



**Comments on the Draft Scope of Work for an Environmental Impact Statement
125th Street Corridor Rezoning and Related Actions
February 20, 2007**

The Municipal Art Society (“the Society”) offers the following comments to the Department of City Planning, the lead agency in the City Environmental Quality Review of the 125th Street Corridor Rezoning, with the intention of identifying where the proposed rezoning should be altered, or in certain instances, where the Draft Scope is insufficient, inaccurate, or incomplete in describing the scope of the EIS for the project, the methodology for studying the project, and its impacts.

We commend the Administration and the Department of City Planning, particularly the Borough Office, for its commitment to the inclusive process that led to the proposed 125th Street Corridor Rezoning. The sustained outreach, the inter-agency presence at each Advisory Committee meeting, and the willingness to listen attentively to the community in advance of the drafting of a rezoning framework, represent enormous progress toward a city/community planning partnership. We hope the City continues to sincerely work with the local community and public and address their concerns to create a truly consensus-based rezoning.

We also commend the proposal’s emphasis on the creation of jobs and affordable housing. The finely-tuned zoning approach also acknowledges the neighborhood as a diverse, historic, and complex community. We believe that, with even more fine tuning, the proposal could serve to meet the community’s current need for employment and housing, as well as continue to meet its future needs.

Scope of Study

The draft scope does not seem to include a study of how 125th Street will connect to the waterfront, as the name of the study “River to River” suggested it might. We understand the current constraints involved in providing access to the Harlem and Hudson Rivers, but believe it is critical that this study contemplate how the waterfront can become accessible and connected with 125th street over the long term. For example, the scope of work should include a study of how to provide improved access to the Harlem River between the Triborough and Willis Avenue Bridges by reconfiguring traffic patterns and improving pedestrian routes. Improving access to the waterfront will provide an amenity that will help mitigate the impacts of this rezoning.

Proposed Zoning

The generation of affordable housing is a critical city-wide goal, but we are not convinced that the proposed voluntary density bonus will be effective. Similar bonuses that exist in other parts of the city are not being utilized by developers in sufficient numbers to create a significant number of new affordable units. We continue to believe that more units would be generated by requiring developers to build a small proportion of affordable housing, instead of establishing a voluntary incentive. The record of cities which have implemented affordable housing requirements for new development - such as Boston and San Diego - demonstrate that more universal requirements do not deter development and generate more affordable units.

The Society therefore recommends that the EIS should include a study of an affordable housing requirement as a feasible and practicable alternative. At the very least, the Society believes DCP should extend the inclusionary zoning bonus to any new developments in the R7-2 districts and, therefore, should study this inclusion as well.

We believe this rezoning might allow for higher density development adjacent to transit connections that can support it than is currently proposed. For example, the transit connections at the intersection of 125th Street and Park Avenue might support significantly higher density than the proposed zoning of C6-3 would allow. Therefore, the Draft Scope should include a study of higher density development near transit connections in order to accommodate the Administration's commitment to sustainable and smart growth development.

Land Use, Zoning, and Public Policy

The EIS should include an analysis of all Urban Renewal Areas in the study area, including but not limited to the East Harlem Triangle Urban Renewal Area and the Upper Park Avenue Urban Renewal Area. Where the proposed zoning deviates from the established purposes of these URAs, the new action should be substantiated with data pointing out why amendments are required.

The proposal should be reviewed for consistency with all existing public policy documents, including but not limited to the District Need Statements of Community Boards 9, 10, and 11; Manhattan Community Board 9's 197-a Plan; Manhattan Community Board 11 and CIVITAS's draft 197-a Plan, East 125th Street Enhancement Study, and Madison Avenue Plan; and the West Harlem Environmental Action Coalition Plan.

DCP should also analyze the proposed zoning to assess its compatibility with and role in the implementation of the Mayor's Affordable Housing Plan and the (draft principles of) the Mayor's PlaNYc 2030 Initiative, focused respectively on the preservation and creation of affordable housing units and sustainability.

Socio-economic Conditions

While consideration of primary and secondary displacement is itemized for study in the scope, it appears that the analysis of baseline information will be drawn only from DCP's data, site visits, and discussions with real estate agents. A more thorough examination of existing rates of displacement is required and needs to be achieved through discussions with local development corporations as well as local social service providers and community boards.

There is no mention in the draft scope of an analysis of the likelihood that local residents will benefit directly from new jobs created through the rezoning. While the Special Arts District concept is commendable, and emphasizes Harlem's unique role in the cultural development of the city, there should be an acknowledgement of the area's high rates of unemployment and underemployment and an acknowledgement that mitigation through the provision of tailored education and job training may be required to ensure that the new local jobs will benefit existing local residents.

125th Street as a Cultural District

We strongly support the recognition and enhancement of 125th Street as a cultural, arts and entertainment district of paramount importance to the city- similar to Times Square or BAM- through this proposed action. We therefore strongly support the arts and entertainment-related use requirement and urge the City to explore all avenues that would encourage such use, including the alternative of an Arts Density Bonus.

Furthermore, we believe that incentivizing the construction of new arts spaces cannot be accomplished by zoning alone. The city should study (as one of its alternatives) a broader set of incentives and planning tools, such as the allocation of funding by the Department of Cultural Affairs to support the construction of new art spaces along 125th Street, similar to the way the city provides subsidies towards the cost of constructing affordable housing.

Encouragement of Active Streets

The Society believes that the character of New York City is being eroded by the increasing proliferation of banks, chain retail and drug stores that often serve to advertise corporate brands and do not generate lively street life. We are, therefore, pleased to see requirements and restrictions that seek to preserve active street life, and that locate deadening bank space, lobbies and non-active uses away from the ground floor.

The restrictions on deadening ground floor uses such as banks is promising; however, we urge the City to explore ways to preserve and encourage small, locally-owned retail along 125th Street and the surrounding area and simultaneously discourage the proliferation of chain retail that has taken over many of Manhattan's once unique streets. Without its unique and local retail, 125th Street will not be the same. We note that other cities – including San Francisco – have implemented policies to curb the spread of chain retail with success, and a recent article in the *New York Times* described Paris' recent efforts to

keep the Champs-Élysées unique (Megastores on March, Paris Takes to Barricades, 1/31/07). The Society recommends that DCP study the proposed rezoning's potential impact on small, locally-owned retail on 125th Street and the surrounding area. The Draft Scope should include as an alternative a plan for preserving and encouraging locally-owned retail.

Cultural Resources

The scope document states that the analysis of known resources will focus on resources closest to the development site. All resources in the study area should be equally analyzed. In recent large-scale rezonings, the area impacted by accelerated land values has been more generalized than the limited study area. Subsequently, attempts at the preservation of noteworthy historic buildings in the general area but not within the study area are weakened because the resources have not been adequately considered.

The field survey of the project site and study area for potential architectural resources is defined as being limited to those buildings that have been identified by the Landmarks Preservation Commission. According to the guidelines of the *CEQR Technical Manual*, Section 322.2, any potentially eligible architectural resources that may be affected by the action should be identified; not only those that have been previously identified by the LPC. Furthermore, Section 322.2 notes that historic resources can be considered significant if they meet the eligibility for listing on the National Register (NR), not just if they meet the LPC's eligibility criteria for New York City Landmark designation. It is critical that the analysis include a comprehensive survey of the entire study area and appropriate research of all of the potential historic resources in the study area. City Planning must set aside adequate funding for this survey to be completed by qualified consultants, i.e. architectural historians with knowledge of New York City history and, preferably, the study area in particular.

In addition to the known historic resources included in the scope document, the following historic resources should be studied: Fire Hook and Ladder Company No. 14 (120 East 125th Street) - designated New York City Landmark; Residential building (4-12 East 125th Street) - found eligible for S/NR in 2nd Avenue Subway EIS; Residential building (28-30 East 125th Street) - found eligible for S/NR in 2nd Avenue Subway EIS; Park Avenue Viaduct (Park Avenue at 125th Street) - found eligible for S/NR in 2nd Avenue Subway EIS; MTA Metro-North Harlem-125th St Station and Comfort Station (Park Avenue at 125th Street) - found eligible for S/NR in 2nd Avenue Subway EIS; Apple Bank for Savings (124 East 125th Street) - found eligible for S/NR and NYCL in 2nd Avenue Subway EIS; Twelfth Ward Savings Bank (145-147 East 125th St) - found eligible for S/NR and NYCL in 2nd Avenue Subway EIS; 125th Street Branch of the Public Library (120 East 125th Street) - found eligible for S/NR and NYCL in 2nd Avenue Subway EIS; Triborough Bridge (125th Street at Second Avenue) found eligible for S/NR in 2nd Avenue Subway EIS; Tenement (221 East 124th Street) found eligible for S/NR in 2nd Avenue Subway EIS; St. Joseph's Church (405 West 125th Street) built in 1860 - likely eligible for S/NR or NYCL; St. Mary's Church (521 West 126th St) - likely eligible for S/NR or NYCL; McDermott-Bunger Dairy (527-535 West 125th

Street) - likely eligible for S/NR or NYCL; 125th Street Branch of the Public Library (120 East 125th Street) - likely eligible for S/NR or NYCL; 28 East 125th Street - likely eligible for S/NR or NYCL; H.C.F. Koch & Dry Goods Company (132-140 West 125th Street) - likely eligible for S/NR or NYCL, Pabst Concert Hall (243 – 251 West 125th Street) - likely eligible for S/NR or NYCL; Alhambra Theater (2114 Adam Clayton Powell Blvd.) - likely eligible for S/NR or NYCL, Lenox Lounge (288 Lenox Avenue) - likely eligible for S/NR or NYCL; Memorial Baptist Church (2081 Seventh Avenue) - likely eligible for S/NR; Old Broadway Synagogue (13 Old Broadway) - likely eligible for S/NR; Speyer School (514 West 126th Street) - likely eligible for S/NR; Yuengling Brewery (1359 – 1369 Amsterdam Avenue) - likely eligible for S/NR; St. Joseph's School (406 West 127th Street) - likely eligible for S/NR; 325 St Nicholas Avenue - likely eligible for S/NR. This list is not comprehensive and the survey should include any buildings that appear to be eligible for the State or National Registers or designation by the New York City Landmarks Preservation Commission.

The results of the survey should be given to both the New York Landmarks Preservation Commission and the State Historic Preservation Office so that they may determine the eligibility of the resources. Both of their determinations should be included in the DEIS.

The range of possible effects needs to be analyzed on all of the potential and known resources. Limiting the scope of review to a small subset of buildings is to inadequately consider the project's full range of potential impacts.

Neighborhood Character

The Draft Scope states that “the analysis of project impacts presented in various EIS sections will serve as the basis for assessing and summarizing the project's impacts on neighborhood character.” The Society understands that the project impacts studied in other sections of this EIS will cause some of the impacts to neighborhood character; however, it is unsatisfactory to just include a summary discussion of other sections and patch them together into an EIS analysis of neighborhood character. The studies conducted in the other impact categories were not analyzed in light of neighborhood character—they were analyzed in light of that impact category.

We believe that the proposed plan's effect on the neighborhood character could be significant. The significance in the change in the neighborhood, including the addition of new residents, possibly living in luxury housing, could change the face of this neighborhood. Therefore, the Society recommends a full and independent study of the proposed rezoning's impact on the neighborhood character.