

UNIFIED INWOOD

September 29, 2017

Mayor's Office of Environmental Coordination
Attn: Esther Brunner, Deputy Director
253 Broadway, 14th Floor
New York, New York 10007
Via Email to: ebrunner@cityhall.nyc.gov

Subject: Comments on the Inwood Rezoning EIS Draft Statement of Work (DSOW)
CEQR No. 17DME007M

Dear Ms. Brunner,

We are nine people from Northern Manhattan (eight from Inwood) concerned with potentially serious community impacts of the City of New York's proposed rezoning of Inwood. We have come together under the banner "Unified Inwood" to comment on the Draft Scope of Work (DSOW) for developing an Environmental Impact Statement (EIS) for the rezoning proposal.

We have deep concerns that the proposed rezoning includes such massive increases in density and disregard for serious environmental and socioeconomic risks that, if it is enacted as proposed, the community and its people will be irreparably harmed and its special character will be lost. We are also concerned that the DSOW presents a design for an EIS that will vastly underestimate the extent of development and thus vastly underestimate all the environmental, socioeconomic, public service, and other impacts the rezoning would cause.

Among us, we have a wide range of subject matter expertise related to EIS as well as a broad and deep understanding of the community. (See author bios.) Many of us also participate on other civic and community groups that have been active in many neighborhood and city issues. So the comments we are providing you in this document are quite thorough, including "General Comments," and comments on the "Analysis Framework" and on 21 of the "Tasks" described in the DSOW, including several proposed "Alternatives" to be studied in addition to the City's current proposal.

All authors wrote comments as individual residents, not representing their professional organizations or any group. Also, though we submitted all our comments today together, not every author necessarily agrees with every comment in the entire 60-page document. That said, we DO all agree on the overall sense of the comments.

We trust the City will review our comments carefully and provide detailed responses to the many additional EIS activities we request.

Sincerely,

Maggie Clarke, Paul Epstein,
Allegra LeGrande, Cheryl Pahaham,
Nancy Preston, Susanna Schaller,
Philip Simpson, Maria Luisa Tasayco, and David Thom

Unified Inwood Commentary on the Inwood Rezoning Draft EIS Scope of Work

Authors

Maggie Clarke, Ph.D. (earth and environmental sciences) Has been a resident of Inwood since 1979 on Riverside Drive, having founded and been President of the Riverside-Inwood Neighborhood Gardens since 1984, founded Dyckman Inwood Noise (DIN) Action in 2008, and co-founded Inwood Preservation in 2016. Leadership group, founder: 1795 Riverside Drive Tenants Association. Her remarks are as a resident of Inwood. She has a broad background in environmental sciences, having published, consulted and taught at CUNY and Rutgers in the areas of solid waste prevention and recycling, incinerator emissions, infrastructure, water quality, environmental health, environmental impacts, alternative energy, and coastal zone topics.

Paul Epstein, an MIT aerospace engineer by training, has worked in two NYC Mayor's Offices and the U.S. Department of Housing and Urban Development on measuring, improving, and quantitatively reporting on a wide range of city services and their impacts on populations, including many EIS-related issues. He has since consulted on performance management, community engagement, and public health at all levels of government and the United Nations, in the U.S. and abroad. He was awarded a Lifetime Achievement Award in Performance Measurement Practice from the American Society for Public Administration and has consulted in measurement from both government and the community perspectives. He is author or lead author of three books on performance management and community engagement. He is an Inwood resident and a member of the Northern Manhattan Community Land Trust Working Group.

Allegra N. LeGrande, PhD: Has been a resident of Inwood since 2003 in Park Terrace Gardens, a co-op; it is as a resident of Inwood that she makes these comments. She is also a professional climate scientist at the NASA Goddard Institute for Space Studies and Center for Climate Systems Research, Columbia University since 2001. She was an expert reviewer for the Intergovernmental Panel on Climate Change, 5th Assessment Report (2013) and will be an author for IPCC AR6; she was a lead author on the 4th National Climate Assessment, Climate Science Special Report (2017). She is an author of over 50 peer-reviewed papers on climate science, including topics related to global mean sea level rise. She is the parent of two elementary school aged children, one at a local District 6 public school, another at a state-certified private school in District 3. She has been a member in good standing of the 34th precinct community council for 4 years and has been a board member of the 34th precinct community council for the past 2 years.

Cheryl Pahaham, PhD, has been a resident of Inwood since 2004. She is a sociologist who has worked in government oversight capacity, as a fiscal monitor and audit planner. She was also appointed to Community Board 12, where she served as the Chair of Housing and Human Services Committee and as Vice Chair. She is also active in community groups and local political clubs.

Nancy Preston, Resident of Inwood since 2002. Founding member of QOL advocacy group Moving Forward Unidos. Active in Inwood Preservation, Northern Manhattan is Not For Sale Leadership Council, Lower Seaman Tenants Association. Served as Delegate and Facilitator in Participatory Budgeting three years.

Susanna Schaller, PhD, AICP has been a resident of Inwood since 2004. It is as resident of the area that she contributed to these comments. She is a certified planner, holds a doctorate in City and Regional Planning and teaches urban studies and planning at CUNY. Her research centers on public private partnerships in urban redevelopment, placemaking, neighborhood revitalization and management of the public realm in both the U.S. and Germany. As Senior Planner for the Municipal Art Society, she reviewed and assessed Bloomberg administration era rezoning proposals.

Philip Simpson, J.D., M.P.A. Inwood resident, has been practicing law for 40 years, concentrating in commercial real-estate litigation, including commercial landlord-tenant suits, harassment and habitability suits, real estate partnership disputes, coop disputes, and disputes that involve Environmental Impact Statements. As a member of the New York City Bar Association's Environmental Law Committee he chaired a subcommittee that authored the City Bar's comments on the Draft Supplemental Generic EIS for hydrofracking. He is a founding member of the Save Inwood Library campaign.

Maria Luisa Tasayco, Ph.D. (Chemistry). Emerita Professor of Chemistry/Biochemistry from CCNY and The Graduate Center of CUNY. Washington Heights resident for 25 years.

David Thom, MSc (Civil Engineering) P.Eng. Resident of Inwood since 2008. Has worked in the design of buildings and large-scale development for 20 years. Active in Inwood Owners Coalition, Park Terrace North Block Association. Two children attend school in the proposed Tip of Manhattan rezoning area.

GENERAL COMMENTS

The Inwood neighborhood remains one of the most economically and ethnically diverse neighborhoods in Manhattan and an area where small businesses are still able to thrive. Besides crucial construction related industries, the Inwood area is also home to a thriving artistic community in an environment where a synergy between the production, exhibition as well as distribution of art has been created; therefore, special attention should be placed on studying innovative zoning tools that truly safeguard these economic activities.

The draft scope of work (DSOW) states that through “the Inwood Planning Initiative NYCEDC and its community and agency partners have developed the *Inwood NYC Action Plan*, a set of strategies for Inwood, focusing on key community priorities: preserving and creating new affordable housing, creating a comprehensive zoning framework, expanding economic opportunities, and improving neighborhood livability.”

Under CEQR, the lead agency and its partners have the responsibility to demonstrate through the DEIS that indeed the plan will meet the goals set out in the plan and more crucially will not create adverse impacts in the community. Given that the recent rezoning initiatives pursued under the de Blasio administration to implement the MIH program follow a similar trend as the rezoning proposals under the Bloomberg administration, namely targeting majority minority communities or communities of color with concentrations of low income families, the lead agency (Office of the Deputy Mayor for Housing and Economic Development, acting in conjunction with EDC) has an additional burden to demonstrate that the rezoning actions will not create disparate adverse impacts for these populations. In Northern Manhattan, populations of concern especially include Latinos, other people of color, and very low, low, and moderate income families and individuals. Disparate impact on populations of concern will be important when considering residential and business displacement, fair housing goals and requirements, and many other impacts on socio-economic conditions, public services, and environmental conditions.

The “CEQR Technical Manual” does not provide governing standards for EIS. The DSOW includes numerous references to the *CEQR Technical Manual*. That manual is a guidance document for EIS SOW preparers, not commenters or environmental attorneys. CEQR manual guidelines do not necessarily lead to what is appropriate for every community situation or to what is legally required in those situations by New York State law (SEQRA) that governs the EIS processes, or by state and federal environmental laws that address given EIS issues, such as the Clean Water Act and the Clean Air Act. Thus, while we occasionally refer to the CEQR manual in these comments, we recognize that it is not the governing standard for EIS. The City’s many references to the *CEQR Technical Manual* in the DSOW in no way serves as justification for what the City proposes to study or how it proposes to conduct each study or analysis.

Process

The draft scope of work states that “NYCEDC, in close coordination with community stakeholders and City agencies, conducted the Inwood NYC Planning Initiative, a comprehensive planning and community outreach effort to take a broad look at the needs of this northern Manhattan community.” However, NYCEDC has continually ignored the recommendations that emerged from community meetings, and has instead continued to push for its own plan.

The proposed re-zoning excludes areas that the Inwood Community has strongly asserted are part of Inwood and must be included in any proposed community-wide re-zoning. These areas are Inwood south of Dyckman Street to the 193rd/Nagle/Hillside/Broadway confluence, and the Columbia University and Allen Hospital areas in the north-west section of Inwood (the “Excluded Areas”).

EDC and Community Board 12’s Land Use Committee took part in a community-wide “charrette” on June 14, 2017 for the Inwood community to have input into the re-zoning proposal. The charrette saw literally an overflow crowd in the hall at Allen Hospital where it was held. Even though approximately 150 people were accommodated at the charrette, many others could not get inside the room.

The CB12 Land Use committee’s minutes of the charrette clearly state the community’s firm belief as to the re-zoning area: “The contextual zoning area should be extended south to W. 193rd Street, and north to include the Columbia University sports facilities and the hospital.”¹

There has been no rational or good-faith justification advanced for excluding these areas from the re-zoning area. Particularly in light of the strong preference expressed by the Inwood community that Inwood in fact includes the Excluded Areas, it would be patently arbitrary and capricious for the EIS not to include these areas in the re-zoning area, not merely in the “study area” and ¼ mile buffer as is proposed.

A serious problem with the June charrette was that EDC insisted on limiting it only to rezoning alternatives of the contextual area even though there were two other major parts of Inwood NYC that concerned many community members: the proposed “special districts” rezonings to the east, and the proposed redevelopment of the Inwood Library. In fact, *never*, in the entire flawed community engagement process, did community members with varying interests have an opportunity to deliberate with each other about *all parts* of Inwood NYC at one time. There are potential tradeoffs to be made across the larger plan (e.g., accept higher density in one area in exchange for lower density elsewhere). But community members never had the opportunity to make those tradeoffs and show what planning decisions they would make given the whole plan to consider. Instead, all planning decisions were made by City officials with little regard for how the community would attempt to achieve the goals of the plan. So, any claims that the rezoning proposal is the result of collaboration with the community or a community-driven process are patently false. The SOW and future EIS documents should strike all such claims, and any similar language, that have appeared in the Inwood NYC Action Plan and the DSOW.

Impact on small business areas

Historically, small businesses have been vulnerable to the effects of direct and secondary displacement, and the DEIS should include a full inventory of the number of businesses operating in the entire Inwood area, including the number of jobs in each business and the particularity of the industries in the Inwood area. Impacts resulting from the potential loss of small businesses who serve communities outside Inwood, such as wholesalers serving the Bodega industry and auto-service shops, must be examined.

Impact on residential displacement and fair housing

The DEIS should address the fair housing impacts of the proposed actions. The City’s own report on MIH states: “The Fair Housing Act of 1968 and the Housing and Community Development Act of 1974 establish neighborhood economic diversity and deconcentration of poverty as central tenets of federal housing policy and obligate all levels of government to administer programs and activities in a manner that “affirmatively furthers” these fair housing goals.”² The fundamental goal of the Fair Housing Act is “to achieve racial, ethnic, and economic diversity in housing.” However,

¹ Community Board 12 Land Use Committee Meeting Minutes of June 14, 2017

² https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/mih/mih_report.pdf

this diversity should not be achieved by the “back door of gentrification.”³ The MIH program is part of a city-wide zoning text amendment. Thus, the DEIS for this rezoning initiative should include a study of the potential re-segregation effects displacement from MIH areas will have in the larger NYC housing market. It should be noted that a study of the impact of rezoning in Williamsburg by the Office of Council Member Antonio Reynoso found that “between 2000 and 2014, the Latino population of Williamsburg’s Southside decreased by 34%.”⁴ It is also incumbent on the city to affirmatively demonstrate that the proposed rezoning will not adversely affect low-income and moderate-income residents in Inwood.

The DEIS should, therefore, demonstrate transparently how residential displacement figures have been calculated not just to meet CEQR guidelines, which are inadequate, but to affirmatively and comprehensively demonstrate the impact the rezoning actions will have on low-income and moderate-income tenants and consider in this study the racially and ethnically disparate impact that the rezoning may produce as a result of these displacement patterns. Furthermore, the DEIS should affirmatively address the impacts of the rezoning in relation to the spirit of the Fair Housing Act. The DEIS, thus, should study and document the city’s intention to “affirmatively further” fair housing goals and should study the potential impact of the projected and potential development sites on the local housing market, especially on the existing affordable housing stock of rent-stabilized and rent-controlled apartments in Inwood. In doing so, the DEIS should include many more projected development sites than those specified in the DSOW’s Reasonable Worst Case Development Scenario (RWCDS). As described later under “Analysis Framework,” the RWCDS in the DSOW is seriously flawed and vastly underestimates the likely extent and impact of development.

Potential Contamination from Past Highly Toxic Land Uses

The DEIS should address the compatibility of creating higher density development, particularly residential, in the Inwood rezoning area, given the historical presence of heavy highly toxic industries and possible cross-site contamination, its location in the 100 year floodplain, and infrastructure conditions, which will have combined effects. The DEIS should specifically study the projected effects of climate change and the study area’s consequent increased vulnerability to flooding.

System Wide Impacts Must Be Studied, Especially for Wastewater and Transportation

In order to most effectively assess the impact of new development in and around Inwood on the sewage system and combined stormwater-sewage overflows (CSOs) into the Harlem River, Hudson River, and Spuyten Duyvil Creek, the DEIS should include a wider area in its analysis than that shown in the DSOW. The primary and secondary

³ Lauber, Planning Communications, “District of Columbia Analysis of Impediments to Fair Housing Choice 2006–2011.”

⁴ Office of Council Member Antonio Reynoso, “Lessons from Williamsburg and Bushwick: Mandatory Inclusionary Zoning and Affordable Housing Development”, January 2016. While Williamsburg was rezoned under a voluntary, rather than mandatory inclusionary housing program, the EIS must consider the Williamsburg experience on re-segregation and negative effects on fair housing goals in determining the extent to which, if at all, the result in Inwood would differ.

study areas should be expanded from the proposed ¼ mile radius to a stormwater radius that includes the entirety of the broader combined sewer overflow shed area. In addition, to comply with environmental law, the study must go well beyond a small radius around Inwood, to examine the impacts of the increased sewage flow due to development and population growth on the entire City sewage system. For sewage flows from Inwood, at a minimum this will mean an analysis of the impact of increased flows into the North River treatment plant and out into the Hudson River.

Similarly, in order to most effectively assess the impact of new development in and around the Inwood on the transportation system, the DEIS should include a wider systems analysis to accurately assess the impact of the projected increase in population on the transportation system. The study area's radius should be expanded from the proposed ¼ mile radius to a radius that is consonant with documenting the impact of the projected and potential development on the broader transportation network. For street and road traffic, this should include analyses up and down such highways as the Harlem River Drive (at least down to the FDR Drive), the Major Deegan Expressway, and the Henry Hudson Parkway, as well as local streets in Inwood and the extensions of major streets such a Broadway outside of Inwood. Similarly, transit analyses must go well beyond the stations identified in and around Inwood, to effects of development at least down to 59th Street on the A and 1 Trains, and up to 242nd Street on the 1 Train,

Education

Currently, our District 6 schools are both overcrowded and underfunded. There is no capacity for expansion or growth or increase in density. Schools must be built first. Inwood already must export its middle and high school students to other neighborhoods; thus growing the student populations beyond District 6. The forced export of students to other districts represents time that children might otherwise spend on educational opportunities. Further, it places a burden on the transit infrastructure. Any rezoning or increase in density will exacerbate this problem. See "Task 4" for more details.

Need Integrated Analyses Across EIS "Tasks"

The many different studies and analyses described in the DSOW are presented as discrete tasks. This approach is fundamentally flawed, as the impacts in one study area often influence one or more other study areas. Many of these separate studies and analyses must be integrated into a more holistic approach to EIS analysis. For just three examples: Transportation and air quality analyses must be integrated. Also, virtually all socioeconomic and environmental impacts affect public health, so public health studies (Task 18) must take into account results of almost all the other EIS tasks. Finally, climate change literally will affect everything else to be studied.

Integration of Climate Change with Other Tasks is Especially Important

Climate change is the baseline upon which the development will occur and must be seriously considered in all EIS tasks. Therefore, the SOW must explicitly describe how climate change will be factored into every other EIS task from Task 3 through Task 22. If the City believes an EIS Task is not affected by climate change, it must explicitly say that in the SOW. Furthermore, assessments made in the DEIS should be made available for

public comment and have a professional (impartial, knowledgeable, 3rd party peer-review) review phase.

Two obvious examples of climate change affecting other EIS tasks are air quality (Task 15) and energy (Task 13). An air quality simulation with meteorological conditions from 2010, for instance, is not valid for boundary conditions of 2032 (as suggested on DSOW page 54 in air quality). Similarly, an analysis for energy demand as a task item without considering how heating degree days and cooling degree days will be altered in the future is equally flawed. For summer temperatures, it will be too cool; this means that the analysis will have a bias. But these are not the only tasks affected by the pervasive influence of climate change. Climate change must be considered in all parts of the DEIS.

A similar process should be followed for all analyses proposed in the DSOW. The SOW and DEIS should present the methodology and flaws of the technique with justification for why it is appropriate. This technique and the models applied should be subject to peer review.

In the climate portion, the DSOW is not specific in referencing which federally mapped 100- and 500- year floodplains are intended to be used. Some of these maps consider climate change and underlying changes to sea level, some are purely climatology and should not be used here because the EIS considers year 2032, not a control period of, for instance, 1980-2010.

Given the shortcomings in the proposed DSOW methodology, independent, professional 3rd party reviewers and editors are necessary to vet the EIS. The EIS should also include proper citations and editing. A peer-review process that can occur by the EIS being submitted and accepted to a tier I science or engineering journal will insure that the methodologies and conclusions have been evaluated by experts; further, submission to a publication with an “open discussion” step insures that the public will again have an opportunity to comment on the EIS and the responses to critiques of the EIS by reviewers.

Soft Sites

The DSOW states: “Soft sites are sites where a specific development is not currently proposed or being planned, but may reasonably be expected to occur by the projected build year.” The criteria for soft sites are vague and can easily be used to underestimate the projected development sites. Indeed, this is what we observe has been done for the proposed Inwood rezoning. See our critique of these criteria in the “Analysis Framework” section under “Realistic Worst Case Development Scenario (RWCDs).”

One of many examples is the exclusion of current “small lots” from consideration as projected development sites. The DEIS should make transparent the development trends in the neighborhood by using data from all relevant city agencies to indicate the trend of assembling small lots. The DEIS should also study how other rezonings have impacted trends to consolidate small lots. The DEIS should study whether there is a trend in environmental impact statements over the last 10 years to understate or underestimate the

data on projected soft sites. And the SOW should describe in detail how this study should be done, This would require a reassessment of the CEQR criteria, which is necessary in any case as we make clear in our comments on the RWCDs below. It is important to determine if this trend exists. Because such a trend would also indicate that actual displacement numbers are being consistently underestimated, likely creating adverse impact for independently owned businesses and minority and women-owned businesses as well as residents in the low-income communities of color and of ethnic minorities, communities which have been disproportionately subjected to rezonings and particularly upzonings.

ANALYSIS FRAMEWORK

In theory, the Proposed Action case of the rezoning enables the build-out of 15.2 million square feet across 188 tax lots. Were all of this area devoted entirely to housing, it would total a possible 17,412 apartments (using the average gross size of 875 SF in the EIS Draft Scope). This represents 12,044 additional apartments (or 33,483 people) over the current theoretical maximums under existing zoning. Through the various assumptions and criteria described in the DSOW, including a certain amount of commercial development, the Draft EIS reduces the impact to 4,348, or roughly one-third (36%) of the theoretical maximum. .

As described below in more detail, the City must provide transparency about the data and data sources used to make decisions on sites chosen or rejected as potential development sites to justify this removal of almost two-thirds of the development capacity of the Proposed Action from the estimated impact. Based on what is explained in the DSOW, there are many flaws in the reasoning applied to the Proposed Action.

Build Year

The DSOW proposes a 15-year period for development, for an analysis year of 2032. However, all new residential development in upzoned areas will be subject to Mandatory Inclusionary Housing (MIH) that includes affordable housing regulatory agreements that will typically run 30 years. Therefore a period of 50 years is needed for the DEIS analysis (an analysis year of 2017) to reach a natural transition point of 5 years after all regulatory agreements have run out. That's 15 years for development plus 30 years for the regulatory agreements to run, plus 5 years for transition to all market rate or some other regime. While it is hard to look ahead that far, it is not hard to look at the history of other City and State affordable housing programs, such as Mitchell Lama, that had nothing to replace them after they ran out and resulted in a huge loss of affordable housing. So it is essential that the DEIS make an attempt to provide a picture of what Inwood will look like, and what conditions will be (physical and socio-economic) not just when properties are developed, but after MIH regulatory agreements run out.

If 50 years is considered impractical as an analysis period, 45 years may be a reasonable compromise. Thirty years is too short because few if any new housing developments will be completed in time for 30-year regulatory agreements to run out by 2047. Forty-five

years allows 10 years for many new residential developments to be completed, 30 years of a regulatory agreement, and 5 years of transition to market rate or some new regime.

While one may hope that future City, State, and Federal lawmakers will enact ways to ensure extension or replacement of regulatory agreements in the future to keep affordable housing intact, the history of past programs suggests that the fairest assumption is that they will not. Also, in Inwood in particular HPD has had very little success trying to get property owners to accept incentives in exchange for voluntarily extending regulatory agreements, which again suggests that all or almost all regulatory agreements will lapse enabling large-scale conversion of apartments to market rate. We understand that MIH goes beyond regulatory agreements to making affordability supposedly run with the land. But what good will that do, and how enforceable will that be, if there are no affordability programs at that time for developers and property owners to use?

Finally, if a 45- or 50-year development period is considered too long to make a reasonable estimate of what will be built, then a two-part analysis period should be used:

- 15 years just for what is expected to be built and immediate impacts of building
- 50 years for impacts that will take a longer time to be felt but are related to what is built, such as displacement as housing regulatory agreements expire and the impacts of climate change.

Reasonable Worst Case Scenario (RWCDS)

The RWCDS in the DSOW is seriously flawed. It vastly underestimates the extent of development likely to happen in Inwood as a result of the proposed rezoning, even if only a 15-year development period is used. Given such an extensive rezoning, the DSOW's projection of only 33 development sites in the whole rezoning area is incredulous to the extent of being inconceivable--a ridiculous understatement on the face of it. The "Development Site Criteria" (pp. 29-30 of the DSOW) tells how this vast understatement was achieved. Many of the criteria appear designed primarily to exclude as many properties as possible. To the extent that these criteria follow the "CEQR Technical Manual," this illustrates how the Manual is designed to guide City agencies to minimize the projected impact of development. Thus the Manual should not apply here, and has no legal bearing on how the analysis should be done. The criteria used in the DSOW have produced an RWCDS that is really a "best case scenario," not a "reasonable worst case scenario" as required by State law.

Here are Development Criteria that are wrong and must be eliminated or changed:

"Underutilized lots" to be included as development sites are "defined as vacant or lots constructed to less than or equal to half of the proposed FAR under the proposed zoning."

- This criterion uses surgical precision to eliminate many likely development sites in Inwood. It eliminates sites with less than 50% FAR available to be built, an arbitrary cutoff. In Inwood there are several corridors proposed for rezoning from R7-2 to R7D, for 40% more FAR, with buildings of up to 11 stories including

several floors with good views. That much of a change would be a great incentive for many property owners and developers to redevelop those sites.

- The “underutilized lots” definition should be changed to “vacant or lots constructed to less than or equal to 70 percent of the proposed FAR under the proposed zoning” to capture the R7-2 to R7D increase.

Exclusion of “sites where construction and/or renovation activity is actively occurring or has recently been completed”

- This makes no sense as a general rule. A recent renovation will not matter if there is a large enough gain in FAR for a developer to increase future profits. For example, a freshly renovated two story building is still getting bulldozed within 15 years if its block is rezoned to 11 stories!
- This criterion should be dropped.

Exclusion of "sites with institutional uses, active and continuing through the build year, e.g., schools (public and private) and houses of worship, unless there are known development plans."

- Any institution in Inwood may change over 15 years, and certainly over the longer development period that we propose. For example, some churches, because of shrinking congregations or funding, try to sell or redevelop parts of their property. Trinity in Inwood has been hinting at redevelopment for a while.
- This criterion should be dropped, or changed to be much more selective.

Exclusion of "Sites containing government-owned properties, since the development and/or sale of these lots may require additional discretionary actions from the pertinent government agency or the elimination of essential uses that cannot be relocated effectively."

- The criterion has already been broken by the “Inwood NYC Action Plan” the rezoning is based on, which includes redevelopment of the Inwood Public Library on City-owned land. Who is to say other developments on public property will not happen if rezoning enables it? How can the DSOW preparers brazenly use a criterion the City has already broken?
- This criterion should be dropped.

Exclusion of "Sites crucial to the daily operations of utility companies."

- This criterion is too broad and does not account for recent rapid changes in industries that have been considered “utilities.” In Inwood, this particularly applies to the Charter Communications/Time Warner Cable site. If that site is rezoned to allow a residential tower up to 26 stories, a developer will offer them plenty and Charter will happily take the money and move.
- This criterion should be dropped, or changed to be much more selective, with at least the Charter Communications site included as a development site.

Exclusion of "Multi-story, multi-unit residential buildings with existing rent-stabilized tenants (such buildings are unlikely to be redeveloped because of the required relocation of tenants in rent-stabilized units)."

- This criterion may have some basis in rent regulation rules, but it has no basis in reality. Just consider the frequent stories of tenants being bought out or pushed out through harassment. And consider that about 30% of Inwood regulated apartments are leased for preferential rents that can be quickly raised to much higher levels, also forcing people out.
- This criterion should be dropped.

Exclusion of "Sites generally smaller than 7,500 sf occupied by existing residential development."

- This criterion is simply wrong. These sites could be developed easily.
- This criterion should be dropped.

Exclusion of "Sites with a significant number of commercial and residential tenants."

- This criterion is wrong. Developers can easily buy out these tenants and will do so with rezoning that offers substantial profits. An important commercial tenant has even told us about a provision in his lease that allows the landlord to terminate the lease if the property owner decided to rebuild. Such a "demolition clause" is not uncommon in commercial leases. That tenant, and others with similar lease provisions, will be easily removed if the rezoning offers profits to developers to build bigger, more lucrative buildings on those sites.
- This criterion should be dropped.

Far too narrow selection criteria is not the only problem in the RWCDs. The City is also not transparent about the data used to select or reject sites. Without doing extensive, potentially costly research, respondents to the DSOW cannot determine why most sites were chosen or not chosen. It is also possible that some of the data used are not publicly available. So, in addition to changing criteria for selection or rejection, the City must be transparent and include in the SOW:

- The reason why each site was chosen or rejected as a potential development site
- The data used to support that reason
- The sources of the data used for each site, with links to websites where the data can be viewed and extracted by members of the public

If any of the data sources used are not available to the public, including data from the New York State Division of Housing and Community Renewal (DHCR), then the data used from those sources must still be made public, the public (especially respondents to the DSOW) must be given the reason for keeping the source secret, and some accommodation made so members of the public can inspect the source without compromising whatever might be proprietary or "private" about the data (e.g., disclosing records with names and addresses that include specific apartment identifiers, or other individual identifying information left out).

A More Reasonable Worst Case Development Scenario for Housing and Population

We do not have the data available to make a site-by-site comparison of what we expect will be developed vs. the City's underestimates of development in the DSOW. However, we can suggest what would produce a *more reasonable worst case* development scenario

by adjusting the percentage of the theoretical maximum “No Action to With Action Increment” for housing and population. As noted above, the City’s flawed criteria produced numbers of new housing units and population that are only 36% of the theoretical maximum for the “No Action to With Action Increment.” We understand that 100% of the theoretical maximum is just as unrealistic as the City’s 36%. Keeping in mind that an RWCDs is supposed to be a reasonable *worst case* scenario, not a “most likely” scenario, perhaps estimates as high as 75% or 60% of the theoretical maximum could be justified. But to be sure to be *reasonable* about this *worst case* scenario, we use only 50% of the theoretical maximum here.

Using 50% of the theoretical maximum, we suggest that more appropriate numbers for the “No Action to With Action Increment” are 6,022 new dwelling units developed and 16,742 additional residents, or 39% higher than the RWCDs projects. This added population will provide a far higher extra load on Inwood’s built and natural environment than that projected in the DSOW.

Achieving the Mayor’s Affordable Housing Goal with More Modest Rezoning

A primary overriding goal of the proposed Inwood rezoning, as well as many other proposed rezonings across the city, is to increase affordable housing through enforcement of the City’s Mandatory Inclusionary Housing (MIH) policy. New housing built with MIH requirements must have 20% to 30% of the units with rents affordable to particular income bands. As we do not know what specific MIH plans will be proposed for Inwood, in the following analysis we used the midpoint of 25% to determine numbers of “affordable” units added due to rezoning-spurred development.

Using the City’s numbers in the DSOW of a “No Action to Action Increment” of 4,348 added apartments due to rezoning and a 25% estimate for MIH units, the RWCDs in the DSOW would provide 1,087 new “affordable” apartments. So that total can be used as a comparative benchmark for other rezoning possibilities.

As a thought experiment, we considered what more modest rezonings could hit that benchmark or come close using the more reasonable 50% of maximum development built rather than the City’s flawed 36%. After chipping away at each upzoned residential or mixed use area by one level (R98 to R8A, R8A to R7D, R7D to R7A, etc.), we found that those more modest rezoning levels hits the benchmark almost exactly. This approach would produce a “No Action vs. Action Increment” of 4,354 added apartments, of which 1,088 would be affordable MIH units, one more than the benchmark. Our “Unified Inwood” group does not endorse this plan or propose it as an alternative as it has not emerged from any community engagement and we are concerned with the impacts it will have on Inwood’s natural, built, and socioeconomic environments. But it shows how the Mayor’s affordable housing goal can be achieved with more modest rezoning.

We further tested a plan that *has* emerged from community discussions, in part in the June 2017 charrette and more so among community residents in their own groups without the City’s intervention. This can be called the “Maximum R7A” plan. If adopted, it would be much more popular with community residents than anything proposed by the

City to date. In one version of this plan all the residential and mixed use areas would be fixed at R7A or its mixed-use equivalent. There would still be plenty of new residential units added under MIH because of the current “M” zones in the east that would be changed to allow residential development. In this case, at 50% of maximum possible development, the “No Action to Action Increment” would produce 3,280 new apartments, and at 25% for MIH, **820 affordable units, or 75% of the benchmark.**

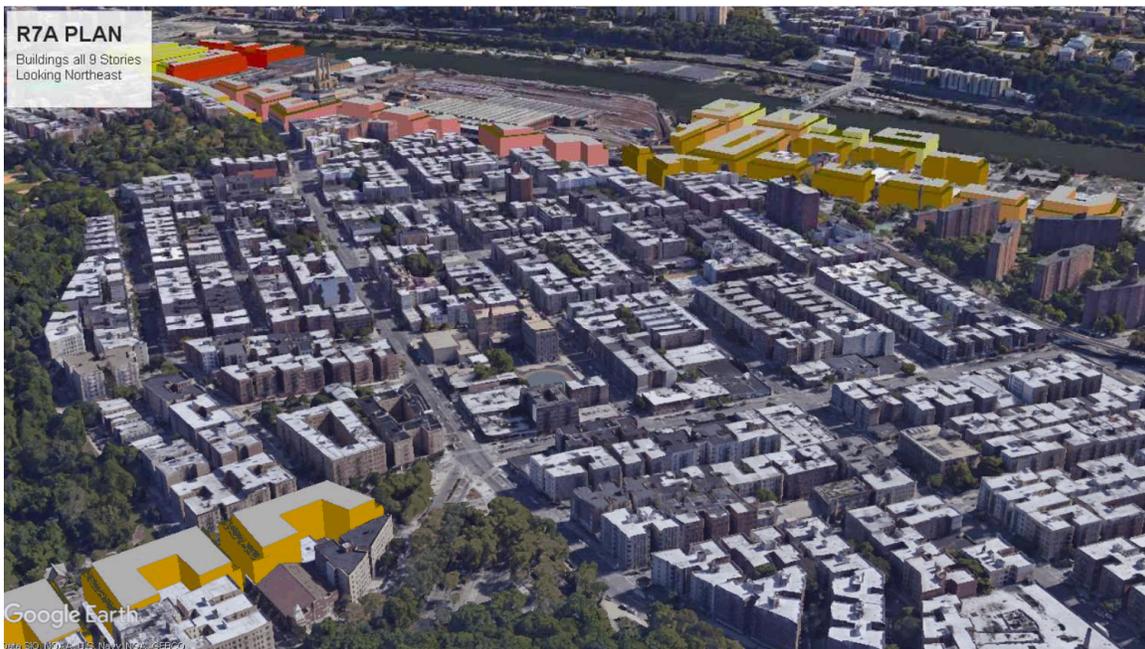
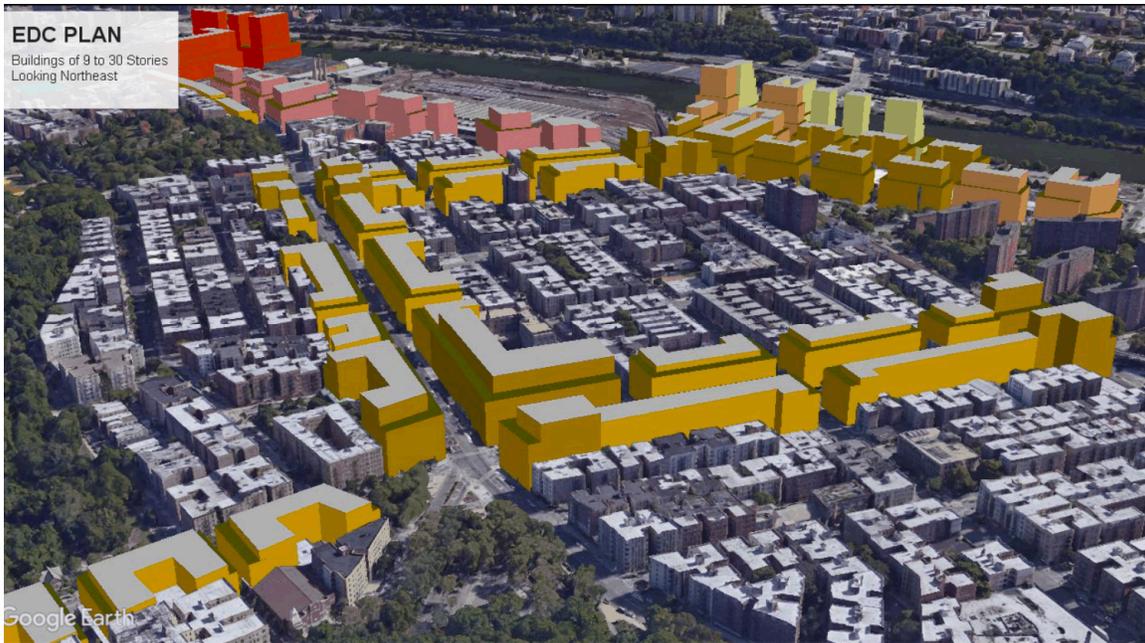
In another version of the “Maximum R7A” plan, the M1-5 zone in the “Tip of Manhattan” district is converted to R7A to produce still more housing subject to MIH. New York Presbyterian has shown no interest to date in expanding their health care facilities to that site, and the idea of developing that M1-5 zone into substantial industrial uses is highly speculative. Unless the kinds of industrial investments described under “Task 2” are made quickly, as an “M” zone this area is likely to remain a blight at the top of the island for many years. But it would likely to be developed much sooner as an attractive site for residential buildings. Using this version of the “Maximum R7A” plan, at 50% of maximum possible development, the “No Action to Action Increment” would produce 3,715 new apartments, and at 25% for MIH, **929 affordable units, or 85% of the benchmark.**

*Considering the above analyses, we ask: Does it make sense for the City to keep fighting with so many community residents for a plan never vetted with the community, **when there’s a popular alternative plan available that achieves 75% to 85% of the affordable housing benchmark apparent from the DSOW?***

Of course, even this plan would require thorough study and analysis in all the ways described throughout this document, as the lower level of upzoning here will not alleviate all community concerns and all adverse impacts, but there may be a more cooperative focus on a narrower set of concerns rather than large-scale opposition with this plan.

Our Data and Calculations: The data and calculations for comparisons above of numbers of apartments for buildouts under existing zoning, the proposed Inwood NYC rezoning, the “Thought Experiment,” and one version of the “Maximum R7A Plan,” see the PDF file of a spreadsheet submitted with this document: “Unified Inwood Rezoning Calcs.pdf” (file name). This spreadsheet can be viewed on screen by zooming up the view until the data are visible.

For a visual comparison of maximum buildouts of the proposed Inwood NYC rezoning plan (“EDC Plan”) and one of the above “more modest” rezonings (“Maximum R7A Plan”), see the two images below, both looking Northeast.



Analysis of Cumulative Effects Required, Not “Action vs. No Action” or Just on the Projected “Development Sites.”

The DSOW implies that the EIS analysis will focus mostly on the difference between what will happen on 33 development sites with the proposed rezoning (“With-Action”) vs. what will happen on those sites without the rezoning (“No Action”), assuming some of those sites will be developed as-of-right in the “No Action” scenario. However, the capacity of our natural and built environments (airshed, waterways, sewage system, transit system, roadways, parks, etc.) are affected by *cumulative loads* added to these

systems, not the “No-Action to With-Action” increment. Furthermore, cumulative added loads are created not just by “development sites” expected to respond to upzoning, but also by sites likely to be developed that are *not* being upzoned, such as those in the contextual area where the zoning is proposed to change only from R7-2 to R7A. These include current sites that are greatly underbuilt under current zoning (e.g., one-story retail establishments on Broadway north of the R8A segment at 207 Street and Broadway). Given market pressures from the nearby upzoning, these underbuilt sites will very likely be developed into larger structures that add housing and residents; they may even be individually rezoned for even larger development than allowed under the current proposal. Environmental law requires that the DEIS measure and analyze the full cumulative effects of development sites that will be upzoned and other sites likely to be developed due to market pressures, not just the “development sites,” and not just the “No-Action to With-Action” increment.

Of course, as noted above, the assumptions in the DSOW on projecting which projects will be developed are seriously flawed and the RWCDs should really project much greater increases in (mostly market rate) apartments, number of people, and other impacts. However, even when using a higher-impact RWCDs, the basis for analysis should not be just the “No-Action to With-Action” increment, but full cumulative effects as described above, including sites likely to be developed within upzoned areas and sites likely to be developed in areas that would not be upzoned.

TASK 1: PROJECT DESCRIPTION

The project description must not simply be a pro-forma restatement of plans as put forward in Inwood NYC, but must also describe environmental, socioeconomic, and public service contexts that have been glossed over or left out of plans to date. For example, public discussions and documents issued to date do not discuss historical highly toxic industrial uses of rezoned areas, especially along the Harlem River, where brownfield sites and the need for remediation abound. Also, as noted above, climate change is an essential context to describe, especially as Inwood is surrounded on three sides by water and rezoning areas will be prone to storm surge and flooding. This comments document includes many other contextual factors that should be identified in the Project Description that include, but are not limited to:

- Schools that are already overcrowded;
- The only police precinct house that is a mile south of most of Inwood;
- A thriving local small business environment that would be put at risk by rezoning;
- A high percentage of renters already at risk of displacement due to, for example, preferential rents;
- Parks that are important community assets but without adequate maintenance to keep up with current usage let alone added usage of a growing population;
- Streets that follow natural topography and yield several “choke points” in traffic flow that are likely to be exacerbated by growth due to rezoning, leading to increased traffic and air pollution, and increased response time of emergency services;
- And many other contextual factors and challenges.

Purpose and need

One of the goals laid out in the Draft Scope of Work is to “create walkable inviting streets by requiring non-residential ground floor uses and promoting diverse retail and community facilities to support community needs” and to “preserve the neighborhood’s existing built character and protect the rent stabilized housing stock. (pg.2).

The DEIS should clearly delineate how the rezoning text achieves the goal of maintaining continuous retail uses of independently-owned businesses and not formula (or chain) establishments, given that the former still constitute the neighborhood’s current character and add to its social and economic fabric while the latter (estimated 100,000 s.f. of “destination retail”) are likely to undermine the current economic base and unique market position in Manhattan where small retail is rapidly disappearing. Given the dearth of manufacturing space, the DEIS should also study the impact of the acknowledged net loss of 50,614 sf of light industrial space along the Harlem River and study an alternative, which would incentivize new economy light industry and jobs in the area. There are precedents for this in New York City, such as Industry City in Sunset Park, Brooklyn, and parts of the Bushwick IBZ. See specific recommendations under Task 2, next.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

The Draft Scope of Work states the DEIS will “Discuss the Proposed Actions’ 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 Actions on ongoing development trends and conditions in the study areas” pg. 36.

The Draft Scope of Work states that one of the guiding documents to analyze the impact of the project is the de Blasio Administration’s *OneNYC* plan. The plan specifically states: “While New York City is home to 52 Fortune 500 companies, small businesses with fewer than 100 employees are a critical part of the city’s economy. These businesses account for more than half of New York’s private sector employment” (pg. 28), and states that we need to “foster an environment in which small business can succeed (pg. 56). In light of these policy goals, the DEIS must study displacement of small local or independently-owned businesses and their employees as well as the impact that the loss of these businesses will have on the neighborhood character of Inwood.

The draft scope of work projects the creation of 1,135,032 sf of commercial space but fails to delineate what kind of commercial development is to be expected. The DEIS should also study zoning text “best practices” from other localities that provide safeguards to protect small and independently-owned businesses from displacement and create opportunities for new non-formula or non-chain stores to locate in the rezoning area.

In addition, the DEIS should evaluate whether the two goals, affordable housing and diversified retail in keeping with the neighborhood’s character, are mutually achievable under the proposed rezoning action and not mutually exclusive goals. The DEIS should

study an alternative to the proposed actions that include a special district determination with regulations, such as set-asides for small, independently owned retail and prohibitions or restrictions on formula or chain stores, to specifically safeguard and incentivize small retail. Dyckman street, for example, already has three chain pharmacies within two blocks of one another.

Another stated goal of the Inwood Planning Initiative and of this rezoning proposal is to “create walkable inviting streets by requiring non-residential ground floor uses and promoting diverse retail.”⁵ Given the adverse impact bank branches and chain stores have on the vibrancy and walkability of urban streetscapes, the DEIS must study the impact the proposed actions will have on the “vibrancy” and “human scale” of the commercial corridors. New York City has worked with world renowned consultants to study characteristics of streetscapes that maintain vibrancy.⁶

The DEIS should study special district designations for the rezoning area specifically focused on preserving the small businesses on the commercial corridors. These regulations, which have been tested in other cities, should include the following: 1) to create a permitting process for formula stores in order to encourage small, independently owned business to locate in the area and to control the number of potential chain stores and banks from taking over commercial corridors in the proposed rezoning area, and 2) to limit commercial frontages on the ground floor as well as commercial floor plates to discourage chain store development and create space for independently-owned businesses.⁷ This type of special district designation, moreover, will enhance the stated goals of the rezoning plan to preserve and enhance walkability and vibrancy of the commercial environment.

Additionally, for the 207th Street corridor, which still has a vibrant small business community, the SOW should specify and the DEIS should study the development of a neighborhood character preserving special district or neighborhood-serving commercial district, to include a prohibition on additional formula stores. This kind of special district would serve to maintain the corridor’s unique quality and contribution to the neighborhood character as identified in the Inwood Action Plan as well as in the Project Description. This kind of special district modification would enhance Inwood’s competitive advantage in a city that is rapidly losing its unique urban quality as it takes on an increasingly uniform, homogenous and suburban character.

⁵ Inwood Rezoning Proposal: CEQR No. 17DME007M, pg.2

⁶ Gehl, Jan. 2010. *Cities for People*. Washington, DC: Island Press. Glaeser, E. L., J. Kolko, and A. Saiz. 2001. “Consumer City.” *Journal of Economic Geography* 1 (1): 27–50. See also: Mehta, V. 2007. “Lively Streets: Determining Environmental Characteristics to Support Social Behavior.” *Journal of Planning Education and Research* 27 (2): 165–87.

⁷ See for example rules in San Francisco: <https://ilsr.org/rule/formula-business-restrictions/2321-2/> and <http://sf-planning.org/chain-stores-formula-retail-use>; See in particular restrictions in Chinatown, which limits storefrontages to 50 linear feet.

See also: “Zoning change would keep chain stores out of downtown Anacortes” by Kimberly Jacobson at https://www.goskagit.com/news/zoning-change-would-keep-chain-stores-out-of-downtown-anacortes/article_70d10b31-1dde-588c-b42f-fc98adfefe2a.html

Industrial and manufacturing policy

The Mayor's OneNYC Plan intends to "support the creation of an advanced manufacturing network which would include research and development facilities, workspace for start-ups, fabrication labs, workforce programs, and community engagement opportunities."⁸ Given that due to the proposed action "59,059 square feet of light industrial space would be displaced," the DEIS should study the larger impact of this rezoning action on NYC's ability to diversify its economy. The DEIS should relate the impacts of this rezoning action to the city-wide land use-related goal to preserve space for industry to expand and locate within the City rather than seeking locations outside of the City's boundaries. "The Industrial Action Plan also affirms the Administration's commitment to strengthening the City's core industrial."⁹ Thus, the de Blasio administration has affirmed its pledge to maintain the industrial and manufacturing sector and to promote new light manufacturing for the 21st century. Accordingly, the DEIS should study the economic benefits the City foregoes by further reducing our manufacturing and industrial land-base. Thus, the DEIS should include an analysis of the cumulative impact on industrial and light manufacturing businesses in the area and New York City more broadly to include potential industry clusters, including their need for expansion opportunities.

The DEIS should study zoning scenarios (i.e., MX special district) that would accommodate such innovative, job-producing economic development projects.¹⁰ During the preparation of the DEIS, the lead agency and its partners should confer with manufacturing and green jobs experts as well as potential partners of higher education, such as Columbia University and CUNY, and not for profit as well as potential for-profit equity investment partners to study the space requirements and the development of a potential zone for incubating new enterprises and job training opportunities related to the green building industry, culinary and food production sector, or other contextually relevant industries.

The DEIS, should deploy and use EDC's deep expertise about economic development trends and existing and emerging industry clusters in the region as well as databases of and relationships with investment firms, development partners and other relevant partners to study and develop such MX-district alternative scenarios, which should study an alternative MX zoning district that requires sets aside of space for light manufacturing and production activities / uses on a per building basis (light industrial and productive spaces are compatible with residential uses). The city is losing creative professionals, artists and craft people due to the dearth of affordable production spaces. This will undermine NYC's long-term economic competitiveness.¹¹ The DEIS should study this kind of special zoning district for the area east of Broadway to incubate creative and craft

⁸ <http://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC.pdf>

⁹ <http://www1.nyc.gov/office-of-the-mayor/news/780-15/mayor-de-blasio-speaker-mark-viverito-action-plan-grow-21st-century-industrial-and#0>

¹⁰ <https://www.citylab.com/equity/2017/01/how-to-fix-the-broken-eb5-cash-for-visas-immigration-program-trump/511265/>

¹¹ Florida, Richard. 2017. *The New Urban Crisis: How Our Cities Are Increasing Inequality, Deepening Segregation, and Failing the Middle Class—and What We Can Do About It*. Basic Books.

industries and develop partnerships to train local residents for employment opportunities. This would directly address the high unemployment rates among young people in the rezoning area.¹² Moreover, census tracts east of Broadway have been designated as Target Employment Areas (TEA). To see how University partners and non-profit partners can be incorporated to make the TEA designation meaningful, see the *Hardesty Renaissance project* in Kansas City. In its analysis, however, the City should exclude any M-zoned land used and set aside by the City for transportation and utility-oriented uses.

TASK 3: SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. The purpose of this section is stated as follows: “The five principal issues of concern with respect to socioeconomic conditions are whether a proposed action 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, pursuant to the CEQR Technical Manual.” We comment on these types of impact here, but they are not the only socioeconomic issues of concern. We also specify other socioeconomic indicators that should be studied in the DEIS and specified in the SOW.

Population and Housing

Indirect Residential Displacement

The DSOW describes a procedure that considers, among other things, “the number of housing units not subject to rent protection” as if to suggest that rent regulated tenants will be fine. Nothing could be further from the truth.

- About 30% of Inwood’s rent regulated apartments above Dyckman Street, or 3,033 apartments, have preferential rents,¹³ which put those tenants at risk of sharp rent increases. They should all be considered at risk of displacement.
- This issue affects not only the rezoning area, but also zip codes 10040 (southern Inwood and northern Washington Heights down to 181st St) and 10463 (Marble Hill and part of the Bronx) which also have about 30% of regulated units or 6,183 apartments on preferential rents.¹⁴ Tenants north and south of the rezoning area should especially be considered at risk as they won’t have the protection of contextual zoning height restrictions to discourage new development that their neighbors in the rezoning area will have.
- The study should also consider a reasonably high percentage of regulated tenants not on preferential rents to be at risk of displacement, as they can also be harassed into moving, with or without buyouts which tend to be insufficient. Again, go well north and south of the rezoning area.

¹² <http://www1.nyc.gov/assets/sbs/downloads/pdf/neighborhoods/n360-cdna-inwood.pdf>; <https://www1.nyc.gov/assets/doh/downloads/pdf/data/2015chp-mn12.pdf>

¹³ See <https://projects.propublica.org/graphics/preferential-rents> and enter zip code 10034 (viewed 9/14/2017).

¹⁴ See <https://projects.propublica.org/graphics/preferential-rents> and enter zips 10040 and 10463 (viewed 9/14/2017).

- While the City is paying for a new legal services office in Inwood, after only a few months its lawyers' caseloads were at capacity¹⁵—this effort is clearly not enough to keep up with harassment and displacement.
- The new City law to provide free legal assistance to tenants facing eviction proceedings is also inadequate to fight displacement, as displacement often occurs before eviction proceedings begin in Housing Court. Also, the law only provides “brief legal assistance,” meaning a single consultation, to tenants who are not income-eligible.¹⁶
- HPD's efforts at “preserving” regulated apartments in Inwood have proven inadequate. In 14 years they have preserved only 680 units¹⁷ out of over 10,000 regulated units above Dyckman. There's no reason to believe they will be more successful in the future. So preservation efforts cannot be counted on to significantly reduce displacement.

The DSOW describes a three-step process for determining whether a “detailed analysis” of indirect displacement is needed. The City does not need to go through those three steps. Significant residential displacement will be a given with this rezoning, so a detailed analysis is clearly warranted. The preferential rent situation alone is enough to know that, with over 9,000 families at high risk of displacement, and likely thousands of others also at risk, there is no question that a detailed analysis should be done. Thus, the SOW should describe, in detail, how a full-scale analysis of indirect residential displacement will be done.

Housing Cost Burden (or Rent Burden)

In addition to displacement, families that stay in place but have their rents raised are more likely to become housing cost burdened (or “rent burdened”), defined as those families or individuals paying more than 30% of their income on housing. Also, families who are already housing cost burdened are at risk of becoming “severely housing cost burdened” defined as paying more than 50% of their income on housing. As the rezoning is likely to introduce market pressures that increase rents on existing apartments, the City must do an analysis to determine how many more families and individuals are likely to become housing cost burdened and severely housing cost burdened. The SOW must specify how the analysis will be done, the data elements to be used, and the data sources. The DEIS then must show the analyses and make the data and data sources available to the public.

Racial and Ethnic Disparities

Given the socio-economic makeup of Inwood and the surrounding areas that will be affected by the rezoning, there are likely to be racial or ethnic disparities for housing

¹⁵ Presentation of Housing Committee at Northern Manhattan Agenda General Meeting, September 7, 2017, and by a Manhattan Legal Services representative at earlier meetings of the NMA Housing Committee.

¹⁶ NYC Law #2017/136, “Providing legal services for tenants who are subject to eviction proceedings.” Downloadable from <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID|Text|&Search=eviction> (viewed 9/14/2017).

¹⁷ NYCEDC and others, “INWOOD NYC 2017 Action Plan,” June 2017, p. 20.

related issues. Therefore the SOW must describe in detail how consequences of rezoning for different racial and ethnic populations will differ for residential displacement, levels of housing cost-burden and severe housing cost-burden, and any other socio-economic conditions that have potential to affect different population groups differently.

Affordable Housing Lost, Such as Apartments Dropped from Rent Regulation

In addition to analyzing displacement of people, the City must analyze and project how many affordable housing units will be lost, including apartments dropped from rent regulation. A major flaw of public progress reporting on “Housing New York” is that it only measures affordable housing units created and preserved. No measures of how much affordable housing is being lost are reported to the public by the City. As landlords use various means to raise rents (e.g., capital improvements, increases after vacancies), more and more apartments become unaffordable and often end up being de-regulated (legally or not). Because of this deficiency in reporting, there is no way for the public to know whether the City is losing more affordable housing than it is gaining. Also, in rezonings that create market pressures to make existing housing more expensive by introducing the opportunity for thousands of market rate apartments that bring in thousands of wealthier people to a neighborhood, there is no way of knowing whether the rezoned area is losing more affordable apartments than it is gaining through MIH. That is a reasonable fear of residents of rezoned areas, so the City must do an analysis of this issue.

Therefore, it is necessary for the SOW to have a detailed plan for an analysis of how many existing affordable housing units will be lost, including units dropped from rent regulation, units lost when buildings are redeveloped, or by other means. New York State DHCR data, which are kept secret from the public, would be particularly useful for this analysis, so may NYC Finance Department data. The SOW must describe the analysis to be done, what specific data elements will be used, and the sources of the data. Then, the DEIS must not just report the analysis, but must make the data and sources public.

Beyond the EIS process, if the City is to be fully transparent about Housing New York and its full effects, all future public reporting (e.g., on HPD’s website and in Mayor’s Management Reports) on affordable housing must not only report on affordable housing units created or preserved but also on affordable housing units lost.

Housing Characteristics

Given existing pressures on affordable housing in the proposed zoning area, the scope of work should examine the impact of the proposed actions on existing rent stabilized and rent controlled units and the feasibility of realistically replacing these units at comparable affordability levels through MIH.

The DEIS should delineate the affordability of new affordable housing units in relation to a local measure of median area income and tier affordability levels to present a more complete picture of the projected and potential affordable housing units estimated to result from the proposed rezoning action.

The DEIS should examine the impact of brownfield remediation costs and infrastructure improvement costs on housing affordability of the projected and potential residential units to be developed in the rezoning area, particularly east of 10th Avenue.

In the assessment of secondary housing displacement impacts, the DEIS should employ a methodology that draws from the rate of development from previous rezonings. The determination of projected sites should also take into account the number of variances requested in the immediate area as well as the number of infill construction projects in the immediate area.

Economic Conditions and Business Cluster Analysis

Direct and Indirect Displacement of Businesses and Adverse Effects on Industries

The draft scope of work states: “The analysis of direct business and institutional displacement will estimate the number of employees and the number and types of businesses that would be displaced by the Proposed Actions, and characterize the economic profile of the study area using current employment and business data from the New York State Department of Labor or U.S. Census Bureau” (DSOW, pf. 37).

The DEIS must draw on more comprehensive and detailed data to determine both direct and secondary business displacement: this includes data from city agencies, such as New York City’s Department of Small Businesses Services, which conducted a detailed survey and study of the businesses environment in the rezoning area (“Inwood Manhattan: Commercial District Needs Assessment”), as well as the New York City’s Department of Finance and other relevant city agencies that have compiled economic data in relation to the economic ecosystem within the rezoning area and its adjacent trade areas.

The DEIS must study the loss of these businesses by outlining the characteristics of the business owners, especially minority and women-owned businesses as well as business that are locally owned. The DEIS must study to what extent the differential in current built FAR and the new allowable FAR in the rezoning area will create soft sites, affecting multiple businesses on individual lots, a common configuration in Inwood. (*See* discussion under RWCDS.)

The DEIS must study the qualitative impact current small independently and locally-owned businesses have on the social fabric of the neighborhood, including the social networks, youth safe havens, etc.

The DEIS should quantify the lost opportunity for business expansion and investment in job growth in the rezoning area, taking into consideration the potential loss due to displacement by non-industrial uses that are currently allowed in the remaining M zones, and the job quality of existing and potential manufacturing and industrial jobs versus projected non-manufacturing and industrial jobs. The DEIS should compare the projected permanent, non-construction related employment opportunities, likely in low-paying retail and hospitality-related businesses, and the opportunity costs associated with foreclosing the potential to create manufacturing and industrial sector jobs by examining

the types of jobs that the proposed actions are to create by sector, considering associated skill levels required and average wage-scales.

In assessing the direct and indirect impact on businesses in the study area, the SOW should specify in detail how the DEIS will address the question: Are there currently important industry or business clusters that could be disrupted? This will involve, at a minimum:

- Specific industry or business clusters that should be specified in the SOW for study, and that should be studied in the DEIS, should include, at a minimum, entertainment/nightlife, local experiential retail, light manufacturing, automotive repair and tire sales, and wholesalers including food and beverage wholesalers.
- A supply chain analysis to capture the economic ecosystem of restaurant supply businesses/beverage wholesalers that serve the booming destination restaurant industry in the area, and the wholesalers that serve the bodega industry. These supply chains create interdependent relationships and economies of scale that the rezoning actions will disrupt.

The SOW should also specify how field studies will be done to identify other specific types of industries or businesses put at risk due to the proposed rezoning.

For all business and clusters facing potential risk, the SOW should specify in detail how the DEIS will answer the following questions:

- Do these businesses / clusters depend on their locations' specific amenities, proximity to local markets and supply networks to remain viable?
- What will be the effects on other businesses that depend on those at risk due to rezoning (e.g., livery car businesses dependent on local auto repair and tire sales, local bodegas dependent on food and beverage wholesalers)?
- How will the rezoning impact expansion opportunities for existing businesses and business clusters that may be dependent on relationships with suppliers, other local businesses, local workforce and clients, etc.?
- How many businesses have construction/demolition clauses that would invalidate their current leases should landlord decide to build up taking advantage of proposed zoning changes? These businesses would be at risk for direct displacement.

In order to more accurately estimate the impact of the rezoning on the local economy, the following DEIS activities should be performed:

- DEIS should study in particular the contributions that small businesses make to the local economy and calculate the impact the loss of small businesses in terms of dollars circulating through the local economy as well as the magnitude of the disruption their loss will have on the extended network of employee and family incomes.
- The DEIS should employ the methodology developed by Civic Economics to transparently show the economic impact on Inwood that small independently-owned businesses have.
- The DEIS should study the differential economic contributions that chain and independently-owned businesses make on the local economy. This entails: “first to

calculate market shares for independents and chains in several categories, relevant to the local context; and secondly to examine the economic impact of locally owned businesses, including the associated multiplier effects, versus chains.”¹⁸

The SOW should specify in detail how all the above studies and analyses will be conducted.

Employment and Jobs

The DEIS should include an analysis of this rezoning in terms of the cumulative impact on industrial, light manufacturing, wholesale and retail businesses in relation to the jobs as well as in relation to particular supply chains in the area, that is interdependencies of businesses in the rezoning area and beyond in the larger Upper Manhattan and adjacent Bronx trade areas.

The DEIS should also examine the following: What types of employment opportunities / jobs due to the proposed actions will replace existing employment opportunities, and how do these compare to existing and potential jobs that are embedded in the current business fabric without the proposed action?

- What are the types of jobs, skill level requirements, opportunities for advancement, and average wages potential jobs that can be expected due to the proposed actions?

Effects of Climate Change on Socioeconomic Conditions

Because climate change quite literally affects everything, the SOW must describe in detail how all the socioeconomic studies and analyses, including those discussed here, will account for the effects of climate change.

TASK 4: COMMUNITY FACILITIES AND SERVICES

Schools

District 6 has schools that are very over-crowded. The NYC Department of Education (DOE) accounting of school space often includes soft-sites within a school (auditorium, science labs, art rooms) in the count as normal classroom space masking the scale of overcrowding. Overcrowding is so severe in PS314 that SETTS instruction for reading takes place in the landing space outside of the elevators. The auditorium in IS176 is too small to allow for school events for parents without breaking the fire code. These events are relocated to IS52. The auditorium space in IS52 is not handicap accessible (ADA Compliant). PS 98 continues to have trailers in their parking lot: these have been there now for several decades. This school was tagged in the early 1980’s as having reading deficits on the MTA 1-train facing side of the school where children were a full grade level behind in reading compared to children on the Broadway side of the school.

¹⁸ See “The Civic Economics of Retail: Ten Years of Studies.”
<http://www.civiceconomics.com/projects.html>

Even with facilities such as labs given up for classroom space, classes are still overcrowded and schools underfunded in District 6. The average K-3 class size for our District is 23; for 4-8 it is 25; these are well over the Campaign for Fiscal Equity (CFE) goals of 20 students per class in grades K-3 and 23 per class in grades 4-8. Official utilization at twelve of our most crowded schools range from 90 to 149% (PS/IS 187). The overall utilization rate for elementary schools is 105%. There is no capacity for expansion or growth or increase in density. Schools must be built first. Part of the rezoning puts PS287/PS18, two K-8 schools with ~1000 students, currently in a leased space in a M1-1 into a M1-5 space.

There is a single public middle school, IS52, and a single public high school without its own building (it is co-located within the IS52 building) in the proposed rezoning area without enough space to accommodate all current Inwood students. Inwood already must export its middle and high school students to other neighborhoods; thus growing the student populations beyond District 6. The forced export of students to other districts represents time that children might otherwise be spent on educational opportunities. Further, it places a burden on the transit infrastructure. Any rezoning or increase in density will exacerbate this problem.

The DEIS should fully study the impact of the rezoning on school capacity and functioning, which should include answering the following questions in detail:

- Will the train track-noise be attenuated?
- What is the likely impact on IS52 of redevelopment of the Inwood library
- Will PS278/PS18 be relocated, as they share a space in an area zoned as “industrial”?
- Where will all schools that serve Inwood students be located given the proposed zoning?
- Will schools be built at the expense of the developers before the development, or will the development spur massive overcrowding, and will the current residents of Inwood subsidize the development by paying for new schools?

District 6 is a community school district with approximately 23,000 students, many of whom are English Language Learner and/or have special education needs. In fact, 27.7% of our students are learning English and 18.5% have special needs, according to the most recent data published by the DOE. The majority (85%) of our families are Latino or Hispanic. The SOW must specify, and the DEIS must study, measure, and report on how much more difficult it will be to meet the needs of these students and the increased disparities in educational services and outcomes these students may face as a result of rezoning.

District 6 has a president’s council (representative of the PA boards of its schools) as well as Community Education Council 6; the city has a Citywide Council on Special Education. The Inwood Rezoning and its DEIS should present to all three of these groups and highlight the potential impacts to the children, parents, and education in general within and beyond the district. These presentations should be presented in the DEIS and be available for public comment.

Libraries

The Draft Scope of Work is remarkably ambiguous concerning its proposed study of the impacts of the re-zoning proposal on the Inwood Branch of the NYPL. At pages 39 – 40 of the DSOW, it is acknowledged that the Proposed Actions would result in “displacement of the existing Inwood Branch of NYPL” and it is asserted that “the existing library would be temporarily relocated to avoid library service disruption.” Yet at page 41 of the DSOW there is a discussion of “Libraries” that is written as if the Lead Agency must identify existing libraries, determine whether the re-zoning would increase the population within the identified libraries’ “3/4-mile study area” by 5% or more, and determine in consultation with NYPL whether this population increase may impair the delivery of library services, and hence whether a significant adverse effect may occur. This proposed analysis appears to be an off-the-shelf analysis of potential impacts on library services that completely ignores the proposed “redevelopment” of the Inwood library that is set forth at pages 18 – 19 of the Inwood NYC 2017 Action Plan, of which the proposed re-zoning is a part, and which is acknowledged at page 39 of the DSOW.

Addressing first the DSOW’s assertion that the current library would be temporarily relocated to avoid library service disruption, this assertion is in reality no more than aspirational. The Request for Proposals for the library redevelopment put out by HPD on August 24, 2017 does not contain any requirement that proposals include an interim or temporarily relocated library. Instead, the RFP provides that respondents to the RFP who propose or provide a temporary library site will be given preference. (RFP, p. 25) Indeed, the preference for a temporary library is third out of three preference items, coming after experience in community development and track record. Moreover, there is no budget for an interim library, no location for an interim library, either specific or within a specified area, no minimum size for an interim library, no requirements for what services must be provided, in short no specifications at all for an interim library. Examining the library RFP itself therefore shows that the DSOW’s assertion that library service disruption will be avoided is not at all based on the requirements of the sponsor (HPD) of the proposed library redevelopment, and the DSOW’s assertion is arbitrary at best.

Since the proposed library redevelopment is an acknowledged component of the Inwood NYC 2017 Action Plan, and since there are no requirements for an interim library, the EIS must fully examine all impacts that could be expected under a RWCDs of the library redevelopment.

An RWCDs of the library redevelopment should assume a build period of at least 5 years from closing the doors of the present library to opening any new library. This is based on factors that include recent construction of a new 2-story building at the northwest corner of Broadway and 207th Street, where the period from issuance of the demolition permit to issuance of the first temporary certificate of occupancy was over 3 ½ years; presence of a brownfield immediately adjacent to the site of the present library, necessitating environmental testing at least to Phase II levels and possible remediation on the library site; necessity to take measures to mitigate the impacts of construction at the library site on the students and teachers in the schools that occupy the adjacent IS-52 building; and experience of NYPL with the redevelopment of the Donnell branch of NYPL, which was closed for over 8 years.

The RWCDs concerning the library should also assume that, in light of the lack of interim library specifications in the RFP, any interim library would only offer book-lending services, and that the following services presently offered at no cost would not be available during the period of demolition and construction:

- After-school homework assistance
- Computer services for children and adults
- Language-learning services including but not limited to ESL
- Literacy services for children and adults
- Safe-space for children and adolescents particularly after-school
- Cooling space for Inwood residents who lack air-conditioning
- Career and employment services and resources
- Citizenship and immigration services and resources
- Community space for community-based programs
- Meeting space for informal meetings
- Work space for writers and journalists

The impact on the Inwood community and those outside Inwood who use the Library of the loss of these services for the build period must be analyzed. In undertaking this analysis, the educational needs of Inwood school children, such as reading levels and access to computers at home, and the needs of Inwood residents for language-learning services, career and employment services, and citizenship and immigration services must first be determined in order to do an accurate impact analysis.

The library RWCDs should also assume that any interim library will have a limited availability of books compared to the current library. And, a review of all services and programs offered at Inwood Library during the past 5 years (to match the anticipated 5-year build period) should be performed to identify other services and programs that may be lost during the build period.

Additionally, the Scope of Work should examine the likely impacts of an additional 20,000 new residents and workers in Inwood and the resulting increased demand for library services, particularly in conjunction with HPD's Library RFP which specifies an 18,000 s.f. library space, compared to the 21,400 s.f. current library. The likely impacts should also be examined in conjunction with the RFP's design that would place the library in a condominium unit in a newly-constructed apartment tower, thereby permanently capping the size of the proposed new library.

And, the Scope of Work should examine the likely impacts on the public schools located within the IS-52 school building that is adjacent to the Inwood library. These impacts include noise, dust, potential for release of air-borne toxins from construction (in light of the adjacent brown-field), and other construction impacts. It has long been documented that noise interferes with education. *See:* <http://www.nytimes.com/1982/04/26/nyregion/student-scores-rise-after-nearby-subway-is-quieted.html?mcubz=1> The noise study should take into consideration the need to drill or blast through hard sub-surface rock, and include interviews with business owners and

residents who experienced such noise during construction of the building at the north-west corner of Broadway and 207th Street. And the noise study should examine evidence of noise impacts on education in NYC schools.

OTHER SERVICES: The DSOW states: “According to Table 6-1 of the CEQR Technical Manual, this level of development in Manhattan would trigger a detailed analysis of elementary, intermediate, and high schools, libraries, and child care centers. While the RWCDs would not trigger detailed analyses of potential impacts on police/fire stations and health care services, for informational purposes, a description of existing police, fire, and health care facilities serving the proposed rezoning area will be provided in the EIS” (pg. 40).

As we stated at the outset, the *CEQR Technical Manual* is a guidance document, not a legal document that governs the EIS process. Given that Inwood does not even have its own police precinct house, it is insulting to the community to say the City will not do quantitative analyses of additional services given the large projected population increase, which will be even greater when more appropriate RWCDs criteria are used.

Therefore, we insist that the DEIS must quantify ALL of the following, comparing current situation to building out to the proposed rezoning:

- o Wait times at the Inwood Post Office (10034) - average and peak, in minutes.
- o Facility space within the Inwood Post Office for trucks, mail, carriers, packages, and staff to service the Inwood population
- o Spillover effects on nearby post offices (including 10040) including quantification of lost packages and mail, delayed mail, etc.
- o Response time by the FDNY, NYPD, EMS, DEP to calls from Inwood residents for assistance and environmental complaints. This assessment should be carried out based on not only average traffic conditions, but also the extreme traffic conditions (+3 sigma) using GIS (geographical information systems) software
- o Facility space within the 34th precinct for officers, support staff, and vehicles to service the Inwood Population.
- o Crime rate for various crimes (crowding is known to increase friction and crime)
- o Traffic violation rate for various infractions including double-parking, a rampant problem in Inwood, failure to yield and running lights.
- o Facility space within Inwood for the FDNY for personnel and trucks
- o Impact on neighboring FDNY stations to maintain current service levels for Inwood.
- o Vacancy rate at Allen Hospital (at different times of day, week, year)
- o Wait times to get into the Emergency Room at Allen Hospital, to see a doctor, and to be released (at different times of day, week, year)
- o Wait times in the Emergency Room at Allen Hospital to get a room (at different times of day, week, year)
- o Number of children of each age in Inwood vs. number of available seats at local schools, with an assessment of how much more overcrowded Inwood schools will be and how many more Inwood students will have to travel out of Inwood to attend school.
- o Number of spaces available for younger-than-school-age children in preschool classes and day care facilities vs. demand for these services.

The studies should be a minimum of two years to provide a representative sample.

In planning and conducting several of the above studies, the SOW and DEIS must consider that the streets of Inwood, unlike much of Manhattan, follow the natural topography. This yields several “choke points” in traffic flow. The DEIS should perform an analysis of how response times of Emergency Medical Services, Fire, and Police response units will be impacted given a realistic RWCDS for the current proposal. The DEIS should also analyze the impact of development on services on which elderly and disabled people are dependent, such as Access-A-Ride. The studies should also be done for alternative proposals such as an R7A rezoning of all of Inwood with a parkland buffer in the flood zones along the Harlem River.

The SOW must specify, in detail, how all the above studies and analyses will be done.

Effects of Climate Change on Community Facilities and Services

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of facilities and services, including those discussed above, will account for the effects of climate change.

TASK 5: OPEN SPACE

Given the potential existing cross-contamination of development sites in the area and the potential recontamination of sites through flooding and storm water run-offs, the DEIS should examine contamination levels for any proposed open space area and detail a remediation plan that demonstrates the open space will be safe for potential users in the future and will not suffer recontamination. The SOW must specify, in detail, how such open space contamination studies and analyses will be done.

While Inwood benefits from extensive parks assets, parks maintenance has been inadequate to keep up with current usage, especially in spring, summer, and early fall. For example, parts of lawn and lawn edge areas of Inwood Hill Park are often overgrown and parks staff cannot keep up with trash removal demands, especially after warm weekends and holidays. The DEIS must quantify, in detail, the effects of the demands on Inwood’s parks created by added population due to rezoning, and how much more overburdened the currently inadequate parks maintenance will be. The SOW must specify in detail how such analysis will be done.

Effects of Climate Change on Open Space

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of open space, including those discussed above, will account for the effects of climate change.

TASK 6: SHADOWS

The DEIS must quantify ALL of the following, comparing the current situation to building out the proposed rezoning:

- o Impacts of shadows on public housing measured in summer and other times and potential violation of requirements for sunlight at the Dyckman Houses, a NYCHA project. As public housing, by law, is a “sunlight sensitive resource,” the shadow analysis must identify all windows of all Dyckman Houses apartments that will experience shadows from buildings developed due to rezoning.
- o Impacts on days with ice and snow on the streets of Inwood.
- o Impacts on mental health of Inwoodites due to increase in shadows and decrease in sky views.
- o Impacts of shadows from 11 and 14 story buildings on Broadway on the Dyckman Farmhouse and its plantings

The studies should be a minimum of two years to provide a representative sample.

The SOW must describe in detail how the above studies and analyses will be done

Effects of Climate Change on Shadows

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of shadows, including those discussed above, will account for the effects of climate change.

TASK 7: HISTORIC RESOURCES AND CULTURAL RESOURCES

The impact of shadows from redevelopment on the Dyckman Farmhouse and its plantings should also be considered as part of Task 7.

In addition, the DEIS must examine the impact on views from the world-renowned Cloisters museum of the Metropolitan Museum. The Cloisters museum is located inside Fort Tryon Park and is, generally, just to the left of the word “PARK” on the map facing page 13 of the DSOW. The Cloisters Tower overlooks Inwood and Inwood Hill Park to the north and is approximately 500 feet from the edge of the proposed C8-3 zoning district on west Dyckman Street and Riverside Drive.

At present, there are no apartment towers or tall commercial buildings within this view from the Cloisters Tower. The DSOW recited that in the proposed C8-3 district, the “sky exposure plane” begins at a height of 60 feet or 4 stories, whichever is less. The DSOW does not state the maximum height of buildings within this district, but it appears that 9-story buildings along west Dyckman Street and 14-story buildings in the C4-4D area of Dyckman/Broadway/Seaman are anticipated.

The EIS should examine the likely impact that buildings constructed to the full height allowed in the proposed zoning districts would have on views from the Cloisters and the effect on the valuable aesthetics of the Cloisters museum that would result.

Effects of Climate Change on Historic and Cultural Resources

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of historic and cultural resources, including those discussed above, will account for the effects of climate change.

TASK 8: URBAN DESIGN AND VISUAL RESOURCES

The DEIS should analyze the current housing stock in Inwood for number of buildings, floors, FAR, number of rent stabilized units, style of architecture, and date of construction and compare that with what the proposed rezoning would result in for Inwood. This should include all of Inwood from Hillside and Broadway to the Broadway Bridge. The SOW should specify how these analyses will be done.

In addition to visual design, the DEIS must consider how the types of establishments at street level will support or detract from the Inwood Planning goal, to “create walkable inviting streets by requiring non-residential ground floor uses and promoting diverse retail.”¹⁹ The rezoning has potential to displace many small local businesses and replace them with chain stores and more bank branches. Given the adverse impact bank branches and chain stores have on the vibrancy and walkability” of urban streetscapes, the DEIS must study the impact the proposed actions will have on the “vibrancy” and “human scale” of the commercial corridors. The SOW should specify how this study will be done. The City would do well to draw upon its past work with world renowned consultants to study characteristics of streetscapes that maintain vibrancy.²⁰

Effects of Climate Change on Urban Design and Visual Resources

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of urban design and visual resources, including those discussed above, will account for the effects of climate change.

TASK 9: NATURAL RESOURCES

Inwood has several tidal salt marshes and other tidal wetlands important to the New York Harbor estuary. According to the New York State Department of Environmental Conservation, tidal wetlands provide marine food production; wildlife habitat; flood, hurricane, and storm control; recreation; cleansing of ecosystems; absorption of silt and organic material; education and research opportunities; and aesthetic values. Areas near tidal wetlands also often feature similar valuable attributes and, in addition, provide a buffer for the wetlands. For these valuable ecological functions, the State of New York, as a matter of policy, protects tidal wetlands and their surrounding areas from the effects of human activity, which can harm or destroy the ecological balance of these areas. The

¹⁹ Inwood Rezoning Proposal: CEQR No. 17DME007M, pg.2

²⁰ Gehl, Jan. 2010. *Cities for People*. Washington, DC: Island Press. Glaeser, E. L., J. Kolko, and A. Saiz. 2001. “Consumer City.” *Journal of Economic Geography* 1 (1): 27–50. See also: Mehta, V. 2007. “Lively Streets: Determining Environmental Characteristics to Support Social Behavior.” *Journal of Planning Education and Research* 27 (2): 165–87.

State's priorities are elaborated in the Tidal Wetlands Act in the State's Environmental Conservation Law, Article 25, Title 1: "Declaration of policy. It is declared to be the public policy of this state to preserve and protect tidal wetlands, and to prevent their despoliation and destruction, giving due consideration to the reasonable economic and social development of the state." Thus, any proposed waterfront development is a serious matter, which requires comprehensive study.

The North Cove is a saltwater tidal basin near 208th Street and 9th Avenue in Inwood. A wetland with a soft shoreline, it is also a resting place for migratory aquatic birds. Other aquatic life are present at the Cove: fiddler crabs, clams, blue crabs and more. Inwood resident Jim Cataldi worked for more than a decade to clean the North Cove, removing 1,200 cubic feet of garbage from the Cove in the hope of creating a wildlife preserve, actions which are consistent with the [Mayor's goals](#) of restoring our harbors and rivers, improving water quality and protecting wetlands.

The proposed rezoning plan would enable some of the densest, tallest development to come practically right up to North Cove, with at most a small shoreline public access zone between tall buildings and the cove. This poses a dangerous environmental risk that must be thoroughly and quantitatively measured and analyzed.

Development along this shoreline or anywhere too close to North Cove would destroy this wildlife preserve and affect the health of the wildlife at the cove. Protecting the health of this wildlife indirectly protects public health. Given the State's protected status for the tidal wetland in the North Cove, the SOW must describe in detail how the DEIS will assess the impact of proposed construction along the waterfront on water quality, and on the wildlife. More specifically, the SOW should also analyze in detail the impact of any proposed development at or near the North Cove and assess whether the development meets the mandatory standards outlined in State regulations at 6 CRR-NY 661.9.

Overall, the SOW must specify and the DEIS study the impacts on Inwood's coastal wetlands, especially North Cove, of increased urbanization. They should include effects of development on North Cove's biodiversity, on its role in bird migration, in protecting against natural disasters, and in improving the quality of life. Some of North Cove's wildlife activity can be viewed at the footnote.²¹

Finally, given the historical and present-day occupants along the Harlem River in Inwood, contamination of the soil and ground water is to be expected, and much of the waterfront is essentially a hazardous waste site. The SOW must specify and the DEIS include an analysis of the historical and present-day occupants along the Harlem River in Inwood; identify their activities, and identify possible pollutants ensuing from their activities. The SOW must specify and the DEIS must conduct a comprehensive remedial

²¹ See "For The Birds" (<https://vimeo.com/152046057>), North Cove Wildlife Refuge 2016 Spring (<https://youtu.be/oxev6lafSc8>), and North Cove Wildlife Refuge Earth Day 2016 (<https://youtu.be/wHW2uo1kFds>).

investigation and feasibility study to define the threat to humans and the environment posed by potential contamination as a result of planned waterfront development. The SOW must specify how the DEIS will identify and evaluate the ways in which people living in and around Inwood now and in the planned developments might be exposed to the chemicals and pollutants along the Harlem River, as a result planned waterfront development.

Effects of Climate Change on Natural Resources

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of natural resources, including those discussed above, will account for the effects of climate change.

TASK 10 HAZARDOUS MATERIALS

Some sites in the Inwood rezoning areas, especially along the Harlem River, are brownfield sites. Some of these areas are especially prone to environmental hazards, due to the highly toxic industrial uses there in the past before modern environmental regulations were in force. Thus the SOW should describe and clearly delineate how all brownfield sites will be studied for hazardous substances that can become part of the environment where people will live, work, learn, and recreate when the rezoned areas are developed. This should include identification of all brownfield designations under consideration for Inwood, including all current brownfield studies and planning initiatives funded or being conducted by community based organizations, local, state and federal agencies as well as private entities.

Brownfields are known to exist at the site of Con Ed's former power plant (*see* CB12 Resolution of 12/22/06 submitted as document 50 in the record of the M-29 Transmission Line hearings before the NYS PSC, docket no. 06-T-1710; link to full record is here: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=06-T-0710&submit=Search+by+Case+Number>); at the Time Warner Cable parking lot on 9th Avenue, a brownfield covered by a soil "cap" which Time Warner Cable has asserted should not be disturbed (*see* pre-filed Testimony of Time Warner Cable in the M-29 Transmission Line proceeding, document 52, and Comments of Time Warner Cable in the same proceeding, document 209); and 4566 Broadway at Nagle (NYS DEC documentation is available on-line). In addition, a Phase II assessment of the former gas-station turned car-wash at 4788 Broadway, adjacent to the Inwood Library, found hazardous levels of petroleum components in the soil and groundwater. *See* NYS DEC Spill Report number 1700751 and related Phase I and Phase II studies.

Accordingly, the DEIS should include a complete account of brownfield remediation plans and timelines as well as public involvement strategies, and how they will affect development. This explanation should clearly state the responsibilities attributed to public (city, state, and federal agencies) and private as well as non-profit entities.

Since it is anticipated that the proposed rezoning will catalyze substantial redevelopment in Inwood, all brownfields in Inwood should be publicly identified in the DEIS, the DEIS should examine whether each brownfield that is identified and listed meets the

requirements for an (E)-designation, and the lead agency should assign an (E)-designation to each qualifying brownfield.

Three specific hazardous materials studies that should be specified in the SOW are:

- Quantify PCBs and other toxic substances in the soils under and around the Con Ed station, under the Time Warner site, current and former gas stations, and auto body shops (as this could be mobilized in increased flooding).
- Quantify the toxic substances in street runoff to the Harlem River.
- Quantify the toxic substances in seepage into the Harlem River, Ship channel and Hudson from brownfields under Con Ed, Time Warner, current and former gas stations, and auto body shops.

In addition, the SOW should specify, as noted above, how other potential toxic substances on redevelopment sites will be discovered and measured, and how their potential for contaminating sites likely to be used by people will be assessed.

Effects of Climate Change on Community Hazardous Materials

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of hazardous materials, including those discussed above, will account for the effects of climate change.

TASK 11. WATER AND SEWER INFRASTRUCTURE

The study area's radius should be expanded from the proposed ¼ mile radius to a radius that is consonant with the Inwood combined stormwater-sewer overflow shed area. Studies of compliance with State and Federal laws and regulations must not simply consider individual parts of the water and sewage infrastructure, but of entire systems affected by increased usage and loads caused by redevelopment with increased populations using many more plumbing fixtures. This would include, at a minimum, considering all combined sewer-stormwater overflows (CSOs) into the Harlem and Hudson Rivers and Spuyten Duyvil Creek, and considering sewage flows from Inwood down to the North River Treatment Plant and out into the Hudson River.

Impacts on sewers, water, gas and electricity distribution lines as well as receiving waters and compliance with federal and state law including

- sewage backups into buildings throughout Inwood at 1, 2, 5, and 10", and 100- and 500-year storm and others
- combined stormwater-sewer overflows at 1, 2, 5, and 10", and 100- and 500-year storm and others
- Infrastructure capacity (water, sewer, pumps, gas, electricity, transformer, feeder, etc.)
- Infrastructure failure rate (water, sewer, pumps, gas, electricity, transformer, feeder, etc.)
- Potential for infrastructure failure and fragility (condition) (water, sewer, pumps, gas, electricity, transformer, feeder, etc.)

- Potential for the North River Sewage Treatment Plant to be placed in violation of DEC requirements, including a historical survey equivalent to the length of the build period identifying specific violations, their severity, and their likely cause.
- Quantification of how much more the City will be out of compliance with State and Federal law given the additional sewage load of added population, considering that the City is currently out of compliance due to its combined stormwater-sewer overflows.

The DEIS should identify additional capacity that will need to be constructed, and analyze the impact (whether within the Study Area or not) of such construction.

The DEIS should describe mitigations to abate the potential strain the proposed actions will place on existing infrastructure. The DEIS should include a feasibility study and cost analysis of the necessary infrastructure improvements to fully abate CSOs in the Inwood area.

Indicate the impact that a corrected RWCDs development will have on the depth/intensity of rainfall events and snow events that will cause the City to open the valve to allow combined sewage overflows into the Hudson.

Measure and analyze the quantity and quality (i.e. hazardous and sediment pollutants) of runoff into the Harlem river and ship canal.

Given that, in some respects, the City is already out of compliance with the Clean Water Act, and development due to rezoning can exacerbate existing noncompliance and create additional noncompliance issues, the following organizations must be included in the DEIS study and analysis efforts as “involved agencies”: NYC DEP, New York State Department of Environmental Conservation, and U.S. Environmental Protection Agency.

Effects of Climate Change on Water and Sewer Infrastructure

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of water and sewer infrastructure and compliance, including those discussed above, will account for the effects of climate change.

TASK 12: SOLID WASTE AND SANITATION SERVICES

The Draft Scope of Work states that “As the Proposed Actions are expected to result in a net increase of more than 50 tons per week, compared to No-Action conditions, an assessment of solid waste and sanitation services is warranted” (pg. 48).

In order to accurately illustrate the impact of the rezoning on solid waste in the area, the DEIS should outline current infrastructure capacity in the area and examine the infrastructure impacts of the proposed rezoning taking into consideration all proposed and ongoing development in the vicinity that will impact the handling of solid waste. The DEIS should outline the added capacity needed and identify the shortfall in capacity based on the proposed actions as well as all proposed development sites that will affect solid waste and sanitation services, including the cost to the City of the collection and

disposal of solid waste. This analysis should include impact of changes in traffic congestion and volume on the 4-district Sanitation garage at 215th St and service to all four districts served by this garage, and the number of trucks needed to service Inwood, how refuse and recyclables collection routing will be affected and time of day of pickup as well as impacts on deployment of snow and salt trucks in winter and secondary impacts of delays in this deployment (i.e., accidents, injuries, deaths). Impact of traffic congestion on delivery of recyclables and refuse to transfer stations and MRF must be quantified as well as additional costs to the City resulting from delays.

Effects of Climate Change on Solid Waste and Sanitation Services

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of solid waste and sanitation services, including those discussed above, will account for the effects of climate change.

TASK 13: ENERGY

The Draft Scope states that “An analysis of the anticipated additional demand from the Proposed Actions’ RWDCS will be provided in the EIS. The EIS will disclose the projected amount of energy consumption for the 33 projected development sites during long- term operation resulting from the Proposed Actions. The projected amount of energy consumption during long-term operation (for projected development sites) 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)” (pg. 49). However, we cannot accept the energy analysis proposed in the DSOW. It is insufficient. First, as we describe earlier under “RCDWS,” the projected level of development is vastly understated and is likely to encompass much more than the 33 projected sites. Under a realistic RWDCS energy usage will be considerably higher than if it were limited to just those 33 sites. The effect of the demand from the new structures, more people, and the added car and truck traffic will most certainly raise energy concerns, and must be fully detailed and studied in the DEIS, examining the long term and cumulative impacts, especially considering the severe limitations and age of current gas and electric distribution systems.

By dramatically increasing the rezoning area’s uses to more energy-demanding uses, there is potential for significant transmission and distribution congestion. The area’s energy infrastructure and transmission capabilities may not be currently equipped for the change in energy usage, and a detailed assessment is needed in order to measure the demand increase and the potential for transmission congestion. In this same vein, the potential significant effects of the need for additional generation of energy in the surrounding area must be studied as well.

The DSOW recites that “a detailed energy assessment is limited to actions that may significantly affect the transmission or generation of energy.” The DSOW goes on to state that the EIS will provide an “analysis of the anticipated additional demand from the Proposed Actions’ RWDCS . . . [including] the projected amount of energy consumption for the 33 projected development sites during long-term operation resulting from the Proposed Actions.”

These Comments address elsewhere that the use of only 33 projected development sites in the RWCDS is wholly inadequate. Yet putting that important issue aside, the DEIS must address more than merely the projected amount of energy consumption.

Inwood has a relatively recent and unfortunate history of blackouts from its failed and aging energy distribution infrastructure. These blackouts, including a three-day power loss for the entire neighborhood during 1999 and a blackout of the Dyckman Community Center and Dyckman Senior Center during the summer of 2006, have been documented, including in a 2006 – 2007 Public Service Commission hearing on Con Ed’s M-29 Transmission Line (a 300 MW transmission line that passes through Inwood, not to be confused with the distribution grid within Inwood). The Record of the PSC proceedings (Case 06-T-0710) can be found here:

<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=06-T-0710&submit=Search+by+Case+Number> . Relevant portions include questions by Community Board 12 to Con Ed and Con Ed’s response (document 257), comments from former CB12 Chair Martin Collins, who took part in the hearings (document 212), and transcripts of the Preliminary Conference (document 17) and hearing of January 23, 2007 (document 93).

Martin Collins, who along with Obie Bing took part in the PSC proceedings on the M-29 Transmission Line on behalf of Community Board 12, submitted a letter dated August 17, 2007 to the PSC (document 212) in which he expressed concern about the “numerous paper insulated lead cables (PILC) that make up Inwood’s distribution grid. Despite this concern, the PSC refused to require that Con Ed remove the numerous PILC’s, because such an upgrade was “outside the scope” of the M-29 Transmission Line project. *See* PSC Order of December 13, 2007 (document 235). The DEIS must determine the extent to which Inwood’s electrical distribution grid is still dependent on PILC and whether such cables can reliably support a realistic RWCDS.

In its September 1, 2006 response to CB12’s August 7, 2006 letter addressing numerous questions to Con Ed, the utility responded in part admitting that the 1999 blackout was caused by failure of its *distribution* system. A subsequent press release dated December 10, 1999 from Con Ed listed “record high electrical loads and heat” as the first factor in causing the 1999 blackout. Con Ed asserted that it works to strengthen its distribution system. Con Ed admitted in that same letter that some of its distribution feeders contain PILC that are “pre-1960’s.” In those same proceedings, Mr. Bing raised the point with Con Ed that its dielectric fluid cables are subject to overheating in summer months, resulting in cable break down and loss of fluid pressure. Con Ed admitted in testimony that in that circumstance, it must take the feeder cable out of service; it cannot operate at reduced pressure. *See* transcript of January 23, 2007, document 93.

Con Ed also, in its September 1, 2006 response to CB12’s August 7, 2006 letter, admitted that in 2006 it forecast peak summer demand for 2015 for its network serving Washington Heights and Inwood at 210 MW, an increase of 26 MW over the 2005 peak load. This 12% increase was due to a mere handful of anticipated projects.

In light of the history of blackouts caused by, *inter alia* “high electrical loads” and Inwood’s legacy of old and outdated distribution cables, it is essential that the DEIS

examine in detail, with full cooperation from Con Ed, the ability of the current distribution system to handle the RWCDs demand without black-outs and breakdowns, and the changes that are necessary to assure that the distribution system can handle the expected demand. Such an examination should include, but not be limited to:

- Anticipated peak load demand under a realistic RWCDs and build-year (as advocated for elsewhere in these Comments), that takes into consideration the likely power demands of the population that will live and work in the anticipated new residential, commercial, and industrial space;
- Ability of the present distribution system to handle such anticipated peak load demand;
- Likelihood of black-outs and brown-outs under the realistic RWCDs without upgrades to the distribution system;
- Impacts of such anticipated black-outs and brown-outs, including impacts to life, health, safety, emergency services, comfort, transportation, economic activity, and community and social activity;
- Upgrades and improvements needed to assure there are no black-outs or brown-outs under a realistic RWCDs, particularly along the “Tip of Manhattan” and “Sherman Creek” areas where geometrically increased demand for power should be anticipated;
- Ability and willingness of Con Ed to undertake the needed upgrades and improvements, including but not limited to costs and anticipated impacts on electric rates;
- Environmental impacts of the construction needed to undertake the necessary upgrades and improvements.

An EIS that ignores these important issues for a community that has suffered power failure as a result of an inadequate distribution system and is facing rapid and substantial growth in both residential and commercial demand for power would be wholly inadequate.

Finally, Con Ed must be made an Interested Party or “involved agency” for purposes of the EIS. The impact on Con Ed operations and the need for Con Ed to respond to those impacts are too great to leave Con Ed out. Other interested or involved agencies that must be included in the energy analyses are the Federal Energy Regulatory Commission (FERC) and the New York State Independent System Operator (NYSISO).

By making Con Ed an interested party and communicating with Con Ed early in the process, the Lead Agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site. The lead agency should also analyze the transmission capacity and the likelihood of transmission and distribution congestion resulting from this project.

Effects of Climate Change on Energy

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of energy, including those discussed above, will account for the effects of climate change.

TASK 14: TRANSPORTATION

In order to most effectively assess the impact of new development in and around the Inwood on the transportation system, the DEIS should include a wider systems analysis. To accurately assess the impact of the projected increase in population in Inwood, the study area's radius should be expanded from the proposed ¼ mile radius to a radius that is consonant with documenting the impact of the projected and potential development on the broader transportation network, including the MTA, Metro North, and automotive transportation.

In addition, as use of various modes of transportation can have large impacts on air quality, the DEIS studies of transportation and air quality must be integrated. The SOW should specify how they will be integrated.

Traffic and Parking

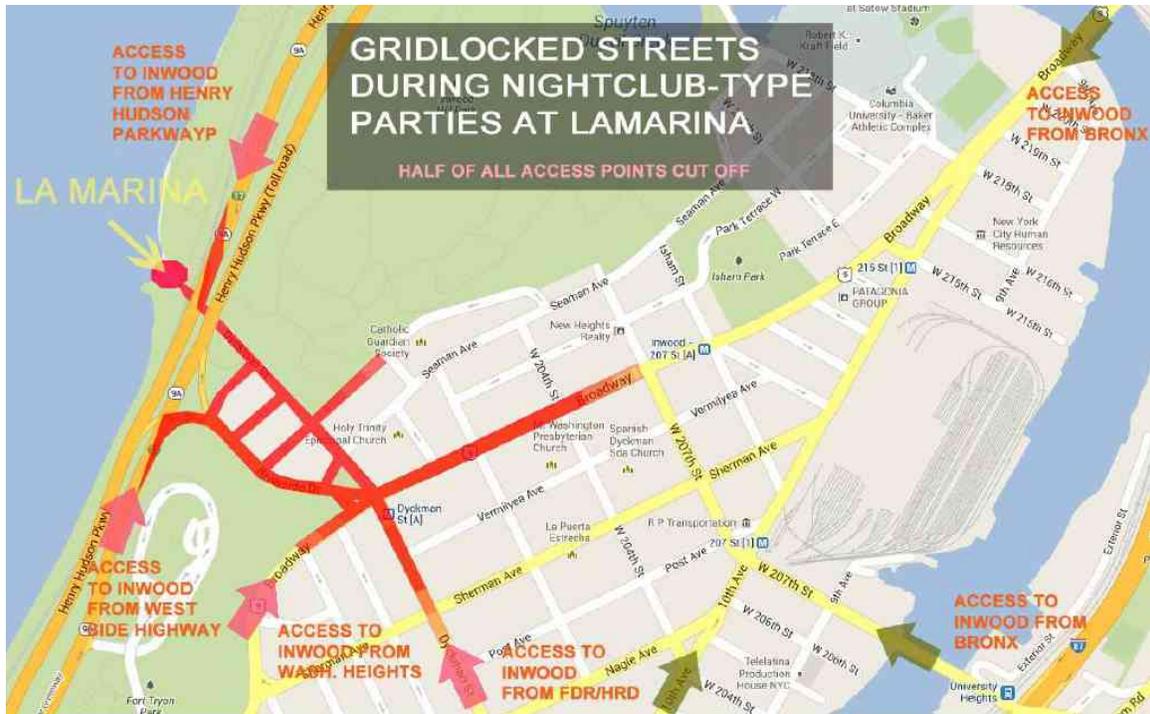
Inwood topography and road networks do not follow the usual grid of Manhattan. Inwood was purposely designed to respect the unique geography of the area. Inwood is bound on three sides by water of Harlem & Hudson Rivers and Spuyten Duyvil with three bridges, Henry Hudson Bridge and University Height Bridges access the Henry Hudson Parkway and Major Deegan expressway and the Broadway Bridge. Broadway is the one through street north to south. Dyckman Street goes east to west with ramps to the Henry Hudson Parkway on West and Harlem River Drive on east. Nearby is access to I-95. Within all this is a residential community with cul de sacs, loops, one way streets, off the grid patterns, stop signs, and even completely unsigned intersections. The proposed rezoning will increase vehicular, pedestrian and bicycle density. It is essential that a study on existing issues regarding congestion and public safety be conducted before a projection of how the proposed future development will impact. The SOW must describe studies that quantify how much worse traffic will get, especially at key "choke points" in Inwood.

Last year a sample parking survey (below, with notes) was done on Parking Availability near 4650 Broadway and 4566 Broadway Inwood, New York 10040. This sample indicated the current lack of and demand for garage parking. CB 12 has identified in past District Needs that municipal parking lots are needed in Inwood. Future residents paying market rents will come with personal vehicles increasing the crisis.

Survey of Parking Availability near 4650 Broadway and 4566 Broadway Inwood, New York 10040						
<u>Garage</u>	<u>Capac</u>	<u>Monthly Spots</u>	<u>Daily Spots</u>	<u>Fri/Sa/Sun Jun-Sept</u>	<u>Monthly Fee</u>	<u>Comments</u>
164 Dyckman	150	75	varies	full	\$225-250	public
Central Parking 1 Bogardus	10 out 20 in	30	0	0		For tenants only
4 Bogardus	20	20	0	0		For tenants only
CommPark 21-23 Hillside	48	30	18	Full	\$225	wait list for monthly
4519 Bway Automotive	10	10		Full	\$200	park up to 30 after hours for 4-5 hours
Inwood Gar FtTryon Apt	117	??		???	\$250-273	inside lot very full
BK Parking 4566 Bway	80	50	20avg.	70	\$225-250	lot will CLOSE if Tower is built.
Nagle Park	110	100	50	full	\$300-350	rent xtra spots During day
EriksonPark 270 Dyckman	80	40	40	full	\$350-450	2 nd & 3 rd floors closed
284 Dyckman Diamond Gar	349	349	0	0	\$200-240	All monthly tenants.
4650 Bway built.	400	260	50	full	\$325-350	lot CLOSED is TOWER
TOTAL		1234				

- Note: As of March 31, 2016 the lot on Hillside Ave, officially designated 144 Nagle Ave. is closing. That lot represents the loss of another 22 spots, several of which hold livery cabs.
- Most of the lots have a "cap" on monthly spots. For example, 21-33 Hillside Ave. has 48 spots total, but only 30 are available for monthly rental. There is a waitlist for a monthly spot.
- NO public parking is suggested. Small amount of parking is for TENANTS only. Considering that the clientele will be of a much higher income strata of Inwood generally, TENANTS only parking would not meet future parking needs. Thus proposed rezoning will be ADDING to impossible parking congestion in addition to displacing existing residential parkers.

There are 123 full liquor licenses issued by the SLA in CB 12, a majority in Inwood, with clusters on west Dyckman and 10th Ave. The "Commercial U" has increasing large SLA venues. A conservative estimate is that combined capacity of these SLA venues is 10,000 persons. Many patrons arrive and depart by car, which causes serious problems of traffic and parking. When the largest club, La Marina, has one of its frequent large parties, half of all access points to Inwood are choked (see map below), which not only slows down traffic for motorists, but also can also keep first responders from getting through.



Many clubs offer valet parking in which they take cars to garages or park them on the street legally or illegally. There has been media coverage of how these venues strain the parking in Inwood. There must be a parking study to accurately assess current parking crisis and what future development will add. Parking garages are full. Parking spaces scarce. With the proposed re-zoning, there would likely be a loss of parking garages on Dyckman street near the clubs. Market rate and luxury housing will bring more vehicles. The new builds are requiring less parking which will lead to more demand for already scarce street parking. In addition there must be a traffic study of existing conditions and implications of future conditions with construction and increased density.

In September 2016, Eddie Perez, consultant for Sherman Creek Businesses, was quoted that W. 207th and 9th Ave was listed as one of the most dangerous intersections in NYC by the DOT for 2015. This intersection with ramps to the major Deegan requires not only a traffic study but an air quality study to assess the pollution created by gridlock truck traffic close to 2 schools and residents. This study must include accidents, injuries and deaths on the 207th St. bridge and approaches to it from Fordham, 207th St, and the Deegan

Having 21-27 story buildings adjacent to the Broadway bridge will have spillover effects on already congested Marble Hill and Kingsbridge and these must be quantified. Traffic studies for the Broadway bridge and Broadway on either side to 232nd St down to 215th St, as well as along 225th St from Broadway to the Deegan and its nearby on/off ramps should be conducted over a two year period at different times of day (rush hours 7-9 am, 5-7pm, bar times 9pm - 1am Fri-Sun) and other times.

Secondary effects of increased traffic (e.g., slowed response times for emergency vehicles and private vehicles as well as buses, air pollution, health impacts - asthma, cancer, death), and additional traffic caused by drivers circling the neighborhood for parking spaces, must be quantified during rush and bar times (above) over a two year period.

The DEIS must quantify the number of cars owned by Inwood residents and those used by Inwood businesses, impact on parking spaces, and on the amount of time spent circling the neighborhood for a spot at different times of day, week, year, including rush and bar times, as well as secondary impacts of this: increased response times by emergency vehicles, air pollution (criteria air pollutants and hazardous air pollutants), reduced productivity, illness and death.

As double-parking, running of red lights, failure to yield and other infractions are commonplace in Inwood to the point of impeding traffic flow, the DEIS must quantify the location, extent, frequency, and timing of double-parking, running of red lights, failure to yield and other infractions in Inwood at different times of day, week, year, including rush and bar times as well as secondary impacts, above.

Subways

Stations to be Studied: The Draft Scope of Work proposes to examine only the six subway stations that are located “in proximity to” the proposed re-zoning area. Presumably these are the stations at 215th Street, 207th Street, and Dyckman on the 1 line, and 207th Street, Dyckman, and 190th Street on the A line. This proposed scope of work is designed to ignore undeniable impacts that the projected population increase of some 20,000 residents and workers will have on subway conditions up and down the 1 and A lines.

The detailed transit analysis proposed by the DSOW should include those subway stations up and down the 1 and A lines that will certainly be affected by the substantial projected increase in population. These include all stations up to the 242nd Street terminus of the 1 line and down to the 42nd Street stations on both the 1 and A lines.

The rationale for including these stations is practically self-evident. For the most part, people get on the subway heading downtown from Inwood in the morning rush and do not disembark until 59th Street or 42nd Street. It is the stations at 59th and 42nd Streets that are the major locations where people begin to leave the trains to go to their jobs. At 59th Street, people also get on to commute further down the line. The subway cars become more and more crowded the further down the line they travel in the morning rush, until 59th or 42nd Streets.

Adding a population of some 20,000 people to Inwood will undeniably add to the already overcrowded conditions on subway cars until the train reaches a station, 59th or 42nd, where more people get off than get on. Overcrowding on the cars will lead to overcrowding in the stations themselves, since it is already not uncommon for people at 145th Street and 125th Street to be unable to get on a train in the morning rush if there is

any problem at all with service. The same rationale applies, though less intensely, in the evening rush as to trains going up the 1 line as far as the 242nd Street terminus. And indeed, as reported on NY1 on September 23, 2017, the MTA reports that subway delays in July 2017 were up nearly 6,000 over July 2016 by the MTA's own count, and that "about 42 percent of the delays in July were caused by overcrowding." See <http://www.ny1.com/nyc/all-boroughs/transit/2017/09/23/mta--subway-delays-in-july-down-compared-to-may--but-up-since-last-july.html> .

See also, "Out-of-Control Gentrification is Helping Create NYC's Subway Crush", Village Voice September 13, 2017 <https://www.villagevoice.com/2017/09/13/out-of-control-gentrification-is-helping-create-nycs-subway-crush/> which highlights the link between rapidly gentrifying areas, and subway over-crowding: "As soaring rents have pushed many workers farther from Manhattan, more people than ever are taking the subway each weekday and riding for longer distances. This has a cascade effect across the system. Trains get filled earlier in their journeys and platforms become more packed with commuters, heightening the "overcrowding" that the MTA blames for most of the subway's delays. Not only are trains more crowded than they've been in decades, but they're crowded for longer segments of their lines, leading to more stations being overcrowded, causing more delays."

Adding some 20,000 residents and workers at the beginning of the A line and near the beginning of the 1 line can only exacerbate existing overcrowding. The effects on stations down the line must be studied. In addition, likely delays on the entirety of the 1 and A lines must be studied, as delays caused by overcrowding affect the entire line. For the DSOW to ignore these many stations that will be affected by the expected additional overcrowding, and the delays that result from overcrowding, caused by an additional combined resident and worker population of at least 20,000 people would be arbitrary and capricious.

Moreover, the DEIS must quantify ALL of the following, comparing current situation to building out to the proposed zoning:

Impacts to transit at rush hours (7-9 am and 5-7pm) and at peak bar time (9pm to 1am Friday through Sunday) and other times, in every season, a representative sampling of:

- o crowding on A and 1 subways and Bx7, M100 and Bx12 buses.
- o access time within Inwood and the buffer zone of one-half mile of each bus line coming to and leaving the bus depot from their routes
- o the subway stations and crowding on all likely affected platforms (*see* discussion of subways, *supra*)
- o crowding on Hudson MTA North line and stations at University Heights and Marble Hill and crowding on Hudson MTA North line above and below those stations.

The studies should be a minimum of two years to provide a representative sample.

Necessary Improvements

Given the anticipated increase in combined resident and worker population of at least 20,000 people under the RWCDS, and the notoriously crowded conditions on the subway system, it is required that the DSOW analyze the improvements and upgrades that the MTA must make in its system to accommodate the thousands of new riders on the A and 1 lines. Such analysis must include, but not be limited to, the ability and willingness of the MTA to undertake such upgrades and improvements, including but not limited to costs and anticipated impacts on fares, and the environmental impacts of the construction needed to undertake the necessary upgrades and improvements.

Finally, the MTA must be made an Interested Party or an “involved agency” for purposes of the EIS. The impact on the MTA’s operations and the need for the MTA to respond to those impacts are too great to leave the MTA out.

Effects of Climate Change on Transportation

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of transportation, including those discussed above, will account for the effects of climate change.

TASK 15: AIR QUALITY

There are flaws in the methodologies described in the DSOW for studying and analyzing air quality. As described earlier, an air quality simulation with meteorological conditions from 2010, for instance, is not valid for boundary conditions of 2032 (as suggested on DSOW page 54 in air quality).

Further, the “cost saving” step of simulating 4 individual hours in 4 individual “representative” months of each season fails to capture the potential for lengthening or shortening of time when certain thresholds are passed; it fails to account for daily changes or variability by simulating too few discrete hours; it fails to produce an ensemble such that the (statistical) significance of the findings can be assessed. If the model is capable of being run continuously for a year, this is preferable. If it is not, discrete simulations should be run every 3 hours daily. This technique provides additional days that may be compiled into seasons to produce an ‘ensemble’ where statistics and variability in the signal may be noted.

This method **does not**, however, account for the influence of **high wind speeds**— e.g., gusts — particularly important since aerosol emissions occur in relation on order the 3rd power of the wind speed -- U^3 , and this emission influences the amount of aerosol transport. Wind speed is highly variable day to day and during the diurnal cycle, and gusts are not captured well in even 3 hourly time intervals; they are underestimated. It is surprising, thus, that there is any skill in aerosol emissions from the technique suggested in the DSOW. A parameterization for gusts should be explicit in the analysis and evaluated in a variety of field conditions specifically in Inwood. If this technique has been applied in other, previous EIS’s aside from the Inwood Rezoning, the results should

all be revisited to insure that an appropriate range of boundary conditions have been applied to the model, and that the model has skill under a variety of conditions.

For assessing CO, the DSOW states that a “worst case” intersection will be used. All intersections should be analyzed. Once an analysis framework has been established, it is arbitrary simple to apply the same analysis everywhere. When all intersections have been assessed, a regression analysis should be performed to project this analysis onto conditions consistent with 2032 -- traffic load, temperature, wind speed, relative humidity, precipitation, etc.

CAL3QHC has questionable performance at low wind speeds, near tall buildings, and in mixed (car/traffic) conditions. Thus, a study period should be established to assess the skill of the models against instrumental observations of CO, PM_{2.5}µm -- it is unclear how well these models will perform under conditions in Inwood, and whether they have a positive or negative bias.

We ask that additional simulations should be performed (the original set of seasons/time-of-day 16 times 4), but with high wind speeds and a suite of relative humidities (15%, 25%, 40%, 55%). These sensitivity experiments should be framed in context of the year-long simulation. Output from embedded regional climate models in a global climate model may be used to determine the background conditions appropriate for 2032 -- RCP 4.5 and RCP 8.5 scenarios should both be considered to cover the range of potential results.

The SOW must describe how the flawed methodologies noted above will be corrected to better account for climate change effects by 2032, and all the other issues raised above.

In addition, the DEIS must take into account that child asthma rates in Inwood are four times the national average.

http://www.columbia.edu/itc/hs/medical/residency/peds/new_compeds_site/programs_w_in.html) The SOW must identify the projected irritants and pollutant levels associated with the proposed construction and traffic that can affect asthma rates and specify how an analysis will be done that will show how much worse child asthma rates will become.

Also, as air quality is affected by the use of various modes of transportation, the DEIS studies of transportation and air quality must be integrated. The SOW should specify how they will be integrated.

Finally, the DEIS must quantify ALL of the following factors and conditions, comparing current situation to building out to the proposed zoning, and the SOW must describe in detail how all of the following will be measured and compared. These factors and conditions are:

Primary Impacts to the airshed from motor vehicle emissions (including all criteria pollutants (including CO, NO_x, hydrocarbons, SO_x, lead, PM₁₀, PM_{2.5}), hazardous air

pollutants including benzene, acetaldehyde, 1,3-butadiene, diesel, and PAHs²², (see below *) and greenhouse gases (including carbon dioxide and NOx) from vehicles on all streets in Inwood (Hillside to Broadway Bridge) also including an additional half mile buffer (190th St to 231st St east to the Deegan) as well as secondary spillover backups to adjoining streets, including Fordham Road, the Deegan, and the Henry Hudson, studying average and peak emission times including at least weekday rush hours 7-9am, 5-7 pm, weekend afternoons till sunset, and at summer peak, bar time 9pm to 1am Friday through Sunday, and other times of day. Also study and quantify increases in air pollution due to:

- o traffic accessing and exiting the 207th St bridge and including ramps to it from Fordham Road and the Deegan including cars per hour,
- o distance of backup on Fordham and the highway from the exit ramps and on the 207th St. bridge, average and maximum
- o traffic from the Henry Hudson accessing and exiting Inwood at Riverside and at Dyckman (cars per hour)
- o distance of backup onto the Henry Hudson from Dyckman exits - average and maximum
- o traffic on and around the Broadway bridge
- o traffic caused by drivers circling to find parking
- o new traffic attracted to new “destination retail” stores in Inwood
- o additional cars brought by new residents
- o vehicles avoiding the Henry Hudson toll (both directions) congesting near Broadway bridge and Dyckman/Riverside on/off ramps.
- o the bus depot at 217th and buses serving it
- o the Sanitation garage at 215th and vehicles serving it.

Secondary impacts of air pollution include illness and death as well as reduced productivity (absence from work).

In addition to studies of the impacts from motor vehicles, studies should be conducted to quantify the emissions from buildings of:

- o CFCs, HFCs and related compounds, that are often emitted from refrigeration units in buildings and which contribute to climate change and ozone depletion in the stratosphere;
- o criteria pollutants (including CO, NOx, hydrocarbons, SOx, lead, PM10, PM2.5);
- o hazardous air pollutants including benzene, acetaldehyde, 1,3-butadiene, diesel, and PAHs;
- o greenhouse gases (including carbon dioxide and NOx) from the burning of fossil fuels for heating and other purposes; and
- o The DEIS must quantify rates of illness and death due to air pollution (including, but not limited to, asthma, flu, COPD and other respiratory illness that can be caused or worsened by air pollution).

²² From Union of Concerned Scientists: Hazardous air pollutants (toxics). These chemical compounds have been linked to birth defects, cancer, and other serious illnesses. The Environmental Protection Agency estimates that the air toxics emitted from cars and trucks — which include Benzene, acetaldehyde, and 1,3-butadiene — account for *half* of all cancers caused by air pollution.

The studies should be a minimum of two years to provide a representative sample.

TASK 16: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Global climate change is a real environmental concern that is currently being raised and discussed at the international, national, statewide, and local level. While climate change is of global concern, we can act in an environmentally responsible manner on a local level in order to not exacerbate a growing problem.

In 2014, the City positioned itself to be a leader in the fight to curb the effects of global climate change by “committing itself to 80 x 50, with an interim target to reduce GHG emissions 40 percent by 2030 (40 x 30), and took immediate steps to achieve that goal.”²³ Clearly, the Mayor believes that any good land use plan should consider the impacts a project may have upon climate change. Therefore, when we plan, we must simultaneously assess a project’s impact upon climate change and how best to reduce such impact.

With regard to this scope and an environmental review, a DEIS under SEQRA/CEQR is required to examine a proposed project’s effect upon energy, natural resources, air quality and air pollution. The main contributor to global climate change, carbon dioxide, was recently declared by the United States Supreme Court in the landmark case, *Massachusetts v. EPA*, to be an air pollutant. Under the current structure and mandate of SEQRA/CEQR, the lead agency not only has the ability to examine a project’s impact upon climate change, but is under obligation to do so.

The full carbon footprint of all buildings encompassed in this rezoning must be assessed— this includes the footprint of the building materials, transport, and construction as well as the annual, ‘built’, footprint. The carbon footprint of the maximum development of the proposed rezoning with higher density should also be assessed. In the latter, a full carbon cost accounting of building materials and methods should also be included. The lead agency can nonetheless quantify the direct and indirect carbon dioxide emissions resulting from a project by using existing energy modeling software. This analysis should be submitted to a tier-1 journal for publication (and peer review) to insure that it has been done appropriately.

Climate change has the propensity to dramatically alter Inwood. Without purposeful planning and remediation, the proposed Inwood Rezoning will exacerbate the impacts..

Climate change should be considered in any redevelopment. Four sets of relevant documents should guide any development plans. Where emerging science differs, they should be considered in publication order, most recent first as these documents build on previous works (NCA4, NPCC2, climAID, IPCC— acronyms defined below).

²³ http://www1.nyc.gov/assets/sustainability/downloads/pdf/publications/New%20York%20City's%20Roadmap%20to%2080%20x%2050_20160926_FOR%20WEB.pdf, Pg, 5.

It has come to our attention that EDC intends to use FEMA flood risk potential maps as part of its planning process. These maps serve an important function. However, given that their methodology is based on historical climatology and statistically simulated flood risk in the past, it is not the appropriate tool to assess flood and climate change risk *in the future*. In spite of being informed of the deficits of this method, EDC has indicated that it will continue to use these maps. We request that EDC not use these maps, and provide a summary on the methodology reported at FEMA²⁴ to insure that appropriate tools are used for this Inwood and all future NYC EIS. Further, we request that tools for local temperature, precipitation and the infrastructure burden per capita for observed climatology (NOAA, HadCRU, GISTEMP, etc.) only be used in the context of establishing a baseline. Future planning should use tools and datasets that have incorporated future climate change potential.

Locally, the New York City Panel on Climate Change, phase 2 (NPCC2, 2015) mapped out potential impacts to the New York City area of climate change.²⁵ These included maps of sea level hazards. Because of the largely unknown baseline of sea level change, estimates beyond the 2020s contain a large potential bias (not enough underlying sea level change in the estimates). At the state level, climAID provides for other potential climate impacts, including heat waves and alterations in precipitation.²⁶ At the national level, the 4th National Climate Assessment has finished its final round of reviews and should be published November 1, 2017 but the copy of the 5th order draft of the Climate Science Special Report of NCA4 is available now. Additionally, NOAA in 2017 has produced an updated global and sea level rise estimate document here: https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf²⁷

At the global level, the Intergovernmental panel on climate change, 5th Assessment Report should be considered (ipcc.ch The IPCC6 report is under development currently, when it is released in April 2021, first priority should be placed on its findings).

Temperatures will increase. The frequency and length of heat waves is likely to increase (from Horton *et al.*, 2014: climAID, Ch.1).

New York City (Region 4): Full range of changes in extreme events: minimum, (central range*), and maximum					
	Extreme event	Baseline	2020s	2050s	2080s
	Number of days per year with maximum temperature exceeding				
	90°F	19	20 (23 to 31) 42	24 (31 to 47) 58	31 (38 to 66) 80
Heat Waves & Cold Events	95°F	4	4 (6 to 9) 15	6 (9 to 18) 28	9 (12 to 32) 47
	Number of heat waves per year ²	2	3 (3 to 4) 6	3 (4 to 6) 7	4 (5 to 8) 9
	average duration	4	4 (5 to 5) 5	5 (5 to 5) 6	5 (5 to 7) 8
	Number of days per year with min. temp. at or below 32°F	72	48 (53 to 62) 66	31 (45 to 54) 56	22 (36 to 49) 56

Heat waves and temperature increases will likely increase cooling degree days in the future. The proposed Inwood Rezoning could magnify this impact because it lacks any

²⁴ <https://www.fema.gov/coastal-flood-risk-mapping-process>

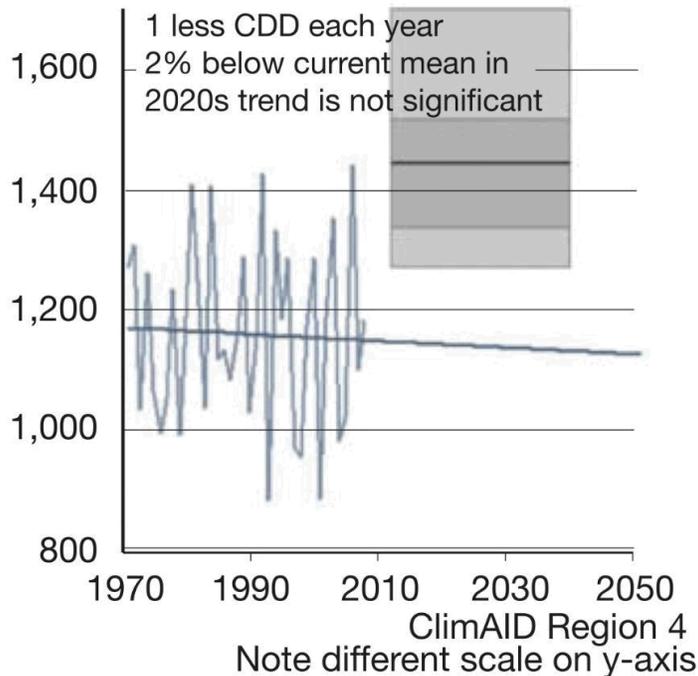
²⁵ <http://nyaspubs.onlinelibrary.wiley.com/hub/issue/10.1111/nyas.2015.1336.issue-1/>

²⁶ <https://www.nyserda.ny.gov/About/Publications/Research-and-Development-Technical-Reports/Environmental-Research-and-Development-Technical-Reports/Response-to-Climate-Change-in-New-York>

²⁷ <http://www.nytimes.com/packages/pdf/climate/2017/climate-report-final-draft-clean.pdf>

significant area of green space, which could exacerbate the urban heat island effect (Hammer et al 2014: ClimAID Chapter 8; n.b., the urban heat island effect is not accounted for in this visual; the grey zone is the anticipated number of cooling degree days in the 2020s; n.b., that the maximum number for the observed period is the median number for the 2020s):

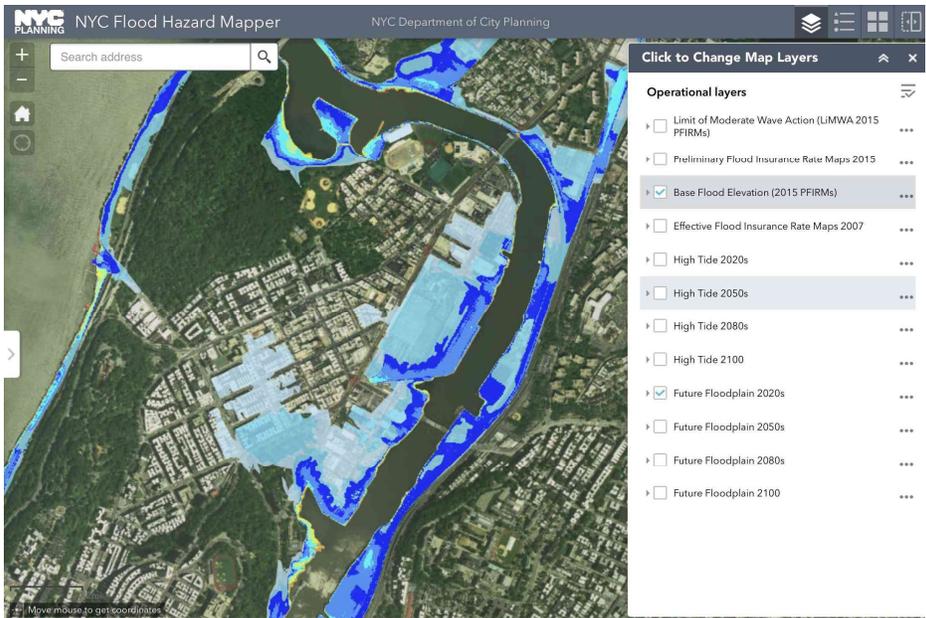
Zone J, Central Park



The magnitude of rainfall during strong storm events may increase. N.B., climate models used to demonstrate the above have a known bias in that they tend to underestimate the tail (in distribution) of extreme precipitation events.

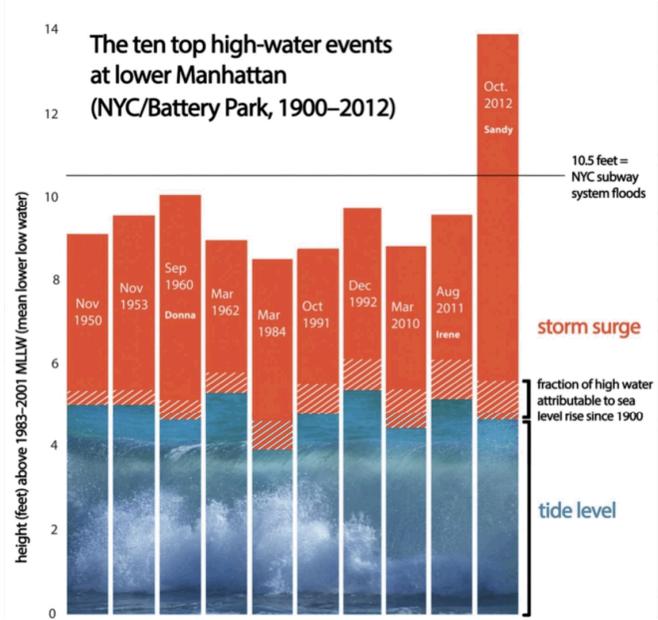
Finally, sea levels will rise. The final of these bears the greatest amount of uncertainty because the melt rate of large glacial ice sheets remains an area of active research -- at year 2100, although 1-4 feet of sea level change is most likely, emergent science coming out of Greenland and Antarctica on the impacts of climate change there means that the probability of “Global Mean Sea Level rise exceeding 8 feet ... cannot be assessed” (NCA4, CCSR). Further, if this sea level rise is principally from the melt of Antarctica, not Greenland, the New York region could experience 20-40% greater sea level rise relative to the global mean sea level changes (Kopp et al 2014; 2015).

Below is the NPCC2 estimate for base flood elevation in 2015 (darkest blue colors) and the 2020s 500-year (pale blue) and 100-year (medium blue) flood plains (<http://www1.nyc.gov/site/planning/data-maps/flood-hazard-mapper.page>).



The areas of the darkest region should be preserved as a flood buffer zone in the form of green space.

The frequency of storm surge events as large as the 2012 surge associated with Hurricane Sandy will increase in the coming decades, during the intended time of redevelopment of Inwood. During Sandy, the Inwood Hill Park Nature center experienced a 9.8 foot storm surge, and the Dyckman A station flooded to the level of the platform. It is important to note that even with a modest (minimum) 6 inches of sea level rise, which NCA4 puts as a lower bound for 2030, the NYC subway system would have flooded during Hurricane Donna of 1960, too (Carlye Calvin and Bob Henson, UCAR; data courtesy Chris Zervas, NOAA National Ocean Service for climatecentral.org):



The DEIS should clearly lay out the purpose and need of incentivizing new mid- to high-density residential buildings. It is worth noting here that the above estimates are for climate change in the 2020s -- or the upcoming decade, not 2032.

(Here is a further SLR tool: <http://www.globalchange.gov/browse/sea-level-rise-tool-sandy-recovery>)

The severity and magnitude of climate change beyond the 2020s are more uncertain (dependent on emissions scenarios, mitigation efforts, and response times of slow feedbacks such as glacial ice sheets). Estimates to address the above should be considered a minimum. We expect that the full high-emission scenario (e.g., RCP8.5) and low probability, high risk (8 feet of sea level rise) will be addressed in any EIS. We expect that these studies will be conducted in such a way that the results could be published in a first-tier, peer reviewed publication with the methodologies and conclusions evaluated by expert, peer reviewers.

Special consideration should be given to the propensity of the majority of the rezoning area to flooding. Special consideration should be given to the 33% increase in cooling degree days, the potential for the rezoning to double the population of Inwood, and the burden on the power infrastructure of Inwood. Special consideration should be given to the subway infrastructure and its vulnerability to flooding.

The NPCC (Horton et al, 2015) anticipates total annual rainfall and extreme rainfall events to increase in the future, and thus storm run-off, street drainage, and flooding in the future and the impact of the proposed rezoning should also be assessed.

The DEIS should delineate plans for and the cost to the public of comprehensive climate change resiliency, precipitation-flood mitigation, storm surge flood mitigation, peak usage estimates in a warmer world and infrastructure improvement requirements to fully abate combined sewage overflows (CSO).

Finally, the DEIS must quantify the impact on climate change and stratospheric ozone depletion of new CFCs, NOx and other compounds created by refrigeration units. The base case should be at least two years to provide a representative sample.

TASK 17: NOISE

The elevated 1-train subway line has been previously identified as a noise source detrimental to elementary education in Inwood (at PS 98, Bronzaft, 1981). It is unclear whether the noise mitigation of the MTA implemented in 1981-2 remains implemented today. The impact of enhanced elevated train traffic on not only school children, but also residents adjacent to the 1-train, should be assessed. The impact of enhanced construction noise on Inwood school children and the enhanced traffic associated with this construction should be assessed. The impact of increased baseline traffic after construction of the RWCS should be assessed.

The NYPD 34 PCT has the most 311 noise complaints in NYC and thus has issued the most noise summons to nightlife/entertainment venues in NYC. The conditions already strain NYPD resources requiring presence at these venues and leaving our many parks and other areas vulnerable and lacking protections. Chronic noise is a recognized health hazard by the WHO and CDC. Persons with cardiac, asthmatic, anxiety and mental health conditions are particularly affected. There must be a noise study of existing conditions on the commercial/residential strips clustered with nightlife/entertainment venues. These studies must take into account the act and structure of buildings and residents above that are particularly susceptible to bass and vibration. There must also be realistic assessment of existing noise violations and propensity for increase with the proposed rezoning and upzoning of the "Commercial U."

The DEIS must quantify ALL of the following, comparing current situation to building out to your proposed zoning:

Impacts on Noise levels throughout Inwood at rush hours (7-9 am and 5-7 pm) and bar times (9pm to 1am Fridays - Sundays) and measured at peak noise locations, including along the "1" train, 10th avenue bar scene, west Dyckman St. bar scene, and major intersections, as measured in average and peak decibels.

Effects of Climate Change on Noise

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of noise, including those discussed above, will account for the effects of climate change. For example, the increase in heat waves will increase cooling degree days (climAID, 2014) and increase associated noise.

TASK 18: PUBLIC HEALTH

The DSOW says a public health assessment will only be done if the Office of the Deputy Mayor for Housing and Economic Development determines that it is warranted, and thus this section of the DSOW is quite sparse. However, there are so many potential risks to public health from the rezoning that a positive determination is necessary, as should be clear from the list of health risks below that need to be measured. So the SOW should specify in detail how the effects of the rezoning on public health will be evaluated, including, at a minimum, the factors we describe below.

The DEIS must quantify ALL of the following, comparing the current situation to building out to the proposed re-zoning:

Impacts to safety in Inwood, from all streets in Inwood (Hillside to Broadway Bridge) also including analyzing the impact on an additional half mile buffer (231st St to 190th St to Deegan) as well as secondary spillover backups to Broadway's adjoining streets by quantifying at least at rush hours (7-9 am, 5-7 pm), peak bar time (9pm to 1am Friday-Sunday), weekend summer days and other times, of the:

- Response time by the FDNY, NYPD, EMS, DEP to calls from residents for assistance and environmental complaints broken down by type of assistance needed and type of environmental complaint. Study should be a minimum of two years to provide a representative sample.
- Death and injury rate from fires, crimes, and other reasons (broken down into these 3 categories). Study should be a minimum of two years to provide a representative sample.
- Total accidents, by season, to bicyclists and to pedestrians the full length of Broadway, 207th and Dyckman including a half mile buffer to 232nd St. north of the Broadway Bridge, to the Deegan, and south to 190th St. Study should be a minimum of two years to provide a representative sample.
- Total accidents, by season, at each of the nearby Deegan and Henry Hudson ramps. Study should be a minimum of two years to provide a representative sample.
- Accidents at the Broadway bridge and at the 207th St bridge, broken down to the two categories. Study should be a minimum of two years to provide a representative sample.
- Study impact on all transportation choke points entering and leaving Inwood from the increased cars resident in Inwood and the public health impacts from this. Accidents and public health impacts (injuries/death) from areas surrounding the choke points, including backups on Henry Hudson and approach roads to it to/from Inwood (Dyckman exits NB and SB), 207th St and Broadway bridges, and from air pollution resulting from such backups.
- Impact of the heat island effect of additional buildings: At a minimum use the following sites to analyze temperature differences at 207th St and 9th avenue, 207th and Broadway, Broadway and 218th St., Broadway and Dyckman St.
- A study of how long it takes all the ambulance companies that service the Allen Hospital to reach the hospital while within Inwood and the half mile buffer zone. Since Riverdale residents use the ER in Allen Hospital (as well as the doctors' offices there), as there is no hospital in Riverdale but there are many nursing homes, assisted and independent living homes and rehabilitation facilities, and other hospitals are not that close to Riverdale, the study must also quantify increased travel times for ambulances from the length of Riverdale to Allen Hospital. Study should be a minimum of two years to provide a representative sample.
- A study of the death rate in transit of ambulances servicing Allen Hospital. Study should be a minimum of two years to provide a representative sample.
- A study of how long it takes all the ambulance companies that service the Columbia Presbyterian Hospital to reach the hospital while within Inwood and the half mile buffer zone. Although this hospital is not within the buffer zone, Inwood residents are taken there in emergency. Study should be a minimum of two years to provide a representative sample.
- A study of the death rate in transit on ambulance rides servicing Columbia Presbyterian Hospital originating from or traveling through Inwood. Although this hospital is not within the buffer zone, Inwood residents are taken there in emergency. Study should be a minimum of two years to provide a representative sample.
- A study of death, heat stroke, and heat exhaustion (a consequence of heat island effect) by Inwood residents brought to Allen and Columbia Presbyterian hospitals. Study should be a minimum of two years to provide a representative sample. Potential shut down of the Inwood library, a cooling center, must be considered.

- A study of death, concussion, bone fractures and other injuries caused by falls on snow and ice (a consequence of increased shadows) suffered by people in Inwood who are brought to Allen and Columbia Presbyterian hospitals. Study should be a minimum of two years to provide a representative sample.
- Cost to Inwood residents of injuries and deaths due to increased shadows. Study should be a minimum of two years to provide a representative sample.
- A study of increased illness and death and related costs from mental health impacts of reduced sky view and increased crowding.
- Cost to Inwood residents of death, heat stroke, and heat exhaustion (a consequence of heat island effect). Study should be a minimum of two years to provide a representative sample.
- Accidents by pedestrians, bicyclists, and motor vehicles (broken down by category) due to potholes and other street defects, as well as due to cars, buses and trucks. Study should include all major intersections in the Inwood area plus the buffer zone of ½ mile, and should be a minimum of two years to provide a representative sample.
- Asthma rates in Inwood. Increased number of cars, congestion, and apartment building emissions will have an impact. Study should be a minimum of two years to provide a representative sample.
- Cancer rates in Inwood. Increased number of cars, congestion, apartment building emissions, and increased refrigeration units will have an impact. Study should be a minimum of two years to provide a representative sample.

In addition, housing is a nationally-accepted social determinant of health. And housing risk, including overcrowding, housing cost burden, displacement, risk of displacement, fear of displacement, homelessness, and risk of homelessness, is a major public health issue, especially in New York City. Therefore, the SOW must specify how all the housing risks introduced by rezoning will be evaluated for effects on public health.

Health disparities and health equity have been major issues in public health across the country and here in New York, leading the current administration to establish the Center for Health Equity in the Department of Health and Mental Hygiene (DOHMH). In the words of DOHMH Commissioner Dr. Mary T. Bassett, MD, MPH (and, coincidentally, an Inwood resident): “Inequities in health are unfair, unnecessary and avoidable. New York City is one of the most unequal cities in the United States and one of the most segregated. It is no surprise that these everyday realities are reflected in our health. A more deliberate effort to name and address these disparities will frame all that we do.”²⁸

Given the health disparities that already exist in New York City, and the likelihood that health effects of rezoning will fall disproportionately on lower income and minority residents of Northern Manhattan, it will be incumbent on the City to study and analyze racial, ethnic, and economic disparities expected in health risks and health outcomes as a result of the rezoning.

²⁸ <https://www1.nyc.gov/site/doh/health/neighborhood-health/center-for-health-equity.page> (viewed 9/22/2017).

Effects of Climate Change on Public Health

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of public health, including those discussed above, will account for the effects of climate change. For example, the NPCC2 (Kinney et al, 2015) describe the impact of climate change — heat waves; extreme storms and storm surge; changes in aerosols, allergens, food/air borne pathogens — for New York City. These pathways of impacts should be followed here, with adjustments made to the climate, population density of Inwood and NYC in general appropriate to 2032.

TASK 19: NEIGHBORHOOD CHARACTER

The Draft Scope states that it 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" (pg. 59).

A neighborhood's character is not defined primarily by drawing on statistical profiles of commercial, residential and manufacturing spaces. Instead, neighborhood character includes qualitative indicators that create a sense of place. The DEIS, should through a community planning process study the neighborhood's "character" from the perspective of the residents, including youths, and business people, to identify both quantitative and qualitative indicators to capture the category of neighborhood character more holistically. Only then, can a determination be made whether the neighborhood's character will be adversely impacted by the proposed rezoning actions.

Inwood is primarily a walking community of buildings that don't exceed seven stories with an open sky and relaxed atmosphere. Hemming the streets in tall canyons like midtown and adding many more cars would irrevocably change Inwood's character. Most of the building occurred prior to 1940 and many buildings exhibit an "art deco" style. Newer construction downtown, primarily of tall buildings of steel and glass, would clash with neighborhood character.

The studies conducted in the other impact categories are not to be analyzed in light of neighborhood character—they are analyzed in light of that impact category. Therefore, it is insufficient to rely upon "summarizing" in the analyses of other impact categories. The DEIS should analyze the project's impact upon neighborhood character in light of each specific impact category; it should not simply be a summary of other impact category analysis. Thus, the SOW should transparently outline the methodology by which neighborhood character has been determined.

Effects of Climate Change on Neighborhood Character

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of neighborhood character, including those discussed above, will account for the effects of climate change.

TASK 20: CONSTRUCTION IMPACTS

The DEIS should disclose the health impacts on area residents associated with disturbing and moving noxious materials on projected and potential development sites and detail remediation plans. The DEIS should, additionally, examine and disclose the following in relation to potential health impacts on children and adults living, working and pursuing leisure activities in the area:

- Study potential migration of noxious materials off-site and their health impacts.
- Study potential migration of noxious materials off-site into water bodies and soil in relation to further contamination of the Harlem River and Ship Canal, Spuyten Duyvil Creek, the Hudson River, and the surrounding area.
- Study potential exposure to and health impacts of criteria and hazardous air pollutants on workers in the site and detail remediation plans.
- Study noise impacts to residents, schools, nearby workers, and construction workers.
- Study impacts to airshed of all construction vehicles and machinery
- Examine health impacts and delineate detailed remediation plans for potential tenants living on the site.
- Study dewatering activities and potential contamination of surrounding sites.
- Study flooding impacts and migration of noxious materials off the site in relation to potential health hazards for residents on site and residents in the area.

Effects of Climate Change on Construction Impacts

Because climate change quite literally affects everything, the SOW must describe in detail how all the studies and analyses of construction impacts, including those discussed above, will account for the effects of climate change.

TASK 22: ALTERNATIVES

The DSOW states that the City will not define alternatives until after evaluating the impacts of the proposed rezoning plan, and that “the alternatives analysis will be qualitative” with some possible technical exceptions. It is unacceptable, and possibly inconsistent with SEQRA, not to identify specific expected alternatives now and not to commit to conduct the same, rigorous quantitative analysis of the alternatives as is done for the proposed plan.

As we stated in our “General Comments” near the start of this document, “community members never had the opportunity to make ... tradeoffs and show what planning decisions they would make given the whole plan to consider. Instead, all planning decisions were made by City officials with little regard for how the community would attempt to achieve the goals of the plan. So, any claims that the rezoning proposal is the result of collaboration with the community or a community-driven process are patently false.” So here we propose three full-scale alternatives, which all have major parts that *do* have credibility among many of the community groups that have been active in the rezoning process to date. We also propose three alternatives that do not constitute entire

rezoning plans, but that can be used to modify any plan to reduce certain critical impacts on the community. Those should be considered in all the alternatives to be studied.

Please note that *not every author of these comments supports every one of these alternatives*, but all alternatives are supported by several authors. Also, keep in mind that even alternatives that have had some support in the community, when examined closely, have serious concerns. So they will have to be thoroughly quantitatively studied in all respects we have specified in all previous sections of this document. For example, a particular concern of the first two alternatives below is increased traffic congestion at Inwood’s “chokepoints” (to the west in both alternatives, and also to the north and east in the second alternative) and the loss of several parking garages on the western blocks of Dyckman Street, greatly worsening the current parking crisis.

“Maximum R7A for All of Inwood” Alternative

There are two main components to this alternative:

- Expand the rezoning area to include *all* of Inwood, adding the areas south of Dyckman Street to the 193rd/Nagle/Hillside/Broadway confluence, and adding the Columbia University property to the north including Baker Field and the Allen Hospital.
- Fix the zoning for all the residential and mixed use areas at R7A or its mixed-use equivalent. (In a variation, the proposed M1-5 zone in the “Tip of Manhattan” district would also be changed to R7A.)

This alternative emerged as the overwhelming choice of the numerous community members who attended the “charrette” conducted by the City at the June 14, 2017 Community Board 12 Land Use Committee Meeting. While that charrette did not include discussion of the proposed “special districts” in the eastern part of Inwood, preference for extending R7A or its equivalent to *all* residential and commercial parts of Inwood has been strong among community residents meeting in their own groups without the City’s intervention. As we describe under “Reasonable Worst Case Development Scenario (RWCDS)” this alternative is not only popular in the community, it also does reasonably well in achieving the Mayor’s affordable housing goal. In the test we describe under RWCDS, this alternative can achieve 75% to 85% of the benchmark for MIH affordable apartments inferred from the DSOW.

“No Commercial U & Expansion of Rezoning Area” Alternative

In the September 14, 2017 EIS public scoping hearing on Inwood rezoning, U.S. Representative Adriano Espaillat, who represents Inwood in Congress, testified that he thought the major streets in the contextual area (the “Commercial U” in the City’s rezoning proposal) should not be upzoned. In an earlier meeting with community residents, he also made it clear that he thought the upzoned “Commercial U” should be eliminated from the plan. This is completely consistent with the unanimous preference expressed by community members in the June 14, 2017 charrette. To complete this alternative to be more in keeping with community desires, our alternative goes beyond what the Congressman proposed, to add to the rezoning area R7A districts that go south

to the 193rd/Nagle/Hillside/Broadway confluence, and north to take in the entire Columbia University property including Baker Field and the Allen Hospital.

“Sustainable Improvements” Alternative

This plan would include the Climate Resiliency and Green Alternatives below, and be consistent with the rest of our comments this document. This “Sustainable Improvements” Alternative is designed to minimize adverse environmental, infrastructure, service, social, and neighborhood character impacts to Inwood. This plan recognizes that having more actually affordable apartments for Inwood residents would be desirable. But MIH is not a good way to accomplish this. MIH ensures that the vast majority of new development would be luxury housing, which will have a destabilizing effect on Inwood’s current regulated housing stock and residents. A better solution for Inwood to allow for more affordable housing and avoid most of the environmental and other impacts we detail here, including:

- Utilization of Community Land Trusts for certain developments to ensure that what is built is 100% permanent affordable housing for Inwood residents;
- Utilization of vacant parcels (e.g., on Broadway) to build similar to adjacent built structures as was done at Seaman and Payson as well as at the Stack on Broadway;
- Adding as much as two stories to one and two story commercial buildings either for affordable housing or retail commercial;
- Conversion of parking lots (e.g. near the Broadway bridge) to garage(s);
- Avoiding upzoning where there are transportation choke points which can easily cause a myriad of primary and secondary impacts (i.e., within four or five blocks of: the Broadway Bridge, 207th St Bridge, Henry Hudson on/off ramps);
- More attention paid to bringing a diversity of retail (to address the current lack), repairing infrastructure, adding municipal services (police, schools, etc.); and
- More attention to addressing landlord abuses (needless gut renovations/repairs, harassment, illegalities pertaining to J-51 and other tax abatements, lack of adequate maintenance of buildings and units)
- Maximum effort to retain all rent regulated units in Inwood.

“Climate Resiliency” Alternative

Any zoning scenario should be modified to broadly buffer all coastlines in the rezoning plan with areas resilient to flooding such as wetlands and parklands. These “green” buffers should be used and no building should be allowed in flood zones based on 2032 climate projections, not historical flood maps. Specifically, the ‘flood zone’ scenario should be based on the baseline ‘High’ scenario in NOAA (Sweet et al, 2017) https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf or high ‘8 feet’ scenario in the NCA4 CCSR (Horton et al, 2017) for 2032 with a super-imposed storm surge, 0.1%, 0.02% flood probability. N.B., this baseline scenario is slightly different/updated from the NYCPCC.

“Green” Alternative

This analysis should also examine a Green Alternative, where the building specifications and land use design reach LEED-Gold standards or higher and renewable sources of

energy are utilized. This alternative would help alleviate particular environmental concerns related to this proposed project and of the current environmental state of the area. This alternative should include, where feasible, green building technologies, green roofs, greywater systems, or other infrastructure improvements; and use of alternative energy sources, such as solar, biomass, or hydro. The carbon cost of every building should be established and framed in context of the current carbon cost per person and per building as a function of building density and age. This alternative can be used with any zoning scenario, and, to be even “greener,” can be combined with the “Climate Resiliency” alternative.

“Special Preservation District” Alternative:

The DEIS should study an R7A alternative as a special district with strong provisions to ensure the preservation of existing affordable housing units and small, independently owned businesses, including restrictions on formula stores and store frontage.

The Best Way to Determine Specific Alternatives to Analyze in Detail

This DSOW comment process will doubtless lead to many alternatives being submitted to the City for consideration. How should the City choose which ones to study in detail?

The answer is straightforward: The City should *not* choose. The City should let community members choose. We’re urging the City to pause the EIS process now to do what it should have done months ago: Give community members opportunities to make tradeoffs among all aspects of Inwood NYC, from the full area to be covered, to options for the library project, to tradeoffs among different districts in the rezoning plan.

Carefully planned and facilitated open community deliberations among alternative choices for *all* of Inwood will enable community members to finally show what planning decisions the community would make when given the chance. By giving community members with different interests an opportunity to make tradeoffs across the entire plan, one or more alternatives will emerge that produce a community-driven balance among the various goals to be achieved (e.g., affordable housing, jobs, neighborhood preservation) and avoid or greatly limit adverse impacts.

To make the process for this step work well and be credible with the community, the City (especially EDC and HPD) should engage leaders of community groups that have been actively engaged in Inwood NYC to date to plan the process. The process should be bilingual, should include extensive outreach for best possible representation of all community populations and interests, and should involve carefully planned, facilitated meetings where community members get to deliberate with each other over *all* parts of the plan. It will also likely require more than one meeting, possibly with a “consolidating meeting” at the end to give community members, not just the City, the opportunity to resolve differences that may have emerged from different meetings. Members of our “Unified Inwood” group have suitable expertise and are available to help design this process, or to help facilitate the design among the various groups who should be involved.