~ will be used to estimate the peak period of activity for air quality purposes. ~~If warranted, On-road source emissions would~~ will be estimated with MOVES2014a. The NONROAD option in MOVES ~~would~~ will be used to develop emission rates for off-road heavy equipment. Fugitive dust will be estimated using AP-42 procedures. Worst-case emissions at the closest sensitive receptors would be modeled using AERMOD and five years of meteorological data.
- *Noise*: The construction noise impact section will contain a quantitative construction noise analysis using the software SoundPlan. The construction noise analysis ~~would~~ will rely on the conceptual construction schedule developed for the Proposed Project to identify peak periods of construction activity for detailed analysis. Assumptions ~~would~~ will be developed regarding equipment usage factors and typical equipment noise levels. Buildings and other barriers to noise will be entered into SoundPlan, along with information on the assumed location of the construction sites and sensitive receptors. Predicted noise levels ~~would~~ will be compared to CEQR impact thresholds and mitigation measures discussed, as appropriate.
- *Historic and Cultural Resources*. The construction historic resources section will discuss potential construction protection measures—including Construction Protection Plans and coordination with LPC and DOT—that would be developed and implemented to avoid the potential for the

Proposed Project to result in inadvertent direct impacts on historic resources from adjacent construction.

- Hazardous Materials. The construction hazardous materials impact assessment will discuss—in coordination with DEP—potential investigative and construction health and safety measures that would be developed and implemented to avoid the potential for the Proposed Project to result in hazardous materials impacts, if any, during the construction period.
- *Other Technical Areas*: As appropriate, other areas of environmental assessment—such as open space and neighborhood character—will be analyzed for potential construction-related impacts.

TASK 20. MITIGATION

Where significant adverse impacts have been identified in Tasks 2 through 19, measures to mitigate those impacts will be described. The chapter will also consider when mitigation measures will need to be implemented. These measures will be developed and coordinated with the responsible City/State agencies, as necessary. Where impacts cannot be fully mitigated, they will be disclosed as unavoidable adverse impacts.

TASK 21. ALTERNATIVES

The purpose of an alternative section in an EIS is to examine development options that would tend to reduce action/project-related impacts. ~~The alternatives will be better defined once the full extent of the Proposed Project's impacts have been identified.~~ The DGEIS will include a No-Action Aalternative, a No Impact/No Unmitigated Impact aAlternative, and a Lower Density ~~one additional a~~Alternative, ~~to be determined in consultation with the lead agency (ODMHED), which would reduce the development density permitted on the project site, by rezoning the project site to C4-3 (an R6-equivalent district) and would include the same mix of uses as the RWCDs for the Proposed Project.~~ The alternatives analysis will be qualitative, except in those technical areas where significant adverse impacts for the Proposed Project have been identified. The level of analysis provided will depend on an assessment of project impacts determined by the analyseis connected with the appropriate tasks.

TASK 22. SUMMARY EIS CHAPTERS

The DGEIS will include the following three summary chapters, in accordance with CEQR guidelines:

- *Unavoidable Adverse Impacts*: summarizes any significant adverse impacts that are unavoidable if the Proposed Project is implemented regardless of the mitigation employed (or if mitigation is not feasible).
- *Growth-Inducing Aspects of the Proposed Project*: which generally refer to “secondary” impacts of the Proposed Project that trigger further development.
- *Irreversible and Irretrievable Commitments of Resources*: which summarizes the Proposed Project and its impact in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

TASK 23. EXECUTIVE SUMMARY

The executive summary will utilize relevant material from the body of the DGEIS to describe the Proposed Project, the environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Project. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency.

Appendix 1

**Response to Comments on the Draft Scope of Work for the Draft
Generic Environmental Impact Statement**

Response to Comments on the Draft Scope of Work for the Draft Generic Environmental Impact Statement

EAST 126th STREET BUS DEPOT MEMORIAL & MIXED-USE PROJECT

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Scope of Work (DSOW), issued on August 19, 2016, for the East 126th Street Bus Depot Memorial & Mixed-Use Project (the Proposed Project). Oral and written comments were received during the public meeting held by the Office of the Deputy Mayor for Housing and Economic Development (ODMHED) on September 27, 2016. Written comments were accepted through the close of the public comment period, which ended at 5:00 PM on Friday, October 21, 2016. Appendix B contains the written comments received on the DSOW. A Final Scope of Work (FSOW) was issued on February 16, 2017, incorporating comments received on the DSOW where relevant and appropriate, as well as other background and project updates that were made subsequent to publication of the DSOW.

Section B lists the elected officials, organizations and individuals that provided relevant comments on the DSOW. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW.

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

Elected Officials

1. New York City Council Speaker Melissa Mark-Viverito; written submission and oral statement delivered by George Sarkissian, Deputy Director of Economic & Community Development for the New York City Council, at public scoping meeting.

Organizations and Interested Public

2. Jean Ballard-Tarepka, Harlem African Burial Ground Task Force Executive Committee; oral statement at public scoping meeting.
3. Pearl Barkley; oral statement at public scoping meeting.
4. Gwendolyn Black; oral statement at public scoping meeting.
5. Charles Bridges; oral statement at public scoping meeting.
6. Delia Cardona; oral statement at public scoping meeting.
7. Diane Collier, Community Board 11 (CB 11) Chair; written submission dated October 21, 2016.
8. Community Voices Heard; undated written submission.
9. Pilar DeJesus; oral statement at public scoping meeting.
10. Esther DeVore, Community Voices Heard; oral statement at public scoping meeting.
11. George Grantham, Harlem New Focus; oral statement at public scoping meeting.
12. Harlem African Burial Ground Executive Committee; written submission dated October 21, 2016.
13. Daniel Hoeg, Hoeg Corporation; oral statement at public scoping meeting.
14. George M. Janes; oral statement at public scoping meeting and written submission dated October 21, 2016.

15. Erica Jones, Manhattan CB 11 member; oral statement at public scoping meeting.
16. Philip Malebranche; oral statement at public scoping meeting.
17. Frances Mastrota; oral statement at public scoping meeting.
18. Antigua Middleton, Community Voices Heard; oral statement at public scoping meeting.
19. Kensing Ng, Legal Aid Society; oral statement delivered at public scoping meeting.
20. Dennis Osorio, Community Voices Heard; oral statement at public scoping meeting.
21. Chief Dwaine Perry, Ramapo Lenape Nation¹; written submissions dated September 27, 2016, October 8, 2016, and October 12, 2016 and oral statement delivered by Roger Hernandez at public scoping meeting.
22. Mahfuzur Rahman, Manhattan CB 11 member; oral statement at public scoping meeting.
23. Roxanne Reid, Community Voices Heard; oral statement at public scoping meeting.
24. Christopher Smith; oral statement at public scoping meeting.
25. Ahmed Tigani, Assistant Director of Land Use, Planning and Development – Office of the Manhattan Borough President; written submission dated September 27, 2016, and oral statement delivered by Athena Moore at public scoping meeting.
26. Ray Tirado, Community Voices Heard; oral statement at public scoping meeting.
27. Anita Velasquez, Community Voices Heard; Vice President of the New York City Housing Authority (NYCHA) James Weldon Residents Association; oral statement at public scoping meeting.
28. Sharon Wilkins; oral statement at public scoping meeting.
29. Marie Winfield; written submission dated September 27, 2016.

C. COMMENTS AND RESPONSES ON THE DRAFT SCOPE OF WORK

1. Project Description/Development Scenario Comments

Comment 1.1: Given that the burial ground memorial will be a part of the Proposed Project, creating a memorial site as parkland would provide added protection through the failsafe of requiring alienation of that land through the New York State legislature for alternate usage. (17, 29)

Response 1.1: *The Proposed Project does not preclude the mapping of the proposed outdoor memorial as parkland at a future date.*

Comment 1.2: A proper memorial telling the history of the Harlem African Burial Ground must be the cornerstone of this project. In addition to the dedicated outdoor and indoor memorial, the history of the site must be reflected in the entire development program. The project must also address the varied needs of the community today. (1)

Response 1.2: *Comment noted. A memorial would be central to any future development on the project site. The New York City Economic Development Corporation (NYCEDC) will continue to work with the Harlem African Burial Ground Task Force (HABGTF) and other stakeholders to develop design guidelines for the proposed memorial. The Proposed Project presents a development scenario that was developed in consultation with the HABGTF and the 126th Street Bus Depot Task Force, which includes members of CB 11 and other local stakeholders in order to ensure that in addition to the memorial, the future development contains uses that would enhance and serve the East Harlem neighborhood.*

¹ Also spelled Ramapough Lunaape Nation.

Comment 1.3: To ensure that the new employment opportunities introduced by the Proposed Project's commercial component benefit local residents, it is essential that there is a commitment of resources to local hiring programs that will conduct research, screen, and refer local applicants to new jobs created at the site. We need a State-certified local hiring program to ensure that the jobs are union career jobs that allow for a future. (1, 16, 26)

Response 1.3: *NYCEDC recognizes the importance of creating employment opportunities for low-income persons, enabling them to participate in the City's economic growth. To this end, NYCEDC has developed the HireNYC Program for all land sales and leases expected to produce ten or more permanent jobs over the life of the project. More information on the requirements of the HireNYC Program can be found at nycedc.com/program/hirenyc.*

Comment 1.4: The Proposed Project should include an expanded role as a cultural beacon for East Harlem beyond the memorial and have committed space for performing and visual arts. (25)

Response 1.4: *Comment noted.*

Comment 1.5: Any analysis of the commercial space should include potential programming for light manufacturing and maker work spaces. (25)

Response 1.5: *The proposed C6-3 (MIH) zoning would permit Use Groups 1-12; Use Groups 13-18, which comprise general service, manufacturing, and select commercial uses (e.g., low coverage/open uses and boating/related uses), would not be permitted under the proposed rezoning. Light manufacturing uses, which comprise Use Group 17, would not be permitted under the proposed rezoning, and are, therefore, not included in the reasonable worst-case development scenario (RWCDs) for the Proposed Project.*

Comment 1.6: Any residential component of the Proposed Project should be 100 percent permanently affordable and meet the lower income tiers call for under the East Harlem Neighborhood Plan's Affordable Housing Development recommendations. (8, 25)

Response 1.6: *For CEQR analysis purposes, the current affordable housing program of the Proposed Project assumes that 50 percent of the units be reserved for households earning at or below 80 percent of Area Median Income (AMI). It is expected that the affordability requirement may be refined as the City's Uniform Land Use Review Procedure (ULURP) progresses and after a developer is selected. The current program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at lower income levels (i.e., deeper affordability).*

Comment 1.7: The creation of the memorial is a sacred obligation to memorialize the sacrifice, labor, contributions, and achievements of African Americans in American history; however, honor, memorial, and celebration can only be achieved if the public memorial embodies architectural and design sophistication and inspires creative ways of viewing interior and exterior spaces. The entire development of the site, if it is to truly honor those who build the future in the past, must be vital, exciting, dynamic, beautiful, and innovative. There must be light, a feel of spaciousness everywhere, and fluidity of movement, reconnecting residents and visitors alike to each other. The mixed-use spaces cannot overshadow the memorial. (2, 28)

Response 1.7: *Comment noted. The memorial would be the central feature of the Proposed Project. In recognition of its importance, the HABGTF has developed a set of design guidelines. NYCEDC will continue to work with the HABGTF and other stakeholders to develop design guidelines and work toward the successful creation of the memorial.*

Comment 1.8: The one million square feet of development currently planned by the NYCEDC is four times larger than the development size originally envisioned by the HABGTF. Such a massive buildup comes dangerously close to replicating the inhumanity of compulsively aided historical urban development, which originally desecrated the burial ground. (2, 17, 19)

Response 1.8: *Comment noted. As discussed under Task 21, "Alternatives," of the FSOW, a lower density alternative will be assessed as part of the Draft Generic Environmental Impact Statement (DGEIS).*

Comment 1.9: This project is not merely a Bus Depot replacement plan and the development of this site is not a mere real estate project. I request, therefore, that the SOW for the DGEIS (and the DGEIS) be revised throughout to reflect the accurate name of the project: the Harlem African Burial Ground Memorial & Mixed-Use Project; if necessary for geography placement, "at the site of the former 126th Street Bus Depot" can be added to the title. (2, 7, 12)

Response 1.9: *The project title was changed before the September 27, 2016 public meeting from the "126th Street Bus Depot" to the "East 126th Street Bus Depot Memorial & Mixed-Use Project." In order to prevent confusion and to ensure an accurate public record, the title for CEQR purposes will remain "East 126th Street Bus Depot Memorial & Mixed-Use Project."*

Comment 1.10: I believe it is important that the Proposed Project connect with the neighborhood in both the past, the present, and the future. (19)

Response 1.10: *Comment noted.*

Comment 1.11: This project will bring in many jobs. It is important that these jobs are both for the people of the area and are also high quality, good paying jobs. My concern is that the large-scale nature of the project and its commercial space will create conditions that are not appropriate for fostering small businesses, but, instead, would attract low-wage service jobs without much room for career development. Will there be any black-owned businesses? Will there be businesses that residents of the neighborhood can afford? (15, 19, 20)

Response 1.11: *See response to Comment 1.3.*

Comment 1.12: It is difficult to engage lay people in the plan without showing a RWCDs (e.g., massing, site plans). Sharing this information would have informed the lay public of important details and allowed the NYCEDC to hear feedback on the RWCDs during engagement. Withholding information from participants in a planning process is a missed opportunity to provide NYCEDC important feedback that could have made the project better and is certainly contrary to best practices. At worst, withholding information during engagement taints the process and makes it less likely the public will engage in the future. We all have an obligation for transparency during engagement and the NYCEDC could have done much better and had a more meaningful engagement process by disclosing the RWCDs massing. (7, 12, 14)

Response 1.12: *The FSOW has been updated to include an illustrative site plan and RWCDs massing, which will also be included in the DGEIS.*

Comment 1.13: The Proposed Project should incorporate positive imagery, such as inspirational quotes. (11)

Response 1.13: *Comment noted.*

Comment 1.14: If the Proposed Project is to include housing, it should be for everyone, for East Harlem residents, and for the East Harlem homeless. (22)

Response 1.14: *Applications for the affordable units would be open to all New York City residents, including East Harlem residents. Developers creating City-sponsored affordable housing are required to follow HPD/HDC marketing and tenant selection procedures outlined in the NYC HPD/HDC Marketing Handbook.*

Comment 1.15: The project, as proposed, is the wrong fit for the site and the wrong fit for the community. (20)

Response 1.15: *The Proposed Project presents a development scenario that was developed in close consultation with the 126th Street Bus Depot Task Force, which includes members of the HABGTF, Manhattan CB 11, and other local stakeholders. It is intended to achieve the key goals identified by the Bus Depot Task Force of establishing a memorial, providing affordable housing and job-creating commercial uses, and enhancing the streetscape.*

Comment 1.16: The project site is public land; it belong to us and should serve to meet community needs. The scale of what is being proposed is so large it would, in effect, potentially create a private community around what should be public and community-focused. With only 18,000 sf set aside for the memorial and only 30,000 sf for community use, within an overall development program of one million sf, only three percent of the project would be for community use, which is way too little. (20, 26)

Response 1.16: *The Proposed Project was developed in consultation with the 126th Street Bus Depot Task Force, which includes members of the HABGTF, Manhattan CB 11, and other local stakeholders. In addition to the approximately 18,000 sf set aside for the outdoor memorial space and approximately 30,000 sf allocated for community facility space, the Proposed Project would also deliver significant affordable housing and job-generating commercial space.*

Comment 1.17: 100 percent of the residential units should be affordable, not just 50 percent. (8, 20)

Response 1.17: *See response to Comment 1.6.*

Comment 1.18: I am concerned that black people will not be able to live in the proposed residential units, will not operate businesses in the commercial spaces, and will not be able to afford the retail developed on the site. Given the context of Black Lives Matter and black bodies lying in the street, I am horrified at the thought of having the site disrupted by white bodies living on top of black history and black remains. (15)

Response 1.18: *Comment noted.*

Comment 1.19: The project should be a learning center—or a zoo—a place for learning for everyone. (24)

Response 1.19: *Comment noted.*

Comment 1.20: The memorial needs to celebrate the legacy of not only the Africans who were buried, but also the Native Americans. The memorial should feature sculpture and a beautiful dedication to the entrances of the building, so that people walking in and out of the building can see what these people look like. (4)

Response 1.20: *Comment noted.*

Comment 1.21: Why are we talking about how much affordable housing is being provided, when what we really needs is an amazing memorial. (27)

Response 1.21: *Comment noted.*

Comment 1.22: Affordable housing should take people that are living in public housing and put them in affordable housing. We should be the first ones to go before any other people come in here. (23)

Response 1.22: *Applications for the affordable units would be open to all New York City residents, including public housing residents. Developers creating City-sponsored affordable housing are required to follow HPD/HDC marketing and tenant selection procedures outlined in the NYC HPD/HDC Marketing Handbook.*

Comment 1.23: The site should be parkland—public open space. (17)

Response 1.23: *See response to Comment 1.1.*

Comment 1.24: We are opposed to the further desecration of this sacred site by making it a part of any development that would conflict with the siting of this parcel as a cemetery under the laws of the Ramapo Lenape Nation. We request that this parcel stand alone and apart from any other development usage and that this site be memorialized by itself and apart, as originally intended. (21)

Response 1.24: *As established by the HABGTF, there will be no development, aside from that which would constitute the memorial itself, located within what has been determined to be the boundaries of the historic cemetery.*

Comment 1.25: The Project Description section of the DSOW indicates that “the project site is partly located in the 100-year floodplain ‘Zone AE.’ As indicated on the map...” Please include the map in the FSOW and EIS. (7, 12)

Response 1.25: *The FSOW has been updated to include a floodplain map (new Figure 3).*

Comment 1.26: The delineated boundaries of the East Harlem neighborhood are clear, but the phrase “located north on the Upper East Side” does not reflect the familiar geographic determination. Please rephrase to something like “The East Harlem neighborhood is located in upper Manhattan.” (7, 12)

Response 1.26: *The sentence has been revised accordingly.*

Comment 1.27: In the last sentence of the fourth paragraph of page 7 of the DSOW, the word “other” should be deleted, as there is no previous discussion of bus routes in the document. (7, 12)

Response 1.27: *The sentence has been revised accordingly.*

Comment 1.28: When discussing Harlem River Park, the DSOW Project Description section should highlight that the next phase of the park (from 125th to 132nd streets) will be adjacent to and directly east of the Harlem African Burial Ground. The two will be linked programmatically and in design per discussion with the New York City Department of Parks and Recreation (NYC Parks). (7, 12)

Response 1.28: *The Harlem River Park expansion (between E. 125th and E. 132nd streets) will not be completed by the Proposed Project’s 2022 analysis year, and will therefore only be discussed qualitatively in the DGEIS. The FSOW Project Description has been updated to clarify.*

Comment 1.29: The DSOW “Purpose and Need for the Proposed Project” section indicates that “the proposed C6-3 district would align with the adjacent existing C6-3 districts mapped to the west of the project site.” As it is equally common for the City of New York to have adjoining blocks zoned the same or different, depending on the circumstance, given the sacredness of the Harlem African Burial

Ground site, a detailed analysis of why it could be zoned differently from the E125/MEC project as a protective measure should be included in the EIS. (7, 12)

Response 1.29: *As discussed under Task 21, “Alternatives,” of the FSOW, a lower density alternative will be included in the DGEIS, which will assess an alternate (lower density) zoning designation for the project site.*

Comment 1.30: The DSOW “Purpose and Need for the Proposed Project” discussion indicates that the C6-3 district would facilitate a “financially feasible” program. Please describe what a financially feasible program looks like, including how it is arrived at, in a quantitative way. We are attempting to understand what the minimum development scenario might look like as compared to the RWCDs, for purposes of building and maintaining the Harlem African Burial Ground memorial. (7, 12)

Response 1.30: *Financial feasibility is specific to a project’s developer, the design proposal, market conditions, and remedial and mitigation measures, which cannot be determined at this time. In addition, financial feasibility is outside the scope of CEQR, which is intended to analyze potential environmental impacts.*

Comment 1.31: The DSOW “Purpose and Need for the Proposed Project” discussion indicates that the East Harlem Neighborhood Plan identified that the project site as a “Pipeline Site.” Please define “Pipeline Site.” Since the East Harlem Neighborhood Plan considers the project site to be a place of significant local and cultural heritage, the Plan may also consider it to be in need of sensitive redevelopment, so as not to extinguish this significance. (7, 12)

Response 1.31: *The East Harlem Neighborhood Plan² defines “Pipeline Sites” as sites that the City is working toward developing. The FSOW has been updated to include this definition.*

Comment 1.32: In the RWCDs, rather than indicating that an “18,000 sf” outdoor memorial will be provided, please indicate “at least 18,000.” Also, please include in the “RWCDs Land Use Breakdown” table the amount of open space that will be dedicated to meet sky exposure plane goals regarding light and air. (7, 12)

Response 1.32: *The proposed C6-3 (MIH) district would permit buildings regulated by sky exposure plane height and setback regulations. The regulations applicable to the project site would include a maximum streetwall height of 85 feet or six stories, whichever is less; an initial setback distance of 20 feet on narrow streets and 15 feet on wide streets; and building volumes within the sky exposure plane rising above the site beginning at a height of 85 feet at ratios of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. The RWCDs massing, which is included in the FSOW and will also be included in the DGEIS, utilizes tower-on-a-base zoning regulations, adhering to the applicable C6-3 (MIH) bulk regulations. As outlined in Section 23-16 of the Zoning Resolution of the City of New York, for tower-on-a-base buildings in R9 districts, the maximum lot coverage is 100 percent. For analysis purposes, the RWCDs assumes a static approximately 18,000 sf open space, which would be generally coterminous with the boundaries of the Historic African Burial Ground;*

²In 2015, City Council Speaker Melissa Mark-Viverito created the East Harlem Neighborhood Plan Steering Committee, comprised of local community stakeholders charged with engaging the community in identifying community needs. With the help of 12 subgroups focused on neighborhood themes ranging from open space to zoning and land use, the Steering Committee provided 232 recommendations for addressing key neighborhood concerns raised during the community engagement process. In February 2016, the East Harlem Neighborhood Plan Steering Committee submitted their East Harlem Neighborhood Plan to the City for review and to help inform planning efforts in East Harlem.

the approximately 18,000-sf outdoor, unbuilt memorial space is not a zoning requirement, but would be mandated through a Contract of Sale or other binding mechanism. The 18,000 sf outdoor, unbuilt memorial space is included in the RWCDs Land Use Breakdown table of the SOW.

Comment 1.33: Disregard for the sanctity of the Harlem African Burial Ground in the 19th and 20th centuries resulted from the injustice that has shaped our society since its very beginnings. If now, in the early 21st century, the development of the current site acknowledges the site's unique history and sacred identity, then the new development will not replicate prior patterns of injustice and can provide an inspiring model for memorial-based reconciliation projects throughout the world. (7, 12)

Response 1.33: Comment noted.

Comment 1.34: The Project Description is wholly inadequate for the consideration of CB 11. The cultural significance of the site; the creation, quantity, level of affordability, permanence or duration of affordability of housing created by the Proposed Project; the type, quantity, composition, and specific makeup of commercial and retail space, to include its eventual use; the mass, bulk, height, shadow potential, and other impacts of the Proposed Project are of crucial importance and are not addressed in the Project Description. Without detail on the Proposed Project, the Board cannot evaluate the impacts of this project. (7)

Response 1.34: The Proposed Project description included in the FSOW meets CEQR methodology guidance by describing the project, presenting graphically its plan and form, its size, purpose, and benefits. The SOW includes a description of the site's historical significance and the goal of creating the African Burial Ground Memorial. Additionally, the SOW includes a description of the proposed land use actions, as well as a full breakdown of the proposed land uses based on a RWCDs under the proposed zoning (refer to Table 1 of the FSOW). As required by CEQR, the DGEIS will evaluate and disclose the extent to which potential impacts, including shadow impacts, may occur.

Comment 1.35: The Project Description insufficiently recognizes the sanctity of the burial ground and must preserve and pay homage to indigenous peoples and African American people who stewarded this land in past generations and whose spiritual preservation was desecrated by previous development on this site. (7)

Response 1.35: Comment noted.

Comment 1.36: We recommend that 50 percent of the total units be permanently affordable and tied to the deed. 50 percent of those units must have community preference within the CB 11 catchment zone and must be enforced. Affordability should be maintained within MIH and the district's needs in regards to the lowest income qualifications. The developer is required to establish a fund to keep those apartments in the surrounding area (i.e., the M1 Zone bounded by E. 125th and E. 126th streets and First and Second avenues) affordable. (7)

Response 1.36: Comment noted. For CEQR analysis purposes, the current affordable housing program of the Proposed Project assumes that 50 percent of the housing units be reserved for households earning at or below 80 percent AMI. The Proposed Project would be required to adhere to MIH specifications, which, in part, would require that a certain percentage of the affordable housing would remain permanently affordable. Additional details, including income bands, will be refined as the Proposed Project proceeds through ULURP and after a developer is selected. The currently affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low and very low income bands (i.e., deeper affordability).

Comment 1.37: Any development on the project site must preserve and honor the historic nature of the site. If anything is built on the site, after excavation, the rest of the site must address the needs of the current community of East Harlem, including the need for deeply and permanently affordable housing, space for local businesses and retail, and union jobs. The project as proposed accomplishes none of these goals, but would instead invite a significant amount of luxury housing in a manner that disrespects both the ancestral and present-day communities of color for which the site should serve as an important anchor. We urge you to put a stop to this project until the community has an opportunity to more fully consider how to best harmonize the sacred nature of the site with the needs of the present-day neighborhood and until the City adopts a housing subsidy program that can meet the need for deeply affordable housing in East Harlem. (8)

Response 1.37: *See response to Comment 1.15.*

Comment 1.38: The DSOW suggests that the Proposed Project advances the goals of the East Harlem Neighborhood Plan. As a group that was centrally involved in the creation of that Plan [Community Voices Heard], we categorically reject that description. (8)

Response 1.38: *The East Harlem Neighborhood Plan recognized the E. 126th Street Bus Depot as a Pipeline Site that the City is working toward developing, as well as a significant cultural heritage site. The Proposed Project would include a memorial and historical and cultural facility, developed in consultation with the HABGTF and others, in order to honor and commemorate the history of the Harlem African Burial Ground and its descendant community.*

Comment 1.39: Although the NYCEDC has insisted that the proposed rezoning and associated RWCDs only sets the outer parameters of what could be built on the project site, as opposed to final plans, we are concerned with the scale and proposed uses. If developers proposed projects that maximize the available FAR on the site, they will have one of two options, each of which is equally distressing to us: (1) reserve significant space around the burial ground and create tall buildings on the remainder of the site; or (2) create shorter buildings that compromise open space available at the burial ground site. (8)

Response 1.39: *The proposed C6-3 district is being proposed for the project site to maximize the creation of affordable housing, as well as increasing business activity, while requiring that the future site developer include an outdoor, unbuilt memorial space comprising approximately 18,000 sf. The proposed C6-3 district would facilitate the construction of a significant number of affordable housing units (with 365 units targeted to households earning at or below 80 percent AMI under the Proposed Project), which would not be possible under a lower density zoning designation. However, to determine whether a lower density zoning district would be more appropriate for the project site, a lower density alternative will be analyzed as part of the Alternatives task of the GEIS.*

Comment 1.40: Because the City's tools on private sites are limited, deep and permanent affordability on public sites is a vital part of creating an overall neighborhood housing plan that is, on the whole, responsive to the needs of the current community. Moreover, because those who develop on publicly-owned land do not need to pay market rate real estate prices for the land, it is possible—and critical—to require more and deeper levels of affordability. That is why the East Harlem Neighborhood Plan calls for all development on publicly-owned site to be build 100 percent affordable, with units reaching deep and varied levels of affordability, with a cap at 130 percent AMI and at least 20 percent at or below 30 percent AMI. (8)

Response 1.40: *Comment noted. The project site, while City-owned, exhibits unique conditions, requiring archaeological investigations and mitigation, a hazardous materials investigation and potential mitigation, and potential memorial maintenance that must also be considered.*

Comment 1.41: Even were the City to agree that 100 percent of the housing built on the site should be affordable, the existing terms sheet that HPD has fail to meet our community's need for deep affordability, in particular the need for a significant share of housing below 30 percent AMI. Therefore, we urge the City not to proceed with the development of this site until a new term sheet is created that meets our community's needs for deep affordability. (8)

Response 1.41: *HPD term sheets provide financing to serve households at a range of incomes, including extremely low- and low-income households. Affordable housing developments must meet the economic needs of the community and the City as a whole and further fair housing objectives.*

Comment 1.42: We are distressed that the City is contemplating the giveaway of a valuable public site to a private developer, in direct contradiction to the wishes of the community as outlined in the East Harlem Neighborhood Plan. That the City is also contemplating private disposition of the African Burial Ground itself to a private developer adds insult to injury. We urge the City to modify its plan to ensure that this site remains under public ownership in perpetuity. (8)

Response 1.42: *Comment noted.*

Comment 1.43: When the City provides funding and subsidies to developers, it has the power to set more conditions on receipt of that money, including conditions related to hiring and apprenticeship. We demand that the City use this power to its fullest ability in order to ensure that any development that may take place on the project site meets the neighborhood's needs and goals, as set forth in the East Harlem Neighborhood Plan, including: (1) requiring developers to have local hiring targets for employing East Harlem residents; (2) creating a better mechanism for overseeing developer performance on their agreements to hire East Harlem workers; (3) creating community and union oversight to ensure hiring targets and job quality standards are met, in addition to releasing public quarterly reports; and (4) calling for local employers, including building management companies, to hire local residents. (8)

Response 1.43: *Comment noted. See response to Comment 1.3.*

Comment 1.44: We are concerned that some of the current proposed uses, including a significant amount of destination retail, potential hotel space, and office space, do not create the potential for high quality local jobs, including union jobs. (8)

Response 1.44: *Comment noted.*

Comment 1.45: We are strongly opposed to the inclusion of hotel space and destination retail on this site. The community has expressed a clear and consistent preference for small local businesses that serve the local community and are culturally appropriate for our neighborhood. Small local businesses provide employment opportunities for people from the neighborhood that are vastly better than those provided by chain stores. (8)

Response 1.45: *See response to Comment 1.3. Additionally, the Proposed Project assumes that approximately 35,000 sf would be set aside for local retail.*

Comment 1.46: The NYCEDC's position is that the project site must include a mix of uses, including uses catering to higher-income population, in order to ensure the project's overall financial feasibility. This conclusion is unsupported at this stage and has been too hastily drawn. For example, in addition to greater HPD subsidy for affordable housing, alternate sources of funding for the memorial site and museum could be pursued, alleviating pressure to support these uses through massive amounts of luxury housing or retail chain stores. Alternately, the City could conduct a more thorough archaeological investigation of the site, determine with the community which portions

of the site are best preserved and which if any, are more appropriate to help generate affordable housing and other community needs, and then issue RFP for each use separately, allowing developers with differing expertise in these specific uses to take the lead. (8)

Response 1.46: Comment noted.

Comment 1.47: A report prepared by Hunter College’s urban planning graduate studio in 2011 indicated that the Elmendorf Reformed Church is the descendant owner of the Harlem African Burial Ground and that here are legal intricacies concerning the Church’s rights to the land at the burial ground site. This raises questions about who owns the land now and, by extension, who should own this land in the future. (8)

Response 1.47: *The project site is currently owned by the City of New York. The Elmendorf Reformed Church has been identified as the descendant of the Reformed Low Dutch Church of Harlem. Church records indicate that the land that was once used as a cemetery (known today as the Harlem African Burial Ground) was sold in the late 19th Century in order to raise funds for the erection of a new church nearby.³ Because the Elmendorf Reformed Church has been identified as the descendant of the Reformed Low Dutch Church of Harlem, members of the Church have been, and will continue to be included as a consulting party as the Proposed Project proceeds. The HABGTF is co-chaired by the Pastor of the Elmendorf Reformed Church.*

Comment 1.48: Any statement that the Proposed Project is consistent with the goals of the East Harlem Neighborhood Plan is misleading and wrong. A project that fails to honor the historic nature of the site, curtails community input into the process, ignores the need for deep affordability, and invites destination retail and hotel uses rather than focusing on the affordable local retail and housing our residents want and need is not consistent with the vision of the East Harlem Neighborhood Plan. (8)

Response 1.48: Comment noted. See response to Comment 1.38.

Comment 1.49: The Burial Ground itself should not be touched. It should be for people to visit with historic statues; people shouldn’t be walking on it and there shouldn’t be more construction on it. (10)

Response 1.49: *Comment noted. The applicant has developed the Proposed Project in consultation with the HABGTF, which includes members of the Elmendorf Reformed Church, the 126th Street Bus Depot Task Force, CB 11, and other stakeholders. These consultations are ongoing. Many have indicated an interest in creating a publicly accessible outdoor memorial at the location of historic cemetery.*

Comment 1.50: We request that the HABGTF design guidelines be incorporated into the FSOW and the EIS. We consider the design principles articulated in this document to be as central to the project as our Vision and Mission Statement. (7, 12)

Response 1.50: *Comment noted. The design guidelines for the memorial are not subject to analysis as part of CEQR. Therefore, this request is beyond the scope of the GEIS and will not be included in the FSOW. The design guidelines will accompany the Request for Proposals (RFP).*

³ HPI’s Phase 1A Archaeological Assessment (2011)

Comment 1.51: We request that the EIS define the RFP process and clearly state how the sacredness of the Harlem African Burial Ground will be addressed. We seek to ensure that all proposals clearly demonstrate sensitive plans for both the protection of the hallowed burial ground and the visionary welcome for visitors who wish to honor the memory of those buried there, study the historical significance of the site from the Lenape inhabitation through to the present, and reflect on their own identities as citizens of the world. (7, 12)

Response 1.51: *Comment noted. The RFP process is not subject to environmental review, therefore this request is beyond the scope of the GEIS.*

2. Land Use, Zoning, and Public Policy

Comment 2.1: The presence of an African Burial Ground on the project site warrants an additional subtask evaluating zoning and land use changes necessary to convert the land dedicated to the burial ground memorial into parkland. (29)

Response 2.1: *As discussed in the SOW, the DGEIS will identify the discretionary approvals necessary to facilitate the Proposed Project. The proposed Harlem African Burial Ground memorial with an approximately 18,000-sf outdoor area in the location of the historic cemetery does not require parkland mapping to be established. The DGEIS will analyze the effects of the Proposed Project, including the establishment of the Harlem African Burial Ground memorial, on land use, zoning, and public policy as identified in the SOW. The requested additional subtask is not warranted.*

Comment 2.2: The CB 11 Statement of District Needs and Budget Priorities should be added to the list of public policies that apply to the study area for the Proposed Project. Given the recent changes by the Department of City Planning (DCP) to the Statement of District Needs and Budget Priorities process and documentation, these items should also be included. (29)

Response 2.2: *The FSOE has been modified to include the Statement of District Needs and Community Board Budget Requests for Manhattan Community Board 11.*

Comment 2.3: The recently released East Harlem Health Impact Assessment from the New York Academy of Medicine should be included as a considered public policy document in the public policy assessment. (29)

Response 2.3: *For the purpose of environmental review the CEQR Technical Manual recommends the assessment of officially adopted and promulgated public policies that describe the intended use applicable to an area or particular site(s) in the City. It cites several examples, all of which are either reports issued by public agencies or are formally adopted legislation and notes that some public policies have regulatory status, while others describe general goals. Reports issued by non-governmental organizations, although they may address issues relating to government policy, are generally not considered public policies for the purposes of CEQR. The New York Academy of Medicine is an independent, 501(c)3 non-profit corporation and therefore this report does not warrant analysis as a public policy in the DGEIS.*

Comment 2.4: Should the East Harlem Resilience Study, led by the New York City Mayor's Office of Recovery and Resiliency (ORR) and NYC Parks, release recommendations and/or policy statements during the evaluation of this project, any available information should be incorporated into the EIS process and updated as necessary. (29)

Response 2.4: *Comment noted. At the time the FSOE was prepared this study was not available. Should this or other public policies applicable to the project site or the study area be issued during the*

preparation of the DGEIS or Final Generic Environmental Impact Statement (FGEIS), they will be addressed.

Comment 2.5: The DSOW discussion of the zoning analysis methodology should specifically reference the decision to leave an M1-2 zone, the width of the block between First and Second avenues on the south side of E. 126th Street, in between the project site and the R7-2 district to the south. (29)

Response 2.5: The Proposed Project is focused only on the project site block for the purpose of facilitating the redevelopment of the 126th Street Bus Depot site and establishing the Harlem African Burial Ground memorial. As such, the Proposed Project is not an area-wide rezoning and it does not include any development proposals affecting any properties outside the project site. Therefore, the consideration of zoning changes outside the project site is outside the programmatic scope of this application and accordingly outside the scope of the DGEIS. As noted in the SOW, the DGEIS will include an analysis of the indirect land use, zoning, and public policy effects of the Proposed Project on the secondary study area, which includes the south side of E. 126th Street between First and Second avenues.

Comment 2.6: Please be sure to include an analysis of how commercial (office/retail) and residential uses on the project site will impact the indoor and outdoor memorial space on the same site. We are concerned that the experiences of visitors seeking to pray, reflect, or honor those buried on this sacred site may be overshadowed or devalued by daily impacts of commercial activity and residential life, such as businesses and residential deliveries, garbage collection, signage, and daily changing traffic patterns. (7, 12)

Response 2.6: As described in the SOW, the DGEIS will analyze the effects of the Proposed Project on environmental technical areas identified in the CEQR Technical Manual. The CEQR process does not provide guidance for assessment and impact determination for the matters cited in this comment.

Comment 2.7: We suggest a site visit to determine actual land use in the secondary study area. For example, the map incorrectly labels Triboro Plaza as vacant land. In addition, please consider distinguishing the yellow coding for one- and two-family buildings from multi-family walk-up buildings (or removing one- and two-family buildings from the legend if there are none in the study area). (7, 12)

Response 2.7: As noted in the SOW, the DGEIS will identify, describe, and graphically portray predominant land use patterns in the primary and secondary study areas, based on field surveys and prior studies. The land use map provided in the SOW is based on the land use categorizations provided in the Real Property Assessment Data (RPAD) system maintained by the New York City Department of Finance (DOF), as compiled in DCP's Primary Land use Tax lot Output (PLUTO) database. These data use a standardized land use typology system and color coding reflected in the eleven categories, plus "all others/no data" listed in the land use map legend. For consistency with the RPAD/PLUTO data and other CEQR documents that also are based on it, the SOW presents the standard category typology and color coding. Regarding Triboro Plaza in particular, this property, which according to City records is owned by "MTA B&T," is open land with plantings, though much of the area is currently used for construction staging. The DGEIS analysis will consider whether this land use categorization is appropriate or whether a correction should be made to the study area land use map.

Comment 2.8: We suggest that the secondary study area be expanded to include planned nearby developments along E. 125th Street, such as the Second Avenue Subway, the Pathmark site, the Motor Vehicles site, and the east and west sides of Park Avenue between E. 124th and E. 125th streets. (7, 12)

Response 2.8: *The CEQR Technical Manual states that generally a secondary study of at least a 400-foot radius is appropriate, as a proposed project's immediate effects on an area of this size can be predicted with some certainty. It is unlikely the Proposed Project would have the potential to affect land use, zoning, and public policy conditions beyond a 400-foot radius given the scale of the Proposed Project and the pattern and trends of the development in the vicinity of the project site. The Proposed Project would only involve one block and would result in development at a similar scale to the E125 project being developed immediately to the west. The project is physically separated from other blocks by transportation infrastructure and open space. This includes the Harlem River Drive and other roadway ramps to the east and north, parkland to the north, a wider than standard segment of Second Avenue to the west, which would be narrowed, but would remain 125 feet wide with the Proposed Project, E. 125th Street and RFK Triborough Bridge ramps one block to the south. Therefore, a larger study area, such as may be appropriate for some area wide rezonings, is not warranted for the Proposed Project. The sites noted in the comment are located outside the 400-foot radius and their inclusion in the land use study area is not warranted, although as warranted they would be included accounted for in other analyses including socioeconomic conditions, open space, and transportation.*

Comment 2.9: For the public policy analysis, the Proposed Project's conformity with the East Harlem Neighborhood Plan, including as it relates to cultural heritage protection, economic development and affordable housing, must be analyzed with reference to the specific goals outlined in the East Harlem Neighborhood Plan, and not merely general concepts. Specifically, rather than assessing whether the project advances the Plan's goal of affordable housing, it should look at the specific AMI levels, permanent affordability, and affordable housing goals for public sites outlined in the Plan. In terms of jobs, the analysis should look not only at the number of jobs that may be created, but the number of high quality union jobs for local residents that are created. (8)

Response 2.9: *Consistent with CEQR Technical Manual guidelines and as stated in the SOW, the DGEIS will assess the consistency of the Proposed Project with applicable public policies.*

Comment 2.10: The assessment of consistency with public policies should be transparent about the extent to which presumed benefits of the Proposed Project are guaranteed based on the proposed actions, versus benefits that will occur only if specific choices are made within the RFP process and by the developer. (8)

Response 2.10: *As described in the SOW, certain elements of the Proposed Project would be project commitments or requirements specified in the RFP and contractually mandated in project agreements, including requirements related to archaeological investigation, the provision of affordable housing, street network changes, the location of the outdoor memorial space, and the provision of an indoor cultural space (refer to Section A, "Introduction" and Section D, "Project Description" of the FSOW). Other programmatic elements were identified consistent with RWCDs guidelines in the CEQR Technical Manual based on site conditions and parameters of the proposed zoning map and text amendments, in order to provide a suitable framework for analysis.*

3. Socioeconomic Conditions

Comment 3.1: The criteria stated in Step 2 of this task is used to determine whether or not further analysis on indirect residential displacement is warranted by examining whether the Proposed Project is large enough to affect real estate market conditions in the study area. The definition of "large enough" should be identified in the DSOW in Step 2 of Task 3. (29)

Response 3.1: *The FSOW has been updated to include the CEQR Technical Manual's definition of "large enough."*

Comment 3.2: The Proposed Project could potentially include more than 700 units of housing. Our community loses an average of 350 units of affordable housing every year, and projects like this provide an opportunity to build much needed new affordable housing. It's vital that we maximize the development of affordable housing at this site, particularly targeting our lowest income households who are most vulnerable to displacement. (1)

Response 3.2: *Comment noted.*

Comment 3.3: 50 percent of the Proposed Project's housing units will be for households earning up to 80 percent AMI. However, this equates to approximately \$70,000, and there are many people in the community that do not make that much; affordability is for the rich, it is not affordability for the poor. To really connect with the community, the housing needs to be much more allocated for people of much lower income, to the almost 40 percent of East Harlem that makes \$23,000 a year or less. As it currently stands, the set aside for affordable housing and eligibility would be so high as to actually leave out almost half of East Harlem residents from even applying (4, 8, 10, 15, 16, 17, 19, 20, 26)

Response 3.3: *Comment noted. The proposed rezoning would subject the Proposed Project to a mandatory affordable housing requirement through the application of the MIH Program, thereby ensuring that 20 to 30 percent of the proposed affordable housing would be mandatory and a condition of residential development, and that these affordable units remain permanently affordable. In addition, for CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the housing units on the project site be reserved for households earning at or below 80 percent of AMI, which would exceed any of the MIH alternatives/options outlined by the Zoning Resolution. Furthermore, the current affordability program assumed for analysis purposes does not preclude more than 50 percent of units being designated affordable, nor does it preclude units targeted to households at low and very low income levels (i.e., deeper affordability).*

Comment 3.4: This project comes at a time when our neighborhood is changing and we are seeing a lot of rising rents that are threatening to push too many of us from our homes. What is going to happen to the people that live in the community now when you are building all of this housing? Everyone is being pushed out and exacerbating the homelessness problem. (10, 20, 26)

Response 3.4: *Task 3, "Socioeconomic Condition" in the SOW describes that the DGEIS will include an indirect residential displacement analysis. Pursuant to CEQR Technical Manual guidelines, the object of this indirect residential displacement analysis is to determine whether the Proposed Project may introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a population of renters living in units not protected by rent stabilization, rent control, or other governmental regulations restricting rents.*

Comment 3.5: The Proposed Project is going to create economic problems for everyone who lives here today. The cost of food is going up and people who live here cannot afford it. (26)

Response 3.5: *Comment noted. See response to Comment 3.4.*

Comment 3.6: Housing instability is a serious problem in this neighborhood, and it seems like the Proposed Project will not resolve the problem of housing instability. (16)

Response 3.6: *Comment noted. See response to Comment 3.3.*

Comment 3.7: The change and displacement that has been happening in Brooklyn is going to happen here. The housing isn't for the people who live here; the businesses won't be for the people that live here. East Harlem is supposed to be for all of us, and you are making it for a select few by strategically placing these developments in areas where you are making it very clear that we are no longer welcome. (5, 18)

Response 3.7: *Comment noted. See response to Comment 3.3.*

Comment 3.8: The socioeconomic conditions analyses must systematically study the cumulative impacts of immediately adjacent and nearby projects on this one – as well as the opposite. (7, 12)

Response 3.8: *An analysis of other projects and their cumulative impact in connection with the Proposed Project is outside the scope of CEQR. In accordance with CEQR Technical Manual guidelines, the DGEIS will identify any known planned or approved developments and projects under construction that are anticipated to be introduced to the surrounding study area by the project's Build Year of 2022 to identify the trends affecting rents and displacement that may be in effect in the future without the project.*

Comment 3.9: Step 3 of the indirect residential displacement analysis must highlight the potential impacts to housing on the south side of E. 126th Street (opposite the project site), in addition to the income-targeted housing lining Lexington Avenue. (7, 12)

Response 3.9: *As described in the SOW and pursuant to CEQR Technical Manual guidelines, Step 3 of the preliminary indirect residential displacement analysis will consider whether the study area has already experienced a readily observable trend towards increasing rents and the likely effect of the Proposed Project on such trends. As detailed in the CEQR Technical Manual, for the purposes of Step 3, "near" the study area is defined as within a half-mile of the study area boundary.*

Comment 3.10: In response to the second bullet of the indirect business displacement task, note that existing economic patterns will indeed be altered: business activities of several sorts will be increased with the influx of national and international visitors to the proposed memorial and museum. (7, 12)

Response 3.10: *Comment noted. As described in the SOW, the DGEIS will consider whether new economic activity introduced by the Proposed Project that would create trends that make it difficult for businesses to remain in the area. To make this determination, the DGEIS will consider the effects of the new residential, commercial, and community facility uses, which include the memorial and historical and cultural facility, as they relate to existing economic patterns in the ½-mile study area, including the existing commercial market conditions.*

Comment 3.11: Given the lack of retail services in the project area, the addition of any retail/commercial/community facility use will impact the socioeconomics of the area and therefore should be studied. (7, 12)

Response 3.11: *In accordance with the guidance of the CEQR Technical Manual, projects resulting in less than 200,000 sf of regional-serving retail in the study area, or less than 200,000 sf of locally-serving or regional-serving retail on a single development site would not typically result in socioeconomic impacts. The Proposed Project is expected to result in a net increase of approximately 80,000 gsf of destination retail space, and approximately 35,000 gsf of local retail compared to the No-Action condition. Therefore, the Proposed Project would not exceed the CEQR Technical Manual threshold, and no further analysis of indirect business displacement due to retail market saturation is warranted. As described in the SOW and accordance with CEQR Technical Manual guidelines, the DGEIS will include an assessment of indirect business*

displacement as the Proposed Project would introduce more than 200,000 sf of new commercial uses to the area, which is the analysis threshold warranting a preliminary assessment.

Comment 3.12: The indirect residential displacement potentially caused by the Proposed Project must be comprehensively studied. Since only 50 percent of the Proposed Project's dwelling units would be affordable, and the income cap is only specified as low as 80 percent AMI, the Proposed Project could have a significant economic impact on the neighborhood. Since 80 percent AMI for a family of three is still more than double the median income of the Community District, a more complete study of the impact on housing prices and affordability should be provided. (7)

Response 3.12: Comment noted. See responses to Comments 3.3 and 3.4.

Comment 3.13: The EIS should incorporate the impact of workforce changes. (7)

Response 3.13: As described in the SOW and in accordance with CEQR Technical Manual guidelines, the DGEIS will include an assessment of indirect business displacement. Pursuant to the CEQR Technical Manual, the objective of the indirect business displacement analysis is to determine whether the Proposed Project may introduce trends that make it difficult for those businesses meeting the criteria set forth in Subsection 321.2 of the CEQR Technical Manual to remain in the area. Refer to Task 3 of the FSOW, "Socioeconomic Conditions," for a more detailed description of the methodology to be utilized in the analysis.

Comment 3.14: It is important that public sites that include retail create opportunities for small local businesses, which, like longtime local residents, are at significant risk of displacement resulting from gentrification. (8)

Response 3.14: Comment noted. See response to Comment 1.3.

Comment 3.15: The socioeconomic conditions analysis should consider both the effects of the Proposed Project and the Proposed Project's cumulative effects in the context of present and reasonably foreseeable future actions in the neighborhood, in particular the City's recently unveiled proposal for the rezoning of East Harlem. (8)

Response 3.15: Comment noted. See response to Comments 3.8 and G-2.

Comment 3.16: We urge the City to perform detailed analyses of both residential and business displacement. (8)

Response 3.16: As described in the FSOW under Task 3, "Socioeconomic Conditions," the assessments of indirect residential displacement and indirect business displacement will be conducted in conformance with the CEQR Technical Manual and will begin with preliminary assessments of each of these areas of concern to determine whether a detailed analysis is warranted. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts.

Comment 3.17: The introduction of a project where as much as half of the apartments are market rate and a significantly greater share are out of reach of local residents and where the building might rise as many as 47 stories creates a significant risk of indirect residential displacement from the community. We urge the City to exercise its discretion to perform a detailed analysis of indirect residential displacement, even if the threshold for detailed analysis is not met. (8)

Response 3.17: Comment noted. See response to Comments 3.3 and 3.4.

Comment 3.18: We request that the residential displacement analysis expressly address the potential displacement risk of vulnerable populations in the area, including: tenants in unregulated apartments; tenants in rent-stabilized apartments; tenants who are rent-burdened; tenants in apartments where regulatory agreements for affordability are expiring; shelter, halfway house, and three-quarter house residents; residents of cluster site housing; Section 8 voucher holders; seniors; and people of color. We feel it is especially important that the City disclose potential indirect displacement risks to these vulnerable groups, including the descendant African American community and other people of color in the neighborhood. It would be sad indeed if a development built atop a historic African burial ground served as a catalyst for further gentrification and displacement of people of African descent from Harlem today. (8)

Response 3.18: *As stated in the SOW and in accordance with the guidance of the CEQR Technical Manual, the DGEIS will include an analysis of indirect residential displacement.*

Comment 3.19: The EAS Full Form indicates that the Proposed Project would not potentially introduce trends that make it difficult for businesses to remain in the area and would not capture retail sales in a particular category of goods, potentially resulting in vacancies and disinvestment on neighborhood commercial streets. We believe that this determination is inappropriate and that the City must perform an assessment of potential indirect business displacement. While the Proposed Project would include less than 200,000 sf of retail, which the *CEQR Technical Manual* indicates would not “typically” result in socioeconomic impacts, we believe that the significant displacement pressures that exist within the community today—to which this project, as currently envisioned, would add—warrant an assessment of potential indirect business displacement. (8)

Response 3.19: *As stated in the SOW and pursuant to the guidelines of the CEQR Technical Manual, since the Proposed Project would result in the incremental addition of more than 200,000 sf of commercial space, an assessment of the potential indirect business displacement is warranted and will be provided in the DGEIS.*

4. Community Facilities

Comment 4.1: There are many indications that the CEQR multiplier used for determining school seat generation underestimates the number of seats that may be needed for districts outside of the Manhattan core. The New York City Zoning Resolution makes a distinction between these areas and zoning has shaped these two areas and created places with important physical, cultural, and socioeconomic differences. Looking at 2010-2014 ACS PUMS data, upper Manhattan produces more than twice as many school-aged children per unit as the Manhattan Core. By averaging upper Manhattan and the Manhattan Core together, CEQR uses a generation rate that is wrong in both places, underestimating in upper Manhattan and overestimating in the Manhattan Core. The DSOW should address this concern and provide alternate methodologies that result in accurate data so that public schools do not experience overcrowding. The SOW should be amended to instruct the use of these rates and include a discussion of why the rates in the *CEQR Technical Manual* are not being used. (7, 14, 29)

Response 4.1: *The CEQR Technical Manual recommends the use of the borough-based public school student multipliers, which are provided by the New York City School Construction Authority (SCA) and presented in the Manual. These multipliers are used by the SCA for their capital planning and represent the average number of students generated per unit.*

Comment 4.2: Since the project site is in Community School District (CSD) 5, most of the school impacts would be outside of CD 11. CD 10 should be notified of possible impacts and need for mitigation for this school district, which is located in CD 10. (29)

Response 4.2: *If the DGEIS identifies the potential for school impacts in CSD 5, Sub-district 1, mitigation measures will be explored in coordination with the lead agency and the New York City School Construction Authority (SCA).*

Comment 4.3: For the child care analysis, the CEQR study area (a 1.5-mile to 2.0-mile radius) does not seem appropriate for the Proposed Project, as the study area would include parts of the South Bronx and the expanse of the Harlem River, when it seems that the real impacts may lie further inland on the Manhattan side. (29)

Response 4.3: *The 1.5-mile child care analysis study area was adjusted to only include those portions located within the borough of Manhattan. The FSOW has been updated to clarify this study area adjustment.*

Comment 4.4: With substantial new development expected near the project site (including the E125 development and the upcoming East Harlem rezoning, particularly the upper stretches of Third and Park avenues), it is vital that the EIS assess impacts on local schools and child care programs in consideration of these developments. (1)

Response 4.4: *Estimates of No-Action public school demand is based on information provided by the SCA, which incorporates background growth and planned and anticipated development. For the child care assessment, the No-Action enrollment is calculated by adding the demand generated by known and anticipated affordable housing development to the existing enrollment numbers. For the Proposed Project's child care analysis, the E125 development—a known and anticipated affordable housing development—among others, is accounted for in the No-Action child care enrollment calculations. As the East Harlem Rezoning Proposal DSOW (issued on November 10, 2016) identifies an analysis year of 2027, which is beyond the Proposed Project's 2022 analysis year, the East Harlem Rezoning Proposal EIS will include the Proposed Project in its No-Action analyses, where applicable. As such, discreet demand generated by this future rezoning, which is not expected to be fully realized by the Proposed Project's 2022 analysis year, is not included in the Proposed Project's schools and child care analyses.*

Comment 4.5: No sophisticated jurisdiction outside New York City generates estimates of school-aged children absent of assumptions of the type of units being built by number of bedrooms. CEQR requires that all units are treated the same, which does not produce reliable estimates. If the Upper Manhattan student generation rates are not employed in the analysis (as suggested in Comment 4.1, above), the EIS could develop estimates based on reasonable worst-case unit mixes for the project. (14)

Response 4.5: *See response to Comment 4.1, above. Consistent with CEQR Technical Manual guidance, the per-unit rates represent the average number of students generated per unit, just as the number of residential units included in the RWCDs represents the average unit size that is anticipated.*

Comment 4.6: ACS data that more accurately reflects the average children per household or per dwelling unit bedroom should be utilized, rather than the borough standard, as the borough standard rates will underestimate the number of school children and result in insufficient mitigation. (7)

Response 4.6: *See response to Comment 4.1, above.*

5. Open Space

Comment 5.1: For the indirect open space impact analysis, the CEQR study areas (a ¼-mile radius for the non-residential study area and a ½-mile radius for the residential study area) does not seem appropriate for the Proposed Project, as the study area would include parts of the South Bronx

and the expanse of the Harlem River, when it seems that the real impacts may lie further inland on the Manhattan side. Currently only the northeast portion of Marcus Garvey Park falls within the study area boundaries and all of Thomas Jefferson Park sits a block outside of the study area radius. Both parks are high usage and historically underserved. Adjusting the study area may give more appropriate mitigation measures when including the two nearest large parks in East Harlem: Marcus Garvey Park and Thomas Jefferson Park, so that the open space that the community currently has remains usable. (29)

Response 5.1: *As presented in Figure 4 of the FSO, while portions of the Bronx are within a ¼-mile and ½-mile radius of the project site, the non-residential and residential study areas do not include the Bronx. The FSO has been updated to include further clarification on the open space study area boundaries. In accordance with CEQR Technical Manual methodology, the study area was not expanded to include additional open space located in Manhattan that are beyond a ½-mile radius of the project site; however, nearby regional destination open space resources located outside of the open space study area boundaries (e.g., Marcus Garvey Park) will be considered and discussed qualitatively in the GEIS.*

Comment 5.2: The combined anticipated increase in population resulting from the Proposed Project, the E125 development, and future development associated with the East Harlem rezoning, will be a strain on existing open space. (1)

Response 5.2: *The study area No-Action open space demand is calculated by adding the demand generated by known and anticipated development to the existing study area population, adjusted to account for general background growth. The E125 development, among others, is accounted for in the No-Action open space ratio calculations. As the East Harlem Rezoning Proposal DSOW (issued on November 10, 2016) identifies an analysis year of 2027, which is beyond the Proposed Project's anticipated 2022 construction completion, the discrete demand generated by this future rezoning is not included in the Proposed Project's open space analyses. However, the East Harlem Rezoning Proposal EIS will include the Proposed Project in its No-Action analyses, where applicable. As such, the cumulative population increase will be captured and analyzed in the East Harlem Rezoning Proposal EIS.*

Comment 5.3: The EIS should assess the possibility of redeveloping the adjacent East River esplanade into parkland. The portion of the esplanade near the project site is currently being used as a DOT construction staging area but will likely be returned to NYC Parks near the time of the Proposed Project's development. The expansion of the Harlem River Park esplanade is intended to be visually and programmatically connected and designed in such a way as to link it with the Harlem African Burial Ground site, and should be assessed in the open space chapter as such. (1, 7, 12)

Response 5.3: *Based on discussion with NYC Parks, this undeveloped section of the esplanade is not expected to be completed by the Proposed Project's 2022 analysis year. The land is currently owned by the New York City Department of Small Business Services (SBS). Before park construction can occur, the DOT work that is utilizing this parcel for staging will need to conclude and the parcels that comprise this portion of planned park/esplanade will need to be formally transferred to NYC Parks. Funding for the park construction will also need to be allocated. Given the anticipated DOT schedule and typical park design, procurement, and construction timeframes, it appears unlikely that the additional acreage would be operational by the Proposed Project's 2022 analysis year. However, the open space analysis will discuss qualitatively the effects of the Proposed Project on the future phases of the Harlem River Drive Greenway, notably the proposed memorial and the new pedestrian- and bike-oriented north-south connections to the future open space.*

Comment 5.4: The impacts of visitor populations arriving and departing by vehicles and on foot, along with the use of both the project site as a whole and the memorial in particular should be considered in the open space analysis. (7, 12)

Response 5.4: *While the Proposed Project would include approximately 18,000 sf of outdoor, unbuilt memorial open space, as the specific hours of operation of the memorial are not known at this time, for conservative analysis purposes, the project-generated open space will not be included in the DGEIS quantitative indirect open space impact analysis. As such, additional visitors beyond those in the residential and non-residential open space study areas, are not included in the quantitative analysis. Increased vehicular and pedestrian traffic generated by the Proposed Project's mixed of uses are addressed as part of Task 13, "Transportation." The NYCEDC will continue to work with the HABGTF and others to develop design guidelines for the creation of the proposed memorial.*

6. Shadows

Comment 6.1: If public school-maintained gardens are not considered a publicly accessible open space or sunlight-sensitive historic resource, the shadows analysis, in general, should include gardens on public school sites. (29)

Response 6.1: *Pursuant to CEQR Technical Manual guidelines, outdoor schoolyards and gardens are considered public open space if they are available to the public during non-school hours. The shadows analysis will evaluate the potential for shadow impacts on all publicly accessible schoolyards and gardens.*

Comment 6.2: The large scale nature of the Proposed Project would block too much sun. (20)

Response 6.2: *As the Proposed Project would exceed 50 feet in height and be located in proximity to several sunlight-sensitive resources, a preliminary shadows screening assessment will be provided in the DGEIS. If the screening analysis does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources, a detailed analysis of potential shadow impacts on publicly-accessible open spaces or sunlight-sensitive historic resources resulting from development will be provided in the DGEIS, as outlined in the SOW.*

Comment 6.3: Please include the impacts of shadows on the proposed indoor and outdoor memorial, along with existing neighborhood amenities, such as Harlem River Park (and its future expansion), Crack is Wack Playground, the Harlem River Ball Fields, and the Harlem River itself. (7, 12)

Response 6.3: *See response to Comment 6.2. Pursuant to CEQR Technical Manual guidelines, shadows on project-generated open space (such as the proposed memorial) are not considered significant under CEQR. However, a discussion of how shadows could affect the new open space will be provided. As the Harlem River Park expansion (between E. 125th and E. 132nd streets) will not be completed by the Proposed Project's 2022 analysis year, the assessment of potential shadow impacts on this open space will focus on the existing completed segments of this sunlight-sensitive open space resource.*

Comment 6.4: In the FSOW and EIS, please define what is being referred to in the DSOW as the "triangular area" that cannot be shaded by the Proposed Project, and indicate its particular significance to the Harlem African Burial Ground. (7, 12)

Response 6.4: *As outlined in the CEQR Technical Manual, due to the path of the sun across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site.*

In New York City, this area lies between -108 and +108 degrees from true north. The SOW has been updated for further clarification. Due to the location of the Harlem African Burial Ground in-between buildings of the Proposed Project, it is likely that this area would receive some incremental shadow as a result of the Proposed Project. As stated in the response to Comment 6.3, pursuant to CEQR Technical Manual guidelines, shadows on project-generated open space such as the proposed memorial are not considered significant under CEQR. However, a discussion of how shadows could affect the new open space will be provided.

Comment 6.5: The shadows chapter of the EIS prepared for the E125 project, in addition to showing the standard shadow analysis as required by the *CEQR Technical Manual*, included in a daylighting analysis. In the E125 EIS, the stated purposes of the daylighting analysis was to demonstrate that even though the required analysis showed large shadows would be cast on the many sunlight-sensitive resources in the area, the amount of daylight they received would not be significantly changed by the project. Considering the Proposed Project is at a higher FAR than the E125 project and will impact the same sunlight-sensitive resources, the SOW should be amended to include a daylighting analysis that would show the Proposed Project's impact on the daylighting the area receives, similar to what was done for the E125 project. (14)

Response 6.5: See response to Comment 6.2. Per CEQR Technical Manual guidelines, when determining impact significance each project must be considered on its own merits, taking into account its unique circumstances. Should it be determined that supplemental shadows analyses are warranted based on the findings of the preliminary shadows analysis, they will be provided, as appropriate.

Comment 6.6: In light of the large scale of the Proposed Project, we request a careful study of shadows. (7)

Response 6.6: Comment noted. See response to Comment 6.2.

7. Historic and Cultural Resources

Comment 7.1: The project site is a documented Lenape village site of archaeological, educational, and spiritual significance. The memorial should not render invisible the American Indian foundations of New York City or deny the contenance of this community today. Discussions on and development of the memorial and site planning should be inclusionary, allowing for the participation of the Lenape people. (4, 21)

Response 7.1: As discussed in the SOW, a Phase 1B archaeological investigation conducted in 2015 identified the presence of disarticulated human remains on the project site; the extent of the sensitive area has yet to be confirmed through further in-ground testing. Additional archaeological field investigations (Phase II) will be required to confirm the nature and/or extent of archeological features and/or deposits. The scope of such work would be identified in a pre-approved archaeological protocol developed in consultation with the LPC and others as appropriate, such as the OPRHP and the HABGTF. As further stated in the SOW, given that the project site is known to contain significant historic and cultural resources, measures to avoid, minimize, or mitigate any adverse impacts on historic and cultural resources will be developed in consultation with LPC, OPRHP, and the HABGTF.

The City is working with the public, including the HABGTF, in ongoing efforts to plan for the development of the site memorial. This process, as well as ULURP, will include opportunities for public comment.

Comment 7.2: Given the HABGTF's experience and knowledge of the historic and cultural significance of the project site, we urge that the applicant make sure that the HABGTF have input into the drafting of

the historic and cultural resources section and, furthermore, solicit the input of Manhattan CB 11's Economic Development, Culture, and Tourism and Land Use committees. (25)

Response 7.2: *The historic resources chapter of the DGEIS will be prepared by the applicant and reviewed by the lead agency in consultation with LPC and the OPRHP in their formal role as interested agencies prior to issuance for public comment. While standard procedures for the preparation of CEQR documents do not provide for review by entities or individuals that are not lead, interested, or involved agencies, the applicant will continue to consult with CB 11 and HABGTF on the issues related to the historic archaeological resources on the site. As discussed in the SOW, any mitigation measures to avoid or reduce potential significant adverse impacts will be developed in consultation with LPC and others as appropriate, such as the OPRHP and the HABGTF.*

Comment 7.3: The Harlem African Burial Ground is being recognized in a new initiative called Mapping Dutch New York, which talks about slavery and history in New York City. The Harlem African Burial Ground and the Elmendorf Reformed Church are two of 70 sites on the heritage trail. In addition, there is a pending national and state historic register (S/NR) designation application. The anticipated S/NR designation needs to be included in the impact analysis. (7, 12, 28)

Response 7.3: *Comment noted.*

Comment 7.4: In the FSOW, the HABGTF and its ongoing partnership with the NYCEDC, MOS, and 126th Street Bus Depot Task Force, the LPC, and the OPRHP need to be more clearly described, including the role the HABGTF plays as the community's representative voice in the development of plans for the project site. (7, 12)

Response 7.4: *As described in the SOW, NYCEDC will continue to consult with the lead agency, LPC, and others as appropriate, such as the OPRHP and the HABGTF.*

Comment 7.5: The Phase 1B archaeological investigation recommended further study and fieldwork. Given the historical importance and sensitivity associated with the site, we request that this need be more fully addressed in the EIS. (7)

Response 7.5: *As stated in the SOW, the DGEIS will summarize the results of the Phase 1B archaeological investigation, including the conclusion that further study and fieldwork is warranted. LPC and the OPRHP will continue to provide guidance on the necessary scope of such work. It is anticipated that further investigation would occur prior to construction of the Proposed Project.*

Comment 7.6: We believe that the hasty process proposed for the development of the project site threatens the remains that may yet be buried there. Based on an initial analysis and excavation of several trenches, important remains have already been discovered. Significant additional artifacts and remains may yet lie underground, and if they do, both the community of East Harlem and the broader descendent African American community deserve the opportunity to ensure that these artifacts and remains are appropriately excavated, catalogued, studied, and woven into the tapestry of our collective knowledge about the lives of people of African descent in early America. By proceeding first with ULURP, then issuing an RFP, and only after selecting a developer conducting additional archaeological exploration, it is easy to see that this process will create significant tensions between the future selected developer, who will have the desire to complete the Proposed Project as quickly, efficiently, and cheaply as possible, and those who wish to ensure that all due care is taken to discover what is buried beneath and honor it appropriately. This is exactly what happened with the Lower Manhattan African Burial Ground. (8)

Response 7.6: *See response to Comment 7.1. LPC, and as appropriate others including OPRHP, would continue an oversight role in the archaeological investigation of the site after the completion of this CEQR review and the ULURP approvals.*

Comment 7.7: What is the full extent of the remains and artifacts buried on the site? We have concerns that the site may include more archaeological resources than the City has discovered to date, including remains that may exist outside the footprint of the historic African Burial Ground and/or remains buried beneath the initial layers of fill that the City has explored to date. We are concerned that if such testing is not performed before plans for the site are finalized, remains may be unknowingly destroyed or buried under new development. (8)

Response 7.7: *See response to Comment 7.1. As noted therein, the initial Phase 1B archaeological investigation, which was limited in scope, identified the presence of disarticulated human remains on the project site; the extent of the sensitive area has yet to be confirmed through further in-ground testing. See response to Comment 7.6 regarding oversight of further archaeological investigation that would be required as part of the Proposed Project.*

Comment 7.8: Is the site eligible for designation as a landmark or for inclusion in the S/NR? (8)

Response 7.8: *The FSOW has been updated to reflect the project site's eligibility for listing on the State and National Register of Historic Places (S/NR). Refer to Section I, "Introduction," of the FSOW.*

Comment 7.9: The SOW notes that the DGEIS will include a summary of the findings of the Phase 1A and Phase 1B archaeological investigation and will discuss additional field investigation that will be required. In addition, we demand that a clear timeline for such field investigation be disclosed, as it will be impossible for the community or decision-makers during ULURP to understand the full extent of potential impacts on historic and cultural resources without the additional information further field investigation will provide. As part of its disclosure regarding further investigations, the NYCEDC should disclose the specific depths to which trenches will be explored and the specific locations of all trenches and create plans that account for the possibility of deeply buried remains and artifacts outside the boundaries of the Harlem African Burial Ground. (8)

Response 7.9: *As noted in response to comment 7.1, the geographic scope of the archaeological investigation would be identified in a pre-approved archaeological protocol. It is expected that archaeological field investigation would occur following designation of a site developer. Although an exact timeline is not available at this time, if approved, NYCEDC would continue to provide updates to the HABGTF, 126th Street Bus Depot Task Force, and other local stakeholders on the status and findings of additional archaeological investigational work. These updates would include information about the scope and results of this work as it becomes available.*

Comment 7.10: We request that the historic and cultural resources section provide an assessment of the extent to which both the historic African Burial Ground and the site as a whole do or do not meet the criteria: (1) to be recognized as a New York City Landmark; (2) to be included in the S/NR; (3) to be acknowledged as a Historic District (as is the Lower Manhattan African Burial Ground); (4) or any similar designation for which this site may be eligible. (8)

Response 7.10: *Refer to the response to Comment 7.8.*

8. Urban Design and Visual Resources

Comment 8.1: The project site offers unique design challenges and the Proposed Project must be carefully designed to connect to the broader neighborhood context and relate to the existing context.

Pedestrian safety improvements would also help link the project site to the existing community. (1)

Response 8.1: *Comment noted. As noted in the SOW, the Transportation analysis will include a safety analysis. Concurrently, as part of the technical review of the City Map Change application, DOT is advising on the proposed geometric design of the intersections of E. 126th Street/Second Avenue and E. 127th Street/Second Avenue to ensure that vehicular, bicycle, and pedestrian safety concerns are addressed.*

Comment 8.2: The height and scale of the new buildings should be considered in their relationship to the existing character of the community, and building heights that make the new development feel separate and apart from the broader neighborhood should be avoided (1)

Response 8.2: *The urban design and visual resources analysis of the Proposed Project will focus on the potential for significant adverse impacts on both a primary study area (coterminous with the project site) and secondary study area (extending 400 feet from the project site), in accordance with CEQR Technical Manual methodology.*

Comment 8.3: The large scale nature of the Proposed Project would block waterfront views. (20)

Response 8.3: *As outlined in the SOW, the DGEIS will include an urban design analysis, including an assessment of the potential impacts of the Proposed Project on visual resources, defined in the CEQR Technical Manual as “the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.”*

Comment 8.4: Given the various public thoroughfares surrounding the project site (at grade and elevated), the analysis should include how the memorial will be viewed from various angles, including from First and Second avenues, E. 126th and E. 127th streets, the Harlem River Drive, and the Triboro/RFK Bridge. The urban design and visual resources analysis should also include any obstruction of the view corridors linking the proposed memorial to the future Harlem River Park esplanade expansion and views from the Willis Avenue Bridge, where DOT has created storyboards facing the project site and, therefore, linking the views from the bridge to the memorial site. (7, 12)

Response 8.4: *As discussed in the SOW and in accordance with CEQR Technical Manual guidelines, an urban design and visual resources assessment evaluates changes that would potentially obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings. Furthermore, the Manual states that an assessment is warranted when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. The creation of the Harlem African Burial Ground Memorial would introduce a distinctive element into the local streetscape, but would not result in a physical alteration beyond that allowed by existing zoning and would not result in any conditions that warrant consideration of potential impacts urban design and visual resources. The Public Design Commission in its review of the Harlem African Burial Ground Memorial design, may consider such concerns as how the memorial will be seen from publicly accessible locations, such as those cited in the comment. Regarding view corridors, the CEQR Technical Manual recommends assessment when a project partially or totally blocks an existing view corridor or a natural or built visual resource that is rare in the area or considered a defining feature of the neighborhood. The analysis does not consider existing obstructions to potential view corridors, such as existing and under construction elevated roadways that exist between the future Harlem River Park esplanade expansion and the project site, as the intervening area is not subject to the Proposed Project.*

Comment 8.5: The urban design analysis should include the desires of the HABGTF to have the project site become iconic and innovative in design, seamlessly integrating the scale and sight lines of the project to the surrounding neighborhood, thereby improving the pedestrian experience. It would be helpful if the EIS shows axonometric massing options to accomplish these goals. (7, 12)

Response 8.5: *As noted in the SOW, if a detailed assessment is warranted, photographs and/or other graphic material will be utilized including a three-dimensional representation of the future With-Action condition streetscape. Concerning the memorial design, it will likely be subject to review and approval by the New York City Public Design Commission. An evaluation of the merits of the memorial design is outside the scope of the environmental review.*

Comment 8.6: Analysis of the 127th Street viaduct replacement project and the Triboro/RFK Bridge ramp project should be done so as to understand the urban design impacts on the project site. (7, 12)

Response 8.6: *The Proposed Project does not include the 127th Street Viaduct⁴ replacement project or the Triborough/RFK Bridge ramp project, which are both in-kind reconstruction/improvement projects, and therefore the DGEIS would not provide an analysis of those projects' urban design and visual resources effects on the project site, except inasmuch as those facilities form part of the of the 400-foot urban design and visual resources study area that will be studied in the assessment.*

Comment 8.7: The Proposed Project would likely obscure views and access toward the Harlem and East Rivers and Queens, as well as the RFK Bridge. The study of the impact on visual resources should include studies of additional wayfinding. (7)

Response 8.7: *As discussed in the SOW, if detailed analysis is warranted, it would assess the Proposed Project's potential to obstruct view corridors. Refer to Task 8 of the FSOW, "Urban Design and Visual Resources" for the methodology to be utilized in the visual resources impact assessment.*

9. Natural Resources

Comment 9.1: The analysis provided to inform the shadows analysis needs to be based on a current study of the aquatic resources of the Harlem River. Appropriate consultants should be engaged to investigate the water quality and aquatic organisms in the project site vicinity, rather than using older studies. (29)

Response 9.1: *According to the CEQR Technical Manual, the determination of whether a natural resources assessment is appropriate depends on whether there is a natural resource on or near the project site and there is the potential for disturbance of that resource. In the case of the Proposed Project, given its distance of approximately 200-300 feet from the waterfront, the scope of its effects on the Harlem River would be limited to project-generated shadows cast on the river. To make a screening analysis determination, it is appropriate to rely on existing studies and classifications of the river by public agencies with responsibility for such reports that have documented its conditions and previous assessments of the potential for the type of disturbance in question to have a significant impact on the resource.*

⁴ Also known as the Harlem River Drive Viaduct Over 127th Street.

Comment 9.2: The only natural resources identified in the DSOW were potential shadows on the Harlem River. This is hardly the most significant concern, when the site is located in a high risk floodplain area. Other sections of the DSOW directly acknowledge that the project site is in the floodplain, and, according to pages 11-4 and 11-5 of Chapter 11 of the *CEQR Technical Manual*, the floodplain is considered a natural resource and should be appropriately analyzed in a natural resources section. (9)

Response 9.2: *The CEQR Technical Manual does not define floodplains as natural resources merely by virtue of their designation as areas of flood hazard. The text referenced in this comment discusses floodplains in the context of their presence in or adjacent to wetlands, which are defined as natural resources. In its discussion of wetlands, the CEQR Technical Manual refers to floodplain areas that function to “hold surface water hydrology (e.g., flooding) during large storms,” and therefore “are a very important element in protecting water resources and wetland systems.” As such, wetlands located within floodplains are considered natural resources due to the important role they play in the watershed. This characterization is not applicable to the project site, as it is occupied by a building and impervious surfaces, is not located within or in the immediate vicinity of wetlands that could be affected by runoff from the project site, and as such it does not hold water surface hydrology during large storms and is not an important element in protecting water resources and wetlands systems. Therefore, although located within a floodplain, the project site and its immediate vicinity is not a natural resource meriting assessment under CEQR.*

It should be noted that projects located within a floodplain will be addressed as part of the Waterfront Revitalization Program consistency assessment provided in the Land Use, Zoning, and Public Policy analysis in the GEIS (Task 2 of the SOW), as well as in the Climate Change assessment provided in the Greenhouse Gas Emissions and Climate Change analysis in the GEIS (Task 15 of the SOW). Additionally, stormwater management concerns will be examined in the Water and Sewer Infrastructure assessment. (Task 11 of the SOW).

Comment 9.3: A thorough analysis of the floodplain must be developed here with particular reference to the impact on the Harlem African Burial Ground. (7, 12)

Response 9.3: *Please refer to the response to Comment 9.2. As noted therein, the CEQR Technical Manual does not define floodplains as natural resources merely by virtue of their designation as areas of flood hazard. Although located within a floodplain, the project site and its immediate vicinity is not a natural resource requiring assessment under CEQR.*

Comment 9.4: The EIS natural resources assessment must incorporate the findings of the Resilience Study in progress by NYC Parks, especially with respect to wetlands and waterfront resiliency above 125th Street, at least as far as 135th Street. (7)

Response 9.4: *The East Harlem Resilience study to be conducted by NYC Parks is not yet available. Should it be issued during the preparation of the DGEIS and have findings and or recommendations relevant to the project site or surrounding area it would be addressed in the DGEIS. Based on the nature of the study, such information may be provided in the Natural Resources and/or Land, Use, Zoning, and Public Policy sections of the DGEIS.*

Comment 9.5: The results of the geological study should be incorporated into the EIS. (7)

Response 9.5: *The applicant is not aware of a geological study. The results of the previous Phase 1A and Phase 1B archaeological studies will be summarized in the DGEIS (refer to Task 7, “Historic and Cultural Resources” of the FSOW).*

Comment 9.6: The *CEQR Technical Manual* specifies the appropriate assessment methodology, noting that a lead agency should use engineering techniques similar to those presented for the assessment of overland runoff and should develop an estimate of the potential for increased flooding because of a project by comparing the volume of the floodplain occupied by any buildings facilitated by the project with the total volume of the floodplain. Given the project site's location in the floodplain, the DGEIS must include a more detailed surface water hydrology assessment to determine whether proposed floodplain activities would impact stormwater flows or retention and may thereby adversely affect the physical and chemical characteristics of receiving water. (8)

Response 9.6: *Please refer to the response to Comment 9.2.*

Comment 9.7: The failure to adequately address floodplain impacts during the CEQR process may have unforeseen consequences at future stages of project development. Without conducting the type of floodplain analysis described in the Natural Resources chapter of the *CEQR Technical Manual*, it may be difficult for the City to incorporate floodplain management design criteria into a future RFP and may foreclose any possibility of utilizing State-administered grant or subsidy programs to help finance the project, since the project may not be able to later meet Floodplain Management Criteria for State projects. (8)

Response 9.7: *Please refer to the response to Comment 9.2.*

10. Hazardous Materials

Comment 10.1: Given the ongoing challenge to the environmental review in *Jewish Home Lifecare/P.S. 163*, I urge that the hazardous materials analysis meets the standard that the lower court judge required, vacating approval for the project due to insufficient analysis. (29)

Response 10.1: *The DGEIS hazardous materials analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology.*

Comment 10.2: Particular attention must be paid to the underground bus depot gasoline and oil tanks and past spills, along with any groundwater affected by the former waterfront and outdoor DSNY salt dome that was on the east side of Harlem River Drive adjacent to the project site. Particular reference to the impact on the Harlem African Burial Ground should be indicated. (7, 12)

Response 10.2: *See response to Comment 10.1, above.*

11. Water and Sewer Infrastructure

Comment 11.1: The large scale nature of the Proposed Project would add to overcrowding to our community's infrastructure. (20)

Response 11.1: *As outlined in the SOW, the DGEIS will include a water and sewer infrastructure analysis. Other City Infrastructure, such as transportation, public transit, and energy infrastructure, will be assessed as part of the applicable DGEIS tasks.*

Comment 11.2: The analysis should include the capacity of the Ward's Island sewage treatment facility and what impact development of the Proposed Project would have on it. (7, 12)

Response 11.2: *The wastewater and stormwater infrastructure analysis will identify the existing capacity and flows to the Wards Island Wastewater Treatment Plant (WWTP) and will assess the potential for*

incremental demand generated by the Proposed Project to impact the operation of the Ward's Island WWTP, as outlined in the SOW.

Comment 11.3: The GEIS needs to assess water and sewer capacity to ensure continued access to clean water. (7)

Response 11.3: See response to Comment 11.1, above.

12. Energy

Comment 12.1: An analysis of how the Proposed Project will incorporate carbon neutral/carbon reduction design methods on the project site should be included in the energy chapter. We would like the Proposed Project to be a national and international model of reduced carbon footprint and efficient energy management. (7, 12)

Response 12.1: The DGEIS energy impact analysis will be conducted in accordance with CEQR Technical Manual methodology. NYCEDC supports the City's agenda for environmentally sustainable and energy efficient development and building design. Accordingly, it is anticipated that future RFP respondents would be required to include a narrative describing how the Proposed Project would fulfill these goals and how the Respondent intends to obtain at least minimal "LEED Silver" certification(s) for the Proposed Project from the U.S. Green Building Council. It is further anticipated that the RFP would encourage respondents to incorporate renewable energy systems or to pilot emerging energy technologies in the Proposed Project as a means to provide case studies to increase market adoption of promising technologies.

13. Transportation

Comment 13.1: The DSOW section on traffic mentions a discussion on the existing bicycle network in the study area. The District Public Health Office is currently investigating further "activation" of the East Harlem bicycle network. There should be coordination with this office to ensure the most recent information and possible projections of changes before 2022. (29)

Response 13.1: DOT will be consulted regarding conditions of the existing bicycle network in the study area.

Comment 13.2: The large scale nature of the Proposed Project would add to overcrowding to our streets, sidewalks, and subways. (20)

Response 13.2: As outlined in the SOW, the DGEIS will include detailed traffic, transit, and pedestrian analyses.

Comment 13.3: There used to be ample parking for people who had cars; now parking is hard to find. (6, 26)

Response 13.3: As outlined in the SOW, the DGEIS will include a detailed parking analysis assessing the utilization and availability of on- and off-street public parking under existing, No-Action, and With-Action conditions.

Comment 13.4: We request an analysis of the intersection of E. 127th Street and First Avenue, in regards to both pedestrian and vehicular space. Car and food traffic at this intersection is likely to increase if this corner comes to mark an entry point to and from the Harlem African Burial Ground memorial. (7, 12)

Response 13.4: As discussed in the SOW, intersections were selected for traffic analysis based on CEQR Technical Manual criteria as well as guidance from DOT.

Comment 13.5: Analysis of the 127th Street viaduct replacement project and the Triboro/RFK Bridge ramp project should be done so as to understand the traffic impacts on the project site. (7, 12)

Response 13.5: *As the 127th Street viaduct replacement is not anticipated to change traffic patterns in the study area, this project will not be discussed in the DGEIS transportation analysis. However, the RFK Bridge ramp project will affect future traffic patterns and will be incorporated into the No-Action and With-Action conditions traffic analysis, as outlined in the SOW.*

Comment 13.6: We disagree that “a detailed analysis of bus conditions is generally not required” here. Please include an analysis of bus conditions, as anticipated large numbers of visitors individually and in grounds arriving to and departing from the Harlem African Burial Ground memorial by bus will likely dictate new bus patterns in the community. The EIS should also include an examination of the impact of bus conditions on the sacred atmosphere of the memorial. (7, 12)

Response 13.6: *An assignment of project-generated bus trips is included in the Transportation Planning Factors Memorandum (included in the appendix of the SOW), which determined that no bus line in one direction would experience more than 50 project-generated trips, the CEQR Technical Manual detailed analysis threshold. An assessment of the impact of bus conditions on the memorial is outside the scope of a CEQR transportation analysis.*

Comment 13.7: It is not clear why only 146 parking spaces will be analyzed and not the 300 proposed. Please explain this further in the FSOW and EIS, with particular reference to the impact on the Harlem African Burial Ground. (7, 12)

Response 13.7: *The FSOW has been updated to clarify the rationale for assuming the minimum number of parking space required pursuant to zoning (146 spaces) for purposes of the parking analysis. As outlined in the FSOW, assuming the minimum number of spaces required pursuant to zoning represents a worst-case scenario for parking analysis purposes, as it has the potential to result in the greatest amount of overflow demand for parking spaces in the surrounding area.*

Comment 13.8: The SOW notes that the project site is well-connected to transit. However, the subway lines closest to the project site (Nos. 4, 5, and 6) are already significantly beyond capacity at peak times and suffer from increasing delays due to crowding. (7)

Response 13.8: *As outlined in the SOW, the DGEIS will include a detailed transit analysis, focusing on those subway stations expected to be utilized by 200 or more project-generated trips in one or more peak hours and, specifically, at those stairways and fare entrance control elements expected to be used by significant concentrations of project-generated demand in the commuter peak hours. If development facilitated by the Proposed Project generates 200 or more new subway strips in one direction on one of the subway routes serving the project site, subway line haul conditions will also be assessed in the DGEIS.*

Comment 13.9: The SOW states that the Proposed Project would not generate more than 50 bus person-trips on any one line in one direction, therefore abrogating the need for a bus line haul analysis. However, though there are multiple bus lines serving the area, some are more likely to suffer from peak ridership than others, rendering such a calculation flawed. (7)

Response 13.9: *See response to Comment 13.6, above.*

14. Air Quality

Comment 14.1: Given the ongoing challenge to the environmental review in *Jewish Home Lifecare/P.S. 163*, I urge that the air quality analysis meets the standard that the lower court judge required, vacating approval for the project due to insufficient analysis. (29)

Response 14.1: *The DGEIS air quality analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology.*

Comment 14.2: Please include in the analysis the impact of the Harlem River Drive and Harlem River bridges adjacent to the project site, with particular reference to the impact on the internal and external Harlem African Burial Ground memorial spaces. (7, 12)

Response 14. 2: *The DGEIS air quality analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology.*

15. Greenhouse Gas Emissions and Climate Change

Comment 15.1: The qualitative discussion on the potential effects of climate change and potential design measures that will be included in the DGEIS should be informed by the East Harlem Resiliency Study or vice versa. (29)

Response 15.1: *See response to Comment 9.4.*

Comment 15.2: We would like to see in the analysis how the highest LEED standards are being met to reduce GHG emissions, global warming, and rising sea levels. (7, 12)

Response 15.2: *The DGEIS greenhouse gas emissions and climate change analysis will be conducted in accordance with CEQR Technical Manual methodology. Also, see response to Comment 12.1.*

16. Noise

Comment 16.1: Given the ongoing challenge to the environmental review in *Jewish Home Lifecare/P.S. 163*, I urge that the noise analysis meets the standard that the lower court judge required, vacating approval for the project due to insufficient analysis. (29)

Response 16.1: *The DGEIS noise analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology.*

Comment 16.2: I am happy that the bus depot, with all of its car honking and idling, is going to go away. (6)

Response 16.2: *Comment noted.*

Comment 16.3: We would like to see a comprehensive analysis of how the Proposed Project would impact noise levels on the interior and exterior Harlem African Burial Ground memorial space and surrounding neighborhood, along with how the neighborhood noise sources, such as the Harlem River Drive and the various bridges over the Harlem River would impact the project site, especially the indoor and outdoor memorial spaces. (7, 12)

Response 16.3: *The DGEIS noise analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology and will include an analysis of noise impacts on the Harlem African Burial Ground*

memorial space, in consideration of CEQR open space noise level guidelines. The FSOW has been updated to specify such.

17. Public Health

Comment 17.1: Given the health impacts indicated in the East Harlem Department of Health neighborhood profile, a public health assessment should be warranted due to the extremely vulnerable populations that may be affected under the analysis areas, regardless of CEQR thresholds. (29)

Response 17.1: *As outlined in the SOW and the CEQR Technical Manual, where no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, no public health analysis is warranted. Should unmitigated significant adverse impacts be identified in these technical areas, the DGEIS will include a public health assessment, in accordance with CEQR Technical Manual methodology.*

Comment 17.2: There is a problem with air quality and asthma here. Where is it all coming from? (24)

Response 17.2: *Comment noted.*

Comment 17.3: Since the DSOW specifically identifies air quality, noise, traffic, transportation, and other aspects of the environment that will likely experience impacts, we urge the City to conduct a complete public health assessment. Furthermore, since community residents and visitors will also view the memorial as a space for cultural renewal, reflection, and spiritual growth, these elements of social well-being should be addressed in the assessment of public health. (7, 12)

Response 17.3: *See response to Comment 17.1, above.*

18. Neighborhood Character

Comment 18.1: Selecting uses that reflect the needs of local residents—including affordable housing, local retail, community-based programs, and the memorial—will help create more consistency with the neighborhood context. (1)

Response 18.1: *Comment noted.*

Comment 18.2: Please include in this analysis the non-built aspects of neighborhood character, such as its spiritual, social, historic, and cultural features and their relationship with the Harlem African Burial Ground. (7, 12)

Response 18.2: *As noted in the SOW, the elements that contribute to neighborhood character include the presence of notable landmarks, which is consistent with guidance in the CEQR Technical Manual. Although the Harlem African Burial Ground is not a designated landmark structure, district, or scenic area, it is an important historic resource in the area. The work of the HABGTF, CB11, and demonstrated interest among local residents, and descendent community are indicators of the importance of this resource in the neighborhood. Accordingly, the DGEIS will consider the Harlem African Burial Ground as a historic resource that contributes to the neighborhood character of the area surrounding the project site.*

19. Construction

Comment 19.1: The prospect of having heavy vehicles rumbling, even in proximity to the burial ground, is disturbing. (16)

Response 19.1: *Comment noted.*

Comment 19.2: The Triborough Bridge is under major construction and it shakes my building. I am scared it will fall down. The Proton Center is under construction now, and it is causing even more vibrating. How safe will my building be once they start construction of the Proposed Project? I live right across the street at the corner of E. 126th Street and Second Avenue. (6)

Response 19.2: *The DGEIS construction analysis will be conducted in accordance with 2014 CEQR Technical Manual methodology and will evaluate the potential for significant adverse impacts at nearby sensitive receptors, including the residential buildings located directly south of the project site.*

Comment 19.3: In addition to the physical impact the construction will bring, the analysis should include the spiritual, sacred, and social impacts the Proposed Project will have on the surrounding community. (7, 12)

Response 19.3: *Comment noted. The request for spiritual and sacred impacts is outside the scope of CEQR, however as stated in the SOW, the Proposed Project's potential effects on the socioeconomic character of the study area will be disclosed in the DGEIS.*

Comment 19.4: Please explain in this section how the construction work will interface with any archaeological excavation on the project site. (7, 12)

Response 19.4: *As outlined in the SOW, the construction analysis will include an assessment of the potential for construction-related impacts on historic and cultural resources. The DGEIS will provide information on the potential construction protection measures that would be implemented to ensure the completion of the Phase 2 Archaeological Evaluation as a condition for proceeding with site construction and development.*

Comment 19.5: With respect to construction and public health, it is important to evaluate the potential for additional rodent and other pest population problems, especially given the site's waterfront location. (7)

Response 19.5: *The CEQR Technical Manual does not provide for an assessment of effects related to rodent and other pest populations. Construction of the Proposed Project will comply with all applicable regulations, including those related to rodents and other pests. Concerns about specific conditions related to rodents and other pest populations that arise on a construction site may be addressed through the City's 311 system and the Department of Health and Mental Hygiene's Rat Information Portal.*

Comment 19.6: We urge the City to consider protections measures beyond Construction Protection Plans and coordination with LPC and DOT. We feel strongly that the process of proceeding through ULURP before crafting an RFP and selecting a developer, and then having a developer oversee further archaeological exploration creates a tremendous risk to historic and cultural resources, regardless of what other protection measures may be adopted. (8)

Response 19.6: *See response to Comment 19.4, above.*

20. Mitigation

Comment 20.1: Given the anticipated detailed construction impact analysis within several study areas, mitigation plans should include processes that clearly indicate and call for oversight by the local community board (29)

Response 20.1: *As outlined in the SOW, the DGEIS will include a construction impact analysis (refer to Task 19, "Construction," of the FSOW). If impacts are identified, mitigation measures will be developed and coordinated with the lead agency, as well as responsible City/State agencies, as warranted.*

Comment 20.2: Given an estimated construction duration of 40 months, any mitigation methods should outline how impacts to neighborhood quality of life and status of protective measures for the designated memorial site will be monitored by the 126th Street Bus Depot Task Force or separate community-based oversight entity. (25)

Response 20.2: *See response to Comment 20.1.*

21. Alternatives

Comment 21.1: We request that the design concepts prepared by the HABGTF's design and architectural consultant, Anthony Carrion, which are publicly available on the HABGTF website, be formally recognized and analyzed as alternatives to the RWCDs. (7, 12)

Response 21.1: *Comment noted. As outlined in the FSOW, a lower density alternative utilizing C4-3, (R6 equivalent) zoning district regulations will be analyzed and included in the DGEIS.*

Comment 21.2: Please define what FAR threshold triggers MIH and whether this threshold can be modified for special projects, such as the Harlem African Burial Ground. We understand the need for income-targeted housing in the community and would like to see in the EIS how reducing the overall FAR might impact MIH and the Harlem African Burial Ground memorial. (7, 12)

Response 21.2: *Rezoning the project site to an R6 (or R6-equivalent) district, or higher, triggers MIH. The FSOW has been updated to include a lower density alternative utilizing C4-3 (an R6 equivalent zoning district), which will be analyzed and included in the DGEIS.*

Comment 21.3: Please include a "financially feasible" alternative to the RWCDs where there is minimal impact on the environment, while simultaneously achieving the mutual goals set by the HABGTF and the City of New York. The term "financially feasible" should be defined and quantified to allow decision makers and other interested parties to gain a clear understanding of what the tradeoffs are among several alternatives and the RWCDs. (7, 12)

Response 21.3: *Financial feasibility analyses are outside the scope of CEQR. Refer to the response to Comment 1.30.*

Comment 21.4: The FSOW should include an alternative that studies the impacts of a project where the memorial spaces is mapped as a New York City Park. (7, 14)

Response 21.4: *See response to Comment 1.1.*

Comment 21.5: In light of the large scale of the Proposed Project, and associated shadows that would be cast by the Proposed Project, alternate development scenarios that examine urban design guidelines that limit height, including at the street face, should be assessed. (7)

Response 21.5: *The FSOW has been updated to indicate that a lower density alternative will be assessed in the DGEIS. The lower density alternative will have a lower maximum building height than the Proposed Project. A comparison of the potential for shadow impacts resulting from the Proposed Project and the lower density alternative will be provided in the DGEIS. It should also be noted that, should unmitigated significant adverse shadow impacts be identified, an alternative to avoid these impacts would be identified as part of the “Alternatives” task of the DGEIS.*

Comment 21.6: A 100 percent affordable alternative should be included in the EIS that discloses the potential impacts on residential displacement, community facilities, and other impact areas. In particular, both the impacts on indirect residential displacement (which takes into account the extent to which newer residents may have higher incomes than existing residents) and on community facilities would be affected by a different income mix, so it is critical that the City examine this alternative. (8)

Response 21.6: *Comment noted. A 100 percent affordable alternative is not being analyzed as an alternative in the DGEIS (refer to Task 21, “Alternatives” of the FSOW).*

Comment 21.7: We demand that the City examine and disclose the impacts of a range of alternatives more closely aligned with the community’s needs, in particular: (1) a 100 percent affordable alternative, consistent with the affordability parameters for public sites in the East Harlem Neighborhood Plan (i.e., with units reaching deep and varied levels of affordability, with a cap at 130 percent AMI and at least 20 percent at or below 30 percent AMI); and (2) an alternative that excludes destination retail and hotel uses. (8)

Response 21.7: *As outlined in the FSOW, the DGEIS will include a lower density alternative. The RWCDs for the lower density alternative does not include a hotel and would include less destination retail than included in the RWCDs for the Proposed Project. In addition, the Proposed Project would not mandate the provision of destination retail over local retail; the inclusion of destination retail in the RWCDs program represents a worst-case for environmental analysis purposes.*

As noted in response to Comment 21.6, above, a 100 percent affordable alternative is not being analyzed as an alternative in the DGEIS. However, it should be noted that the Proposed Project does not preclude the provision of additional affordable units, beyond the Proposed Project’s 365 units affordable to households earning at or below 80 percent AMI.

22. Unavoidable Adverse Impacts

Comment 22.1: One thing that was said tonight that really concerned me is the idea of unavoidable adverse impacts. I don’t know what that means because things were not well defined, and that is a major criticism that I have. You are telling me it is an adverse impact, but we will consider that it is unavoidable—what does that mean? None of these thing are defined. (3)

Response 22.1: *As outlined in the SOW, unavoidable adverse impacts are defined in the 2014 CEQR Technical Manual as any significant adverse impacts that are unavoidable if the Proposed Project is implemented regardless of the mitigation employed (or if mitigation is not feasible). Unavoidable adverse impacts have no practical mitigation measure to eliminate the impact, and/or there are no reasonable alternatives to the Proposed Project that would meet the purpose and need of the action, eliminate the impact, and not cause other similar adverse impacts.*

23. Executive Summary

Comment 23.1: Please emphasize the sacredness of this project site in the executive summary, so that those who only review this chapter will clearly understand the importance of this project on the community, both locally and internationally. (12)

Response 23.1: *Comment noted.*

G. General

Comment G.1: To include the East Harlem Neighborhood Plan as a reference document but ignore the specific recommendations relating to environmental review is a large oversight. The environmental review recommendations of this document should be reviewed and implemented. (29)

Response G.1: *The Proposed Project was developed in consultation with the HABGTF and the 126th Street Bus Depot Task Force, which includes members of CB 11 and other local stakeholders. The environmental review for the Proposed Project is being conducted in accordance with existing CEQR guidelines. In addition, at the request of CB 11, the public comment period for the SOW was extended two weeks beyond the minimum public comment period required pursuant to CEQR. The NYCEDC will continue to work with the HABGTF and other stakeholders.*

Comment G.2: The impacts of the Proposed Project should be measured along with the impacts of the E125 project directly west of the site, where an additional 900 units of housing will be developed, along with significant commercial and retail space. In addition to E125, the impacts of the upcoming East Harlem rezoning, particularly the upper stretches of Third and Park avenues, must also be considered. There are thousands of additional dwelling units proposed in the adjacent blocks, as well as a new DSNY consolidated garage facility, and this is a small fraction of development underway in the proximate area. We object to the review of this project without consideration of other proposed or approved projects in CD 11 (1, 7)

Response G.2: *For the relevant technical areas (e.g., land use, socioeconomic conditions, child care, open space, urban design, shadows, and transportation), the No-Action condition accounts for known and anticipated developments in the vicinity of the project site. The E125 and DSNY developments, both known and anticipated developments, will be accounted for in the No-Action condition analyses of the DGEIS, where appropriate. As the East Harlem Rezoning Proposal DSOW (issued on November 10, 2016) identifies an analysis year of 2027, which is beyond the Proposed Project's 2022 analysis year, the East Harlem Rezoning Proposal EIS will include the Proposed Project in its No-Action analyses, where applicable. As such, discreet demand generated by this future rezoning, which is not expected to be fully realized by the Proposed Project's 2022 analysis year, is not included in the quantitative No-Action analyses of the DGEIS.*

Comment G.3: We recommend that the summary EIS chapter include additional benchmarks that compare the EIS findings to the recommendations of the East Harlem Neighborhood Plan and the most recently published CD 11 District Statement of Needs. (25)

Response G.3: *Consideration has been given to the objectives of the East Harlem Neighborhood Plan and the most recently published CD 11 District Statement of Needs and, where feasible, aligned with the objectives of the Proposed Project. In addition, and as outlined under Task 2, "Land Use, Zoning, and Public Policy," of the FSOW, the consistency of the Proposed Project with these documents will be included in the DGEIS public policy assessment.*

Comment G.4: From my understanding, the SOW is supposed to indicate for all technical areas, that analyses were done, and whether a proper analysis is clearly required in the EIS. While you are looking at traffic, you aren't looking at public health, water and sewer infrastructure, air quality, socioeconomic conditions, or hazardous materials. You are saying that you are going to decide what that looks like later, but how can you can public comments on it now? That is not the proper process from my understanding, which leaves me to believe that you compressed the process to meet political deadlines instead of fulfilling your responsibilities. At a meeting in May, the NYCEDC presented a project timeline and indicated that the project was being fast-tracked so that it could enter ULURP while there is still support in office. You need to follow the legally required process; you need to do it the right way to avoid litigation. (9)

Response G.4: *The DGEIS will be prepared in accordance with CEQR. All technical areas—with the exception of solid waste and sanitation services, which was screened out per the EAS Long Form—will be analyzed in the DGEIS.*

Comment G.5: The use of jargon this evening is a signal to us of the insensitivity to the poor community that makes up East Harlem. (16)

Response G.5: *Comment noted.*

Comment G.6: Harlem has an international reputation and the burial ground will draw people from Africa and all over the world who continue to love Harlem for its reputation. This project seems to “mitigate” that reputation. (16)

Response G.6: *Comment noted.*

Comment G.7: The project site is very important, and the NYCEDC needs to stay engaged with the real estate developers who are actually going to be effectuating the process once the RFP is issued. It is important that developers know about these projects early on so that we can help effectuate the goals of the community. Practically, you are not going to be able to develop one million sf on the site, and you need to know what is realistic and how a burial ground site is actually developed. This is a difficult, complicated site. You need to make sure you choose a developer that actually cares about having a lasting relationship with the community. (13)

Response G.7: *Comment noted.*

Comment G.8: You have to define things for people so that they can have meaningful comments to make, and that was not done here. It seems to me like the approach is down up. If the public disagrees, will our disagreements be seriously considered, or is it just a comment? Because a comment with no power is just a comment. What is the procedure as far as what the community has to say, and how are those words really going to be incorporated? (3)

Response G.8: *As outlined at the public scoping hearing, all public comments received during the comment period have been considered and incorporated, as appropriate, in the FSOW to guide the preparation to the GEIS.*

Comment G.9: Communication is sorely lacking between the City and State agencies and the communities that they are affecting. (18)

Response G.9: *Comment noted.*

Comment G.10: The redevelopment of this sacred site must be analyzed as more than just another site or, better, another site with some special, uniquely demanding historical features. Because this site is so

historically significant, it cannot be considered or studied in isolation: the project site and anything that might be built on it must be examined within their contexts. The relationships among the site, its neighborhood, and the built and natural environments must be examined in all their complexities. Recognition of the potential gifts of the site to the neighborhood must be fully considered in relation to the East Harlem Neighborhood Plan. (7, 12)

Response G.10: *As outlined in the SOW, each technical area will be analyzed for the applicable study area consistent with the CEQR Technical Manual guidelines.*

Comment G.11: The standards by which the project site's development will be judged must be the very best and highest in the world. The "leadership" component of LEED planning is the project's starting place. The Harlem African Burial Ground memorial site must be a model of aesthetically daring, environmentally innovative, and spiritually fulfilling urban design. (7, 12)

Response G.11: *Comment noted.*

Comment G.13: The Proposed Project should maximize local workforce participation, job training and placement—both construction and post-construction business—and economic development for the community as part of the means and methods of construction to be incorporated into the RFP. (7)

Response G.13: *See response to Comment 1.3.*

Comment G.14: The *CEQR Technical Manual* defines two broad categories of actions. "Site-specific actions" are projects proposed for a specific location where approvals to the site are required to allow a particular project to proceed. In contrast, "generic actions" are programs and plans that have wide application or affect the range of future alternate policies, usually affecting the entire City or an area so large that site-specific description is not appropriate. Designation of the Action Type is critical because the types of analyses that must be performed for site-specific and generic actions vary substantially. The description provided in the DSOW of appropriate uses of a GEIS differs significantly from that found in the SEQRA regulations, which contemplate programmatic changes that will be applied to a broad area as warranting a GEIS—not discrete projects on a single site, the details of which an agency has simply failed to flesh out, as is the case here. We are troubled by the decision to undertake a GEIS rather than the site-specific analysis such a project warrants, a move that limits meaningful community input into the specific design, site plan, and features of the project. We believe that this approach violates the applicable state regulations and improperly limits public input into the specifics of this project. (8)

Response G.14: *A GEIS is consistent with current CEQR practice and is appropriate for the Proposed Project as a developer will not be selected until after the completion of the land use and environmental review processes. The analysis methodologies and impact determination assessments of the Proposed Project are the same as would be conducted if a developer had been designated prior to the initiation of land use and environmental reviews and in which case the EIS would not be identified as generic. A GEIS is no less rigorous than a site specific EIS and does require a developer to conduct an additional environmental review should the program change in a way that the GEIS analyses does not account for. The discretionary approvals sought, i.e., zoning map amendment, zoning text amendment (to establish an MIH-designated area), a City Map Change, and a disposition of City-owned land, would allow a range of possible development programs and buildings massings. These approvals do not include a site plan, apart from restrictions that will be reflected in the site disposition regarding certain project commitments, including the location of the Harlem African Burial Ground memorial in the location of the historic cemetery. The program, massing, and site plan will have to comply with the scope of development permitted by the proposed discretionary actions; approval of a specific site plan is not within the purview of the decision-makers. The DGEIS will provide an analysis of the illustrative RWCDs*

(identified in the SOW) that would have the greatest potential to result in significant adverse impacts and therefore presents a conservative analysis framework.

Comment G.15: We feel strongly that the public must be included in discussions and decisions about the final design and site plan, and we fear that this will not be the case if the NYCEDC refuses to conduct additional archaeological excavation on the site, proceeds with a GEIS, then moves to the RFP process. We believe that the City should conduct the additional archaeological excavation now, share the findings with the public, engage the public about potential design of the site, craft a specific site plan, and only then proceed to ULURP, where the impacts of that specific design can be discussed in more detail and modified if needed. The NYCEDC is essentially asking the public to approve a blank box, into which any number of designs might be inserted—potentially none of them consistent with the historic nature of the site, the preferences and needs of the current East Harlem community, or the broader descendent African American community (8)

Response G.15: As stated in the SOW, the DGEIS will discuss the additional field investigation that will be required and will evaluate the potential for the Proposed Project to result in significant adverse impacts on archaeological resources present at the project site. Mitigation measures to avoid or reduce potential significant adverse impacts will be developed in consultation with LPC and other as appropriate, such as the OPRHP and the HABGTF. Also, as stated in the SOW, it is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground Memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures. In order to address the potential range of responses to the RFP, the environmental review analyzes a RWCDs that conservatively considers for each impact category the reasonable worst-case potential for environmental effects.

Comment G.16: We believe that ODMHED should and must engage the community in a more meaningful process to develop more detailed parameters for this localized, site-specific action, and only then begin the environmental review process. If ODMHED proceeds with a GEIS, it is likely not to develop or disclose details about, *inter alia*, the location and physical dimensions of the project, site plan, design approach, and appearance of the proposed buildings, as required for site-specific actions. Applying the framework for site-specific actions rather than that for generic actions would also provide more opportunities to weight the unique nature of the site and the impact of a proposed project on potential further archaeological discoveries. (8)

Response G.16: Comment noted. Please see response to Comment G.14.

Appendix 2

Written Comments on the Draft Scope of Work

Tuesday, September 27, 2016

To whom it may concern:

Greetings on behalf of the Ramapo Lenape Nation. We are an Indigenous People of the New York and New Jersey area and are currently recognized by the State of New Jersey.

It has come to our attention that currently there is a call to discuss future plans to create an "African American memorial" at the former East 126 Street MTA Bus Depot as a central feature of redevelopment, which would bring multiple benefits to East Harlem.

While we have seen information focusing on the desecrated remains of both freed and enslaved Africans beneath this former Bus Depot, it is our understanding that this property is also a documented Lenape village site of archeological, educational, and spiritual significance.

With this in mind, we are very interested in the creation of a vibrant memorial that is integrated into the social and economic of East Harlem, however, we are opposed to any development plan that seeks to render invisible the American Indian foundations of New York City or deny the continece of this community today. The United Nations Declaration on the Rights of Indigenous Peoples, a Human Rights standard adopted by the United States, states in Article 18 that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions."

Therefore, the Ramapo Lenape are calling for inclusion and transparency in the discussions on and development of the proposed memorial and site planning.

In closing, New York City is home to the largest American Indian population in the country including the Lenape people, as well as other Indigenous Peoples who call the city home. We have an interest in this process and would like to participate moving forward.

With respect,

Chief Dwaine Perry,

Ramapo Lenape Nation



Diane Collier
Chair

Angel D. Mescain
District Manager

COMMUNITY BOARD ELEVEN

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October 21, 2016

Denise J. Pisani
Senior Project Manager
Mayor's Office of Sustainability
253 Broadway – 14th Floor
New York, NY 10007

Dear Ms. Pisani,

The following are Community Board 1's comments on the Draft Scope of Work for the 126th Street Bus Depot Project:

The proposed project at East 126th Street and 2nd Avenue is of the potential size and scope to have numerous significant effects on the District 11 and East Harlem. These are effects associated with the creation of dwelling units, destination and local retail, community facility, additional bulk, and various economic impacts associated with all of the foregoing.

Community Board 11 and its members express sincere concern about the potentially deleterious impacts of this project, and respectfully request that they be addressed:

1. The Project Description is wholly inadequate for the consideration of the Community Board. The cultural significance of this site; the creation, quantity, level of affordability, permanence or duration of affordability of housing created by the Project; the type, quantity, composition, and specific makeup of commercial and retail space, to include its eventual use; the mass, bulk, height, shadow potential, and other impacts of the project are of crucial importance and are not addressed by the Project Description. Without detail on the proposed project, the Board cannot evaluate the impacts of this project. Further, the Project Description insufficiently recognizes the sanctity of the burial ground and must preserve and pay homage to indigenous peoples and African American people who stewarded this land in past generations and whose spiritual preservation was desecrated by previous development on this site. The Board recommends that 50% of the total units should be permanently affordable and tied to the deed; 50% of those units must have community preference within the CB11 catchment zone and must be enforced; affordability should be maintained within MIH and the district's needs in regards to the lowest income qualifications; and the developer is required to establish a fund to keep

those apartments in the surrounding area affordable (M1 Zone: 125th– 126th Street, 1st– 2nd Avenue).

2. With respect to the memorial, the Board incorporates the comment of the Harlem African Burial Ground Task Force.
3. The City Environmental Quality Review method for assessing impact on schools is not successful in East Harlem. It estimates the number of children in a household based on borough-wide averages. Because of the differing makeup of households in East Harlem as compared to other parts of Manhattan, such as Midtown and the Financial District, this estimate dramatically undercounts the number of children that will likely end up attending public schools in Community School District 5. Also, it is worth noting that while the proposed project is in CB 11, most of CB 11 is in CSD 4 while this project is in CSD 5. We ask that that this review be conducted utilizing data from the NYC Administration for Children's Services that more accurately reflect the average children per household or per dwelling unit bedroom than the borough standard as the current proposal will underestimate the number of school children and result in insufficient mitigation.
4. Development is rapidly underway in East Harlem, and a forthcoming up-zoning in the neighborhood is likely to significantly accelerate this trend. Assessing the impact of this project in a vacuum renders it impossible to determine the impact of the proposal. This year, hundreds of dwelling units have already been found to have no effect, rendering an EAS sufficient for those projects. There are thousands of additional dwelling units proposed in the adjacent blocks, as well as a new Department of Sanitation consolidated garage facility, and this is a small fraction of development underway in the proximate area. We object to the review of this project without consideration of other proposed or approved projects in the Community District.
5. The indirect residential displacement potentially caused by this development must be comprehensively studied. The Reasonable Worst Case Development Scenario provided by NYC EDC provides for over 700 dwelling units and over 300,000 square feet of commercial space, along with community facility and 300 parking spaces. Since it only contemplates 50% of those dwelling units as affordable, and the income cap is only specified as low as 80% AMI, this project could have a significant economic impact on the neighborhood. Since 80% AMI for a family of three is still more than double the median income of the Community District, CB 11 requests a more complete study of the impact on housing prices and affordability.

6. With respect to transit and transportation, the EAS aptly notes that the project is well-connected to transit. However, the subway lines (No. 4, 5, and 6) closest to the project are already significantly beyond capacity at peak times and suffer from increasing delays due to crowding. Further, the EAS states that the proposed project would not generate more than 50 bus person-trips on any one line in one direction, therefore abrogating the need for a bus line haul analysis. However, though there are multiple bus lines serving the area of the project, some are more likely to suffer from peak ridership than others, rendering such a calculation flawed.
7. The development site has been determined to be the site of the Harlem African Burial Ground. The Phase 1B Archaeological Investigation recommended further study and fieldwork, and, given the historical importance and sensitivity associated with the site, we request that this need be more fully addressed during the EIS.
8. In light of the large scale of this development, we request a careful study of shadows and alternate development scenarios that examine urban design guidelines that limit height, including at the street face.
9. The RWCDs would likely obscure views and access toward the Harlem and East Rivers and Queens, as well as the Robert F. Kennedy Bridge. We request a study of the impact on visual resources including with studies of additional wayfinding.
10. With respect to natural resources, the EIS must incorporate the findings of the [Resiliency Study] in progress by the New York City Parks Department, especially with respect to wetlands and waterfront resiliency above 125th Street, at least as far as 135th Street.
11. We request an alternative development scenario that maps the African Burial Ground footprint as parkland, removing it from the FAR of the project. Open space and natural resources are a crucial amenity to our community that has been insufficiently addressed by the draft EAS.
12. The Board requests that the EIS incorporate the impact of workforce changes, and that the project maximize local workforce participation, job training and placement associated with the project--both construction and post construction business--and economic development for the community as part of the means and methods of construction to be incorporated into the RFP, in this community which has been historically underserved.
13. The Board recommends that the results of the geological study be incorporated into the EIS.

14. The Board reiterates the need to assess water and sewerage capacity to ensure continued access to clean water.
15. The Board asks that the EIS examine the noise impacts of the proposed buildings of the development on the Harlem African Burial Ground memorial to be constructed.
16. With respect to construction and public health, the Board emphasizes the importance of evaluating the potential for additional rodent and other pest population problems to be caused, especially given the waterfront location.

If your staff has any further questions, please contact our District Manager, Angel Mescaín, at 212-831-8929.

Sincerely,



Diane Collier
Chair
Community Board 11

Submitted Via Email to: dpisani@cityhall.nyc.gov



Community Voices Heard
Comments on the Draft Scope of Work for the
126th Street Bus Depot

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I. Introduction

East Harlem has long been home to new immigrants and working-class people of color. We take pride in our history as a multi-ethnic community full of families, artists, local businesses, and rich culture. Over the last couple of decades, the neighborhood has experienced significant gentrification and displacement, leading to increased homelessness and eroding the many institutions and local culture we have built over generations. Within this context, Community Voices Heard (CVH) - a member-led multi-racial organization, principally women of color and low-income families, that builds power to secure social, economic and racial justice for all - is deeply concerned about the actions the New York City Economic Development Corporation (EDC) and Office of the Deputy Mayor for Housing and Economic Development (ODMHED) propose to take at the site of the former 126th Street Bus Depot. We believe that any proposed development on the site must preserve and honor the historic nature of the site, and that if anything is built on the site, after excavation, that the rest of the site must address the needs of the current community of East Harlem - including the need for deeply and permanently affordable housing, space for local businesses and retail, and union jobs. The project as proposed accomplishes none of these goals, but would instead invite a significant amount of luxury housing in a manner that disrespects both the ancestral and present-day communities of color for which this site should serve as an important anchor.

We urge you to put a stop to this project until the community has an opportunity to more fully consider how to best harmonize the sacred nature of the site with the needs of the present-day neighborhood, and until the City adopts a housing subsidy program that can meet the need for deeply affordable housing in East Harlem.

We address more specific concerns related to the City's proposed environmental analysis in the sections that follow. But the bottom line is that this project should go forward consistent with community goals - including both careful, respectful treatment of the historic African Burial Ground, and uses that reflect the needs of the present-day community - or it should not go forward at all.

Additionally, the Draft Scope of Work suggests that the proposed project advances the goals of the East Harlem Neighborhood Plan. As a group that was centrally involved in the creation of that Plan, we categorically reject that description, as described more fully in our response to the Land Use, Housing, and Public Policy section.

We are also troubled by the decision to undertake a Generic Environmental Impact Statement (GEIS) rather than the site-specific analysis such a project warrants, a move that limits meaningful community input into the specific design, site plan, and features of the project. We discuss this issue more fully in our response to the Analysis Framework.

A. The Project Fails to Address Community Concerns

We believe that the proposed project fails to address several critical community needs, including

- Affordable housing at levels reflective of current community needs
- Local retail and jobs
- Design that respects the sacred nature of the site

We address each issue in turn.

1. Design That Respects the Sacred Nature of the Site

Although EDC has insisted that the proposed rezoning will set only the outer parameters of what could be built on the site as opposed to final plans, we are concerned at the scale and proposed uses of the project, which would allow 35,000 sq ft for local retail, 80,000 sq ft for “destination retail,” 200,000 sq ft for office or hotel uses, just 30,000 sq ft for community facilities, and over 650,000 sq ft for residential uses. If developers propose projects that maximize the available square footage on the site, they will have one of two basic options, each of which is equally distressing to us: reserve significant space around the burial ground and create exceedingly large buildings on the remainder of the site, or create smaller buildings in a manner that compromises open space available at the burial ground site. We are not confident that either option would strike the right balance between the needs of the present-day community and the historic nature of the site, especially if the housing that is built is not designed to meet the needs of and anchor the most vulnerable sectors of the existing neighborhood population but becomes, instead, another high-rise playground for the ultra-wealthy.

We feel strongly that the public must be included in discussions and decisions about the final design and site plan, and we fear this will not be the case if EDC refuses to conduct additional archaeological excavation on the site, proceeds with a general environmental assessment, then moves to the Request for Proposals (RFP) process. While EDC has assured members of the public that they will be able to continue to influence the details and parameters of the project at the RFP stage - which we certainly hope will be the case if this project proceeds - there are no guarantees of this, unlike the guarantees that are afforded within the ULURP process when a site-specific analysis is performed. We believe that the City should engage experts to conduct additional archaeological explorations into the site now, share the findings of this more thorough investigation with the public, engage the public in meaningful and sustained dialogue about potential design of the site (building on the conversations that the Harlem African Burial Ground Task Force has already engaged in over the years), craft a specific site plan, and *only then* proceed to ULURP, where the impacts of that specific design can be discussed in more detail and modified if needed.

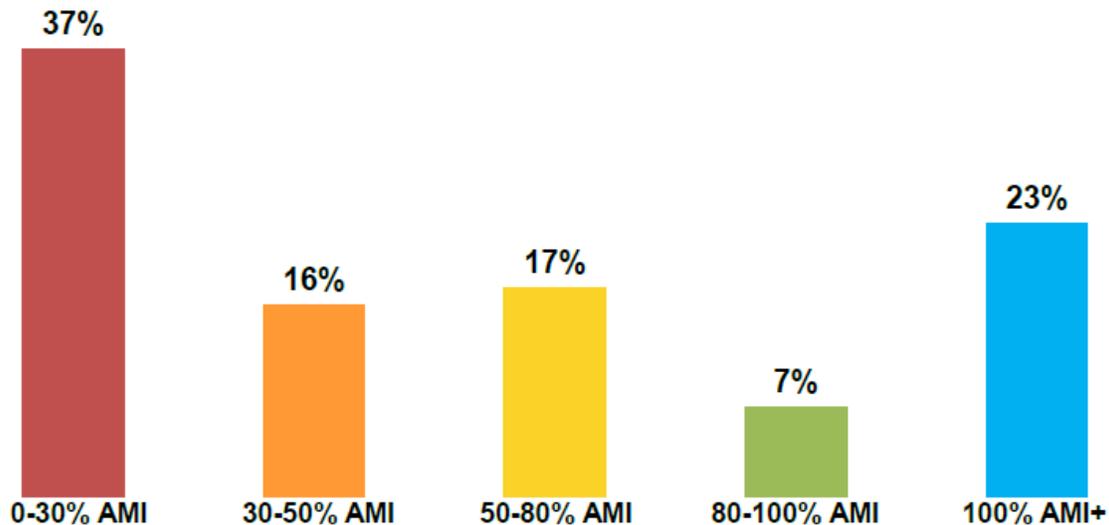
As it is, EDC is essentially asking the public to approve a blank box, into which any number of designs might be inserted - potentially none of them consistent with the historic nature of the site, the preferences and needs of the current East Harlem community, or the broader descendent African American community.

It is critical that the parameters of the project be set out with greater specificity *before* the project proceed further down the ULURP approval path and that members of the public have more meaningful opportunities to weigh the options. If the ODMHED and EDC proceed with the blank check approach they have thus far set forth, there is a significant risk that developers will seek to maximize profit above all else and that members of the public will be powerless to prevent design and use choices that denigrate both our ancestors and the present-day community.

2. Affordable Housing

CVH is deeply troubled that the Draft Scope of Work contemplates a project that is half market rate - or, by the standards of our community, half luxury - apartments, and half “affordable” apartments for families making up to 80% of the Area Median Income, or almost \$87,000 a year for a family of four. This in no way reflects the need for deeply affordable housing in the community, where 37% of residents make less than 30% AMI, or \$27,180 a year for a family of four.

Fig. 2 East Harlem Income Levels¹



Because the City’s tools on private sites are limited - housing subsidies are voluntary and unlikely to be attractive to private developers in our rapidly-gentrifying area, and Mandatory Inclusionary Housing for the most part does not reach the deep affordability levels our community so desperately needs - deep and permanent affordability on public sites is a vital part of creating an overall neighborhood housing plan that is, on the whole, responsive to the needs of the current community. Moreover, because those who develop on publicly owned land do not need to pay market rate real estate prices for the land, it is possible - and critical - to require more and deeper levels of affordability. That’s why the East Harlem Neighborhood Plan calls for all development on publicly owned sites to be built 100% affordable, with units reaching deep and varied levels of affordability with a cap at 130% AMI and at least 20% at or below 30% AMI (Affordable Housing Development 2.1). The current plan for this site fails to meet the

¹ Source: US Census ACS 2007-2011 5 year estimates based on census tracts approximately within boundaries of CD 11.

demands of the East Harlem Neighborhood Plan and the needs of the community with regard to deep affordability.

Even were the City to agree that 100% of the housing built on this site should be affordable, the tools currently at the City's disposal - the existing term sheets that HPD has - fail to meet our community's need for deep affordability, in particular the need for a significant share of housing below 30% AMI. Therefore, we urge the City not to proceed with the development of this site until a new term sheet is created that meets our community's need for deep affordability. Putting a pause on the project until such a term sheet is created will both enable the City to generate a plan and RFP requiring deeply affordable housing, and permit additional time to conduct the archaeological investigations and community visioning we believe are necessary to develop a well-balanced, community-supported plan.

We are also concerned that the plan fails to ensure that all of the affordable housing on the site will remain affordable in perpetuity. As we explained in our response to the development of another public site on East 111th Street between Park and Madison Avenues:

Our community has lost significant amounts of previously affordable housing because of requirements that expired after 20 to 40 years, and we are poised to lose even more. The affordable housing built on this public site should be guaranteed to remain affordable in perpetuity. In the EHNP, we stated that a community land trust was a priority for the community and could be used to reach a longer term of affordability. The community demanded that ... vacant and underutilized City-owned land go to a community land trust (2.8.5.)

We are distressed to see that the City is once again contemplating the giveaway of a valuable public site to a private developer, in direct contradiction to the wishes of the community as outlined in the EHNP. That the City is also contemplating private disposition of the African Burial Ground itself to a private developer - inviting the desecration and commodification of African bodies on the site - adds insult to injury. We urge the City to modify its plans to ensure that this site remains under public ownership in perpetuity, to ensure that the interests of both the present-day and ancestral communities associated with this site are preserved for generations to come.

3. Local Retail and Jobs

The Environmental Assessment Statement Full Form for this project indicates that the With-Action condition could create as many as 1230 jobs, but it is unclear at this stage what share of these jobs would be high-quality jobs for local residents. Today, almost a third of East Harlem residents are living in poverty.² Developers - especially those developing on public land - must be held to higher standards that ensure that development projects create jobs for the community members who most need them. The same should hold true for any retail establishments that may be built on public sites.

That is why the East Harlem Neighborhood Plan calls for HPD and other government agencies to ensure that construction jobs for affordable housing production pay living wages, advance local hiring, and

² Source: American Community Survey 2009-2013.

provide certified apprenticeship programs (Affordable Housing Development - 1.8). When the City provides funding and subsidies to developers, it has the power to set more conditions on receipt of that money, including conditions related to hiring and apprenticeship. We demand that the City use this power to its fullest ability in order to ensure that any development that may take place on the 126th Street Bus Depot site meets the neighborhood's needs and the goals set forth in the EHNP, including:

- Requiring developers to have local hiring targets for employing East Harlem residents (Economic Development - 1.1)
- Creating a better mechanism for overseeing developer performance on their agreements to hire East Harlem workers
- Creating community and union oversight to ensure hiring targets and job quality standards are met, in addition to releasing public quarterly reports (Economic Development - 1.2)
- Calling for local employers, including building management companies, to hire local residents (Economic Development - 1.3)

Although CVH anticipates that some of these issues may be addressed in the process of creating criteria for the RFP for future site development, it is never too early to raise these critical issues. We are also concerned that some of the current proposed uses, including a significant amount of “destination retail,” potential hotel space, and office space, do not create the potential for high-quality local jobs, including union jobs - or at least, may not do so if the plans are not carefully crafted.

Finally, we are strongly opposed to the inclusion of hotel space and “destination retail” on this site. The community has expressed a clear and consistent preference for small local businesses that serve the local community and are culturally appropriate for our neighborhood, and if retail space is included on this site, the space should meet the community's demands. It is especially important that public sites that include retail create opportunities for small local businesses, which - like longtime local residents - are at significant risk of displacement resulting from gentrification. In many cases, small local businesses also provide employment opportunities for people from the neighborhood that are vastly better than those provided by chain stores in terms of pay and working conditions.

Although we hope that the site may ultimately become a “destination” for many, we hope that the motivation will be to learn more about and honor the ancestral community associated with the Harlem African Burial Ground. If the project is intended to center the needs of the current and ancestral communities of East Harlem, we strongly object to the inclusion of uses that cater specifically to higher-income people and not local residents.

4. False Trade-Offs

We understand that EDC's position is that the site must include a mix of uses, including uses catering to higher-income populations, in order to ensure the project's overall financial feasibility. In EDC's eyes, luxury housing, destination retail and hotel uses may be required to create necessary revenue streams for the future museum and other community spaces on the site. But CVH believes that this conclusion about privatization as a necessary evil is unsupported at this stage and has been too hastily drawn. For example, in addition to greater HPD subsidy for affordable housing, alternate sources of funding for the memorial

site and museum could be pursued, alleviating pressure to support these uses through massive amount of luxury housing or retail chain stores. Alternatively, the City could conduct a more thorough archaeological investigation of the site, determine with the community which portions of the site are best preserved and which, if any, are more appropriate to help generate affordable housing and other community needs, and then RFP the land for each use separately, allowing developers with differing expertise in these specific uses to take the lead. As it is, the City's failure to seek or even consider alternate sources of funding for the preservation of the Harlem African Burial Ground and potential museum, on the one hand, and other uses, on the other creates the conditions for a trade-off between several important community purposes. CVH rejects this trade-off and instead demands that ODMHED and EDC perform additional legwork and planning before moving to dispose of this site to a private developer.

B. The City and Public Lack Sufficient Information to Proceed Responsibly

We believe that the hasty process the ODMHED and EDC have proposed for the development of the site threaten the remains that may yet be buried there. Based on an initial analysis and excavation of several trenches, important remains have already been discovered, including “a skull, its cranium intact, that most likely came from an adult woman of African descent.”³ Significant additional artifacts and remains may yet lie underground, and if they do, both the community of East Harlem and the broader descendant African American community deserve the opportunity to ensure that these artifacts and remains are appropriately excavated, catalogued, studied, and woven into the tapestry of our collective knowledge about the lives of people of African descent in early America. But as of now, it appears that the ODMHED and EDC intend to proceed with the Uniform Land Use Review Procedure (ULURP), issue a Request for Proposals (RFP) for the development of the site, select a developer for the site, and only then conduct additional archaeological exploration - overseen by the developer. It is easy to see that this process will create significant tensions between the future selected developer, who will understandably have the desire to complete the proposed project as quickly, efficiently, and cheaply as possible, and those who would wish to ensure that all due care is taken to discover what is buried beneath and honor it appropriately.

That is exactly what happened with what is now the Lower Manhattan African Burial Ground. “In 1987, the General Services Administration, the Federal agency charged with carrying out governmental capital projects, began developing plans for a new Federal office building and courthouse in ... Lower Manhattan.”⁴ Prior to commencing the project, the GSA acknowledged that the agency was “‘subject to environmental, landmark and other City review procedures’ and that the agency would ‘avoid, reduce or mitigate’ any adverse effects on historically or archeologically significant materials

³ David W. Dunlap, “Evidence of Burial Ground is Discovered in East Harlem,” *The New York Times* (Jan. 21, 2016).

⁴ Sarah R. Katz, “Redesigning Civic Memory: the African Burial Ground in Lower Manhattan,” University of Pennsylvania Graduate Program in Historic Preservation (Jan. 1, 2006) at 36. Online at http://repository.upenn.edu/cgi/viewcontent.cgi?article=1010&context=hp_theses.

discovered at the site.”⁵ The GSA further agreed “that, should archeological material be found, investigations would be conducted in accordance with a research design that would be prepared in consultation with the New York State Office of Historic Preservation.”⁶ After conducting a documentary study, researchers concluded that although “the construction of deep sub-basements would have obliterated any remains within the lots that fall within the historic boundaries of the cemetery,” other nearby areas might yet include remains.⁷ GSA purchased the site from the City of New York, and after conducting limited archaeological testing, discovered intact burials. Although researchers had concluded that only small portions of the site would contain intact burials, “Documentary research, as well as initial testing, had failed to determine the depth of fill at the site—which was up to twenty-five feet in some areas and protected some hundreds of graves.”⁸ Ultimately, excavators uncovered the remains of over 400 people and numerous artifacts, including “coins, shells, glass, buttons, beads, clay pipes, pieces of coral, and quartz crystal that had been placed inside the coffins.”⁹ Following the announcement of these initial discoveries, “the ACHP and New York City Landmarks Preservation Commission (NYCLP) ... both recommended that excavations only continue with an approved research design and the input from members of the African American community.”¹⁰ But GSA did not develop a revised research plan, instead continuing the excavations¹¹ and increasing their speed, citing project delays and cost concerns. This resulted to damage to numerous burial sites and improper storage and preservation of remains, and plans for the site were modified only after significant community opposition, political fighting between the City of New York and the GSA, and Congressional intervention. Ultimately, the site was designated a historic district by the New York Landmarks Commission, was placed on the National Register of Historic Places and received National Historic Landmark Status.¹²

We provide this background because we feel that those who do not know history are doomed to repeat it. In retrospect, it is clear that a more thorough excavation of the site should have been performed prior to its sale to the GSA, and before the plans for a specific project on the site were crafted and the wheels set in motion. This could have avoided the tensions that arose when the significance of the archaeological discovery was made clear only in the process of reading for construction, when a plan for the area had already been finalized and the agency in charge of development was in charge of both overseeing the excavation process and implementing the previously-established construction plans, with historians and preservationists playing only an advisory role that was all too often sidelined. At present, ODMHED and EDC are on track to repeat some of the mistakes that surrounded the establishment of the current Lower Manhattan African Burial Ground - a sacred site and irreplaceable part of our history that could so easily have been lost forever.

⁵ Katz at 37 (internal citation omitted).

⁶ Katz at 37.

⁷ Katz at 39.

⁸ Katz at 51.

⁹ Katz at 41.

¹⁰ Katz at 42.

¹¹ Katz at 43.

¹² Katz at 55.

We do not want these same threats to loom over the Harlem African Burial Ground, and we feel strongly that additional archaeological exploration should be conducted on the site before plans for the site are finalized or the ULURP process proceeds. As of now, the community and/or the City does not have the answers to a number of extremely important questions that should be resolved before the project moves forward, such as:

- **What is the full extent of the remains and artifacts buried on the site?** As discussed more fully in our response to the section on Historic & Cultural Resources, we have concerns that the site may include more archaeological resources than the City has discovered to date, including remains that may exist outside the footprint of the historic African Burial Ground (as was the case in Lower Manhattan) and/or remains buried beneath the initial layers of fill that the City has explored to date.
- **Is the site eligible for designation as a landmark, or for inclusion in the New York State and National Registers of Historic Places?**
- **Who does, and should own the Harlem Burial Ground itself?** The Project Site consists of two properties - Block 1803, Lot 1, a City-owned property that has been occupied by the 126th Street Bus Depot since the 1940s, and an adjoining bus parking area that was formerly part of that same Block and Lot. Yet a report prepared by Hunter College's urban planning graduate studio in 2011 indicates that, "The Elmendorf Reformed Church is the descendant owner of the Harlem African Burial Ground. There are legal intricacies concerning the Elmendorf Reformed Church's rights to the land at the burial ground site."¹³ This raises questions about who owns the land now and, by extension, who *should* own this land going ahead. It is possible that the City and the Elmendorf Reformed Church have already explored and addressed this specific question, but there is no way to know from the materials that are publicly available.

Without such information, any decisions made about the future of this site are premature.

II. Analysis Framework

We are deeply concerned about the EDC's overall approach to the analysis of the impact of this project - specifically, its decision to undertake a General Environmental Impact Statement, notwithstanding the fact that this is a "Localized Action, Site Specific," as indicated on the Environmental Assessment Statement (EAS) Full Form for this project.¹⁴ We believe that this approach violates the applicable state regulations and improperly limits public input into the specifics of this project.

A. Distinguishing Site-Specific and Generic Actions

¹³ *Reclaiming Cultural Heritage: A Plan for the Harlem African Burial Ground*, Hunter College Department of Urban Affairs and Planning 70 (Fall 2011). Online at <https://harlemafricanburialground.wordpress.com/reports/>.

¹⁴ Environmental Assessment Statement (EAS) Full Form for 126th Street Bus Depot Project, CEQR No. 16DME011M, selecting as the Action Type "Localized Action, Site Specific."

The CEQR Technical Manual defines “two broad categories of actions - localized actions, which include site-specific actions and actions that apply to small areas, and generic actions that apply to entire neighborhoods or citywide.”¹⁵ “Site-Specific Actions” are projects “proposed for a specific location, where approvals specific to the site are required to allow a particular project to proceed.”¹⁶ In contrast, Generic Actions are “programs and plans that have wide application or affect the range of future alternative policies. Usually these actions affect the entire city or an area so large that site-specific description is not appropriate.”¹⁷

Designation of the Action Type is critical because the types of analyses that must be performed for Site-Specific Actions and Generic Actions, respectively, vary substantially. For Site-Specific Actions, detailed information about the specific design of the project must be provided. For example, “the location and physical dimensions of the project must be presented ... The project should be described in some detail, including proposed uses, site plan, design approach, and appearance of the proposed buildings, as appropriate ... In addition, certain aspects of the project may require more detailed information based upon the potential effects expected.”¹⁸

In contrast, for Generic Actions, a generic environmental assessment “allows the agency to identify the range of impacts that may occur,”¹⁹ but because Generic Actions are broadly applicable, “specific details about the kind of development that might reasonably be expected are often not available”²⁰ and therefore, are not required to be provided. Although “the RWCDs must include sufficient detail regarding the overall amount, type and location of projected development to allow for impact analysis in density-related impact categories,”²¹ site plans, a description of the building’s appearance, and other details are not provided.

In this case, the Office of the Deputy Mayor for Housing and Economic Development (ODMHED) determined that this is a “Localized Action, Site Specific.”²² Nevertheless, ODMHED “directed that a DGEIS be prepared.”²³ We believe that the use of a GEIS is inappropriate and fails to follow the regulatory standards for uses of GEISs.

B. Standards for Use of a Generic Environmental Impact Statement

The Department of Environmental Conservation’s regulations pertaining to the State Environmental Quality Review Act state that “Generic EISs may be broader, and more general than site or project

¹⁵ Sec. 100, Categories of Actions, CEQR Technical Manual (Mar. 2014).

¹⁶ Sec. 111, Site-Specific Actions, CEQR Technical Manual (Mar. 2014).

¹⁷ Sec. 120, Generic Actions, CEQR Technical Manual (Mar. 2014).

¹⁸ Sec. 421.1, Reasonable Worst Case Development Scenarios for Site-Specific Actions, CEQR Technical Manual (Mar. 2014).

¹⁹ Sec. 120, Generic Actions, CEQR Technical Manual (Mar. 2014).

²⁰ Sec. 422, Generic Actions, CEQR Technical Manual (Mar. 2014).

²¹ Sec. 422, Generic Actions, CEQR Technical Manual (Mar. 2014).

²² 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 3.

²³ 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 3.

specific EISs.”²⁴ The regulations enumerate four specific instances in which GEIS’s may be used - none of which appear to be applicable to the project at hand. Instead, the description and examples provided within the regulation, including use of a GEIS for “the adoption of a comprehensive plan” or “an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans,”²⁵ establish that the use of a GEIS is appropriate only where the Action in question is indeed “general,” in the sense that it establishes broader parameters that may later be applied to a number of sites and/or areas. A different section of the state regulations pertaining to the implementation of SEQRA describes instances where “a programmatic or generic environmental impact statement may be used to assess ... environmental effects,”²⁶ further underscoring that general environmental impact statements are appropriate for “programmatic” or wide-reaching changes.

C. The Use of a GEIS is Inappropriate in This Case

ODMHED briefly addresses its decision to proceed with a GEIS in the Draft Scope, explaining that “there is no specific development proposal under consideration at this time”²⁷ and that although “the discretionary approvals that comprise the Proposed Project have been defined, the development program and some design specifics under the Proposed Project would be dependent on the RFP responses,” so “pursuant to City Environmental Quality Review (CEQR), a DGEIS will be prepared ...”²⁸ Later, ODMHED explains that:

A GEIS is a more general EIS that analyzes the impacts of the maximum build-out of a concept that aligns with the zoning district, rather than those of a specific development plan. The GEIS is useful when the details of a specific impact cannot be accurately identified, as no site-specific project has been proposed, but when a broad set of future projects that fit within the RWCDs is likely to result from the agency’s action.²⁹

However, the description provided by ODMHED of appropriate uses of a GEIS differs significantly from that found in the SEQRA regulations, which contemplate “programmatic” changes that will be applied to a broad area as warranting a GEIS - not discrete projects on a single site, the details of which an agency has simply failed to flesh out, as is the case here. In other words, it is not that the details and projected impacts of whatever might be built on the 126th Street bus depot site *could not* be spelled out in more detail or that the impacts “cannot be accurately identified,” but rather that they *have not* been up till this point - a failure of the process that ODMHED has envisioned for the development of this site.

²⁴ N.Y. Comp. Codes R. & Regs. tit. 6, § 617.10.

²⁵ N.Y. Comp. Codes R. & Regs. tit. 6, § 617.10.

²⁶ N.Y. Comp. Codes R. & Regs. tit. 21, § 461.10

²⁷ 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 2.

²⁸ *Id.*

²⁹ *Id.* at 3.

D. The Use of a GEIS Threatens to Limit the Community's Ability to Influence the Specifics of Future Development on the Site

We believe that ODMHED should and must engage the community in a more meaningful process to develop more detailed parameters for this localized, site specific action, and only then begin the environmental review process, using the criteria applicable to Site-Specific Actions and not Generic Actions. If ODMHED proceeds with a GEIS, it is likely not to develop or disclose details about, *inter alia*, “the location and physical dimensions of the project ... site plan, design approach, and appearance of the proposed buildings,” as required for Site-Specific Actions.³⁰ Applying the framework for Site-Specific Actions rather than that for Generic Actions would also provide more opportunities to weigh the unique nature of the site and the impact of a proposed project on potential further archaeological discoveries.

III. Land Use, Zoning, and Public Policy

As part of its analysis in this section, the City plans to describe the public policies that apply to the study areas, including the East Harlem Neighborhood Plan, and to analyze the extent to which the proposed project advances such policies. As core participants in the formulation of the East Harlem Neighborhood Plan, CVH feels that any statement that the Proposed Project is consistent with the goals of that Plan is misleading and wrong.

The DSOW states that “the Proposed Project and resulting development program were informed by and are consistent with the cultural heritage protection, economic development, and affordable housing goals identified in the *East Harlem Neighborhood Plan*...”³¹ The DSOW further claims that redevelopment of this site “is consistent with a recommendation [in the EHNP] to ‘allow for increased density in select places to create more affordable housing and spaces for jobs.’”³² But again, the currently rushed plans for this site threaten rather than advancing cultural heritage protection; as much as half of the housing planned for the site will not be affordable, and even the “affordable” apartments will be out of reach of the area’s lowest-income residents; and there are no guarantees that any activities on the site will promote the “economic development” of workers and small business owners in the community. A project that fails to honor the historic nature of the site, curtails community input into the process, ignores the need for deep and permanent affordability, and invites “destination retail” and hotel uses rather than focusing on the affordable local retail and housing our residents want and need is not consistent with the vision of the EHNP, or with CVH’s vision more generally.

This is an important public site with value both as a historic site that is part of our shared history, and as a potential site for deeply affordable housing for those who need it most. If the City is truly committed to advancing the goals of deeply affordable housing, neighborhood equity, and historic preservation, it must not proceed with the project as planned.

³⁰ Sec. 421.1, Reasonable Worst Case Development Scenarios for Site-Specific Actions, CEQR Technical Manual (Mar. 2014).

³¹ 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 1.

³² *Id.* at 9.

For the purposes of performing the analysis in this section, CVH demands that the Proposed Project's conformity with the East Harlem Neighborhood Plan, including as it relates to cultural heritage protection, economic development, and affordable housing, be analyzed with reference to the *specific goals* outlined in the ENHP, and not merely general concepts. For example, it would be easy to conclude that the proposed project advances the goal of "affordable housing," in that some income-restricted housing is proposed to be included on the site. But the City must also disclose that the framework does not require conformity with the more specific affordable housing goals set forth in the ENHP, including deeply affordable housing for families below 30% AMI and a guarantee of permanent affordability on public sites. Likewise, in analyzing jobs, the City should analyze and disclose not only the number of jobs that may be created, but the number of *high-quality and union jobs for local residents*. Highlighting the buzzwords of the ENHP without responding to the detailed, substantive goals that many in the community spent months creating is disrespectful and limits the extent to which the community can analyze the extent to which the proposed project advances or undermines the ENHP.

For the purposes of this analysis, the City should be transparent about the extent to which presumed benefits of the project are guaranteed to accrue based on the proposed actions, versus benefits that will accrue only if specific choices are made within the RFP process and by the developer. Such disclosure is necessary to underscore to the community the uncertainty of many benefits if the City proceeds with its current approach of improperly delaying further archaeological exploration, failing to develop a detailed site plan with input from the community, writing a blank check for development through the ULURP process, then crafting an RFP for the site with an as-yet-unspecified role for the community in that process.

IV. Socio-Economic Conditions

For the purposes of analysis in this section, the City should consider both the effects of this specific set of actions, and the proposed action's cumulative effects in the context of present and reasonably foreseeable future actions in the neighborhood, in particular the City's recently unveiled proposal for the rezoning of East Harlem. The proposed actions at the former 126th Street Bus Depot site form part of an overall changing landscape of East Harlem, and the impacts of the immediate actions should not be diminished by examining them in a vacuum. We urge the City to perform detailed analyses of both Residential and Business Displacement, and to conduct such analyses for both the current proposed project and for the Alternatives we request be studied, as explained more fully in the Alternatives section.

A. Residential Displacement

CVH believes that the introduction of a project where as much as half of apartments are market (luxury) rate and a significantly greater share are out of reach of local residents, and where a building might rise as many as 47 stories, creates a significant risk of indirect residential displacement from the community. We urge the City to exercise its discretion to perform a detailed analysis of Indirect Residential Displacement, even if the threshold for displacement that requires that more detailed analysis is not met.

We further request that the analysis expressly address the potential displacement risk of vulnerable populations in the area, including:

- Tenants in unregulated apartments
- Tenants in rent stabilized apartments
- Tenants who are rent burdened
- Tenants in apartments where regulatory agreements for affordability are expiring
- Shelter, halfway house, and three quarter house residents
- Residents of cluster site housing
- Section 8 voucher holders
- Seniors
- People of color

Given the displacement pressures that already exist in the community, those likely to be caused by the East Harlem neighborhood rezoning, and the sensitive nature of the 126th Street Bus Depot site in particular, we feel that it is especially important that the City disclose potential indirect displacement risks to these vulnerable groups, including the descendant African American community and other people of color in the neighborhood. It would be sad indeed if a development built atop a historic African burial ground served as a catalyst for further gentrification and displacement of people of African descent in Harlem today.

B. Business Displacement

The CEQR Technical Manual provides that an assessment is appropriate where “[t]he project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets.”³³ In the Environmental Assessment Statement Full Form for this project, EDC indicates that the project would not “potentially introduce trends that make it difficult for businesses to remain in the area” and would not “capture retail sales in a particular category of goods ... potentially resulting in vacancies and disinvestment on neighborhood commercial streets.”³⁴ We believe that this determination is inappropriate and that the City must perform an assessment of potential Indirect Business Displacement.

EDC may have concluded that there is no need for a study of Indirect Business Displacement because the CEQR Technical Manual provides that, “Projects resulting in less than 200,000 square feet of retail on a single development site would not *typically* result in socioeconomic impacts” (emphasis added), and the proposed project would include a lesser square footage of retail. However, we believe that the significant displacement pressures that exist within the community today - to which this project, as currently envisioned, would add - warrant an assessment of potential indirect business displacement. We request that the City perform this analysis so that the community can adequately assess the potential risks of Indirect Business Displacement, especially potential risks to small local businesses.

³³ CEQR Technical Manual (March 2014), Ch. 5, Sec. 200.

³⁴ Environmental Assessment Statement (EAS) Full Form for 126th Street Bus Depot Project, CEQR No. 16DME011M.

IV. Community Facilities

In addition to performing an analysis of the potential impacts of the current proposed project on Community Facilities, the City must perform this analysis for each of the Alternatives we have requested be analyzed, as discussed more fully in the Alternatives section. In particular, we demand that the City analyze and disclose the impacts of a proposed project that would include 100% affordable housing as defined within the East Harlem Neighborhood Plan. The inclusion of a greater share of low-income households would generate different impacts in the Community Facilities category, because, as the CEQR Technical Manual notes, “depending on the size, income characteristics, and age distribution of the new population, there may be effects on public schools, libraries, or child care centers.”³⁵ For example, the calculation related to Child Care depends in part on the “# of low or low/moderate income residential units,”³⁶ and “Projects that would produce substantial numbers of subsidized, low- to moderate-income family housing units may therefore generate a sufficient number of eligible children to affect the availability of slots at publicly funded group child care and Head Start centers. If the project would generate 20 or more eligible children under age 6, further analysis may be appropriate.”³⁷ By analyzing only one option that limits the number of low-income households - the current proposed 50% market/luxury, 50% “affordable” option - the City may potentially (and improperly) escape the threshold that would require more detailed analysis of community facility impacts. For the community to better understand the full range of potential impacts of the development, the City should create and examine several Alternatives, including Alternatives with a greater share of low-income households as would trigger more detailed analyses in this section.

V. Historic and Cultural Resources

CVH appreciates that the Draft Scope of Work acknowledges the tremendous historical significance of the site, noting that “concerned parties organized to ensure that the site would be recognized ... The goal of these efforts was to ensure the proper reverence of the individuals buried at the site and recognition of this population so important to the development of Harlem and the City at large.”³⁸ We appreciate the commitment that “measures to avoid, minimize, or mitigate any adverse impacts on historic and cultural resources will be developed in consultation with New York City Landmarks Preservation Commission (LPC) and others as appropriate, such as the OPRHP and the Harlem African Burial Ground Task Force.”³⁹ However, as described in preceding sections, we are deeply concerned that the current approach will be insufficient to uncover and protect additional remains that may be buried on the site.

³⁵ CEQR Technical Manual (March 2014), Ch. 6, Sec. 220.

³⁶ *Id.*

³⁷ *Id.* Sec. 223.

³⁸ 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 5.

³⁹ 126th Street Bus Depot Scope of Work for a Draft Generic Environmental Impact Statement, CEQR # 16DME001M (Aug. 19, 2016) at 21.

The Draft Scope acknowledges that “only portions of the project site were tested (four trenches) and ... the full extent of the site’s archaeological sensitivity cannot be determined without further testing.”⁴⁰ EDC acknowledges that, “the full extent of the distribution of human remains has not yet been established. Additional archaeological field investigations (Phase II) will be required to confirm the nature and/or extent of archaeological features and/or deposits.”⁴¹

We are concerned that if such testing is not performed before plans for the site are finalized, remains may be unknowingly destroyed or buried under new development for generations to come. We feel strongly that additional testing must be performed before the ULURP, environmental review, and RFP processes move forward in order to permit careful exploration of the site and excavation of potential additional remains and artifacts, including those that may fall outside the footprint of the historic Harlem African Burial Ground. Indeed, in the four trenches already explored, “disarticulated remains were discovered outside the historic cemetery boundaries.”⁴² Without a more thorough and careful process, the remains of additional ancestors may never become known, with the stories their artifacts might tell us permanently lost under a new luxury development.

EDC has promised that the “DGEIS will include summary of findings of Phase 1A study and Phase 1B archaeological investigation, and will discuss additional field investigation that will be required.”⁴³ In addition, we demand that a clear timeline for such field investigation be disclosed, as it will be impossible for the community or decision-makers within the ULURP process to understand the full extent of potential impacts on historic and cultural resources without the additional information further field investigations will provide. Finally, as part of its disclosure regarding further investigations, EDC should disclose the specific depths to which trenches will be explored, and the specific locations of all trenches, and create plans that account for the possibility of deeply-buried remains and artifacts outside the boundaries of the historic Harlem African Burial Ground.

We further request that in this section, the City provide an assessment of the extent to which both the historic African Burial Ground, and the site as a whole do or do not meet the criteria:

- to be recognized as a New York City landmark
- to be included in the State and/or National Register of Historic Places
- to be acknowledged as a Historic District (as is the Lower Manhattan African Burial Ground)

Or any similar designation for which this site may be eligible. Again, we believe that the decision to proceed with ULURP before further archaeological investigation would be premature, and we feel that a detailed disclosure of the extent to which the site may be eligible for preservation or recognition is essential.

⁴⁰ Id. at 2, FN 1.

⁴¹ Id. at 22.

⁴² Id. at 2.

⁴³ Id.

VI. Natural Resources

As acknowledged in the Draft Scope of Work, the “best available flood hazard data” shows that “the project site is partly located in the 100-year floodplain ‘Zone AE’” (Draft Scope of Work at 6). Yet the Draft Scope of Work failed to appropriately address whether the project may result in changes to the floodplain that “reduce its capacity for flood retention or alter stormwater flow characteristics” (2014 CEQR TM at 11-29).

The CEQR Technical Manual indicates that the potential for adverse impacts resulting from floodplain development should be addressed in a natural resources analysis, and it further specifies the appropriate assessment methodology. According to the Manual, a lead agency should use “engineering techniques similar to those presented for the assessment of overland runoff,” and should develop an “estimate of the potential for increased flooding because of a project” by comparing “the volume of the floodplain occupied by any buildings facilitated by the project . . . with the total volume of the floodplain”⁴⁴.

The Draft Scope of Work entirely overlooked the project’s potential adverse impacts related to changes to the floodplain. Instead, it emphasized that “the project site itself is fully developed and substantially devoid of natural resources,” and determined that the DGEIS would only analyze natural resources to the extent of assessing how shadows may impact water quality and aquatic organisms (*e.g.*, plankton or macroinvertebrates) in the Harlem River.⁴⁵ In light of the project’s floodplain site location and proximity to the Harlem River, its potential to adversely impact the River clearly extends beyond shadows. The DGEIS must include a more detailed surface water hydrology assessment to determine whether proposed floodplain activities would impact stormwater flows or retention, and may thereby adversely “affect the physical and chemical characteristics of . . . receiving waters”⁴⁶.

Finally, it is worth noting that the failure to adequately address floodplain impacts during the CEQR process may have unforeseen consequences at future stages of project development. Without conducting the type of floodplain analysis described in the Natural Resources chapter of the CEQR Technical Manual, it may be difficult for the City to incorporate floodplain management design criteria into a future solicitation for proposals. Additionally, the failure to adequately account for floodplain impacts during the CEQR process may foreclose any possibility of utilizing State-administered grant or subsidy programs to help finance the project, since the project may not be able to later meet Floodplain Management Criteria for State Projects.⁴⁷

VII. Construction

As noted in the Draft Scope of Work, “construction impacts are usually important when construction activity has the potential to affect . . . archaeological resources and the integrity of cultural resources,”⁴⁸ as

⁴⁴ 2014 CEQR TM at 11-29.

⁴⁵ Draft Scope of Work at 23.

⁴⁶ 2014 CEQR TM at 11-29.

⁴⁷ *See* 6 N.Y.C.R.R. § 502.

⁴⁸ Draft Scope of Work at 36.

is the case here. We appreciate the City's commitment to preparing a detailed construction impact analysis for Historic and Cultural Resources, among other areas. However, we urge the City to consider protection measures beyond Construction Protection Plans and coordination with LPC and DOT (although those are a start). As we have argued throughout this response, we feel strongly that the process EDC currently plans to use of proceeding through ULURP with a GEIS, crafting an RFP, soliciting responses from developers, and then having a developer oversee further archaeological exploration creates a tremendous risk to Historic and Cultural Resources regardless of what other protection measures may be adopted. We urge EDC to reject this risky strategy.

VIII. Alternatives

The CEQR Technical Manual notes that "Defining the project's objectives is also important because it may help define the range of alternatives analyzed in the EIS ... Reasonable and feasible alternatives should not automatically be excluded from consideration simply because the applicant has proposed not to pursue them."⁴⁹

Yet in this case, despite adopting the approach of creating a General Environmental Impact Statement - which we believe to be an extremely problematic approach, both in terms of community participation and in terms of the basic regulatory requirements - EDC has provided only one possible development scenario, i.e. a project with, among other features, 730 residential units, half of which are market rate and half of which are residential; 18,000 sq ft of outdoor, unbuilt memorial space; and (per the EAS Full Form) up to 35,000 sq ft of local retail, 80,000 sq ft of destination retail, and 200,000 sq ft of office space.

We demand that the City examine and disclose the impacts of a range of Alternatives more closely aligned with the community's needs, in particular:

- Residential construction that is 100% affordable, as defined by the affordability parameters for public sites in the East Harlem Neighborhood Plan (i.e. with units reaching deep and varied levels of affordability with a cap at 130% AMI and at least 20% at or below 30% AMI). It is especially important that the City examine this Alternative, a core demand of CVH members, and disclose potential impacts on residential displacement, business displacement, community facilities, and other impact areas. In particular, both the impacts on indirect residential displacement (which takes into account the extent to which newer residents may have higher incomes than existing residents) and on Community Facilities will be affected by a different income mix within the proposed development, so it is critical that the City examine this Alternative.
- A project that excludes "destination" retail and hotel uses. As noted above, the first priorities of the community are respectful treatment of the site, deep and permanent affordability for any housing that is built, good local jobs (including union jobs), and spaces for small local businesses. The inclusion of "destination" retail and hotel uses does not meet any of these needs, and the

⁴⁹ Sec. 220, Project Objectives and Their Roles in Defining Alternatives, CEQR Technical Manual (Mar. 2014).

community should have the opportunity to examine a proposal that more closely meets the needs they have identified.

ENVIRONMENTAL IMPACT STATEMENT RECOMMENDATIONS

The Steering Committee wishes to see a more expansive environmental impact analysis framework for any Environmental Impact Statement (EIS) related to a zoning text or mapping amendment in the East Harlem community. The broader framework should take into account qualitative information, use the CEQR process as an educational and engagement opportunity with the community, and institute a feedback model for compliance and implementation of mitigation measures.

The purpose and need of the environmental review should explicitly cite and include the objectives of the East Harlem Neighborhood Plan, specifically the overarching goal of a vibrant, thriving, livable and affordable East Harlem. The findings should be analyzed from the perspective of the positions laid out in East Harlem Neighborhood Plan.

In addition to requesting an enhanced EIS be conducted, a supplementary integrated impact study should be completed as part of any proposal for East Harlem, utilizing quantitative and qualitative tools. The purpose of this study is to evaluate the potential for non-traditional unanticipated impacts and serve as a guide to bolster the respective subgroup objectives and gauge the impact on vulnerable sub-populations.

Standards for public engagement should go beyond the minimum requirements laid out in the CEQR manual and should use the process as an opportunity to ensure a more comprehensive proposal.

✓ The scoping notice and the draft scope of work should be available in multiple languages, and an extended review time frame beyond the minimum 30 days for public review and comment should be provided.

- ✓ In order to fully engage the community, a minimum of two scoping sessions should be held, one during the day, one at night, with childcare provided, and scoping sessions should have translation services available. The noticing of these sessions should be sent to local neighborhood papers and a good-faith effort made to flyer NYCHA developments and major transit hubs.
- ✓ Updates during the environmental review process should be provided on a regular basis by meeting with the Community Board and providing updated handouts available in multiple languages.

1.

Recommendations for an Integrated Impact Statement

ECONOMIC IMPACTS

Examine how the recommendations may impact local businesses, neighborhood income distribution, human capital, employment, and real estate prices.

HEALTH IMPACTS

Examine how recommendations may impact community health using a social determinants of health perspective; including how access to goods, services, employment, safe and affordable housing, as well as open space contributes to the general well-being and health for the residents of East Harlem.

SOCIAL IMPACTS

Examine the impact of the recommendations on social factors such as gang and youth violence, child development, mental health and social capital.

EQUITY ASSESSMENT

Examine whether recommendations will have differential impacts on vulnerable sub-populations such as people who are homeless, physically disabled, and racial/ethnic minorities.

HOUSING AFFORDABILITY IMPACTS

Analysis of how new development will affect housing affordability for low-income residents.

2.

Recommendations for an Enhanced Environmental Review

SOCIOECONOMIC CONDITIONS

Establish baselines regarding displacement, warehousing of existing residential units, neighborhood specific business challenges, and housing rents in the informal market.

Assess the impacts of development on construction workforce job quality, living wages, local hiring, absence of prevailing wage requirement and the availability of apprenticeship programs.

Study job generation as a result of the rezoning and how job and economic sector growth is benefitting local residents as compared to people outside of the immediate area.

HISTORIC AND CULTURAL RESOURCES

An assessment of eligible historic and cultural resources should be developed in direct consultation with the community, and such list should be used as the enhanced baseline for analysis for impacts.

WATER AND SEWER INFRASTRUCTURE

Assessment of water and sewer infrastructure should be enhanced with community surveys on existing water pressure conditions, frequency of sewage problems, sidewalk or street flooding et al to identify existing gaps in infrastructure investment and maintenance in addition to the need for additional capacity analysis.

PUBLIC HEALTH

Analysis should consider local smoking rates, activity level, availability of health care, and perceptions regarding availability of health care, active design, general well-being, acceptance and treatment of those with mental health concerns, or those in other vulnerable populations such as the elderly, those with terminal diseases such as AIDS, members of the LGBTQ community, and those who are homeless.

NEIGHBORHOOD CHARACTER

Definition and baseline should be informed by community input and expanded to include cultural and demographic identities, and mitigation measures to indirect or adverse impacts should be created with consultation by the community. Information collected during the community visioning sessions that noted exact locations or areas that contribute to the neighborhood character should be incorporated.

CONSTRUCTION IMPACTS

Consider as part of the baseline existing 311 calls regarding enforcement, work without a permit, emergency demolition permits, and other quality of life concerns. In cases where the soft analysis reveals sites adjacent or proximate to schools, senior care, or daycare centers and analysis is not triggered by the minimum thresholds set out in the CEQR manual, but the time frame for construction, noise and air impacts will correspond with operational hours and days, then a full analysis and mitigation measures consideration should be conducted.

LAND USE AND PUBLIC POLICY

Analysis should acknowledge that a change in administration may alter the public policy goal of affordable housing, and speak to mitigation measures to ensure long-term implementation of the target affordability levels established elsewhere in this plan.



HARLEM AFRICAN BURIAL GROUND TASK FORCE

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www.habgtaskforce.org
www.facebook.com/harlemafricanburialground
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To: Aileen Gorsuch, Senior Planner
NYC Economic Development Corporation

Denise Pisani, Senior Project Manager
NYC Mayor's Office of Sustainability

From: Harlem African Burial Ground Task Force Executive Committee

Subject: Response to "126th Street Bus Depot Scope of Work for a Draft
Generic Environmental Impact Statement"
CEQR # 16DME011M

Date: October 21, 2016

We, as members of the Harlem African Burial Ground Task Force Executive Committee, appreciate this opportunity to provide a written response to the Environmental Assessment Statement, Positive Declaration, and Draft Scope of Work issued by the Office of the Deputy Mayor for Housing and Economic Development on August 19, 2016.

As representatives of a wide variety of overlapping interests in the East Harlem community who have come together to preserve, protect, honor and memorialize the Harlem African Burial Ground, the Harlem African Burial Ground Task Force has been recognized by Community Board 11 since 2011 as the community's core and constitutive voice on this complex matter. For nearly a decade, the Task Force has advanced the cause of the Harlem African Burial Ground. In all of our endeavors, we have simultaneously experienced the weight of responsibility and the exhilaration of privilege as we have been serving – and will continue to serve – the interests of both history and the future.

We have been grateful for close cooperation with the New York City Economic Development Corporation and for collaborative discussions with the 126th Street Bus Depot Task Force. We are particularly pleased, therefore, for the inclusion of the Harlem African Burial Ground Task Force Vision and Mission Statement as Appendix I of the Scope of Work Statement. We look forward to this continued collaboration throughout the process that will result in the Request for Proposals (RFP).

Our comments are divided into specific sections related to particular points in the scoping document and general observations related to the tenor, goals and overarching purposes of the document as a whole.

Specific Sections: (Individual sections of the document are referred to as "easily" as possible by reference to document sections, page numbers, paragraphs, sentences, charts, bullet points, etc.)

Title of the Project

Given its sacredness, please use the following title in future documents and presentations when referring to the project site: “The Harlem African Burial Ground Memorial and Mixed Use Project.” If necessary, for geographical placement, you can add “at the site of the former 126th Street Bus Depot.”

Project Description

Floodplain and Coastal Zone

p. 6. para 1. “The project site is partly located in ... As indicated on the map ...” Please include the map in the final scope of work and EIS.

Surrounding Area and Context

p. 7. para 1. The delineated boundaries of the East Harlem neighborhood are clear, but the phrase “located north on the Upper East Side” does not reflect the familiar geographic determination. Please rephrase to something like “The East Harlem neighborhood is located in upper Manhattan.”

p. 7 para 4. last sentence: Since there is no previous discussion of bus routes in the document, you may want to delete the first word “Other.”

p. 8 end of first full para at top of page. You may want to highlight that the next phase of the Harlem River Park, from 125th to 132nd streets, will be adjacent to and directly east of the Harlem African Burial Ground. The two will be linked programmatically and in design per discussions with the NYC Parks Department.

Purpose and Need for the Proposed Project

p. 8 fourth para second sentence. It is equally common for the City of New York to have adjoining blocks zoned the same or different, depending on the circumstances. Given the sacredness of the Harlem African Burial Ground site, a detailed analysis of why it could be zoned differently from the E125/MEC project as a protective measure should be included in the EIS.

p. 9 first para. Please describe what a “financially feasible” program looks like, including how it is arrived at, in a quantitative way. We are attempting to understand what the minimum development scenario might look like as compared to the Reasonable Worst Case Development Scenario, for purposes of building and maintaining the Harlem African Burial Ground memorial.

p. 9 second para. Please define “Pipeline Site.” Since the East Harlem Neighborhood Plan considers the project site to be a place of significant local and cultural heritage, the Plan may also consider it to be in need of sensitive redevelopment so as not to extinguish this significance.

Table 1: RWCDs Land Use Breakdown

p. 10 bottom of the table. In place of “18,000,” we request “At least 18,000.” Also, please include in the table the amount of open space that will be dedicated to meet sky exposure plane goals regarding light and air.

Task 2. Land Use, Zoning and Public Policy

Please be sure to include an analysis of how commercial (office/retail) and residential uses on the project site will impact the indoor and outdoor memorial space on the same site. We are concerned that the experiences of visitors seeking to pray, reflect or honor those buried on this sacred site may be overshadowed or devalued by daily impacts of commercial activity and residential life such as business and residential deliveries, garbage collection, signage and daily changing traffic patterns.

Figure 3. Land Use Study Area Map. We suggest a site visit to determine actual land use in the secondary study area. For example, the map incorrectly labels Triboro Plaza as vacant land. We also suggest that the Secondary Study Area be expanded to include planned nearby developments along East 125th Street, such as the Second Avenue Subway, the Pathmark site, the Motor Vehicles site, and the east and west sides of Park Avenue, between East 124th and 125th streets. In addition, please consider distinguishing the yellow coding for One & Two Family Buildings from Multi-Family Walk-Up Buildings (or removing One & Two Family Buildings from the Legend if there are none in the study areas).

Task 3. Socioeconomic Conditions

Throughout this section, the cumulative impacts of immediately adjacent and nearby projects on this one – as well as the opposite – must be systematically studied.

Indirect Residential Displacement

p. 16 bullet 3. In this analysis, please highlight the potential impacts to housing on the south side of 126th Street opposite the project site, in addition to the income-targeted housing lining Lexington Avenue.

Indirect Business Displacement

p. 17 second bullet. Note that existing economic patterns will indeed be altered: business activities of several sorts will be increased with the influx of national and international visitors.

p.17 second para after bullet list. Given the lack of retail services in the project area, the addition of any retail/commercial/community facility use will impact the socioeconomics of the area and therefore should be studied.

Task 5. Open Space

The expansion of the Harlem River Park esplanade should be analyzed in this section as it is intended to be visually and programmatically connected and designed in such a way as to link it with the Harlem African Burial Ground site.

p. 20 top bullet point. The impacts of visitor populations arriving and departing by vehicles and on foot, along with the use of both the project site as a whole and the memorial in particular should be considered in the open space analysis.

Task 6. Shadows

Please include the impacts of shadows on the proposed indoor and outdoor memorial, along with existing neighborhood amenities, such as Harlem River Park (and its future expansion), Crack is Wack Park, the Harlem River Ball Fields and the Harlem River itself.

p. 20 Tier 2 Screening Assessment bullet point. In the final scope of work and EIS, please define what is being referred to in the draft scope of work as the “triangular area,” and indicate its particular significance to the Harlem African Burial Ground.

Task 7. Historic and Cultural Resources

In the final scope of work for the EIS, the Harlem African Burial Ground Task Force and its ongoing partnership with the NYC EDC, the Mayor's Office of Sustainability, the 126th Street Bus Depot Task Force, LPC and SHPO needs to be more clearly described, including the role the Harlem African Burial Ground Task Force plays as the community's representative voice in the development of plans for the project site.

The anticipated designation of the Harlem African Burial Ground on the state and national historic register needs to be included in the impact analysis.

Task 8. Urban Design and Visual Resources

The analysis should include any obstruction of the view corridors linking the proposed memorial to the future Harlem River Park esplanade expansion and views from the Willis Avenue Bridge, where NYCDOT has created storyboards facing the project site and therefore linking the views from the bridge to the memorial site. In fact, given the various public thoroughfares surrounding the site at grade and elevated, analysis should include how the memorial will be viewed from various angles, including from 1st and 2nd avenues, East 126th and 127th streets, Harlem River Drive, and the Triboro/RFK Bridge.

Analysis should also include the desires of the Harlem African Burial Ground Task Force to have the project site become iconic and innovative in design, seamlessly integrating the scale and sight lines of the project to the surrounding neighborhood, thereby improving the pedestrian experience. It will be helpful if the EIS shows axonometric massing options to accomplish these goals.

We request that the Harlem African Burial Ground Task Force design guidelines be incorporated into the final scope of work and the EIS. We consider the design principles articulated in this document to be as central to the project as our Vision and Mission Statement.

We also request that the EIS define the Request for Proposals (RFP) process and clearly state how the sacredness of the Harlem African Burial Ground will be addressed. We seek to ensure that all Harlem African Burial Ground Memorial and 126th Street Bus Depot Site proposals clearly demonstrate sensitive plans for both the protection of the hallowed burial ground and visionary welcome for visitors who wish to honor the memory of those buried there, study the historical significance of the site from the Lenape inhabitation through to the present, and reflect on their own identities as citizens of the world.

Task 9. Natural Resources

A thorough analysis of the flood-plain must be developed here with particular reference to the impact on the Harlem African Burial Ground.

Task 10. Hazardous Materials

Particular attention must be paid here to the underground bus depot gasoline and oil tanks and past spills, along with any groundwater effected by the former waterfront and outdoor NYCDOS salt dome that was on the east side of the Harlem River Drive adjacent to the project site. Particular reference to the impact on the Harlem African Burial Ground should be indicated.

Task 11. Water and Sewer Infrastructure

Wastewater and Stormwater Infrastructure

p. 25 bullet 1. Analysis should include the capacity of the Ward's Island sewage treatment facility and what impact the development of this project site will have on it.

As the Harlem African Burial Ground Task Force requests that the project site be LEED certifiable, analysis of various landscaping methods that reduce hard surfaces and runoff should be included, such as bioswales, with particular reference to the impact on the Harlem African Burial Ground.

Task 12. Energy

Analysis of how this project will develop carbon neutral/carbon reduction design methods on site should be discussed here. We'd like to see this project be a United States and international model of reduced carbon footprint and efficient energy management.

Task 13. Transportation

Traffic

p. 27. We request analysis of the intersection of East 127th Street and First Avenue with reference to both pedestrian and vehicular space. Car and foot traffic at this intersection is likely to increase if this corner comes to mark an entry point to and from the Harlem African Burial Ground memorial.

p. 28. Second bullet. Analysis of the 127th Street viaduct replacement project and the Triboro/RFK Bridge ramp project should be done so as to understand the both the traffic impacts and their overall urban design impacts on the project site.

Transit ... Bus. We disagree that "a detailed analysis of bus conditions is generally not required" here. Please include an analysis of bus conditions as anticipated large numbers of visitors individually and in groups arriving to and departing from the Harlem African Burial Ground memorial by bus will likely dictate new bus patterns in the community. The EIS should also include an examination of the impact of bus conditions on the sacred atmosphere of the memorial.

Parking

p. 31. It's not clear why only 146 parking spaces will be analyzed and not the 300 proposed. Please explain this further in the final scope of work and EIS, with particular reference to the impact on the Harlem African Burial Ground.

Task 14. Air Quality

Mobile Source Analysis

p. 32 Please include in the analysis the impact of the Harlem River Drive and Harlem River bridges adjacent to the site, with particular reference to the impact on the internal and external Harlem African Burial Ground memorial spaces.

Task 15. Greenhouse Gas Emissions

We'd like to see in the analysis how the highest LEED standards are being met to reduce greenhouse gas emissions, global warming and rising sea levels.

Task 16. Noise

We'd like to see a comprehensive analysis of how the project will impact noise levels on the internal and exterior Harlem African Burial Ground memorial space and surrounding neighborhood, along with how the neighborhood noise sources, such as the Harlem River Drive and the various bridges over the Harlem River will impact the project site, especially the indoor and outdoor memorial spaces.

Task 17. Public Health

Since the draft Scope of Work specifically identifies air quality, noise, traffic, transportation and other aspects of the environment that will likely have an impact on any new development, we urge the city to conduct a complete public health assessment. Furthermore, since community residents and visitors will also view the memorial as a space for cultural renewal, reflection and spiritual growth, these elements of social well-being should also be addressed in the assessment of public health.

Task 18. Neighborhood Character

Please include in this analysis the non-built aspects of neighborhood character, such as its spiritual, social, historic and cultural features and their relationship with the Harlem African Burial Ground.

Task 19. Construction

In addition to the physical impact the construction will bring, the analysis should include the spiritual, sacred and social impacts this project will have on the surrounding community.

Please explain in this section how the construction work will interface with any archeological excavation on the project site.

Task 21. Alternatives

We request that the Harlem African Burial Ground Task Force design concepts by the Task Force design and architectural consultant Anthony Carrion, which are publicly available on the Harlem African Burial Ground Task Force website, be formally recognized and analyzed as alternatives to the Reasonable Worst Case Development Scenario.

Please define what FAR threshold triggers Mandatory Inclusionary Housing (MIH), and whether this threshold can be modified for special projects such as the Harlem African Burial Ground. We understand the need for income-targeted housing in the community and would like to see in the EIS how reducing the overall FAR might impact MIH and the Harlem African Burial Ground memorial.

Please include a “financially feasible” alternative to the Reasonable Worst Case Development Scenario (RWCDs) where there is minimal impact on the environment while simultaneously achieving the mutual goals set by the Harlem African Burial Ground Task Force and the City of New York. The term “financially feasible” should be defined and quantified to allow for decision makers and other interested parties to gain a clear understanding of what the tradeoffs are among several alternatives and the RWCDs.

Task 23. Executive Summary

Please emphasize the sacredness of this project site in the executive summary so that those who only review this chapter will clearly understand the importance of this project on the community, both locally and internationally.

General Observations

Certain overarching themes must unify ideas about this Harlem African Burial Ground site for all who consider it: neighbors, friends, city observers and potential developers.

This site is sacred and historic.

Disregard for the sanctity of the Harlem African Burial Ground in the nineteenth and twentieth centuries resulted from the injustice that has shaped our society since its very beginnings. If now, in the early twenty-first century, the development of the current site acknowledges the site’s unique history and sacred identity, then the new development will not replicate prior patterns of injustice and can provide an inspiring model for memorial-based reconciliation

projects throughout the world.

The redevelopment of this sacred site – an African burial ground and founding spot of the village of world-renowned Harlem, located on top of a former Lenape waterfront gathering place – must be analyzed as more than just another site or, better, another site with some special, uniquely demanding historical features. Because the site is so historically significant, it cannot be considered or studied in isolation: the site and anything that might be built on it must be examined within their contexts. The relationships among the site, its neighborhood, and the built and the natural environments must be examined in all their complexities. Recognition of the potential gifts of the site to the neighborhood must be more fully considered in relation to the East Harlem Neighborhood Plan.

Finally, the standards by which this site's development will be judged must be the very best and highest in the world. The “leadership” component of LEED planning is the project's starting place. The Harlem African Burial Ground memorial site must be a model of aesthetically daring, environmentally innovative and spiritually fulfilling urban design. We are hopeful that the final scoping document and EIS will encourage a radically different vision of complementary urban and memorial development.

Thank you.

October 21, 2016

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RE: East 126th Street Bus Depot
Memorial & Mixed-Use Project
(CEQR#: 16DME011M)
Comments on Draft Scope of Work

Dear Ms. Pisani:

The following details my comments on the Draft Scope of Work for the East 126th Street Bus Depot Memorial & Mixed-Use Project. While I am engaged as a land use consultant to Community Board 11, I make these comments as an individual on my own behalf.

Summary

First, and most importantly, there is a known error in the CEQR Technical Manual as it regards school children generation rates in Manhattan. The Final Scope of Work for the EIS needs to explicitly address this error so as to not undercount the number of school children generated by the project. Second, the Draft Scope of Work is missing analysis that can be found in the Environmental Impact Statement for the East 125th Street Development (CEQR#:07DME025M), which should also be included here. This letter also identifies an alternative that should be studied in the EIS, and concludes with some observations regarding the NYCEDC's engagement process.

School Children Generation Rates in the CEQR Technical Manual

There is a known error with the student generation rates found in the CEQR Technical Manual. The rates found in the Manual are as follows:

Student generation rates for all unit types from the CEQR Technical Manual¹

Borough	Elementary (Age 4-10)	Middle school (Age 11-13)	High school (Age 14-17)
BRONX	0.39	0.16	0.19
BROOKLYN	0.29	0.12	0.14
MANHATTAN	0.12	0.04	0.06
QUEENS	0.28	0.12	0.14
STATEN ISLAND	0.21	0.09	0.14

¹ The 2014 Technical Manual sources these data from the School Construction Authority, 2008.

The New York City Zoning Resolution makes a distinction between the Manhattan Core and upper Manhattan in a host of land use policies. Zoning has shaped these two areas of Manhattan and created places with important physical, cultural and socio-economical differences. It is reasonable, therefore, to ask that if these places are so different from each other, does it make sense to assume that they produce children at the same rate?

It is a question that can be answered by querying the American Community Survey (ACS) Public Use Microdata (PUMS) file,² and asking, how many school-aged children per unit live in each unit in the Manhattan core compared to how many live in each unit in upper Manhattan? When so queried, ACS produces the following table:

Student generation rates for all unit types from 2010-2014 ACS PUMS³

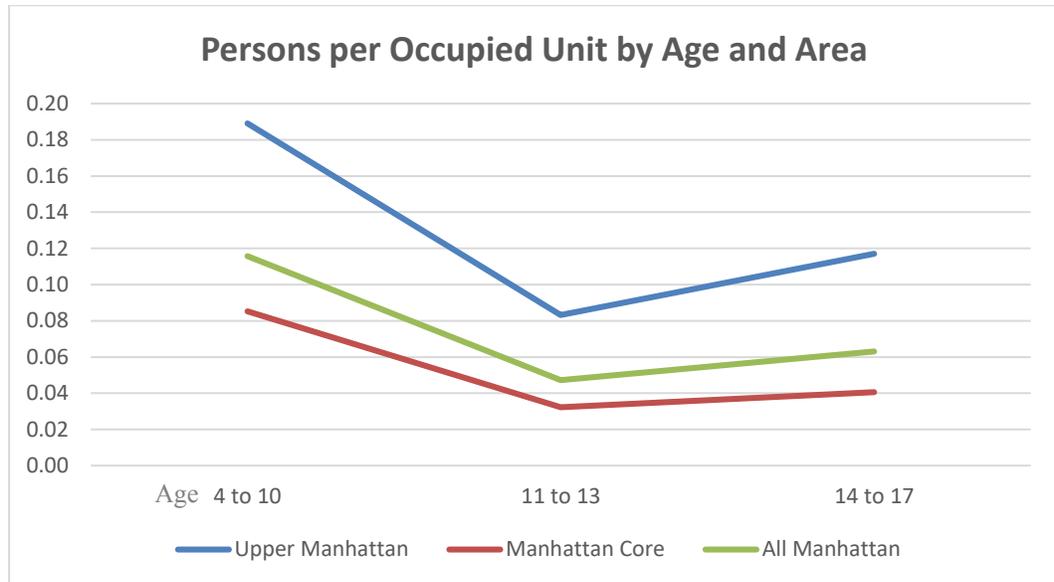
	Elementary (Age 4-10)	Middle school (Age 11-13)	High school (Age 14-17)
All Manhattan	0.116	0.047	0.063
Upper	0.189	0.083	0.117
Core	0.085	0.032	0.041

Upper Manhattan produces more than twice as many school-aged children per unit as the Manhattan Core. By averaging upper Manhattan and the Manhattan Core together, CEQR uses a generation rate that is wrong for both places: under-estimating the number of school-aged children in upper Manhattan and over-estimating the number of school-aged children in the Manhattan Core.

The above table is shown graphically below:

² This is a product of the US Census Bureau. It is an annual survey of 1 in 100 American households. This Appendix uses the PUMS file aggregated for five years from 2010 to 2014.

³ There are differences between the 2010-2014 PUMS generation rates and the CEQR generation rates provided by the School Construction Authority (SCA) in 2008. The differences are small and are likely due to changes that occurred naturally over time. The CEQR technical manual does not source how the SCA produced the generation rates found in the manual, but I have been told by officials at the NYCDOE that they come from the 2000 Census PUMS file.



The Technical Manual requires using the green line, which is an average of two different places

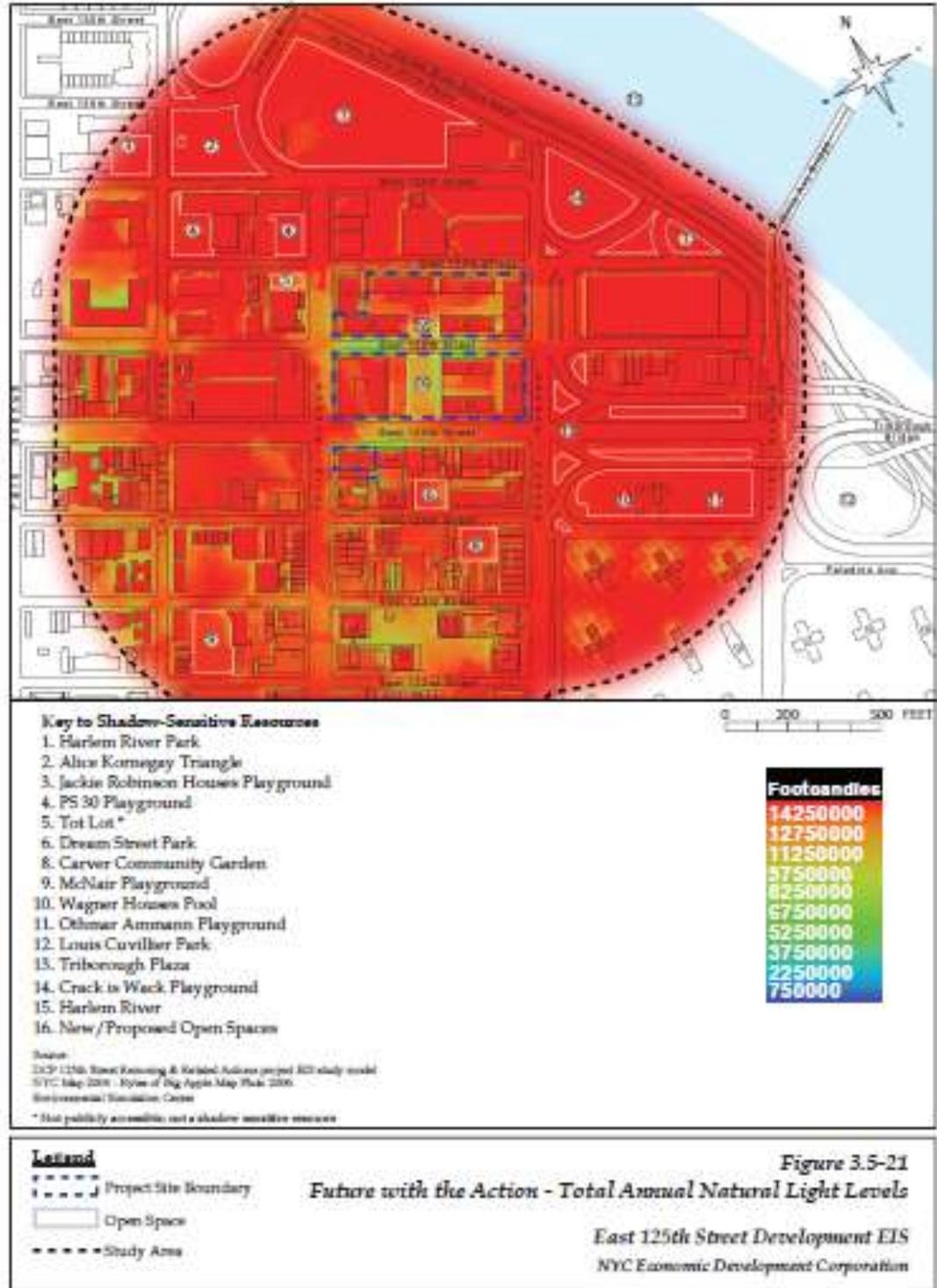
The ACS PUMS file used to produce the table shown above is the most current available. This is a US Census Bureau product that is widely considered to be the most reliable source of data for such detailed queries. Since the best data available for this kind of analysis tells us that the Manhattan Core and upper Manhattan function differently when it comes to child production, the environmental review for the East 126th Street project cannot use the student generation rates found in the Technical Manual because they are incorrect. The NYCEDC should evaluate the project's impacts using student generation rates that recognize that Manhattan Core and upper Manhattan produce school children at different rates.

All this said, no sophisticated jurisdiction outside New York City generates estimates of school-aged children absent of assumptions of the type of units being built by number of bedrooms. Simply, 100 studio apartments will produce far fewer school children than 100 two bedroom apartments and student projections should be taking this into account. But with few exceptions, CEQR requires that all units are treated the same, which is absurd if the goal is to produce reliable estimates.

Therefore, at minimum, the East 126th Street EIS should use the rates shown on the prior page for Upper Manhattan, and the Draft Scope of Work should be amended to instruct the use of these rates, and accompanied by a discussion of why the rates in the CEQR Technical Manual are not being used. Alternatively, the East 126th Street EIS could develop estimates based on Reasonable Worst Case unit mixes for the project. Longer-term, the NYEDC may wish to work with other New York City agencies, such as the School Construction Authority, the Department of Education on making changes to the school generation method in CEQR that recognizes that child generation in new buildings is dynamic, changing as buildings age.

Daylighting

The Shadows Chapter of the Environmental Impact Statement for the East 125th Street project in addition to showing the standard shadows analysis as required by the CEQR Technical Manual, included a daylighting analysis. A page of this analysis is included below:



The CEQR Technical Manual describes the minimum level of analysis required for assessing environmental impacts. Environmental reviews are always free to go beyond the Manual's minimum level of analysis when additional analysis is warranted. In the East 125th Street EIS, the stated purpose of the daylighting analysis was to demonstrate that even though the required analysis showed large shadows would be cast on the many shadow sensitive resources in the area, the amount of daylight they received would not be significantly changed by the project. Considering the proposed project is at a higher FAR than the East 125th Street rezoning and will impact most of the same shadow sensitive resources, the Draft Scope of Work for the East 126th Street project should be amended to include a daylighting analysis that would show the project's impact on the daylight the area receives, similar as to what was done on East 125th Street.

Alternatives

The Final Scope of Work should include an alternative that studies the impacts of a project where the memorial space is mapped as a New York City Park.

Engagement

While not a part of the Draft Scope of Work for this project, NYCEDC engaged the community early and released the proposed zoning and program far prior to scoping, which is to be commended. It is difficult, however, to engage lay people on such a plan without showing a Reasonable Worst Case Development Scenario (RWCDS.) If a draft RWCDS did not yet exist, this omission might be understandable, but it is my understanding that—as is typical in such projects—a draft RWCDS was completed before the Draft Scope was released. The draft RWCDS should have been shared with people who were being engaged. Sharing this information would have informed the lay public of important details, and allowed NYCEDC to hear feedback on the RWCDS during engagement.

At best, withholding information from participants in a planning process is a missed opportunity to provide NYCEDC important feedback that could have made the project better, and is certainly contrary to best practices. At worst, withholding information during engagement taints that process, and makes it less likely the public will engage in the future. We all have an obligation for transparency during engagement and the NYCEDC could have done much better, and had a more meaningful engagement process by disclosing the draft RWCDS.

Thank you for your efforts.

Sincerely,



George M. Janes, AICP
Principal
George M. Janes & Associates



189 Stag Hill Road
Mahwah, New Jersey 07430
E: lunaape1@gmail.com
C: (845) 642-6531 fax: (845) 357-1038

October 8, 2016

Mayor's Office of Sustainability
Attn: Denise Pisani, Senior Project Manager
253 Broadway, 14th Fl.
New York, NY. 10007
dpisani@cityhall.nyc.gov

NYC Economic Development Corporation
Attn: Aileen Gorsuch, Senior Planner
110 William Street, 6th Fl.
New York, NY. 10038
agorsuch@edc.nyc

CEQR No. 16DME011M

To whom it may concern:

Greetings on behalf of the Ramapough Lunaape Nation. We are an Indigenous People of the New York and New Jersey area and are currently recognized by the State of New Jersey.

It has come to our attention that currently there is a call to discuss future plans to create an "African American memorial" at the former East 126 Street MTA Bus Depot as a central feature of redevelopment, which would bring multiple benefits to East Harlem.

While we have seen information focusing on the desecrated remains of both freed and enslaved Africans beneath this former Bus Depot, it is our understanding that this property is also a documented Lenape village site of archeological, educational, and spiritual significance.

With this in mind, we are very interested in the creation of a vibrant memorial that is integrated into the social and economic of East Harlem, however, we are opposed to any development plan that seeks to render invisible the American Indian foundations of New York City or deny the continence of this community today. The United Nations Declaration on the Rights of Indigenous Peoples, a Human Rights standard adopted by the United States, states in Article 18 that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions."

Therefore the Ramapo Lenape are calling for inclusion and transparency in the discussions on and development of the proposed memorial and site planning.

In closing, New York City is home to the largest American Indian population in the country including the Lenape people, as well as other Indigenous Peoples who call the city home. We have an interest in this process and would like to participate moving forward.

With Due respect,
Chief Dwaine C. Perry
Ramapough Lunaape Nation



189 Stag Hill Road
Mahwah, New Jersey 07430
E: lunaape1@gmail.com
C: (845) 642-6531 fax: (845) 357-1038

October 12, 2016

Community Board 11 Land Use Committee:

Chairperson Candy Vives, 1664 Park Ave., NYC 10035

Denise Pisani, Senior Project Manager 253 Broadway, 14th Floor New York City 10007

Hilary Semel, Assistant to the Mayor, 253 Broadway, 14th Floor New York City 10007

NYC Economic Development Corporation: Aileen Gorsuch, 110 William Street, 6th floor, NYC 10038

St. Michael's Church, Jean Ballard Terpka- Archivist, 225 West 99th Street., NYC 10025

Re: CEQR No. 16DME011M

Dear NYC Agency representatives:

The Ramapough Lunaape Nation (aka Ramapough Lenape Indian Nation) is an Indigenous People of the New York and New Jersey area and we are currently recognized by the State of New Jersey. We do hereby respectfully request that all NYC municipal agencies involved in the planning of the East 126th Street site in Community Board Eleven, East Harlem separate completely the historic burial ground parcel of the E 126th Street Housing Redevelopment Plan as a distinct Memorial Grounds apart from any residential development proposals.

Attached are 226 NYC signers, along with the spiritual support of countless others unable to sign this physical document, who agree and are adamantly opposed to the further desecration of this sacred site by making it part of any development that would conflict with the siting of this parcel as a cemetery under the laws of our Nation. We request that this parcel stand alone and apart from any other development usage and that this site be memorialized by itself and apart as intended when these bodies were originally placed in the Earth Mother for their journey into the Spirit World.

With due respect,
Chief Dwaine C. Perry
Ramapough Lunaape Nation (aka Ramapough Lenape Indian Nation)

cc: Ms. Jean Ballard Terepka, Archivist- St Michael's Church, 225 West 99 St NYC 10025
Ms. Candy Vives, CB 11 Land Use Chairperson, NYC 10029
Ms. Denise Pisani, NYC Administration, NYC 10007
Ms. Hilary Semel, NYC Administration, NYC 10007
Ms. Aileen Gorsuch, NYC Administration, NYC 10038
President Roberto Borrero, United Confederation of Taino People, 10163

126th Street Bus Depot – Public Scoping
Testimony on Behalf of Speaker Melissa Mark-Viverito

The 126th Street Bus Depot project provides our community with a very important and historic opportunity. The past injustices suffered by the free and enslaved Africans buried at this site are finally being brought to light. Through the hard work and perseverance of the Harlem African Burial Ground Taskforce, which the Speaker co-chairs with Rev. Patricia Singletary, the stories of the many founding members of the village of Harlem buried here are finally being told. And while the history of this site may have been disregarded when the cemetery was cleared long ago, we now have a chance to right a historic wrong, and ensure future generations can benefit from knowing the somber truth of our community's history.

We would like to thank all the members of the Harlem African Burial Ground Taskforce for their diligent work, making the memorialization of this site a reality. We would also like to thank EDC and President Maria Torres-Springer, for committing the time and resources to partnering with us, recognizing that this project has a special place in the community's cultural heritage.

A proper memorial telling the history of the Harlem African Burial Ground must be the cornerstone of this project. In addition to the dedicated outdoor and indoor memorial, the history of the site must be reflected in the entire development program. As this project embraces the site's complex history, it must also address the varied needs of the community today. We'd like to thank the members of the 126th Street Bus Depot Taskforce, who have considered the needs of the present community and helped shape the development program.

The proposed project could potentially include more than 700 units of housing. Our community loses an average of 350 units of affordable housing every year, and projects like this provide an opportunity to build much need new affordable housing. It's vital that we maximize the development of affordable housing at this site, particularly targeting our lowest income households who are most vulnerable to displacement.

In addition to affordable housing, the project will include a significant commercial and retail component, which will generate many new jobs. To ensure these new

employment opportunities benefit local residents, we believe it's essential that the project commits resources to local hiring programs that will conduct outreach, screen and refer local applicants to new jobs created at this site.

The project must also be carefully designed, to make certain it's connected to broader neighborhood and relates to the existing context. The design challenges are significant – how does a site physically isolated become integrated into the community? There are certainly pedestrian safety improvements that can help link the project to existing community. Selecting uses that reflect the needs of local residents – including affordable housing, local retail, community-based programs and of course a memorial – will help create more consistency with the neighborhood context. Finally, the height and scale of the new buildings should be considered in their relationship to the existing character of the community, and building heights that make the new development feel separate and apart from the broader neighborhood should be avoided.

The impacts of the redevelopment of the bus depot site should be measured along with the proposed impacts of the M/E/C project directly west of the site, where an additional 900 units of housing will be developed, along with significant commercial and retail space. In addition to M/E/C, the impacts of the upcoming East Harlem neighborhood rezoning, particularly the upper stretches of Third Avenue and Park Avenue, must also be considered. With substantial new development expected near the bus depot site, it's vital that the environmental review process assess impacts on local schools and childcare programs. The anticipated increase in population will also be a strain on existing open space, and the project should assess the possibility of redeveloping the adjacent East River Esplanade into parkland. Currently a DOT staging area for the reconstruction of the Harlem River Drive, the Esplanade will likely be returned to the Department of Parks and Recreation near the time the bus depot site is developed.

We look forward to working closely with the Harlem African Burial Ground Taskforce, the 126th Street Bus Depot Taskforce, EDC and the entire community, as we move this project forward. The Speaker believe this project is essential to our community's history, and as we create a development program that addresses existing needs, we are excited to work together to ensure this new project lives up to the burden history has placed on it.

126th Street Bus Depot – Public Scoping
Testimony on Behalf of Speaker Melissa Mark-Viverito

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The proposed project could potentially include more than 700 units of housing. Our community loses an average of 350 units of affordable housing every year, and projects like this provide an opportunity to build much need new affordable housing. It's vital that we maximize the development of affordable housing at this site, particularly targeting our lowest income households who are most vulnerable to displacement.

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We look forward to working closely with the Harlem African Burial Ground Taskforce, the 126th Street Bus Depot Taskforce, EDC and the entire community, as we move this project forward. The Speaker believe this project is essential to our community's history, and as we create a development program that addresses existing needs, we are excited to work together to ensure this new project lives up to the burden history has placed on it.



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Gale A. Brewer, Borough President

**Public comment by Ahmed Tigani, Assistant Director of Land Use, Planning and
Development
Draft Scope of Work for the 126th Street Bus Depot Proposed Project
Tuesday, September 27, 2016
CEQR No. 16DME011M**

Good evening. My name is Ahmed Tigani, Assistant Director of Land Use, Planning and Development with the Office of the Manhattan Borough President, and thank you for the opportunity to speak tonight in regards to the Draft Scope of Work (DSOW) for the proposed 126th Street Bus Depot Project.

Our office wanted to take an opportunity to share some comments this evening on the proposed project though we are waiting to submit our final observations in response to the DSOW till first having more time to hear from members of the public.

First and foremost, we wanted to thank the office of City Council Speaker Melissa Mark-Viverito and the Economic Development Corporation (EDC) for convening a thoughtful and comprehensive planning process to plan for the future of the former MTA Bus Depot. The Harlem African Burial Ground (HABG) Task Force, co-chaired by Speaker Mark-Viverito and Rev. Dr. Patricia A. Singletary, Pastor of the Elmendorf Reformed Church, has been unwavering in their advocacy for a thorough investigation of the site's historic and cultural significance. Their efforts have resulted in ensuring any future programming will incorporate the pivotal role early African communities played in establishing New Harlem and the outpost of New Amsterdam. Additionally the ongoing discussions and meetings between the HABG/East 126th St Depot Task Forces, EDC, DCP and HPD to discuss goals for the site's redevelopment have been positive and inclusive. We look forward to seeing the request for proposal and participating in those next steps.

After reviewing the DSOW our office wanted to highlight several items we believe should be included as part of any subsequent environmental impact statement (EIS).

As mentioned in previous East 126th Street Bus Depot Task Force meetings, the Borough President believes this site should include an expanded role as a cultural beacon for East Harlem

beyond the memorial and have committed space for performing and visual arts. Additionally any analysis of the commercial space should include potential programming for light manufacturing and maker work spaces. We urge that the parameters of the Reasonable Worst Case Development Scenario (RWCDs) include any potential impacts of the aforementioned programming.

On page 21 of the DSOW under the chapter related to historic and cultural resources the applicant state that any measures to avoid or mitigate adverse impacts on historic and cultural resources may be developed in consultation with several organizations including but not limited to the HABG. Given HABG's experience and knowledge of the historic and cultural significance of the site we urge that the applicant make sure that HABG has input into the drafting of this section and furthermore, solicit the input of Manhattan Community Board 11 Economic Development, Culture & Tourism and Land Use Committees.

Given an estimated duration of construction period of 40 months, any mitigation methods should outline how impacts to neighborhood quality of life and the status of protective measures for the designated memorial site will be monitored by the 126th Street Depot task force or separate community-based oversight entity. We would also ask that the summary EIS chapter include additional benchmarks that compare the EIS findings to the recommendations of the East Harlem Neighborhood Plan (EHNP) and the most recently published Community District 11 District Statement of Needs.

Finally the Borough President believes strongly that any residential component to this site should be 100% permanently affordable and meet the lower income tiers called for under the EHNP's Affordable Housing Development recommendations. Building on publicly-owned sites dramatically reduces the cost of developing affordable housing and creates an opportunity for this project to be an economically-diverse construction reaching deeper levels of affordability ranging from 30% AMI to 130% AMI, though we acknowledge the challenge of developing with an archeological resource to consider.

Thank you for this opportunity to testify on these comments thus far. Our office looks forward to joining you in listening to and reflecting on the public feedback on the DWOS. We hope these comments will contribute to a better project and memorial.

East Harlem, New York City, 10035

September 27, 2016

Denise Pisani, Senior Project Manager
Mayor's Office of Sustainability
253 Broadway, 14th Floor
New York, New York 10007

Submitted via-email

Dear Ms. Pisani:

Please find below comment on the Draft Scope of Work on the Generic Environmental Impact Statement for the East 126th Street Bus Depot and African Burial Ground proposal (CEQR No. 16DME011M).

General comment on environmental review and the East Harlem Neighborhood Plan

To include the East Harlem Neighborhood Plan as a reference document but ignore the specific recommendations relating to environmental review is a large oversight. Environmental Impact Statement recommendations are listed on pages 126-127 in the plan and are attached to this comment. I encourage the office to review these recommendations and to implement them for this current process.

TASK 2. LAND USE, ZONING AND PUBLIC POLICY

The presence of an African Burial Ground on this site warrants an additional subtask evaluating zoning and land use changes necessary to convert the land dedicated to the burial ground memorial into parkland. Given that the burial ground memorial will be a part of a proposed mixed-use project, the future integrity of the memorial site should be parsed out in the Draft Scope of Work. Creating a memorial site as parkland would provide added protection through the fail safe of requiring alienation of that land through the NY State legislature for alternate usage. Given the failure of previous high-profile museum project in the East Harlem community that has yet to be realized, this memorial/museum should have these requirements (parkland) run with the land and zoning of the site.

It would be thoughtful to include the CB11 Statement of District Needs and Budget Priorities to the list of public policies that apply to the study areas for this project. Given the recent changes by the Department of City Planning to the Statement of District Needs and Budget Priorities process and documentation, these items should

also be included. Additionally, the recently released East Harlem Health Impact Assessment from the New York Academy of Medicine should be included as a considered public policy document in this section as well.

Should the East Harlem Resiliency Study, led by ORR and the Parks Department, release recommendations and/or policy statements during the evaluation of this project, any available information should be incorporated into the EIS process and updated as necessary.

An additional subtask that specifically references the decision to leave an M1-2 zone, the width of the block between 1st and 2nd avenues, on the South side of East 126th Street in between the project site and an R7-2 district should be included in Task 2.

TASK 3. INDIRECT RESIDENTIAL DISPLACEMENT

The criteria stated in Step 2 of this task is used to determine whether or not further analysis on indirect residential displacement is warranted by examining whether the proposed project is large enough to affect real estate market conditions in the study area. The definition of “large enough” should be identified in the Draft Scope of Work in Step 2 of Task 3.

TASK 4. COMMUNITY FACILITIES AND SERVICES

There are many indications that the CEQR/SECRA guidelines are not sufficient to provide accurate data and real impacts on our communities. Most recently, in discussion of the Lexington Gardens II project during ULURP, analysis was presented at a public CB11 Land Use meeting showing that the multiplier used for determining school seat generation underestimates the number of seats that may be needed for districts outside of the Manhattan core. Although that project was in a different community school district, the same issue applies here.

The Draft Scope of Work should address this concern and provide alternate methodologies that result in accurate data so that public schools do not experience overcrowding. In addition, since the project sits in CSD 5, most of the impact would be outside of community district 11. CB10 should be notified of possible impacts and needs for mitigation for this school district, which is located in community district 10.

TASK 4. COMMUNITY FACILITIES AND SERVICES -- Child Care Centers/TASK 5. OPEN SPACE

With a project site located almost directly on the Harlem River, the use of the suggested radius does not seem an appropriate field of study. The open space and child care center study area would include parts of the South Bronx and the expanse

of the Harlem river, when it seems that the real impacts may lie further inland on the Manhattan side.

For the open space study, adjusting the study area may give more appropriate mitigation measures when including the two nearest large parks in East Harlem: Marcus Garvey Park and Thomas Jefferson Park. Currently, only the northeast portion of Marcus Garvey Park falls within the study area boundaries. All of Thomas Jefferson Park sits a block outside of the study area radius. Both parks are high usage and historically underserved. The increases by this project and the neighborhood rezoning need to be investigated so that the open space that the community currently has remains usable.

TASK 6. SHADOWS

If public school maintained gardens are not considered a publicly accessible open space or sunlight-sensitive historic resources, the shadow analysis, in general, should include gardens on public school sites. As stated in a review of Task 9, Natural Resources, it is not clear whether there is a current study envisioned here.

TASK 9. NATURAL RESOURCES

The analysis provided to inform the shadow analysis in Task 6 – Shadows needs to be based on a current study of the aquatic resources of the Harlem River. Appropriate consultants should be engaged to investigate the water quality and aquatic organisms in the project site vicinity, rather than using older studies.

TASK 13. TRANSPORTATION – Traffic

The section on traffic mentions a discussion on the existing bicycle network in the study area. The District Public Health Office is currently investigating further “activation” of the East Harlem biking network. There should be coordination with this office to ensure the most recent information and possible projections of changes before 2022.

TASK 15. CLIMATE CHANGE

The qualitative discussion on the potential effects of climate change and potential design measures that will be included in the DGEIS should be informed by the East Harlem Resiliency Study (mentioned above) or vice versa.

NOISE/AIR QUALITY/HAZARDOUS MATERIALS

Given the ongoing challenge to the environmental review in *Jewish Home Lifecare/P.S. 163*, I urge that the analysis meets the standard that lower court judge required, vacating the approval for the project due to insufficient analysis.

TASK 17. PUBLIC HEALTH

Given the health impacts indicated in the East Harlem Department of Health neighborhood profile, a public health assessment should be warranted due to the extremely vulnerable populations that may be affected under the analysis areas, regardless of the CEQR thresholds.

TASK 19. CONSTRUCTION

Given the anticipated detailed construction impact analysis within several study areas, mitigation plans should include processes that clearly indicate and call for oversight by the local Community Board.

Personal Statement

I am submitting this public comment as an individual (neither as Vice-Chair of the CB11 Parks committee, nor as a member of Community Board 11, nor in affiliation with any other boards that I serve on).

Sincerely,

Marie Winfield
East Harlem, NYC, 10035

Appendix 31

**Harlem African Burial Ground Task Force Vision and Mission
Statement**



Vision:

On this sacred Lenape tribal site near the Harlem River and East 126th Street, where the Village of Harlem was founded in 1660, lie the desecrated remains of both freed and enslaved Africans who helped build this village, city and nation. The Harlem African Burial Ground Task Force seeks to create a profoundly visionary memorial that empowers and educates all to the continued local, national and global struggles for social and economic justice and spiritual fulfillment.

Mission:

Working with the City of New York, the Harlem African Burial Ground Task Force seeks the creation of a vibrant memorial that is fully integrated into the social and economic fabric of East Harlem. The mission of the task force is to ensure that any new development on this sacred site be iconic in design and honor the lives and contributions of enslaved and free African colony and nation builders, their descendants, and indigenous people who inhabited Manhattan before the arrival of Europeans.

This unique waterfront location reveals Harlem's and New York City's rich history and inspires its social, economic and spiritual future. Its redevelopment incorporates openness, grace and innovation. Nearby Harlem River Park, Harlem River Drive, Willis Avenue Bridge, 2nd Avenue Subway, and the larger neighborhood are visually connected through elegant landscaping, architecture and urban design that highlights this place, embracing residents and visitors alike.

In this sacred memorial place, the spirits of those once forgotten will be remembered: their wisdom will be received and renewed, and their stories will take their rightful place in the rich American narrative.



Appendix 42
Transportation Planning Factors Memo



TRANSPORTATION PLANNING FACTORS MEMO

To: New York City Economic Development Corporation (EDC)
From: Philip Habib & Associates
Date: August 17th, 2016
Re: **126th Street Bus Depot GEIS (#1439E)**

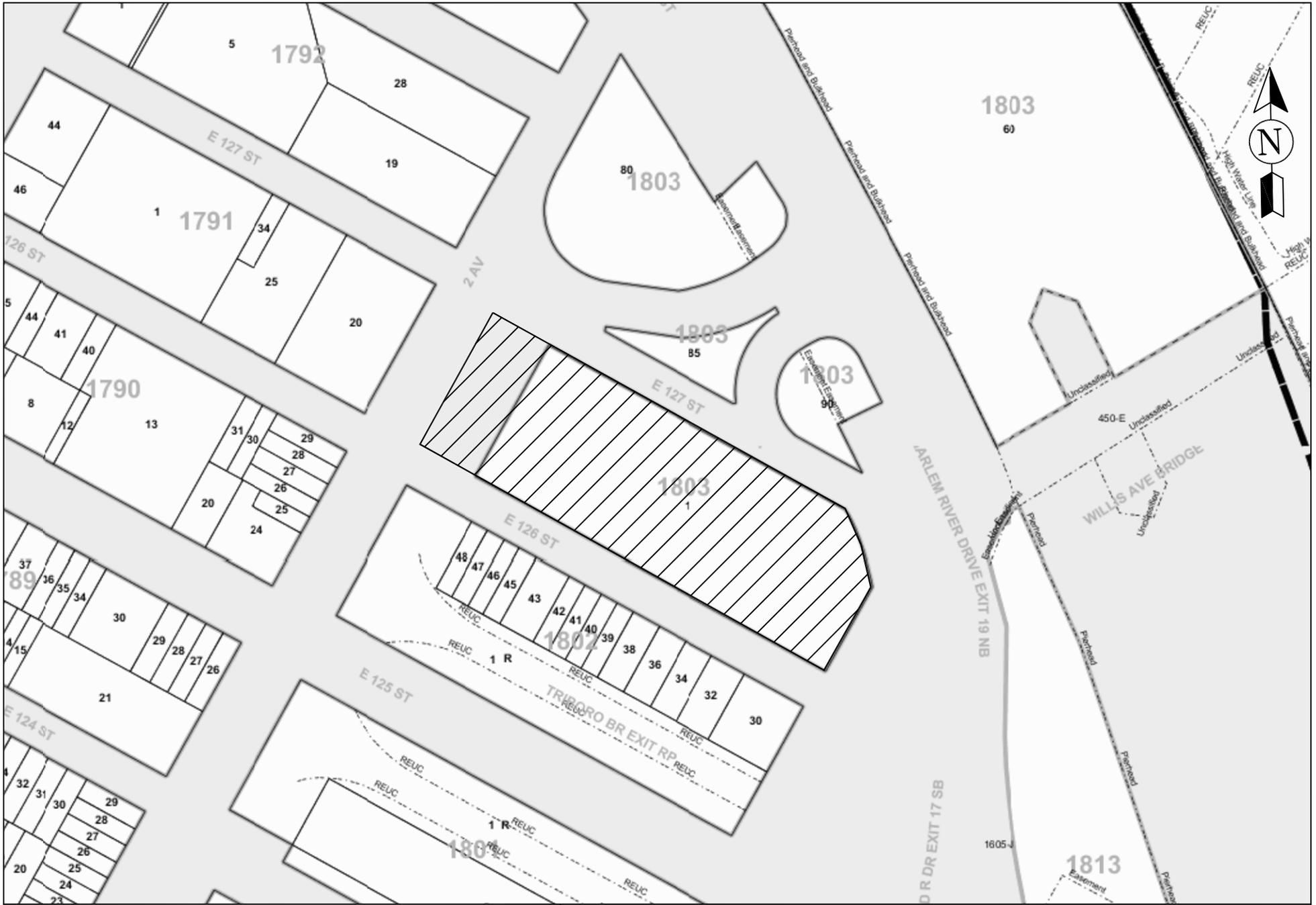
This memorandum summarizes the transportation planning factors to be used for an environmental impact analysis of traffic, parking, transit, and pedestrian conditions for the proposed redevelopment of the Metropolitan Transportation Authority (MTA) bus depot site located on Block 1803, Lot 1, in the East Harlem neighborhood of Manhattan Community District 11 (see Figure 1 for project location).

As shown in Figure 1, redevelopment is expected to consist of the entirety of Block 1803, Lot 1, in addition to an adjoining bus parking lot area located immediately west of Lot 1 (the project site). The site is located at 2460 Second Avenue and is bounded by East 127th Street on the north, First Avenue on the east, East 126th Street on the south, and Second Avenue on the west. The site currently consists of one building that would be demolished. In the Reasonable Worst Case Development Scenario (RWCDS), the project site would be redeveloped with approximately 200,000 gross square feet (gsf) of office space, 80,000 gsf of destination retail space, 730 residential dwelling units (DUs) of which 50 percent would be designated affordable for households earning at or below 80 percent area median income (AMI), 35,000 gsf of local retail space, 30,000 gsf of community facility space (including 15,000 gsf of museum/memorial space), 18,000 gsf of outdoor, unbuilt memorial space, and 300 accessory parking spaces. In addition, the Proposed Project involve a de-mapping of a portion of Second Avenue between East 126th and East 127th Streets in order to expand the project site westward.

The Proposed Project exceeds the applicable development density thresholds specified in Table 16-1 of the 2014 *City Environmental Quality Review (CEQR) Technical Manual* and therefore a screening assessment is necessary to determine if detailed analyses of traffic and parking, transit, and pedestrians are warranted. Per 2014 *CEQR Technical Manual* guidelines, the screening assessment consists of a two-level process including a Level 1 Project Trip Generation Screening Assessment and a Level 2 Project-generated Trip Assignment Screening Assessment.

Project Site Area

Block 1803 is bounded by East 127th Street on the north, First Avenue on the east, East 126th Street on the south, and Second Avenue on the west. The site takes up the entire block and currently consists of a former MTA bus depot. Adjacent land uses include a gas station, various storage lots, car dealerships, and parks. The Willis Avenue Bridge runs east of the project site, and the Manhattan span of the Robert F. Kennedy (RFK) Bridge ends one block south of the site at East 125th Street. The Harlem River Drive runs north and east of the project site and has entry and exit ramps nearby.



126th Street Bus Depot Redevelopment - Figure 1
Project Site Location

LEGEND
 -Project Site

Second Avenue is a major southbound arterial that runs on the west side of the project site. It runs from the Harlem River Drive in East Harlem to East Houston Street in the East Village (where it continues south as Chrystie Street). Second Avenue is designated a local truck route for its entire length, and it contains a Class I protected bicycle path for much of its length, including for a section south of East 125th Street and north of East 104th Street. The M15 Select Bus Service runs on Second Avenue south of East 126th Street and has a dedicated lane for much of its route. First Avenue is a major northbound arterial running in a pair with Second Avenue connecting East Houston Street in the East Village (where it continues south as Allen Street) and East 127th Street in East Harlem, with most traffic continuing over the Willis Avenue Bridge into the Bronx. It is also a designated local truck route and carries both a Class I bicycle path and the northbound M15 Select Bus Service in a dedicated lane for much of its route. East 126th Street is a westbound local street that runs in a one-way pair with the eastbound East 127th Street east of Lexington Avenue.

Nearby the project site is East 125th Street. This is a major east-west arterial across Manhattan that connects First Avenue, the Willis Avenue Bridge, the Manhattan span of the RFK Bridge, and the southbound Franklin Delano Roosevelt Drive (FDR Drive) in East Harlem with Marginal Street and the Henry Hudson Parkway in the Manhattan Valley. It is a designated local truck route east of Broadway and carries the M60 Select Bus Service, M100, and Bx15 buses for much of its length. East 128th Street in the vicinity of the site is an eastbound local street that carries traffic off of the southbound Third Avenue Bridge as well as traffic destined to the adjacent ramp to the northbound Harlem River Drive.

The FDR Drive and the Harlem River Drive are six-lane parkways that run along the shore of the East River from Whitehall Street in the Financial District to Dyckman Street in Inwood. The two parkways meet in East Harlem, and Exit 19 serves the area around the project site. Northbound traffic exits the FDR Drive and enters the Harlem River Drive on East 127th Street between Second and First Avenues and southbound traffic exits the Harlem River Drive onto Second Avenue at East 128th Street and enters the southbound FDR Drive from East 125th Street at First Avenue. As the FDR Drive and Harlem River Drive are parkways, trucks are prohibited from using them.

The Manhattan span of the RFK Bridge is a vertical lift tolled bridge over the Harlem River that connects Manhattan to Randall's Island where it meets Interstate 278 and connects to Queens and the Bronx. It has entrances from the northbound FDR Drive, southbound Harlem River Drive, Second Avenue, East 124th Street, and East 125th Street, and exits to the southbound FDR Drive, Second Avenue, East 125th Street, and East 126th Street. It is a designated local truck route and carries the M60 Select Bus Service and the M35 local bus route. The north side of the bridge currently provides a pedestrian walkway. It should be noted that the New York City Department of Transportation (contract HBM-1027) is constructing pier foundations for a planned new Triborough Bridge and Tunnel Authority (TBTA) connector ramp from the RFK Bridge to the northbound Harlem River Drive. The connector ramp project is anticipated to be completed by 2021. This would significantly reduce traffic that currently accesses the northbound Harlem River Drive via northbound Second Avenue in front of the project site. The diverted traffic will be incorporated into the future No Action traffic network.

The Willis Avenue Bridge is a one-way northbound swing bridge over the Harlem River connecting First Avenue at East 125th Street in Manhattan to Willis Avenue at East 135th Street in the Bronx. This bridge is a local truck route and carries the Bx15 bus between Manhattan and the Bronx. A Class 1 bicycle path is provided on the west side of the bridge. The Willis Avenue Bridge runs as a one-way pair with the Third Avenue Bridge which provides access from the Bronx into Manhattan with exits to East 128th Street, Lexington Avenue, and the southbound FDR Drive.

The nearest subway station to the project site is the 125th Street station on the IRT Lexington Avenue Line serving the 4 and 6 trains at all times and the 5 train at all times except nights. This station is located at

East 125th Street and Lexington Avenue. In addition, the Harlem-125th Street station at East 125th Street at Park Avenue serves the MTA's Metro-North Commuter Railroad's (MNCR) Harlem Line, Hudson Line, and New Haven Line which provide service between Grand Central Terminal and locations north of New York City including Westchester, Putnam, and Dutchess Counties in New York, and Fairfield and New Haven Counties in Connecticut. Bus routes serving the area include the M15 and M60 Select Bus Services, as well as the M35, M100, M101, M103, M116, and Bx15 local bus routes.

Lastly, it is important to note that NYCT has a four phase plan to add a new subway line on the east side of Manhattan generally running along Second Avenue, referred to as the Second Avenue Subway. Phase 1 will extend from a new subway station at East 96th Street and Second Avenue to the existing 59th Street subway station on the Lexington Avenue and Broadway subway lines. The Q train will be diverted onto the Second Avenue Line east of the 59th Street subway station, and will no longer continue into Queens. Phase 1 is anticipated to be completed in late 2016. Phase 2 would extend from the new subway station at East 96th Street and continue north to E. 125th Street, connecting back to the existing subway station on the Lexington Avenue line at E. 125th Street and Lexington Avenue. Although the Build year of Phase 2 is not known at this time, it is anticipated that trips generated by the Proposed Project would utilize the new Second Avenue Line after Phase 2 is complete. This would include project-generated subway trips that would otherwise use the Lexington Avenue Line, as well as trips from other modes which would be diverted to the Second Avenue Line. However, as the Build year for Phase 2 is not yet definitive, extension of the Second Avenue Line to E. 125th Street is conservatively not included in the transportation analyses.

Transportation Planning Assumptions & Travel Demand Forecasts

In order to conduct a Level 1 Trip Generation Screening Assessment for the RWCDS, a travel demand forecast was conducted for a typical peak hour during four time periods: weekday AM, weekday midday, weekday PM, and Saturday midday. Trips to and from the project site were generated using various assumptions, including daily trip generation rates, mode choice, and hourly and directional patterns.

Table 1 provides the transportation planning assumptions which were based on standard criteria as per the 2014 *CEQR Technical Manual*, census data, and studies that have been used in previous environmental assessments and Environmental Impact Statements (EISs) for projects with similar uses in nearby areas of Manhattan. Table 2 provides the overall resulting trip generation for the program for all peak hours for person trips for each mode of transportation and for vehicles trips for autos, taxis, and trucks. The following sections provide the planning factors for each use for a weekday and Saturday as shown in Table 1.

Office

The forecast of travel demand for the RWCDS office use used a weekday trip generation rate of 18.0 person trips per 1,000 gsf, a Saturday trip generation rate of 3.0 person trips per 1,000 gsf, and temporal distributions of 12.0 percent, 15.0 percent, 14.0 percent, and 17.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively, as per the 2014 *CEQR Technical Manual*. The office modal split for the weekday AM and PM peak hours estimated 12.0 percent, 1.0 percent, 68.0 percent, 12.0 percent, 1.0 percent, and 6.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively as per the *East 125th Street Development FEIS*, 2008. The office modal split for the weekday and Saturday midday peak hours estimated 2.0 percent, 1.0 percent, 7.0 percent, 7.0 percent, 0.0 percent, and 83.0 percent mode shares for private auto, taxi, subway, bus, MNCR and walk-only modes, respectively, as per the *East 125th Street Development FEIS*, 2008. The directional splits and vehicle occupancies of 1.09 persons per auto and 1.40 persons per taxi were also based on this source. Truck trip generation rates were estimated based on the 2014 *CEQR Technical Manual*.

Table 1: Transportation Planning Factors – RWCDS

Land Use:	Office	Destination Retail	Residential	Local Retail	Community Facility	Museum
Size/Units:	200,000 gsf	80,000 gsf	730 DU	35,000 gsf	15,000 gsf	15,000 gsf
Trip Generation:	(1)	(1)	(1)	(1)	(3)	(3)
Weekday	18.0	78.2	8.075	205.0	44.7	27.0
Saturday	3.0	92.5	9.600	240.0	26.1	20.6
	per 1,000 gsf	per 1,000 gsf	per DU	per 1,000 gsf	per 1,000 gsf	per 1,000 gsf
Temporal Distribution:	(1)	(1)	(1)	(1)	(1)	(3)
AM	12.0%	3.0%	10.0%	3.0%	4.0%	1.0%
MD	15.0%	9.0%	5.0%	19.0%	9.0%	16.0%
PM	14.0%	9.0%	11.0%	10.0%	5.0%	13.0%
SatMD	17.0%	11.0%	8.0%	10.0%	9.0%	7.0%
Modal Splits:	(2)	(2)	(4)	(5)	(3)	(3)
	AM/PM MD/SAT	Weekday Saturday	All Periods	All Periods	All Periods	Weekday Saturday
Auto	12.0% 2.0%	15.0% 17.0%	14.0%	7.3%	4.0%	12.0% 14.0%
Taxi	1.0% 1.0%	9.0% 10.0%	1.0%	1.7%	9.0%	10.0% 10.0%
Subway	68.0% 7.0%	26.0% 15.0%	57.0%	2.7%	12.0%	7.0% 7.0%
Bus	12.0% 7.0%	12.0% 20.0%	14.0%	8.7%	5.0%	29.0% 29.0%
Railroad	1.0% 0.0%	1.0% 1.0%	2.0%	1.0%	0.0%	0.0% 0.0%
Walk/Other	6.0% 83.0%	37.0% 37.0%	12.0%	78.6%	70.0%	42.0% 40.0%
	100.0% 100.0%	100.0% 100.0%	100.0%	100.0%	100.0%	100.0% 100.0%
In/Out Splits:	(3)	(2)	(3)	(3)	(3)	(3)
	In Out	In Out	In Out	In Out	In Out	In Out
AM	95% 5%	61% 39%	16.0% 84.0%	50% 50%	61% 39%	50% 50%
MD	48% 52%	55% 45%	50.0% 50.0%	50% 50%	55% 45%	63% 37%
PM	15% 85%	47% 53%	67.0% 33.0%	50% 50%	29% 71%	52% 48%
Sat MD	60% 40%	55% 45%	53.0% 47.0%	50% 50%	49% 51%	63% 37%
Vehicle Occupancy:	(2)	(2)	(3,4)	(3)	(3)	(3)
	All Periods	Weekday Saturday	All Periods	All Periods	All Periods	All Periods
Auto	1.09	2.00 2.70	1.18	2.00	1.40	2.34
Taxi	1.40	2.00 2.80	1.4	2.00	1.40	1.90
Truck Trip Generation:	(1)	(2)	(1)	(1)	(3)	(3)
Weekday	0.32	0.35	0.06	0.35	0.04	0.05
Saturday	0.01	0.04	0.02	0.04	0.01	0.01
	per 1,000 sf	per 1,000 sf	per DU	per 1,000 sf	per 1,000 sf	per 1,000 sf
	(1)	(2)	(1)	(1)	(3)	(3)
AM	10.0%	7.7%	12.0%	8.0%	7.7%	9.6%
MD	11.0%	11.0%	9.0%	11.0%	11.0%	11.0%
PM	2.0%	1.0%	2.0%	2.0%	2.0%	1.0%
Sat MD	11.0%	11.0%	9.0%	11.0%	11.0%	11.0%
	In Out	In Out	In Out	In Out	In Out	In Out
AM/MD/PM	50.0% 50.0%	50.0% 50.0%	50.0% 50.0%	50.0% 50.0%	50.0% 50.0%	50.0% 50.0%

Notes :

- (1) Based on 2014 *City Environmental Quality Review (CEQR) Technical Manual*. Health club rates assumed for community facility temporal distribution.
- (2) Based on the *East 125th Street Development FEIS*, 2008.
- (3) Based on *West Harlem Rezoning FEIS*, 2012.
- (4) Based on 2010-2014 *American Community Survey (ACS) Means of Transportation to Work Table* for Manhattan Census Tracts 192, 194, 196, and 242.
- (5) Based on 2015 NYCDOT Trip Generation and Mode Choice Survey.

Table 2: Travel Demand Forecast –RWCDS

Land Use:	Office		Destination Retail		Residential		Local Retail*		Community Facility		Museum		Total	
	200,000	gsf	80,000	gsf	730	DU	35,000	gsf	15,000	gsf	15,000	gsf		
Size/Units:														
Peak Hour Person Trips:														
AM	432		188		590		162		28		6		1,406	
MD	540		564		296		1,024		62		66		2,552	
PM	506		564		650		540		34		54		2,348	
Sat MD	104		814		562		672		36		22		2,210	
Person Trips:														
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
AM														
Auto	49	3	17	11	13	69	6	6	1	0	0	0	86	89
Taxi	4	0	10	7	1	5	1	1	1	1	0	0	17	14
Subway	279	15	30	19	54	283	2	2	2	1	1	1	368	321
Bus	49	3	14	9	13	69	7	7	1	1	1	1	85	90
Railroad	4	0	1	1	2	10	1	1	0	0	0	0	8	12
Walk/Other	<u>25</u>	<u>1</u>	<u>42</u>	<u>27</u>	<u>11</u>	<u>60</u>	<u>64</u>	<u>64</u>	<u>12</u>	<u>8</u>	<u>1</u>	<u>1</u>	<u>155</u>	<u>161</u>
Total	410	22	114	74	94	496	81	81	17	11	3	3	719	687
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
MD														
Auto	5	6	46	38	21	21	37	37	1	1	5	3	115	106
Taxi	2	3	28	23	1	1	9	9	3	3	4	2	47	41
Subway	18	20	81	66	84	84	14	14	4	3	3	2	204	189
Bus	18	20	37	30	21	21	45	45	2	1	12	7	135	124
Railroad	0	0	3	3	3	3	5	5	0	0	0	0	11	11
Walk/Other	<u>215</u>	<u>233</u>	<u>115</u>	<u>94</u>	<u>18</u>	<u>18</u>	<u>402</u>	<u>402</u>	<u>24</u>	<u>20</u>	<u>18</u>	<u>10</u>	<u>792</u>	<u>777</u>
Total	258	282	310	254	148	148	512	512	34	28	42	24	1,304	1,248
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
PM														
Auto	9	52	40	45	61	30	20	20	0	1	3	3	133	151
Taxi	1	4	24	26	4	2	5	5	1	2	3	2	38	41
Subway	52	292	69	78	248	122	7	7	1	3	2	2	379	504
Bus	9	52	32	36	61	30	23	23	1	1	8	8	134	150
Railroad	1	4	2	3	9	4	3	3	0	0	0	0	15	14
Walk/Other	<u>4</u>	<u>26</u>	<u>98</u>	<u>111</u>	<u>53</u>	<u>26</u>	<u>212</u>	<u>212</u>	<u>7</u>	<u>17</u>	<u>12</u>	<u>11</u>	<u>386</u>	<u>403</u>
Total	76	430	265	299	436	214	270	270	10	24	28	26	1,085	1,263
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
Sat MD														
Auto	1	1	76	62	42	37	25	25	1	1	2	1	147	127
Taxi	1	0	45	37	3	2	6	6	1	2	1	1	57	48
Subway	4	3	67	55	170	150	9	9	2	2	1	1	253	220
Bus	4	3	90	73	42	37	29	29	1	1	4	2	170	145
Railroad	0	0	4	4	6	5	3	3	0	0	0	0	13	12
Walk/Other	<u>52</u>	<u>35</u>	<u>166</u>	<u>135</u>	<u>36</u>	<u>32</u>	<u>264</u>	<u>264</u>	<u>12</u>	<u>13</u>	<u>6</u>	<u>3</u>	<u>536</u>	<u>482</u>
Total	62	42	448	366	299	263	336	336	17	19	14	8	1,176	1,034
Vehicle Trips :														
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
AM														
Auto (Total)	45	3	9	6	11	58	3	3	1	0	0	0	69	70
Taxi	3	0	5	4	1	4	1	1	1	1	0	0	11	10
Taxi Balanced	3	3	8	8	5	5	2	2	2	2	0	0	20	20
Truck	<u>3</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>7</u>	<u>7</u>
Total	51	9	18	15	19	66	5	5	3	2	0	0	96	97
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
MD														
Auto (Total)	5	6	23	19	18	18	19	19	1	1	2	1	68	64
Taxi	1	2	14	12	1	1	5	5	2	2	2	1	25	23
Taxi Balanced	3	3	23	23	2	2	9	9	4	4	3	3	44	44
Truck	<u>4</u>	<u>4</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9</u>	<u>9</u>
Total	12	13	48	44	22	22	29	29	5	5	5	4	121	117
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
PM														
Auto (Total)	8	48	20	23	52	25	10	10	0	1	1	1	91	108
Taxi	1	3	12	13	3	1	3	3	1	1	2	1	22	22
Taxi Balanced	4	4	22	22	3	3	5	5	2	2	3	3	39	39
Truck	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Total	13	53	42	45	55	28	15	15	2	3	4	4	131	148
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out
Sat MD														
Auto (Total)	1	1	28	23	36	31	13	13	1	1	1	0	80	69
Taxi	1	0	16	13	2	1	3	3	1	1	1	1	24	19
Taxi Balanced	1	1	25	25	3	3	5	5	2	2	2	2	38	38
Truck	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Total	2	2	53	48	40	35	18	18	3	3	3	2	119	108
	Total Vehicle Trips				Total Pedestrian Trips									
	In	Out	Total	In	Out	Total								
AM	96	97	193	616	584	1,200								
MD	121	117	238	1,142	1,101	2,243								
PM	131	148	279	914	1,071	1,985								
Sat MD	119	108	227	972	859	1,831								

*assumes 25% linked trip credit on a weekday and 20% linked trip credit on a Saturday.

Destination Retail

The forecast of travel demand for the RWCDs destination retail use used a weekday trip generation rate of 78.2 person trips per 1,000 gsf, a Saturday trip generation rate of 92.5 person trips per 1,000 gsf, and temporal distributions of 3.0 percent, 9.0 percent, 9.0 percent, and 11.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively, as per the 2014 *CEQR Technical Manual*. The destination retail weekday modal split estimated 15.0 percent, 9.0 percent, 26.0 percent, 12.0 percent, 1.0 percent, and 37.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively as per the *East 125th Street Development FEIS*, 2008. The destination retail Saturday modal split estimated 17.0 percent, 10.0 percent, 15.0 percent, 20.0 percent, 1.0 percent, and 37.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively as per the *East 125th Street Development FEIS*, 2008. The weekday vehicle occupancy rate of 2.00 persons per vehicle, the Saturday vehicle occupancy rates of 2.70 persons per auto and 2.80 persons per taxi, the directional splits, and the truck trip generation rates were also based on this source.

Residential

The forecast of travel demand for the RWCDs residential use used a weekday trip generation rate of 8.075 person trips per DU, a Saturday trip generation rate of 9.6 person trips per DU, and temporal distributions of 10.0 percent, 5.0 percent, 11.0 percent, and 8.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively, as per the 2014 *CEQR Technical Manual*. The residential modal split estimated 14.0 percent, 1.0 percent, 57.0 percent, 14.0 percent, 2.0 percent, and 12.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively as per the 2010-2014 *American Community Survey (ACS) Means of Transportation to Work Table for Manhattan Census Tracts 192, 194, 196, and 242*. The auto occupancy rate of 1.18 persons per auto also based on this source. Directional splits and the taxi occupancy rate of 1.40 persons per taxi were based on the *West Harlem Rezoning FEIS*, 2012. Truck trip generation rates were estimated based on the 2014 *CEQR Technical Manual*.

Local Retail

The forecast of travel demand for the RWCDs local retail use used a weekday trip generation rate of 205.0 person trips per 1,000 gsf, a Saturday trip generation rate of 240.0 person trips per 1,000 gsf, and temporal distributions of 3.0 percent, 19.0 percent, 10.0 percent, and 10.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively, as per the 2014 *CEQR Technical Manual*. The local retail modal split of 7.3 percent, 1.7 percent, 2.7 percent, 8.7 percent, 1.0 percent, and 78.6 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively was based on a 2015 DOT trip generation and mode choice survey. The vehicle occupancy rate of 2.00 persons per vehicle and the directional splits were also based on the *West Harlem Rezoning FEIS*, 2012. Truck trip generation rates were estimated based on the 2014 *CEQR Technical Manual*. It was also assumed that 25.0 percent of weekday and 20.0 percent of Saturday local retail trips would be linked and not new to the study area.

Community Facility

The forecast of travel demand for the RWCDs community facility use used a weekday trip generation rate of 44.7 person trips per 1,000 gsf, a Saturday trip generation rate of 26.1 person trips per 1,000 gsf, and temporal distributions of 4.0 percent, 9.0 percent, 5.0 percent, and 9.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively. The community facility modal split was estimated at 4.0 percent, 9.0 percent, 12.0 percent, 5.0 percent, 0.0 percent, and 70.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively. The vehicle occupancy estimated a rate of 1.40 persons per vehicle. All rates, along with truck trip generation rates and directional splits, were

estimated based on the *West Harlem Rezoning FEIS*, 2012, with the exception of the temporal distribution, which was based off of the 2014 *CEQR Technical Manual*.

Museum

The forecast of travel demand for the RWCDS museum use used a weekday trip generation rate of 27.0 person trips per 1,000 gsf, a Saturday trip generation rate of 20.6 person trips per 1,000 gsf, and temporal distributions of 1.0 percent, 16.0 percent, 13.0 percent, and 7.0 percent for the weekday AM, midday, PM, and Saturday midday peak hours, respectively. The community facility modal split was estimated 12.0 percent, 10.0 percent, 7.0 percent, 29.0 percent, 0.0 percent, and 42.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively, during the weekday peak hours, and was estimated 14.0 percent, 10.0 percent, 7.0 percent, 29.0 percent, 0.0 percent, and 40.0 percent mode shares for private auto, taxi, subway, bus, MNCR, and walk-only modes respectively, during the Saturday midday peak hour. The vehicle occupancy estimated a rates of 2.34 persons per auto and 1.90 persons per taxi. All rates, along with truck trip generation rates and directional splits, were estimated based on the *West Harlem Rezoning FEIS*, 2012.

Vehicle and Pedestrian Forecast and Assignment

Table 2 provides an overall travel demand forecast for the RWCDS for the weekday AM, midday, PM, and Saturday midday peak hours. As shown in Table 2, the RWCDS would generate 193, 238, 279, and 227 vehicle trips (in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours respectively, 689, 393, 883, and 473 subway trips (in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours respectively, 175, 259, 284, and 315 bus trips (in and out combined) in the weekday AM, midday, PM and Saturday midday peak hours respectively, 20, 22, 29, and 25 MNCR trips (in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours respectively, and 1,200, 2,243, 1,985, and 1,831 total pedestrian trips (in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours respectively.

As shown in Table 2, the RWCDS would generate 50 or more vehicle trips, 200 or more subway trips, 50 or more bus trips, and more than 200 pedestrian trips in all four peak hours, and therefore a Level 2 screening analysis for traffic, transit, and pedestrians would be warranted.

For the vehicle trip assignment for the RWCDS, the origins and destinations for auto, taxi, and truck vehicle increments were assumed based on the project location and area arterials. For the pedestrian trip assignment for the RWCDS, the walk-only trips were distributed evenly around the network and the subway, rail, and bus were assigned to stations and bus routes based on the ridership at each subway station/on each bus route and the distance from the project site to the subway station/nearest bus stop on a route.

Traffic

As indicated in Table 2 and discussed above, the travel demand forecast indicates that the RWCDS development program would generate a project-generated increment of approximately 193, 238, 279, and 227 vehicle trips (in and out combined) in the weekday AM, midday, PM, and Saturday midday peak periods, respectively. These vehicle trips were assigned to portals based on 2010 Census Journey-to-Work and Reverse Journey-to-Work origin-destination data for Manhattan census tracts 192, 194, 196, and 242. Vehicle trips generated by the residential use were assigned based on 2010 Census Journey-to-Work data, while vehicle trips generated by the office, destination retail, and museum uses were assigned based on 2010 Census Reverse Journey-to-Work data. Vehicle trips generated by the local retail and community facility uses were distributed evenly to the local traffic network. Auto and truck trips were assigned to the assumed garage entrances on East 126th and East 127th Streets and the assumed garage exit on East 126th

Street between First and Second Avenues (parking garages access locations are not known at this time). It is anticipated that some auto trips would park in nearby on-street and off-street parking facilities which would disperse auto trips over the local traffic network, however, all auto trips were assigned to the garage entrances/exit as a conservative assumption. Taxi trips were assigned to pick up and drop off along the frontages of the project site.

The peak hour vehicle assignment is shown in Figure 2. As shown in Figure 2, six intersections would exceed the 2014 *CEQR Technical Manual* 50 vehicle trip per hour threshold, and therefore would require a detailed traffic analysis. In addition, DOT requested two additional intersections, East 126th Street and Lexington Avenue and East 125th Street and Third Avenue, to be selected for analysis as these intersections were reported as congested in the *East 125th Street Development EIS*. The intersections selected for analysis are included in a list below and shown on a map in Figure 3.

- East 125th Street and First Avenue/Willis Avenue Bridge (signalized)
- East 126th Street and First Avenue/Willis Avenue Bridge Service Road (unsignalized)
- East 125th Street and Second Avenue/RFK Bridge Entrance/Exit (signalized)
- East 126th Street and Second Avenue/RFK Bridge Exit (signalized)
- East 127th Street and Second Avenue/Harlem River Drive On-Ramp (signalized)
- East 125th Street and Third Avenue (signalized)
- East 126th Street and Third Avenue (signalized)
- East 126th Street and Lexington Avenue (signalized)

In addition, a supplementary alternative analysis will be conducted assuming the TBTA connector ramp would not be completed by the Proposed Project build year of 2022 and, as a result, an alternative street design of Second Avenue would be constructed adjacent to the project site. The supplementary alternative traffic analysis will include the intersections that would be affected by the alternative street design and/or experience reduced traffic due to the completion of the TBTA connector ramp.

Parking

As part of the Proposed Project, the project site would be rezoned from an M1-2 district to a C6-3 district. The NYC Zoning Text requires that one parking space be provided for 40.0 percent of middle-income (>80 percent AMI) DUs in a C6-3 manager inclusionary housing (MIH) district and that no parking is required for affordable housing. It also states that parking is not required for any commercial use in a C6-3 MIH district. As the 730 DUs proposed under the RWCDs would include 365 middle-income DUs, it is anticipated that a minimum of 146 accessory parking spaces would be required for the Proposed Project. Although the Proposed Project would provide 300 accessory parking spaces in the RWCDs to accommodate the majority of projected peak demand (discussed below), the parking analysis conservatively assumes that only the required minimum of 146 parking spaces are provided on-site.

As there is a mixture of residential and office use in the RWCDs, it is anticipated that there would be peak parking in the weekday midday and in the overnight periods. The 2006-2010 *AASHTO CTPP* Vehicles Available by Household Income data for Manhattan Census Tracts 192, 194, 196, and 242 indicate that the auto ownership rate is expected to be approximately 49.0 percent for households with income of \$30,000 or greater and approximately 17.6 percent for households with income of less than \$30,000. It is assumed that 50 percent of DUs would be affordable and the remaining 50 percent would be market rate. Therefore, there would be an overnight demand of approximately 218 vehicles.

Tables 3A and 3B shows the hourly parking accumulation for a typical weekday and Saturday. The hourly temporal distributions for all uses were taken from the *West Harlem Rezoning FEIS*. As the bulk of the



126th Street Bus Depot Redevelopment - Figure 2
 AM/Midday/PM/Saturday Midday Project Increment Vehicle Trips

LEGEND
 (P) - Parking Facility



126th Street Bus Depot Redevelopment - Figure 3
Traffic Analysis Locations

LEGEND

- - Analyzed Signalized Intersection
- - Analyzed Unsignalized Intersection

Table 3A: Weekday Parking Accumulation

	Office		Destination Retail		Residential		Local Retail		Community Facility		Museum		Total		Accumulation
	200,000	gsf	80,000	gsf	730	du	35,000	gsf	15,000	gsf	15,000	gsf	In	Out	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
12-1 AM	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
1-2	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
2-3	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
3-4	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
4-5	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
5-6	0	0	0	0	2	7	0	0	0	0	0	0	2	7	213
6-7	8	0	1	0	6	21	0	0	0	0	0	0	15	21	207
7-8	35	0	3	2	7	22	1	0	0	0	0	0	46	24	229
8-9	45	3	9	6	11	58	3	3	1	0	0	0	69	70	228
9-10	50	9	14	3	13	19	3	2	1	1	0	0	81	34	275
10-11	4	3	18	9	13	22	7	4	1	1	1	0	44	39	280
11-12	2	4	20	14	13	18	7	7	1	1	1	0	44	44	280
12-1 PM	5	6	23	19	18	18	19	19	1	1	2	1	68	64	284
1-2	10	4	20	19	18	18	9	8	1	1	2	1	60	51	293
2-3	5	2	19	21	19	18	9	7	1	1	1	2	54	51	296
3-4	3	4	18	21	27	16	7	7	1	1	1	1	57	50	303
4-5	11	62	19	21	45	26	8	8	1	1	0	1	84	119	268
5-6	8	48	20	23	53	25	10	10	0	1	1	1	92	108	252
6-7	6	33	18	18	35	18	6	9	1	1	1	1	67	80	239
7-8	4	21	17	16	32	14	5	8	0	0	1	1	59	60	238
8-9	3	0	11	18	19	9	3	5	0	0	0	1	36	33	241
9-10	0	0	4	18	6	7	2	2	0	0	0	1	12	28	225
10-11	0	0	1	5	4	5	0	0	0	0	0	0	5	10	220
11-12	0	0	0	2	4	4	0	0	0	0	0	0	4	6	218
Total	199	199	235	235	350	350	99	99	10	10	11	11	904	904	

Table 3B: Saturday Parking Accumulation

	Office		Destination Retail		Residential		Local Retail		Community Facility		Museum		Total		Accumulation
	200,000	gsf	80,000	gsf	730	du	35,000	gsf	15,000	gsf	15,000	gsf	In	Out	
	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	
12-1 AM	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
1-2	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
2-3	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
3-4	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
4-5	0	0	0	0	1	1	0	0	0	0	0	0	1	1	218
5-6	0	0	0	0	3	9	0	0	0	0	0	0	3	9	212
6-7	1	0	2	1	7	25	0	0	0	0	0	0	10	26	196
7-8	4	0	2	2	9	38	1	0	0	0	0	0	16	40	172
8-9	8	1	11	4	9	50	4	4	0	0	0	0	32	59	145
9-10	4	1	15	6	12	33	4	2	1	1	0	0	36	43	138
10-11	2	1	23	12	12	33	9	5	0	1	1	0	47	52	133
11-12	1	3	31	19	14	29	9	9	0	0	1	0	56	60	129
12-1 PM	5	6	33	25	17	50	22	22	1	0	2	1	80	104	105
1-2	1	1	28	23	36	31	13	13	1	1	1	1	80	70	115
2-3	4	2	34	32	37	34	12	8	0	0	2	2	89	78	126
3-4	1	2	32	34	32	12	9	9	1	0	1	1	76	58	144
4-5	1	5	27	40	30	30	10	10	1	1	0	1	69	87	126
5-6	2	9	15	34	61	9	12	12	0	1	1	1	91	66	151
6-7	0	2	8	22	43	9	7	11	1	1	1	1	60	46	165
7-8	0	1	5	6	42	6	6	10	0	0	1	1	54	24	195
8-9	0	0	5	7	26	7	4	7	0	0	0	1	35	22	208
9-10	0	0	3	4	11	2	2	2	0	0	0	1	16	9	215
10-11	0	0	2	4	6	2	0	0	0	0	0	0	8	6	217
11-12	0	0	2	3	4	2	0	0	0	0	0	0	6	5	218
Total	34	34	278	278	416	416	124	124	6	6	11	11	869	869	

project would consist of residential and commercial uses, its peak parking demand is expected to occur during the weekday midday and overnight periods as described above, and there would be lower levels of project-generated parking demand during the Saturday midday. The analyses of on-street and off-street parking conditions focus on the weekday midday and overnight periods, but will also include an analysis during the Saturday peak period per DOT request. As shown in Tables 3A and 3B, the parking occupancy would peak at 303 vehicles between 3:00 and 4:00 PM on a weekday and would drop to 144 vehicles

between 3:00 and 4:00 PM on a Saturday. Therefore, under the RWCDS the greatest deficit of approximately 157 spaces would occur between 3:00 and 4:00 PM on a typical weekday. As limited on-street and off-street parking supply is known to be available in the study area during a typical weekday, an off-site parking analysis would be provided within ½ mile of the project site during the weekday midday, overnight, and Saturday peak periods per DOT request.

Transit

According to the general thresholds used by the Metropolitan Transportation Authority (MTA) specified in the 2014 *CEQR Technical Manual*, detailed transit analyses are not required if the proposed action is projected to result in less than 200 peak hour rail or 50 peak hour bus transit riders, because a proposed development that generates such a low number of transit riders is unlikely to create a significant adverse impact on the current transit facilities.

As shown above in Table 2, the approximate net hourly subway trips generated by the RWCDS would be 689, 393, 883, and 473 (in and out combined) trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. Subway trips would be assigned to the nearest subway station. The 125th Street station on the IRT Lexington Avenue Line serves the 4 and 6 trains at all times and the 5 train at all times except nights and is located at East 125th Street and Lexington Avenue. Trips to and from the project site would be expected to use the stairway along the east sidewalk of Lexington Avenue between East 125th and East 126th Streets. The station contains two island platforms which are stacked on top of each other: Uptown trains serve the upper level and downtown trains serve the lower level.

In between the upper level and the street level is a fare control level with two fare arrays: the north fare array contains one high exit turnstile (HET), four standard turnstiles, and two emergency exits. The south fare array contains one HET, eight standard turnstiles, and one emergency exit. One stairway connects the north fare array to the uptown upper level and two stairways connect the south fare array to the uptown upper level. Five stairways connect the uptown upper level and the downtown lower level. Based on counts conducted at the station on Wednesday, May 4th, 2016, it is anticipated that detailed analysis of the following station elements during the weekday AM and PM peak hours would be warranted:

- Street level to fare control level stairway on the east sidewalk of Lexington Avenue between East 125th and East 126th Streets (Stairways S4/M4)
- Both north and south fare arrays
- All platform stairs

In addition, a line-haul analysis will be conducted due to high passenger demand.

As shown in Table 2, the approximate net hourly public bus trips generated by the RWCDS would be 175, 259, 284, and 315 trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. The site is very well served by several bus routes and bus trips were assigned to bus stops based on the anticipated ridership of each bus route. The trips would use the following bus stops:

- Twenty-nine percent (weekday AM and PM) and 30 percent (weekday and Saturday midday) of trips would be expected to use the M15 Select Bus Service and would board/alight on the north side of East 126th Street between First and Second Avenues.
- Twenty percent of trips would be expected to use either the M60 Select Bus Service or the M100 local bus. Inbound trips would alight on the north side of East 125th Street between First and Second Avenues and outbound trips would board on the south side of East 125th Street between First and Second Avenues.

- Nineteen percent of trips would be expected to use the Bx15 local bus. Inbound trips would alight on the west side of Second Avenue between East 126th and East 127th Streets and outbound trips would board on the south side of East 125th Street between First and Second Avenues.
- Seventeen percent of trips would be expected to use the M101 limited bus. Inbound trips coming from the south and outbound trips going north would board/alight along the north side of East 125th Street between Third and Lexington Avenues, and inbound trips coming from the north and outbound trips going south would board/alight along the west side of Lexington Avenue between East 125th and East 124th Streets.
- Seven percent of trips would be expected to use the M103 local bus. Inbound trips would alight on the east side of Third Avenue between East 125th and East 126th Streets and outbound trips would board on the west side of Lexington Avenue between East 125th and East 124th Streets.
- Six percent of trips would use the M116 local bus. Trips would board/alight at the corner of First and Palladino Avenues.
- One percent of weekday AM and PM trips would be expected to use the M98 limited bus. Trips would board/alight on Third Avenue between East 125th and East 126th Streets.
- One percent of trips would be expected to use the M35 local bus. Inbound trips would board on the north side of East 126th Street between Second and Third Avenues and outbound trips would board on the south side of East 124th Street between Second and Third Avenues.

Table 4: Bus Route Assignments

Route	Ridership	AM/PM Percent	Inbound		Outbound	
			AM	PM	AM	PM
M15	15,604,594	29%	25	39	26	43
M35	697,909	1%	1	1	1	2
M60	5,412,070	10%	8	14	9	15
M98	454,705	1%	1	1	1	2
M100	5,111,646	10%	9	13	9	15
M101	8,900,689	17%	14	23	15	25
M103	3,608,043	7%	6	9	6	11
M116	3,004,692	6%	5	8	6	9
Bx15	10,251,296	19%	16	26	17	28
Total	53,045,644	100%	85	134	90	150

The total number of trips assigned to each route in the weekday AM and PM peak hours is shown in Table 4. As shown in Table 4, no route would experience an increase of 50 or more peak hour trips in any direction, and therefore detailed line haul analysis would not be warranted and significant adverse impacts would not be expected.

As shown in Table 2, the approximate net hourly MNCR trips generated by the RWCDs would be 20, 22, 29, and 25 trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. As there would be minimal travel demand using the MNCR, analysis of the Harlem-125th Street station would not be warranted and significant adverse impacts would not be expected.

Pedestrians

Analysis of pedestrian conditions focuses on elements where a substantial number of trips are generated by an action. These elements include sidewalks, street corner areas, and crosswalks. The number of pedestrian trips generated includes the number of bus, subway, MNCR, and “walk only” trips, as well as trips to and from off-site parking garages. According to the 2014 *CEQR Technical Manual*, detailed pedestrian

analyses are not required if the proposed project is projected to result in less than 200 peak hour pedestrian trips on any single element. As shown in Table 2, the RWCDs would generate 1,200, 2,243, 1,985, and 1,831 pedestrian trips (bus, subway, MNCR, off-site parking, and “walk only”; in and out combined) in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. Bus, subway, MNCR, off-site parking, and “walk only” trips would each have a different assignment pattern. Subway and bus trips would be assigned as described above. MNCR trips would be assigned to the station entrance on the north side of the Park Avenue median at East 125th Street. “Walk-only” trips were assigned evenly through the local street network, and it was assumed that the main entrance to the project site would be on the east side of Second Avenue between East 126th and East 127th Streets.

A preliminary assignment of weekday AM and midday pedestrian trips is shown in Figure 4, and a preliminary assignment of weekday PM and Saturday midday pedestrian trips is shown in Figure 5. As shown in Figures 4 and 5, the following pedestrian elements would experience an increase of 200 or more pedestrian trips in any one peak hour thereby warranting detailed analyses:

SIDEWALKS

- East sidewalk on Second Avenue between East 126th and East 127th Streets
- East sidewalk on Lexington Avenue between East 125th and East 126th Streets
- West sidewalk on Second Avenue between East 125th and East 126th Streets
- West sidewalk on First Avenue between East 125th and East 126th Streets
- North sidewalk on East 126th Street between Third and Lexington Avenues
- South sidewalk on East 126th Street between Third and Lexington Avenues
- North sidewalk on East 126th Street between Second and Third Avenues
- South sidewalk on East 126th Street between Second and Third Avenues
- North sidewalk on East 126th Street between First and Second Avenues

CROSSWALKS

- East 126th Street and Lexington Avenue – East Crosswalk
- East 126th Street and Lexington Avenue – South Crosswalk
- East 126th Street and Third Avenue – North Crosswalk
- East 126th Street and Third Avenue – South Crosswalk
- East 127th Street and Second Avenue – South Crosswalk
- East 126th Street and Second Avenue – North Crosswalk
- East 126th Street and Second Avenue – East Crosswalk
- East 126th Street and Second Avenue – South Crosswalk
- East 126th Street and Second Avenue – West Crosswalk
- East 125th Street and Second Avenue – West Crosswalk
- East 125th Street and First Avenue – West Crosswalk

CORNER AREAS

- East 128th Street and Lexington Avenue – Southeast Corner
- East 126th Street and Lexington Avenue – Northeast Corner
- East 126th Street and Lexington Avenue – Southeast Corner
- East 126th Street and Lexington Avenue – Southwest Corner
- East 125th Street and Lexington Avenue – Northeast Corner
- East 125th Street and Lexington Avenue – Southeast Corner

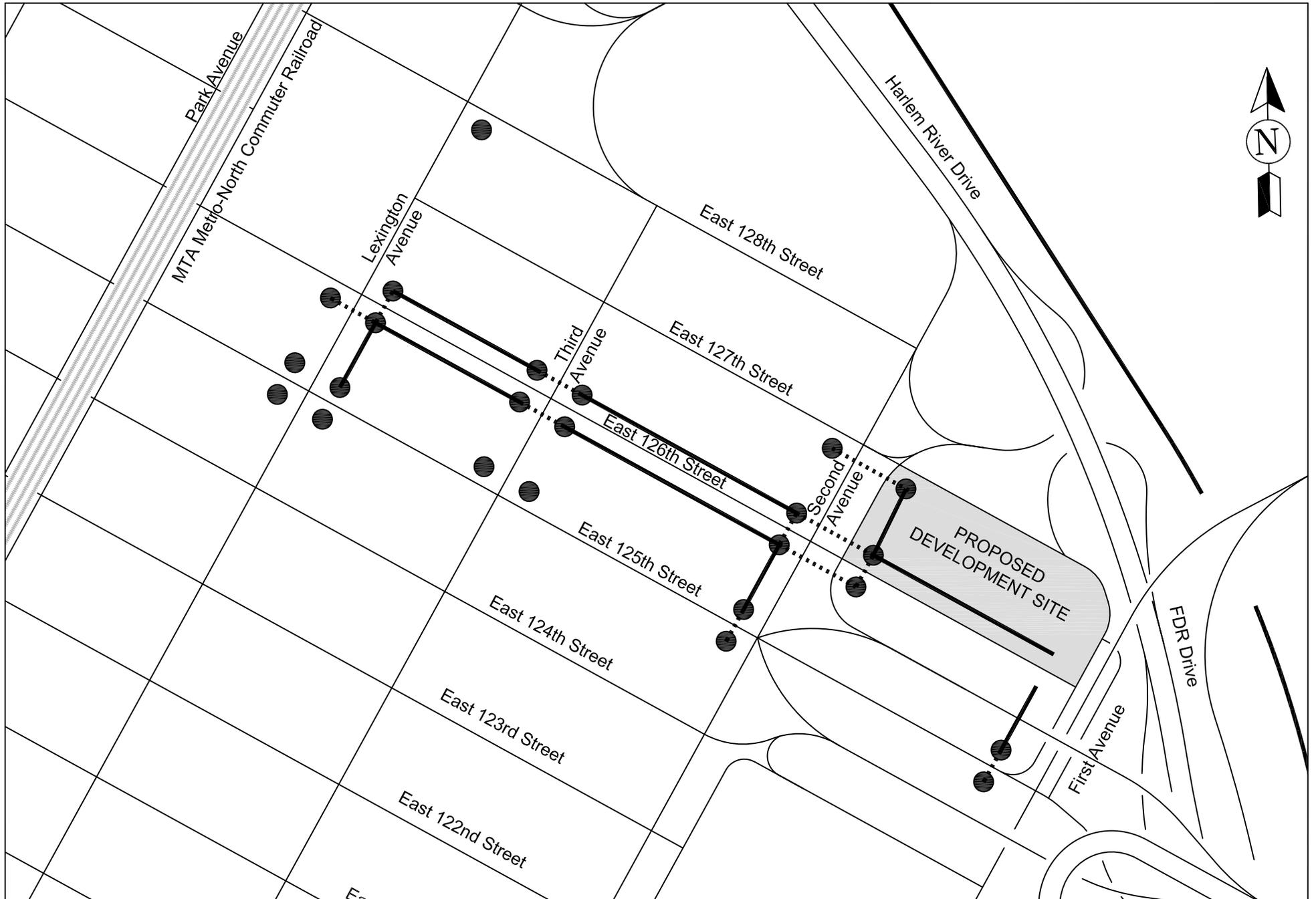
- East 125th Street and Lexington Avenue – Southwest Corner
- East 125th Street and Lexington Avenue – Northwest Corner
- East 126th Street and Third Avenue – Northeast Corner
- East 126th Street and Third Avenue – Southeast Corner
- East 126th Street and Third Avenue – Southwest Corner
- East 126th Street and Third Avenue – Northwest Corner
- East 125th Street and Third Avenue – Northeast Corner
- East 125th Street and Third Avenue – Northwest Corner
- East 127th Street and Second Avenue – Southeast Corner
- East 127th Street and Second Avenue – Southwest Corner
- East 126th Street and Second Avenue – Northeast Corner
- East 126th Street and Second Avenue – Southeast Corner
- East 126th Street and Second Avenue – Southwest Corner
- East 126th Street and Second Avenue – Northwest Corner
- East 125th Street and Second Avenue – Southwest Corner
- East 125th Street and Second Avenue – Northwest Corner
- East 125th Street and First Avenue – Southwest Corner
- East 125th Street and First Avenue – Northwest Corner

At these locations, a detailed pedestrian analysis (as shown in Figure 6) would be warranted in all four peak hours.

As the construction of the TBTA connector ramp, and its resultant effect on traffic volumes along Second Avenue between East 126th and East 127th Streets, would affect the street design of this roadway segment, a supplementary alternative pedestrian analysis will be conducted assuming the TBTA connector ramp would not be completed by the Proposed Project build year of 2022. The supplementary pedestrian analysis will include study area pedestrian analysis locations which would be affected by the alternative street design of Second Avenue.

Conclusion

A transportation forecast and assignment has been proposed for the project site under the RWCDs (approximately 200,000 gross square feet (gsf) of office space, 80,000 gsf of destination retail space, 730 residential dwelling units (DUs) of which 50 percent would be designated affordable for households earning at or below 80 percent area median income (AMI), 35,000 gsf of local retail space, 30,000 gsf of community facility space (including 15,000 gsf of museum/memorial space), 18,000 gsf of outdoor, unbuilt memorial space, and 300 accessory parking spaces). After performing preliminary screening of traffic, parking, transit, and pedestrian conditions, it has been determined that detailed transportation analyses of traffic, parking, subway, and pedestrians are warranted as per 2014 *CEQR Technical Manual* criteria. The bus conditions do not exceed 2014 *CEQR Technical Manual* thresholds requiring detailed analysis and therefore significant adverse impacts are not expected for this mode.



126th Street Bus Depot Redevelopment - Figure 6
 Pedestrian Analysis Locations

LEGEND

- - Analyzed Sidewalk
- - Analyzed Corner Area
- - Analyzed Crosswalk