

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Monday, April 30, 2018 4:19 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1556478544 CRC Public Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Your City of New York - CRM Correspondence Number is 1-1-1556478544

DATE RECEIVED: 04/30/2018 16:16:59

DATE DUE: 05/14/2018 16:18:27

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 04/30/2018 16:16:26  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Monday, April 30, 2018 at 16:16:25

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This form resides at

http://www1.nyc.gov/site/charter/about/public-comments.page

-----  
First Name: Roxanne

Last Name: Delgado

Professional Affiliation: none

ZIP Code: 10467

Email: [REDACTED]

Comments: Attached is my testimony with the supporting numbers and data

FILE1: testimonnnn.docx

FILE2: numbers.pdf

FILE3: final.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi a&hashId=C203D079E08B4A8FAA985E29AA7D1E48F296FE94&accessId=6B17873EE35B4F1BE0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi a&hashId=C203D079E08B4A8FAA985E29AA7D1E48F296FE94&accessId=6B17873EE35B4F1BE0540003BA35EB85)

-----  
REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_12\_6) AppleWebKit/604.5.6 (KHTML, like Gecko) Version/11.0.3 Safari/604.5.6

\*\*\*\*\*

The Campaign Finance Board is responsible for protecting tax dollars and the public interest but it is unable to do so when the laws are set by the fox in the chicken coop.

As per my spreadsheet, Queens Borough President Melinda Katz received over \$560,000 in public funds and outspend her opponents by over 1.39 million. Her 2 opponents received no public matching funds and raised less than \$11,000 combined. Over half of Ms. Katz spending went to consulting fees. Even though Katz had the advantage as an incumbent, she used public monies against 2 unknown candidates who barely raised one percent of what she raised. As expected she won reelection with 78% of the votes. Katz returned no money back to CFB

Similar case with Public Advocate Tish James who received over \$750,000 in public funds and returned no money back to CFB. None of her opponents received any public funds and all 5 COMBINED spend less than 8 percent of the 1.67 million that Ms. James spend. And as Expected, James won the reelection with 77% of the votes

Same with Mayor deBlasio, who returned \$377 of the \$3,488,124 he received in public funds. None of his opponents except for the Republican candidate Nicole Malliotakis received public funding. And he outspends her 2.7 to 1 and as expected won reelection with 66% of the votes

Same with the city council races. For example, Upper East Side Council member Ben Kallos. None of his opponents received public matching funds and spend less than 7 percent of the \$301,624 that Kallos spend. And as expected he won reelection with 80% of the votes. Not to mention that Kallos did not returned any of the public monies even though he has \$26,000 left in his campaign funds and just spend over \$5,000 this year for totes bags. Why is he spending money when his campaign ended last year in November? Why isn't CFB asking for the \$26,000 in his campaign fund since the CFB gave him over \$125,000 in public funds

Shame on the media and the so called "good government" groups that keep repeating the lies that NYC campaign finance program is the gold standard. IT is a sham since it only gives Millions to the incumbents to demolish their opponents who are at a disadvantage already. The Campaign Finance Board is not leveling the playing field but instead it is undermining challenges to the establishment. And the worst part is that CFB is using PUBLIC money to undermine our democracy. This money could have been used for our parks, our libraries, our food pantry.

I recommend that no public matching funds is made in any race when the other opponents received no public funds and when the matching will give someone a financial advantage over 25%. For example, Candidate A -raised 5000 dollars and is eligible for \$18,0000 in public funds. However, all the other 6 candidates only raised \$20,0000 combined and none eligible for public funds. The highest raise by one of his opponent is 6,000. Therefore, Candidate A would receive 1,250 in public funds. His total with public funds would be \$6,250 which is not more than 25% than his other opponents' campaign funds.

What is disturbing is that the city council has just introduce legislation that would increase the matchable amount from \$175 to \$250 and increase the limit on public funds from 55 percent to 85 percent of the total spending limit. Under this scenario, the financial gap between the incumbents and their opponents widen. The worst part is that the public will basically fully fund races that are undemocratic since we all know that incumbents win 99% of the time.

And city council also introduce legislation that will weaken compliance. Just last week Celia Dosamantes was found guilty of trying to swindle the city out of 20,000 dollars by forging contribution cards. And in 2016 former city council member David Greenfield tried to pass legislation granting campaigns power to revise and alter contribution cards. Thankfully, there was backlashed and the legislation went nowhere.

But the point is that the Campaign Finance Board needs to be independent and have its own authority. You need to protect the chicken coop/ CFB from the Fox.

Another issue is community boards. Just recently my community board 11 voted on an issue that was no on their agenda and they gave no public notice of the planned vote. They responded that they are only an advisory board. However, how can they take a vote on a matter without public notice??? And why don't they hold committee meetings more often and why not held accountable for their lack of attendance. The community board needs oversight and perhaps give the people the power to fire them..

Thank you

Roxanne Delgado  
Bronx New York 10467









## Katz, Melinda (2017) Queens Borough President

Click any link to see transaction details.

[Return to Campaign Finance Summary](#)

View by disclosure statement:

### FINANCIAL SUMMARY

#### Receipts

<a href="#">Monetary contributions</a>	\$1,022,721
<a href="#">In-kind contributions</a>	\$4,832
<a href="#">Contribution refunds</a>	(\$47,474)
Outstanding advances	\$0
<a href="#">Transfers in (party committee)</a>	\$0

**Net Contributions** **\$980,080**

<a href="#">Other receipts</a>	\$232
<a href="#">Transfers in (candidate's prev cmte)</a>	\$0

**Miscellaneous receipts** **\$232**

**Loans received** **\$0**

**Private funds received** **\$980,312**

**Public funds received** **\$567,464**

**Total Receipts** **\$1,547,776**

#### Disbursements

<a href="#">Expenditure payments</a>	\$1,398,848
<a href="#">Expenditure refunds</a>	(\$1,167)
<a href="#">Transfers out</a>	\$0
<a href="#">In-kind contributions</a>	\$4,832

**Net expenditures** **\$1,402,513**

[Loan repayments](#) \$0

[Liabilities/loans forgiven](#) \$0

**Loans paid** **\$0**

**Outstanding liabilities** **\$0**

**Campaign spending** **\$1,402,513**

**Public funds returned** **\$0**

**Total Disbursements** **\$1,402,513**

**Estimated Balance †**

**\$145,263**

† Calculated by subtracting total disbursements from total receipts; may not reflect actual cash on hand.

### CONTRIBUTION ANALYSIS

Number of contributors	1,365	Contributions from NYC	\$652,940
Average contribution size	\$718	Contributions outside NYC	\$327,140
<a href="#">Number of intermediaries</a>	26		
Contributions	\$104,836	Matching Claims	\$100,994

# Campaign Finance Summary 2017 Citywide Elections

New York City Campaign Finance Board



Updated: Apr 27 2018 3:43PM

Last statement filed: # 16 (January 16 2018)

- Click candidate name for more information
- [View information](#) about contribution and spending limits.
- Look up a term in the [Glossary](#)

[Campaign Finance Summary](#) | [Independent Expenditure Summary](#)

Select: [All](#) | [Mayor](#) | [Public Advocate](#) | [Comptroller](#) | [Borough President](#) | [City Council](#) | [Undeclared](#)

[Shortcut to Charts](#)

View:  Sort By:  Boro:

Candidate	Office	Participant	Filing	Private Funds	Public Funds	Spending	Estimated Balance	Outstanding Loans
<a href="#">Brown, Everly D</a>	BP QN	P	-	-	-	-	-	-
<a href="#">Katz, Melinda</a>	BP QN	P	16	980,312	567,464	1,402,513	145,263	-
<a href="#">Kregler, William K</a>	BP QN	P	16	10,960	-	10,865	95	-
<b>Total:</b>				<b>991,272</b>	<b>567,464</b>	<b>1,413,378</b>	<b>145,358</b>	<b>-</b>

\* Terminated campaign  
§ Small campaign

[Contributors By Amount \(#\)](#) | [Contributors By Amount \(%\)](#) | [Total Contribution Amounts \(\\$\)](#) | [NYC / Outside NYC \(%\)](#) | [Average Contribution \(\\$\)](#)

# Queens Borough President Tweet this

Boro Pres-Queens - Queens - General

November 08, 2017 - 03:39PM ET

New York - 1432 of 1434 Precincts Reporting - 99%

	Name	Party	Votes	Vote %
✓	Katz, Melinda (i)	Dem	201,877	78%
	Kregler, William	GOP	55,077	21%
	Brown, Everly	Oth	1,957	1%





## James, Letitia (2017) Public Advocate

Click any link to see transaction details.

[Return to Campaign Finance Summary](#)

View by disclosure statement: All

### FINANCIAL SUMMARY

Receipts		Disbursements		
<a href="#">Monetary contributions</a>	\$1,007,865	<a href="#">Expenditure payments</a>	\$1,669,396	
<a href="#">In-kind contributions</a>	\$3,715	<a href="#">Expenditure refunds</a>	(\$550)	
<a href="#">Contribution refunds</a>	(\$64,050)	<a href="#">Transfers out</a>	\$0	
Outstanding advances	\$0	<a href="#">In-kind contributions</a>	\$3,715	
<a href="#">Transfers in (party committee)</a>	\$0	<b>Net expenditures</b>	<b>\$1,672,561</b>	
<b>Net Contributions</b>	<b>\$947,530</b>	<a href="#">Loan repayments</a>	\$0	
<a href="#">Other receipts</a>	\$0	<a href="#">Liabilities/loans forgiven</a>	\$0	
<a href="#">Transfers in (candidate's prev cmte)</a>	\$0	<b>Loans paid</b>	<b>\$0</b>	
<b>Miscellaneous receipts</b>	<b>\$0</b>	<b>Outstanding liabilities</b>	<b>\$0</b>	
<b>Loans received</b>	<b>\$0</b>	<b>Campaign spending</b>	<b>\$1,672,561</b>	
<b>Private funds received</b>	<b>\$947,530</b>	<b>Public funds returned</b>	<b>\$0</b>	<b>Estimated Balance †</b>
<b>Public funds received</b>	<b>\$756,486</b>	<b>Total Disbursements</b>	<b>\$1,672,561</b>	<b>\$31,455</b>
<b>Total Receipts</b>	<b>\$1,704,016</b>			

† Calculated by subtracting total disbursements from total receipts; may not reflect actual cash on hand.

### CONTRIBUTION ANALYSIS

Number of contributors	1,847	Contributions from NYC	\$720,388
Average contribution size	\$513	Contributions outside NYC	\$227,142
<a href="#">Number of intermediaries</a>	18		
Contributions	\$84,100	Matching Claims	\$134,316

# Campaign Finance Summary 2017 Citywide Elections



Updated: Apr 27 2018 3:43PM  
Last statement filed: # 16 (January 16 2018)

- Click candidate name for more information
- [View information](#) about contribution and spending limits.
- Look up a term in the [Glossary](#)

**Campaign Finance Summary** | **Independent Expenditure Summary**

Select: **All** | **Mayor** | **Public Advocate** | **Comptroller** | **Borough President** | **City Council** | **Undeclared**

[Shortcut to Charts](#)

View: **Campaign** | Sort By: **Office** | **2017: Citywide Elections**

Candidate	Office	Participant	Filing	Private Funds	Public Funds	Spending	Estimated Balance	Outstanding Loans
<a href="#">Balkind, Devin W</a>	Public Advocate	P	16	17,853	-	17,832	21	-
<a href="#">Eisenbach, David</a>	Public Advocate	P	16	59,712	-	58,723	989	-
<a href="#">Herbert, Anthony L *</a>	Public Advocate	NP	9	20,670	-	13,354	7,316	1,400
<a href="#">James, Letitia</a>	Public Advocate	P	16	947,530	756,486	1,672,561	31,455	-
<a href="#">Lane, James C</a>	Public Advocate	P	16	6,226	-	5,595	631	-
<a href="#">O'Reilly, Michael A</a>	Public Advocate	P	16	4,550	-	4,550	-	-
<a href="#">Polanco, Juan Carlos</a>	Public Advocate	P	16	26,456	-	27,076	(620)	-
<a href="#">Pompey, Cardon L</a>	Public Advocate	P	9	40	-	28	12	-
<b>Total:</b>				<b>1,083,037</b>	<b>756,486</b>	<b>1,799,720</b>	<b>39,804</b>	<b>1,400</b>

\* Terminated campaign  
§ Small campaign

## Public Advocate - New York City

watch [↗](#)

**DEM** 99.3% of precincts reporting

<b>Letitia James</b>	285,054 votes	<b>76.6%</b>
<b>David Eisenbach</b>	86,901	<b>23.4%</b>

# New York City Public Advocate Tweet this

Public Advocate - New York City - General

November 08, 2017 - 03:39PM ET

New York - 5895 of 5901 Precincts Reporting - 99%

Name	Party	Votes	Vote %
✓ James, Letitia (i)	Dem	775,749	74%
Polanco, Juan Carlos	GOP	165,218	16%
O'Reilly, Michael	Con	84,022	8%
Lane, James	Grn	18,465	2%
Balkind, Devin	Lib	6,446	1%





**James, Letitia (2017)  
Public Advocate**

Click any link to see transaction details.

[Return to Campaign Finance Summary](#)

View by disclosure statement:

All

**FINANCIAL SUMMARY**

Receipts		Disbursements		
<a href="#">Monetary contributions</a>	\$1,007,865	<a href="#">Expenditure payments</a>	\$1,669,396	
<a href="#">In-kind contributions</a>	\$3,715	<a href="#">Expenditure refunds</a>	(\$550)	
<a href="#">Contribution refunds</a>	(\$64,050)	<a href="#">Transfers out</a>	\$0	
Outstanding advances	\$0	<a href="#">In-kind contributions</a>	\$3,715	
<a href="#">Transfers in (party committee)</a>	\$0	<b>Net expenditures</b>	<b>\$1,672,561</b>	
<b>Net Contributions</b>	<b>\$947,530</b>	<a href="#">Loan repayments</a>	\$0	
<a href="#">Other receipts</a>	\$0	<a href="#">Liabilities/loans forgiven</a>	\$0	
<a href="#">Transfers in (candidate's prev cmte)</a>	\$0	<b>Loans paid</b>	<b>\$0</b>	
<b>Miscellaneous receipts</b>	<b>\$0</b>	<b>Outstanding liabilities</b>	<b>\$0</b>	
<b>Loans received</b>	<b>\$0</b>	<b>Campaign spending</b>	<b>\$1,672,561</b>	
<b>Private funds received</b>	<b>\$947,530</b>	<b>Public funds returned</b>	<b>\$0</b>	<b>Estimated Balance †</b>
<b>Public funds received</b>	<b>\$756,486</b>	<b>Total Disbursements</b>	<b>\$1,672,561</b>	<b>\$31,455</b>
<b>Total Receipts</b>	<b>\$1,704,016</b>			

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**CONTRIBUTION ANALYSIS**

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# Campaign Finance Summary 2017 Citywide Elections



Updated: Apr 27 2018 3:43PM

Last statement filed: # 16 (January 16 2018)

- Click candidate name for more information
- [View information](#) about contribution and spending limits.
- Look up a term in the [Glossary](#)

**Campaign Finance Summary** | **Independent Expenditure Summary**

Select: **All** | **Mayor** | **Public Advocate** | **Comptroller** | **Borough President** | **City Council** | **Undeclared**

[Shortcut to Charts](#)

View: Campaign

Sort By: Office

2017: Citywide Elections

Candidate	Office	Participant	Filing	Private Funds	Public Funds	Spending	Estimated Balance	Outstanding Loans
<a href="#">Coenen, Jr., Kevin P *</a>	Mayor	UN	8	2,100	-	191	1,909	2,000
<a href="#">Commey, Aaron A</a>	Mayor	P	16	2,378	-	2,714	(335)	-
<a href="#">de Blasio, Bill</a>	Mayor	P	16	6,545,804	3,487,747	10,243,817	(210,267)	-
<a href="#">De La Fuente, Roque R *</a>	Mayor	P	11	413,911	-	355,161	58,750	385,000
<a href="#">Dietl, Richard A</a>	Mayor	NP	16	1,051,528	-	1,074,013	(22,484)	20,000
<a href="#">Gangi, Robert A</a>	Mayor	P	10	87,693	-	75,155	12,538	74,000
<a href="#">Gosine, Robbie</a>	Mayor	NP	16	466	-	466	-	-
<a href="#">Grimaldi, Aniello (Neil) V *</a>	Mayor	P	-	-	-	-	-	-
<a href="#">Hameed, Rosemarie * §</a>	Mayor	NP	-	-	-	-	-	-
<a href="#">Hart, Osborne G * §</a>	Mayor	NP	-	-	-	-	-	-
<a href="#">Iwachiw, Walter N *</a>	Mayor	NP	9	-	-	-	-	-

\* Terminated campaign  
§ Small campaign



# 2017 NYC Primary Results

Results as of September 12, 2017

Close Races Only

Filter by Location:

All Locations

Manhattan

The Bronx

Staten Island

Queens

Brooklyn

Outside NYC

incumbent winner

## Mayor - New York City

watch [↗](#)

DEM 99.3% of precincts reporting

<b>Bill de Blasio</b>	326,361 votes	<b>74.6%</b>
<b>Sal Albanese</b>	66,636	<b>15.2%</b>
<b>Michael Tolkin</b>	20,445	<b>4.7%</b>
<b>Robert Gangi</b>	13,537	<b>3.1%</b>
<b>Richard Bashner</b>	10,538	<b>2.4%</b>



New York City

# Campaign Finance Summary 2017 Citywide Elections

New York City Campaign Finance Board



Updated: Apr 27 2018 3:43PM  
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- Click candidate name for more information
- [View information](#) about contribution and spending limits.
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**Campaign Finance Summary** | **Independent Expenditure Summary**

Select: **All** | **Mayor** | **Public Advocate** | **Comptroller** | **Borough President** | **City Council** | **Undeclared**

[Shortcut to Charts](#)

View: **Campaign**

Sort By: **Office**

2017: **Citywide Elections**

Candidate	Office	Participant	Filing	Private Funds	Public Funds	Spending	Estimated Balance	Outstanding Loans
<a href="#">Balkind, Devin W</a>	Public Advocate	P	16	17,853	-	17,832	21	-
<a href="#">Eisenbach, David</a>	Public Advocate	P	16	59,712	-	58,723	989	-
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<a href="#">Lane, James C</a>	Public Advocate	P	16	6,226	-	5,595	631	-
<a href="#">O'Reilly, Michael A</a>	Public Advocate	P	16	4,550	-	4,550	-	-
<a href="#">Polanco, Juan Carlos</a>	Public Advocate	P	16	26,456	-	27,076	(620)	-
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\* Terminated campaign  
§ Small campaign

**Contributors By Amount (#)** | Contributors By Amount (%) | Total Contribution Amounts (\$) | NYC / Outside NYC (%) | Average Contribution (\$)



## Kallos, Benjamin J (2017) City Council District 05

Click any link to see transaction details.

[Return to Campaign Finance Summary](#)

View by disclosure statement:

### FINANCIAL SUMMARY

#### Receipts

<a href="#">Monetary contributions</a>	\$205,486
<a href="#">In-kind contributions</a>	\$150
<a href="#">Contribution refunds</a>	(\$2,775)
Outstanding advances	\$10
<a href="#">Transfers in (party committee)</a>	\$0

**Net Contributions** **\$202,871**

<a href="#">Other receipts</a>	\$8
<a href="#">Transfers in (candidate's prev cmte)</a>	\$0

**Miscellaneous receipts** **\$8**

**Loans received** **\$0**

**Private funds received** **\$202,878**

**Public funds received** **\$125,125**

**Total Receipts** **\$328,003**

#### Disbursements

<a href="#">Expenditure payments</a>	\$305,344
<a href="#">Expenditure refunds</a>	(\$5,049)
<a href="#">Transfers out</a>	\$0
<a href="#">In-kind contributions</a>	\$150

**Net expenditures** **\$300,445**

<a href="#">Loan repayments</a>	\$0
<a href="#">Liabilities/loans forgiven</a>	\$0

**Loans paid** **\$0**

**Outstanding liabilities** **\$1,179**

**Campaign spending** **\$301,624**

**Public funds returned** **\$0**

**Total Disbursements** **\$301,624**

**Estimated Balance †**

**\$26,379**

† Calculated by subtracting total disbursements from total receipts; may not reflect actual cash on hand.

### CONTRIBUTION ANALYSIS

Number of contributors	486	Contributions from NYC	\$178,267
Average contribution size	\$417	Contributions outside NYC	\$24,604
<a href="#">Number of intermediaries</a>	0		
Contributions	\$0	Matching Claims	\$35,891

# Campaign Finance Summary 2017 Citywide Elections

New York City Campaign Finance Board



Updated: Apr 27 2018 3:43PM  
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- Click candidate name for more information
- [View information](#) about contribution and spending limits.
- Look up a term in the [Glossary](#)

Campaign Finance Summary

Independent Expenditure Summary

Select: **All** Mayor Public Advocate Comptroller Borough President **City Council** Undeclared

View: Campaign Sort By: Office District: ALL 2017: Citywide Elections

Candidate	Office	Participant	Filing	Private Funds	Public Funds	Spending	Estimated Balance	Outstanding Loans
<a href="#">Bobilin, Patrick A</a>	CD 05	P	16	9,927	-	8,705	1,222	2,500
<a href="#">Goodwin, Gwen E</a>	CD 05	NP	16	3,980	-	3,995	(15)	-
<a href="#">Kallos, Benjamin J</a>	CD 05	P	16	202,878	125,125	301,624	26,379	-
<a href="#">Spotorno, Frank</a>	CD 05	NP	16	25,100	-	5,566	19,534	25,000



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## City Council - District 5

watch [↗](#)

**DEM** 93.1% of precincts reporting

<b>Ben Kallos</b>	7,156 votes	<b>75.2%</b>
<b>Gwen Goodwin</b>	1,411	<b>14.8%</b>
<b>Patrick Bobilin</b>	947	<b>10.0%</b>

 [New York City Council, District 5](#) [TWEET THIS](#)

**City Council - District 5 - General**

November 08, 2017 - 03:39PM ET

New York - 131 of 131 Precincts Reporting - 100%

Name	Party	Votes	Vote %
✓ Kallos, Ben (i)	Dem	22,514	81%
Splotorno, Frank	GOP	5,419	19%



## Mary Van Noy (Charter)

---

**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 01, 2018 12:12 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1556561747 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1556561747

DATE RECEIVED: 05/01/2018 00:11:10

DATE DUE: 05/15/2018 00:11:52

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/01/2018 00:10:29  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Tuesday, May 1, 2018 at 00:10:29

---

This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: SHEIKH MUSA

Last Name: DRAMMEH

Professional Affiliation: NEW YORK PEACE COALITION

ZIP Code: 10472

Email: info@peacedecember.org

Comments: Tuesday, May 1, 2018

Dear honorable New York Charter Commissioners.

Re: NEW YORK CITY COMMUNITY PEACEBUILDING COMMISSION My name is Sheikh Musa Drammeh. I am the founding chairman of New York Peace Coalition. I would to thank you so much for giving me the opportunity yesterday during the NYC Charter Revision forum in the Bronx to express my contribution to making our city a better place for all New Yorkers.

As a peacebuilder who has been travelling around the world since the World Trade Center attacks to promote peaceful coexistence and also learn from others the best practices for sustainable peace, I have gained a tremendous peacebuilding experience that can be used in New York City.

The fact the matter is that the rising public expenditures on Law enforcement, intelligence, military operations, and criminal justice post 9/11, are unsustainable. And we can easily change our Modus Operandi.

Against this backdrop, I strongly am suggesting the establishment of "NEW YORK CITY COMMUNITY PEACEBUILDING (NYCCPB)" on the NYC Charter. We can smart invest in peace and prevention or continue to spend heavily reacting to preventable violence and hatred.

The NYCCPB's function will be similar to the Mayor's Community Affairs with borough directors representing each county. Each City Council District with have a subchapter with volunteer representatives similar to Community Boards. But instead of political appointments, these peacemakers are elected by residents of their Council Districts.

NYCCPB hall be a non-law enforcement, residents-driven commission for preventive services, peace relationship building.

The operation budget of NYCCPB shall come from value added tax of 5 cents for each transaction in New York City.

Administration of NYCCPB:

1. NEW YORK CITY COMMUNITY PEACEBUILDING COMMISSIONER
2. 5 Borough Directors
3. 51 Coordinators

Sheikh Musa Drammeh  
Chairman,  
New York Peace Coalition  
www.peacedecember.org  
info@peacedecember.org  
718-822-5555

-----  
REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.2) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.139 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 03, 2018 2:58 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1557818126 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1557818126

DATE RECEIVED: 05/03/2018 14:57:02

DATE DUE: 05/17/2018 14:58:18

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/03/2018 14:55:56  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 3, 2018 at 14:55:55

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Katherine

Last Name: Bourne

ZIP Code: 10025

Email: [REDACTED]

Comments: I strongly support instant runoff or ranked choice voting, and urge the Commission to adopt this for New York.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10.11; rv:59.0) Gecko/20100101 Firefox/59.0

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 03, 2018 3:39 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1557858650 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1557858650

DATE RECEIVED: 05/03/2018 15:38:13

DATE DUE: 05/17/2018 15:39:05

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/03/2018 15:09:08  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 3, 2018 at 15:09:08

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Bernard

Last Name: OBrien

ZIP Code: 11201

Email: [REDACTED]

Comments: I strongly support the utilization of Instant Run-Off Voting (IRV) in New York City!

It has worked well in many other cities and saves money too. It also minimizes the chances that spoiler candidates reek havoc in an election, such as Ralph Nader did back in the 2000 presidential election.

Thank you.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/58.0.3029.110 Safari/537.36 Edge/16.16299

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Friday, May 04, 2018 10:17 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1558153785 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1558153785

DATE RECEIVED: 05/04/2018 10:15:47

DATE DUE: 05/18/2018 10:17:15

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/04/2018 10:11:34  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Friday, May 4, 2018 at 10:11:33

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---



First Name: Alex

Last Name: Camarda

Suffix: Mr

Professional Affiliation: Reinvent Albany

ZIP Code: 10013

Email: alex@reinventalbany.org

Comments: Attached are two testimonies Reinvent Albany delivered related to transparency of and limiting contributions to city-affiliated nonprofits.

FILE1: May 3 2018 Testimony to the 2018 NYC Charter Revision Commission on Public Integrity\_COI Recommendations .pdf

FILE2: April 25 2018 Testimony- 2018 NYC Charter Revision Commission on Scope of Work Effective Dates-2.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=2910E3350F9403C2890B7EF2F2651FD874F6DEF8&accessId=6B62E5C2B0486E5FE0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=2910E3350F9403C2890B7EF2F2651FD874F6DEF8&accessId=6B62E5C2B0486E5FE0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_11\_1) AppleWebKit/601.2.7 (KHTML, like Gecko) Version/9.0.1 Safari/601.2.7

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**Testimony to the 2018 NYC Charter Revision Commission  
on Disclosure of and Limiting Contributions to City-Affiliated Nonprofits  
Public Hearing #3**

May 3, 2018

Queens Library at Flushing, Queens, NY

Good evening Chair Perales and members of the Charter Revision Commission. I am Alex Camarda, the Senior Policy Advisor for Reinvent Albany. Reinvent Albany advocates for transparency and accountability in State government, and are leading champions for transparency in New York City government, particularly the Freedom of Information Law and open data.

At the Commission's first hearing in Staten Island, Reinvent Albany testified that among the fastest growing areas of undue influence (or the perception of it) in city government is donors who contribute to city-affiliated nonprofit organizations and do business with the city.

In our previous testimony at the first charter commission hearing, we called for more transparency of these donations and to restrict their size.

In tonight's testimony we'd like to provide more specific recommendations on this topic:

**1. Limit contributions to *all* nonprofits affiliated with elected officials.**

Under Local Law 181 of 2016, donations to nonprofits affiliated with elected officials are limited to \$400, but only if the nonprofits spends 10 percent or more of their annual budget on public-facing communications featuring the elected official. The NYC Conflicts of Interest Board (COIB) has issued rules on the affiliation of nonprofits with elected officials, Title 53 Chapter 3-03.<sup>1</sup> We believe

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<sup>1</sup> "Affiliated" is defined in COIB Rules, Title 53, Chapter 3-03.

§3-03 Factors by which the Board Will Determine Whether an Entity is Affiliated with an Elected Official.

For purposes of Administrative Code § 3-901, in determining whether a person holding office as Mayor, Comptroller, Public Advocate, Borough President or member of the Council, or an agent or appointee of such a person, exercises control over a non-profit entity, the Board will consider the totality of the circumstances, including:

(a) whether the organization was created by such an elected official or the official's agent, or by an individual who was previously employed by, or was a paid political consultant of, the elected official, and, if so, how recently such organization was created;

(b) whether the board of the organization is chaired by such an elected official or the official's agent;

donations should be limited even if the public facing communications do not feature the elected official. However, we believe the limit could be higher than the \$400 doing business limit, but we do not have a specific number to recommend. We also believe donations should be restricted to the lower limit for 180 days after a donor has ceased doing business with the city and is removed from the doing business database.

- 2. Restrict donations by those doing business with the city to city agencies, public authorities, public benefit corporations and local development corporations.** Local Law 181 of 2016 only limits contributions to nonprofits affiliated with elected officials who spend 10 percent of their budgets on name or image of the elected official. It does not restrict donors doing business with the city from making contributions directly to government entities. A donor can give unlimited sums to an agency even while bidding on a contract or seeking a favorable determination on a matter before the agency.
  
- 3. Publish as open data the exact amount of all donations by donors doing business with the city to nonprofits affiliated with elected officials, and to all government entities (city agencies, public authorities, public benefit corporations and local development corporations).** Donations should be made known to the public in a machine readable, tabular dataset in the city's Open Data Portal. Currently, donations to government entities and nonprofits are made available to the public in a 500-plus page PDF every six months in broad ranges showing the dollar amount. Local Law 181 of 2016 requires the exact dollar amount of contributions to nonprofits affiliated with elected officials, along with additional identifying information, be made public beginning in January 2019. However, Local Law 181 does not require disclosure of the exact dollar value of contributions to city agencies, public authorities, public benefit corporations, local development corporations, and city-affiliated nonprofits not affiliated with elected officials.

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- (c) whether board members are appointed by such an elected official or the official's agent or only upon nomination of other individuals or entities that are not agents of such elected official;
  - (d) whether board members serve for fixed terms or can be removed without cause by an elected official or the official's agent;
  - (e) the degree of involvement or direction by such an elected official or the official's agent in such organization's policies, operations, and activities;
  - (f) the degree to which public servants, acting under the authority or direction of the elected official or an agent of the elected official, perform duties on behalf of the organization as part of their official City employment; and
  - (g) the purpose of the organization.

- 4. Require “volunteers” doing major policy work or senior level appointments for the city to follow city ethics laws.** The city has, in some instances, utilized people who are not on the city payroll to do policy work or assist in choosing senior officials while they are also fundraising for nonprofits affiliated with elected officials. We do not oppose per diem or unpaid volunteers serving on city boards, task forces and commissions, much like the members of this commission. But they should not also be fundraising simultaneously for nonprofits affiliated with elected officials. If they do they should follow city ethics laws in some form.

Even if the city was to implement Reinvent Albany’s recommendations, certain nonprofits may still not be subject to lower contribution limits. It is not clear if The Police Foundation, for example, is considered “affiliated” with an elected official under the Conflicts of Interest Board’s rules (see footnote 1 on page 1-2) because none of its board members are part of the NYPD. Numerous companies that make donations to The Police Foundation have subsequently won NYPD contracts and most of the Foundation’s spending is on the NYPD.<sup>2</sup>

Our recommendations also leave untouched nonprofits which do not do business with the city but rely significantly on city funding and who may have board members who personally make donations to city government or elected officials’ campaigns. This is the case with many social service nonprofits.

We have not been able to identify a solution to these challenging scenarios. These nonprofits are not as clearly affiliated with government even while they are connected to government. There is also a need to balance the good work nonprofits do on behalf of the city with curbing the perception of or actual undue influence on government decision making.

At subsequent Commission hearings, we will make recommendations on improving the city’s campaign finance and voting systems.

Thank you for the opportunity to testify tonight. I welcome any questions you may have.

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<sup>2</sup> See: Nahmias, Laura, “Police foundation remains a blind spot in NYPD contracting process, critics say,” Politico. July 13, 2017. Available at: <https://www.politico.com/states/new-york/city-hall/story/2017/07/13/police-foundation-remains-a-blind-spot-in-nypd-contracting-process-critics-say-113361>

**Testimony to the 2018 NYC Charter Revision Commission  
on Scope of Work and Effective Dates of Campaign Finance Reform  
Public Hearing #1**

April 25, 2018

McKee High School, Staten Island, NY

Good evening Chair Perales and members of the Charter Revision Commission. I am Alex Camarda, the Senior Policy Advisor for Reinvent Albany. Reinvent Albany advocates for transparency and accountability in State government, and are leading champions for transparency in New York City government, particularly the Freedom of Information Law and open data.

We will present detailed recommendations at future hearings but wanted to comment tonight on two overarching issues as the commission begins its work: 1) the scope of the work the Commission takes on; and 2) when changes to campaign finance law should become effective.

**The Commission's Scope of Work**

The Municipal Home Rule Law requires the Commission review the entirety of the City Charter, though Mayor de Blasio has requested the Commission particularly focus on campaign finance reform and increasing public funding of campaigns. The good news here is the campaign finance system, thirty years in the making, is a model for governments across the country. We support changes to improve the city's already strong campaign finance system.

But New York City has a ways to go before it curbs the perception of and undue influence of money on government decision making. As the city's campaign finance system has gotten stronger, money has flowed outside of it. Today, we believe the fastest growing area of outside influence and, in some instances, corruption risk is from people doing business or seeking favors from government contributing to nonprofit organizations affiliated with government.

We ask the Commission to take a close look at the large unregulated contributions (in some instances, over \$1 million and often tens of thousands) given by companies and

individuals doing business with the city to city-affiliated nonprofits, city agencies and city offices. We believe there are well over a hundred city-affiliated nonprofits. However, there is no public listing.

We ask the Commission to consider significantly restricting donations to city-affiliated nonprofits and city agencies by companies and individuals doing business with the city and greatly increase the transparency of donations.

Currently, there is not nearly enough transparency for contributions to nonprofits affiliated with city government. Contributions of \$5,000 or more are disclosed every six months, and the amounts reported are provided in 7 broad ranges rather than the actual amount.<sup>1</sup> In some instances, contributions are not disclosed by agencies to the public at all.<sup>2</sup> Additionally, the COIB releases this information in a massive, 500-plus page PDF - instead of a tabular form that can be reviewed in a spreadsheet - thereby frustrating analyses by outside groups and journalists.<sup>3</sup>

We also urge the Commission to review conflicts of interest potentially created when city officials help fundraise for city-affiliated and unaffiliated nonprofits, and city agencies. The current restrictions on fundraising for city agencies, city affiliated nonprofits, and unaffiliated nonprofits are nuanced and complicated<sup>4</sup>, but ultimately too permissive and

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<sup>1</sup> See this PDF on Fundraising for City Agencies on the COIB's website, which also appears to include fundraising for city-affiliated nonprofits:

<https://www1.nyc.gov/site/coib/public-documents/fundraising-for-city-agencies.page>. A separate COIB csv spreadsheet provides for fundraising for unaffiliated nonprofits by city officials. See:

<https://www1.nyc.gov/site/coib/public-documents/fundraising-by-city-agencies-for-nfps.page>.

Categories for Reporting Contributions are: A = \$5,000 - \$19,999; B= \$20,000 - \$59,999; C = \$60,000 - \$99,999; D= \$100,000 - \$249,999; E=\$250,000 = \$499,999; F= \$500,000 - \$999,999; G = 1,000,000 or more

<sup>2</sup> A process exists for donors' names to be protected from disclosure to the public by the city agency.

<sup>3</sup> See:

[https://www1.nyc.gov/assets/coib/downloads/pdf2/fundraising\\_reports/apr\\_1\\_17\\_to\\_sep\\_30\\_17.pdf](https://www1.nyc.gov/assets/coib/downloads/pdf2/fundraising_reports/apr_1_17_to_sep_30_17.pdf)

<sup>4</sup> Our understanding is city officials and electeds may raise funds in both a targeted and untargeted manner for city agencies and city-affiliated nonprofits. In doing so, city officials must make a statement indicating a donation will not result in preferential treatment from donors. They also cannot solicit donors with a matter pending or about to be pending before the city, *unless* they are firewalled from decisions impacting the donor, in which case they can fundraise from donors doing business. Donors may also approach city officials even if they have business with the city and the official is firewalled, and the city official may thank them for their support and steer them to do a non-firewalled city employee for further donor communications. (See COIB Advisory Opinion 2003-4 at [http://www.nyc.gov/html/conflicts/downloads/pdf5/aos/2000-2003/AO2003\\_4.pdf](http://www.nyc.gov/html/conflicts/downloads/pdf5/aos/2000-2003/AO2003_4.pdf), pgs. 15-25). For unaffiliated nonprofits, our understanding is city officials and electeds may raise funds with city resources with the permission of an agency head that the nonprofit's work supports the agency's mission, provided the nonprofit does not have a matter before or pending with the agency. The city official may not fundraise if they are affiliated with the nonprofit or if a person or firm the city official is associated with

very challenging to enforce. Reinvent Albany is particularly concerned about the role of “volunteer” fundraisers for city-affiliated nonprofits, who are not subject to Advisory Opinions of the COIB or conflict of interest laws.

### **Effective Dates of Campaign Finance Reform**

When it proposes changes to the campaign finance system, we ask the Commission to keep in mind the unprecedented administrative challenge faced by the Campaign Finance Board (CFB) in 2021, the next regular city election. Thirty six Council seats and all citywide and boroughwide offices will be vacant. We believe as many as 400 candidates are expected to run for office, which will require CFB to provide extensive candidate services and handle a large volume of post election audits.

Because of this extraordinary work load, Reinvent Albany recommends that major proposed changes to the city’s campaign finance system made by the Commission should be phased in over time. This could be done by limiting the implementation of changes to citywide offices in 2021, or all offices in 2023. The redistricting term of two years from 2022-2023 limits the delay in implementing changes while reducing the burden on the CFB to smoothly administer the 2021 elections. We believe it is better to implement changes smoothly, when CFB has adequate staff time and organizational capacity, rather than overwhelm the agency during an unprecedented election. There is no pressing need to hurry changes in 2021 instead of two year later.

Thank you for the opportunity to testify this evening. I welcome any questions you may have.

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would benefit (see Advisory Opinion 2008-6 at [http://www1.nyc.gov/assets/coib/downloads/pdf5/aos/2004-2013/AO2008\\_6.pdf](http://www1.nyc.gov/assets/coib/downloads/pdf5/aos/2004-2013/AO2008_6.pdf), pgs 15-16).

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Friday, May 04, 2018 12:59 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1558242669 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1558242669

DATE RECEIVED: 05/04/2018 12:57:34

DATE DUE: 05/18/2018 12:58:52

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/04/2018 12:57:24  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Friday, May 4, 2018 at 12:57:23

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---



First Name: Roxanne

Last Name: Delgado

ZIP Code: 10467

Email: [REDACTED]

Comments: On May 2nd, I send email to the commission and no response

Pleas see below the email I send on May 2nd.  
Dear charter Revision Commission

I request you post any written communication and testimony unto your website for the public to view. This was done by the Quadrennial Advisory Commission.  
<http://www1.nyc.gov/site/quadrennial/contact/submit-testimony.page>

It was a valuable resource for people to view and respond and it was transparent. I commend that commission for their transparency.

I ask this commission to follow suit and post all testimony, communication and documents on your website as well.

Thank you

FILE1: Gmail - Written Testimony Submitted..pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi a&hashId=58A9ACEFA6D067876E9A33D6047E96C11E8EBBF&accessId=6B6536CAFA1C0395E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi a&hashId=58A9ACEFA6D067876E9A33D6047E96C11E8EBBF&accessId=6B6536CAFA1C0395E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_12\_6) AppleWebKit/604.5.6 (KHTML, like Gecko) Version/11.0.3 Safari/604.5.6

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Roxanne Delgado [REDACTED]

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## Written Testimony Submitted.

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**Roxanne Delgado** [REDACTED]

Wed, May 2, 2018 at 12:46 PM

To: comments@charter.nyc.gov

Dear charter Revision Commission

I request you post any written communication and testimony onto your website for the public to view. This was done by the Quadrennial Advisory Commission.  
<http://www1.nyc.gov/site/quadrennial/contact/submit-testimony.page>

It was a valuable resource for people to view and respond and it was transparent. I commend that commission for their transparency.

I ask this commission to follow suit and post all testimony, communication and documents on your website as well.

Thank you

Roxanne Delgado

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Sunday, May 06, 2018 12:48 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559030578 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1559030578

DATE RECEIVED: 05/06/2018 12:47:10

DATE DUE: 05/20/2018 12:47:24

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/06/2018 12:47:03  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Sunday, May 6, 2018 at 12:47:03

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Barry

Last Name: Popik

ZIP Code: 10924

Email: [REDACTED]

Comments: GET RID OF THE PUBLIC ADVOCATE! I mentioned this to the last charter revision commission, but it didnt have time or wasnt interested. Do a survey if even one in one hundred New Yorkers know the name of the PA. Following a Jim Dwyer editorial in Newsday on June 16, 1993, I tried to run for PA and not take a salary. I wrote to the Conflicts of Interest Board (as Mark Green had), but they ignored me (a civil servant). Under threat of a lawsuit, I finally got an opinion--AFTER THE ELECTION! I could have saved NYC 100 million! Ive written to the PA several times about issues, getting either no response or a pathetic one to consult other agencies. When I asked to speak directly to the PA about important issues for five minutes (I solved the Big Apple), well, Im not good enough for that! Ive had mayors and city councilmen and borough presidents and community boards and agency heads that dont respond (Big Apple is a long, shameful story)--get rid of another useless office !

that doesnt respond and does nothing. I remember, when I was judging parking tickets, another judge told me that the PAs office had written to get out of a fire hydrant ticket--as if anything the PA does is more important than a fire. The office is a complete joke! If you want a more detailed explanation for that, Ill provide it!

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.139 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Sunday, May 06, 2018 2:20 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559030853 CRC Public Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Your City of New York - CRM Correspondence Number is 1-1-1559030853

DATE RECEIVED: 05/06/2018 14:18:26

DATE DUE: 05/20/2018 14:19:52

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/06/2018 14:17:41  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Sunday, May 6, 2018 at 14:17:41

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This form resides at

First Name: Alice

Last Name: Forbes Spear

Professional Affiliation: 462 Halsey Community Farm

ZIP Code: 11216

Email: [REDACTED]

Comments: Add the disposition of public housing authority land to those actions that cannot be done without public review following the City's Uniform Land Use Procedure (ULURP). Require Fair Share distribution of all new facilities and housing. Require the City to track and enforce all deed restrictions it holds for the public benefit. Enshrine a priority for disposition of public land to community land trusts into the Charter. Unify the process of public land disposition through a single agency, the Department of Citywide Administrative Services; prohibit other agencies (for example NYC Department of Housing Preservation & Development (HPD)) from holding land they are not using in an inventory separate from the general City inventory; this will ensure uniform treatment across public land dispositions. Ensure New Yorkers a Right to Housing, not just a right to shelter (which is State law). Eliminate the Urban Development Action Area Program (UDAAP), which now allows some public land to go to private developers without public review through ULURP. Limit how long a ULURP approval can be used after it is obtained to two years or the term of the City Council, whichever is longer. Add timelines and disclosure requirements to pre-ULURP process, including disclosure of all Department of City Planning pre-application meetings with developers or other agencies so that community members can know what is planned before it's too late. Add the charity property tax exemption that is already in the state constitution to the city charter and prohibit lien sales on those properties owned by eligible charities, no matter the status of their paperwork with the Department of Finance or the Department of Environmental Protection. Prohibit selling tax liens on vacant buildings and lots; instead, require a rapid timeline for transferring these properties to non-profit developers and community land trusts. Add commercial rent stabilization to City law. Create a financial disincentive for warehousing residential and commercial units. Create a requirement that all new development approvals be done in light of climate change and its resulting sea level rise. Create a requirement that the impact of speculation on rent stabilized and rent controlled housing be considered before any rezoning is permitted. Create a requirement that, when new development will admittedly have an adverse impact that requires mitigations, funding and implementation are assured via enforceable mechanisms. Create and fund an independent office of Community Planning to support resident-led futures for our neighborhoods. Standardize community board application and selection processes, and resourcing the boards with technical assistance through the office of Community Planning. Require consistent neighborhood profile data collection.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (iPhone; CPU iPhone OS 10\_3\_2 like Mac OS X) AppleWebKit/603.2.4 (KHTML, like Gecko) Mobile/14F89

[FBAN/FBIOS;FBAV/170.1.0.80.91;FBBV/106613464;FBDV/iPhone8,1;FBMD/iPhone;FBSN/iOS;FBSV/10.3.2;FBSS/2;FBCR/Sprint;FBID/phone;FBLC/en\_US;FBOP/5;FBRV/0]

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Sunday, May 06, 2018 2:30 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559030906 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1559030906

DATE RECEIVED: 05/06/2018 14:28:29

DATE DUE: 05/20/2018 14:29:58

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/06/2018 14:27:44  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Sunday, May 6, 2018 at 14:27:44

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Sunita

Last Name: Prasad

ZIP Code: 11215

Comments: I would like the Charter Revision Commission to make the following revisions:

Add the disposition of public housing authority land to those actions that cannot be done without public review following the City's Uniform Land Use Procedure (ULURP) Require Fair Share distribution of all new facilities and housing

Require the City to track and enforce all deed restrictions it holds for the public benefit Enshrine a priority for disposition of public land to community land trusts into the Charter Unify the process of public land disposition through a single agency, the Department of Citywide Administrative Services; prohibit other agencies (for example NYC Department of Housing Preservation & Development (HPD)) from holding land they are not using in an inventory separate from the general City inventory; this will ensure uniform treatment across public land dispositions Ensure New Yorkers a Right to Housing, not just a right to shelter (which is State law) Eliminate the Urban Development Action Area Program (UDAAP), which now allows some public land to go to private developers without public review through ULURP Limit how long a ULURP approval can be used after it is obtained to two years or the term of the City Council, whichever is longer Add timelines and disclosure requirements to pre-ULURP process, including disclosure of all Department of City Planning pre application meetings with developers or other agencies so that community members can know what is planned before its too late Add the charity property tax exemption that is already in the state constitution to the city charter and prohibit lien sales on those properties owned by eligible charities, no matter the status of their paperwork with the Department of Finance or the Department of Environmental Protection Prohibition selling tax liens on vacant buildings and lots; instead, require a rapid timeline for transferring these properties to non profit developers and community land trusts Add commercial rent stabilization to City law Create a financial disincentive for warehousing residential and commercial units Create a requirement that all new development approvals be done in light of climate change and its resulting sea level rise Create a requirement that the impact of speculation on rent stabilized and rent controlled housing be considered before any rezoning is permitted Create a requirement that, when new development will admittedly have an adverse impact that requires mitigations, funding and implementation are assured via enforceable mechanisms Create and fund an independent office of Community Planning to support resident-led futures for our neighborhoods Standardize community board application and selection processes, and resourcing the boards with technical assistance through the office of Community Planning Require consistent neighborhood profile data collection

Thank you,  
Sunita Prasad

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REMOTE\_HOST: [REDACTED]  
 HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_10\_5) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.117 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Sunday, May 06, 2018 2:30 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559030912 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1559030912

DATE RECEIVED: 05/06/2018 14:28:29

DATE DUE: 05/20/2018 14:29:59

SOURCE: eSRM

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/06/2018 14:28:03  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Sunday, May 6, 2018 at 14:28:03

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Barry

Last Name: Popik

ZIP Code: 10924

Email: [REDACTED]

Comments: I just emailed you to eliminate the useless Public Advocate position. (I also asked the Gotham Gazette to survey New Yorkers to see if anyone can name the person.) You can eliminate the Borough Presidents as well. In 2005, I ran for Manhattan Borough President and said that I'd try to eliminate the position. Consider this a part of that 2005 pledge. The Borough Presidents have become useless since the charter was revised in the 1980s. The city council can do this job. You can save about 15 million a year (5 borough presidents, staff, plus matching funds and election costs). Back in the early 1990s, the Manhattan Borough Historian put my research work on Big Apple and Civic Fame model Audrey Munson (who was still alive) on Manhattan BP Ruth Messinger's desk. Messinger deemed me not important enough to talk to for even a few minutes--ever. The BP is a ceremonial office, and it can't even do that right! Eliminate government waste in these useless positions (PA and BP). Save money and get the same (or better) government.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.139 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Monday, May 07, 2018 1:30 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559470336 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1559470336

DATE RECEIVED: 05/07/2018 13:27:56

DATE DUE: 05/21/2018 13:29:45

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/07/2018 13:27:29  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Monday, May 7, 2018 at 13:27:29

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Linda

Last Name: Cohen

ZIP Code: 10308

Email: [REDACTED]

Comments:

Many city and state agencies (ORR, DEP, DEC etc.) have notified the public about climate change and its resulting sea level rise, raising alarms for flooding. DCP has put out new preliminary FEMA maps which show flooding will continue to increase substantially in many coastal communities. Yet developers continue to build in areas that would endanger the residents of these communities.

Therefore, please create a requirement that all new development approvals be done in light of climate change and its resulting sea level rise.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/65.0.3325.181 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Monday, May 07, 2018 4:40 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559555435 CRC Public Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Your City of New York - CRM Correspondence Number is 1-1-1559555435

DATE RECEIVED: 05/07/2018 16:38:47

DATE DUE: 05/21/2018 16:39:48

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/07/2018 16:37:52  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Monday, May 7, 2018 at 16:37:51

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This form resides at

http://www1.nyc.gov/site/charter/about/public-comments.page

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First Name: Alison

Last Name: Hirsh

Professional Affiliation: SEIU Local 32BJ

ZIP Code: 10011

Email: Ahirsh@seiu32bj.org

Comments: SEIU Local 32BJ urges the Commission to recommend amending the Charter so that communications among members of labor and other membership organizations, even when coordinated with candidates, are not deemed in-kind contributions. The attached statement explains our position in more detail.

FILE1: Support Statement Charter Revision 5-9.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi a&hashId=367F21ED6DDE1797FF1AF7F5B62B7C56F6073234&accessId=6BA4A4CB945951DBE0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi a&hashId=367F21ED6DDE1797FF1AF7F5B62B7C56F6073234&accessId=6BA4A4CB945951DBE0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; Trident/7.0; rv:11.0) like Gecko

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STATEMENT OF ALISON HIRSH,  
SEIU LOCAL 32BJ POLITICAL DIRECTOR  
BEFORE THE NEW YORK CITY CHARTER REVISION COMMISSION  
MAY 9, 2018

To further its goals of deepening democracy and increasing the influence of historically disadvantaged groups in the political process, the NYC Charter should be revised to clarify that the expenses for creating, producing and disseminating communications within a labor or membership organization are not deemed to be in-kind contributions to candidates in municipal elections. The NYC Campaign Finance Board's ("CFB") current interpretation of the Charter and Campaign Finance Act ("CFA") treats membership communications, when coordinated with a candidate, as if they were communications to the general public, see CFB Advisory Opinion ("AO") 2009-7. The result is to undermine participation and mobilization of low-income and minority communities in particular. In addition, the current law limiting membership communications hinders membership groups' internal advocacy efforts, impedes recruiting volunteers to participate in political activity and incentivizes paid media advertising over organizing volunteer participation. In the age of *Citizens United's* protection for corporate and big donor money in elections, encouraging communications among members in labor and community organizations is an exceptionally important counter-weight.

We include proposed text for a charter amendment at the end of our testimony.

I. SEIU 32BJ Has A Vital Interest in Deepening Democratic Participation

SEIU Local 32BJ is a labor organization that has over 70,000 members who live in the City. Local 32BJ's members work as doormen, maintenance employees, porters, cleaners, security officers, airport workers and other positions for hundreds of employers. Many 32BJ members live in low-income neighborhoods and tens of thousands are members of minority and immigrant communities. Local 32BJ is party to thousands of collective bargaining agreements in approximately 10,000 distinct workplaces. These agreements guarantee fair terms and conditions of employment for these workers and a level of security for their families. Local 32BJ's members voluntarily join the union, determine their dues levels, elect their officers by secret ballot and otherwise participate in the union's activities. They *are* Local 32BJ. The members of Local 32BJ rely upon each other and their union to protect and advance their livelihoods as workers. In addition, they rely on their union to provide a vehicle by which they may be active participants in the City's civic affairs. To that end, Local 32BJ maintains a year-round effort to involve its

members in having their voices heard by City officials who make decisions that affect them, including the Mayor and Public Advocate, the borough presidents, and the Speaker and other members of the City Council. Local 32BJ and its members are keenly interested in this civic activity, and they fully participate in City elections within the bounds of the law.

## II. Membership Organizations Increase Political Participation By Working People and Minorities

Membership organizations play an indispensable role in increasing political participation by working people and minority and immigrant communities. Studies consistently show that union membership significantly increases voter participation. A study of the 2014 mid-term elections showed that 52% of union workers voted, while only 39% of non-union workers voted. *How Unions Boost Democratic Participation*, Sean McCelwee, The American Prospect, 9/16/2015. This study is consistent with others that show union membership boosts voting rates by 4% and registration rates by 3%. *Id.* Another study shows that union member voting participation is 10% higher than that of non-members. Significantly, the union increase in voting rates was much higher among low-income workers. A 3% voting gap between union members and non-union workers for workers earning over \$100,000 ballooned to a 15% gap among those earning less than \$25,000. *Id.* Testimony by many union members describing how they became politically active through communications from their union supports the same conclusion: membership communications is a force for increasing political participation.

This dynamic applies to community organizations as well. Voter registration and participation efforts by community organizations are effective, necessary and start with communications within the organization. A study by Demos found that “[n]onprofits were particularly effective at increasing voter turnout among groups that are traditionally underrepresented in the electoral process. Voter turnout of nonprofit voters compared to all registered voters was 18 points higher for Latino voters (72% vs. 54%), 15 points higher for voters under 30 years old (68% vs. 53%), and 15 points higher for voters with household incomes under \$25,000 (68% vs. 53%). Not Profit Pro Democracy: How NGOs Boost Voter Turnout, available at: <http://www.demos.org/blog/8/6/13/not-profit-pro-democracy-how-ngos-boost-voter-turnout> Demos.pdf

## III. Membership Communications Are Fundamentally Different Than Communications to the General Public



The material differences between communications to the general public and communications among members compel their having very different legal status. People voluntarily join and financially assist a membership group because they support the organization's agenda and want to receive its membership communications. They expect political communications from these groups—that is one of the reasons for joining. The members' dues are usually an important part of the funding of those communications. These communications and relationships are the antithesis of the anti-democratic influence of big money spent by business organizations and wealthy individuals in campaigns.

The particular nature of labor organizations underlines the value of encouraging interaction between the organizations and its members and City candidates. . SEIU Local 32BJ's municipal candidate endorsement process is driven by rank and file members and elected leaders. Union members screen candidates, discuss their merits and make recommendations. The union's Executive Board – elected by the union's members in a secret ballot – then makes decisions on endorsements. The union informs its members of its endorsements and the reasons for the endorsement in communications which expressly advocate the election of or opposition to candidates.

These features of union/member relationships derive from the democratic, member-controlled nature of unions themselves, which arises both from longstanding union tradition and the law. A union forms by its “designat[ion] or select[ion] for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purpose.” 29 U.S.C. § 159(a). Following this voluntary formation, members elect their officers by secret ballot, see 29 U.S.C. §§ 481-483; members determine their dues rates by these same methods, see 29 U.S.C. § 411(a)(3); and all union members enjoy equal rights to nominate candidates for union office, vote in union elections and otherwise participate in union affairs, including by exercising special rights of speech and association within their union. See 29 U.S.C. §§ 411, 481(e). Indeed, unions are fairly considered the most democratic of all kinds of membership organizations.

At the same time, union membership itself is completely voluntary and resignation cannot be restricted. *Pattern Makers League v. NLRB*, 473 U.S. 95 (1985). Indeed, the Supreme Court has observed that unions have “crucial differences” from business corporations: first, although unions, like corporations, “may be able to amass large treasuries, they do so without the significant state-conferred advantage of the corporate structure”; and, second, “the funds available for a

union's political activities more accurately reflect members' support for the organization's political views than does a corporation's general treasury" because a union may not compel represented non-members to support, with dues or other fees, the union's political, legislative and other ideological spending that is not directly germane to "collective bargaining, contract administration and grievance adjustment." *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 665-66 (1990), quoting *Communications Workers of America v. Beck*, 487 U.S. 735, 746 (1988). As Common Cause/New York aptly advised the CFB during its testimony urging a total membership communications exception to the CFA, "union members who opt in to pay for their union dues to go towards political expenditures are in essence paying to have this information sent to them." Supplemental Statement, Common Cause/New York at 1 (undated), available at [http://www.nyccfb.info/press/news/testimony/before\\_board.htm#2011](http://www.nyccfb.info/press/news/testimony/before_board.htm#2011).

#### IV. Current Law Unwarrantedly Impedes Labor and Membership Organizations' Electoral and Issue Advocacy

Current law, as set forth in the CFB's Advisory Opinion, AO 2009-7, treats communications within a membership organization, if coordinated with a candidate, as if they were communications to the general public. The Charter recognizes the distinct nature of membership communications by its exclusion of membership communications from the independent expenditure reporting and disclaimer requirements. NYC Charter, Chapter 46, Section 1052(a)(15)(a)(i)(5) and (6). However, the CFB's current interpretation of the Charter and the CFA equates membership communications with general public communications where the membership group deals with the candidate in a manner that influences any aspect of the group's decision about whether, when and how to make the membership communication. And, that in turn converts the communication into an "in-kind contribution" to that candidate, subject to the City's low contribution limits.<sup>1</sup> The CFB's reading of the provision exempting candidate's appearances at non-fundraising events from being deemed in-kind contributions, CFA § 3-716(1), worsens the situations.

The CFB has opined that an entity is "affiliated" with a candidate, thereby taking them out of the appearance exception, if the entity communicates with the

candidate beyond bare bones logistical details such as time and place for the appearance. AO 2013-1; AO 2012-1.

The CFB's Membership Communication rule effectively prohibits communications which should be encouraged. For many membership groups, then, even a single mailing or phone bank to its members which has been coordinated with a candidate is out of reach as a matter of law. That is certainly true for Local 32BJ with its 70,000 New York City members. 32BJ must either avoid the kind of engagement with candidates that would enhance its members' informed decision-making about their votes or avoid engaging with its members toward that goal due to the "taint" of dealing directly with a candidate campaign. Although it may be possible for a membership group to "firewall" its internal communications from its candidate dealings, doing so undermines the group's and its members' freedom of association with that candidate, and effectively makes the same either/or choice about dealing with the candidate or the members because here too the members don't have the benefit of the group's engagement with the candidate.

Before the CFB deemed coordinated membership communications to be in-kind contributions, Local 32BJ ran a vigorous volunteer program, recruiting members to participate in door-knocking, phone banking and other activities by the municipal campaigns. The union used paid staff time to recruit volunteers and would provide water, food, transportation and other support to the volunteers. The members were excited to see and hear from the candidates, work out of their offices and participate in the work along with others campaign supporters. They were excited to participate in democratic activity.

After the CFB's opinion, the Union has given up this kind of effort. Instead, we do municipal electoral activity as independent expenditures, with no contact with the campaign or the candidate. Our members cannot meet at the campaign headquarters to go canvassing. They cannot be inspired by a speech from the candidate before phone-banking. They do not get to feel part of a broader effort. Our members are confused about why we are not working more closely with the candidate we have endorsed. They are discouraged when they see endorsed council candidates in the neighborhood, but can't discuss our volunteer program with them. They want to see and hear from the candidate when they engage in volunteer activity.

As we have seen in the last few election cycles, when the law impedes union membership volunteer programs, some unions abandon them. Instead, some put their money into paid independent expenditure media advertisements to the general

public. A rule that discourages volunteerism and encourages more media spending is anti-democratic and anti-participatory.

Deeming coordinated membership communications as in-kind contributions also significantly affects labor and membership organizations' *non*-electoral advocacy work since that activity can far too easily be deemed to be in furtherance of a campaign, and therefore a contribution, when it is not intended as such.

For example, if, in the run-up to an election, the Union distributed a flyer to its members with a quote supporting the workers' bargaining goals from a candidate who was an incumbent city official, it would likely be deemed an in-kind contribution. The CFB would consider the leaflet to be "commenting on the candidates' character or fitness by articulating the candidates' support for a position that the union is advocating." AO 2012-1.<sup>2</sup>

Accordingly, regardless of whether AO 2009-7 reached a justifiable conclusion about the meaning of the Charter and the CFA, the Revision Commission should take this opportunity to remove any doubt and enhance participation in the City's elections by expressly exempting membership communications from the realm of in-kind contributions.

#### V. The City Has The Authority To End the Membership Communication/In-Kind Rule

The City is an outlier in bringing membership communication within the scope of in-kind contributions. New York State treats labor organization communications as in-kind contributions only if they are to a "general public audience." Communications to "an audience solely comprised of members, retirees and staff of a labor organization or members of their households or an audience solely comprised of employees of a corporation, unincorporated business entity or members of a business, trade or professional association or organization" are not to a general public audience. N.Y. Election Law §§ 14-100(13), 14-107. When the City eliminates a rule that is inconsistent with New York state law there is no preemption problem.

Similarly, at the federal election level, Congress in 1971 enacted explicit exceptions to the key terms "contribution" and "expenditure" in the Federal

Election Campaign Act for “communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject.”” *Pipefitters Local Union No. 562 v. United States*, 407 U.S. 385, 409-10 (1972) (interior quotation marks omitted). Congress recognized that “allowing [unions and corporations] to communicate freely with members and stockholders on any subject” was “required by sound policy *and the Constitution.*” 407 U.S. at 431 (interior quotation marks omitted) (emphasis added). Notably, Congress has recognized that this zone of constitutionally protected speech and association extends to such internal communications even if they are coordinated with a candidate. See 52 U.S.C. § 30118(b)(2)(A); 11 C.F.R. § 114.3(a)(1). Virtually every state takes the same regulatory approach, either explicitly by statute or informally through enforcement policy. Therefore, the City has the authority to bring its law.

## VI. Text of Proposal

### Declaration of legislative findings and intent.

The Charter Revision Commission finds that communications within membership organizations concerning electoral and advocacy issues is an essential pillar of democracy. Such communications are particularly important to increase participation among low-income and minority communities. Membership communications play an essential role in educating large groups of New Yorkers and facilitating their participation in public life. Including the cost of membership communications in calculating compliance with campaign contribution limits significantly restricts the ability of New Yorkers to receive vital information about public issues and candidates, since the cost of even modest membership communications can easily exceed contribution limits. Including the expenses for these communications as contributions threatens the ability of popular organizations to strengthen their issue advocacy work and to use a candidate’s bully pulpit for their causes. The recipients themselves are funding the communications through their voluntary financial support for the organization. Membership organizations mobilizing their members and through them their constituencies to engage in politics---that is what democracy looks like.

Chapter 46, Section 1052 shall have a new section 15 and all subsequent sections shall be re-numbered, which states:

No communication by a labor or other membership organization aimed at its members or its staff or any *de minimis*, incidental communication with non-members shall be considered an in-kind contribution to a candidate's campaign so long as the labor or membership organization uses reasonable efforts to restrict its communications to members. This exemption does not apply to party committees, constituted committees, political clubs, or other entities organized primarily for the purpose of influencing elections. For the purposes of this section "member" has the same definition as in Sec. 15(a)(i)(5)(A) and (B) and "*de minimis*" has the same meaning as in Sec. 15(a)(6).

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 08, 2018 1:03 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1559902926 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1559902926

DATE RECEIVED: 05/08/2018 13:01:53

DATE DUE: 05/22/2018 13:02:38

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/08/2018 13:01:34  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 8, 2018 at 13:01:33

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Alison

Last Name: Hirsh

Professional Affiliation: Vice President, SEIU Local 32BJ

ZIP Code: 10011

Email: Ahirsh@seiu32bj.org

Comments: SEIU Local 32BJ urges the Commission to recommend removing the requirement for designating/nominating petition signers and witnesses to include their county and to eliminate the first signature rule for municipal elections, as explained in more detail in the attached statement. These changes were eliminate unnecessary barriers to candidates getting on the ballot.

FILE1: Petition Statement.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=FB4A6C9DA5056D7E6F100AC93F7414825A46310D&accessId=6BB5BD1266263CB3E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=FB4A6C9DA5056D7E6F100AC93F7414825A46310D&accessId=6BB5BD1266263CB3E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; Trident/7.0; rv:11.0) like Gecko

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STATEMENT TO THE 2018 CHARTER REVISION COMMISSION  
ALISON HIRSH, VICE PRESIDENT SEIU LOCAL 32BJ  
May 9, 2018

SEIU Local 32BJ urges the Commission to recommend simplifying the nominating petition process for municipal elections. The requirements that designating and nominating petition signers and witnesses correctly list their county are unnecessary obstacles that may prevent candidates from getting on the ballot, as is the “first signature” rule. The result is to limit the voters’ choices. The negative impact of petitioning technicalities are felt especially sharply by first time candidates and those who do not have an experienced campaign organization behind them.

State law requires that voters and witnesses list their county on designating and nominating petitions. Election Law § 6-130; 6-140. However, many New Yorkers think of themselves, for example, as Brooklynites and not as residents of Kings County. Voters in Staten Island and Manhattan may similarly misidentify their county, using the borough name instead. This problem may result in disqualifying candidates; for example, in 2006, 259 of a State Senate candidate’s 1,175 signatures were invalidated because signers incorrectly listed their towns. *See Matter of Stark v. Kelleher*, 32 AD3d 663 (3<sup>rd</sup> Dept 2006). Since voters are required to list their address on the nominating petition, correctly identifying the county adds little to the verification process.

We also urge the removal for municipal election of the “first signature” rule which invalidates signatures for a second candidate for a specific position. Election Law § 6-134(3). Voters should be allowed to sign for more than one candidate. A voter may want to encourage multiple candidates or find a second candidate more appealing after she has already signed for a first candidate. The “first signature” rule tilts the playing field towards candidates with established campaign organizations who can collect signatures early and who have the resources to quickly compare their signatures to those of rival candidates.

We urge you to recommend adding to Section 1057-b an additional subsection which states:

No signature on a designating or independent nominating petition shall be invalidated because: 1) the signer has omitted or misidentified her county, or 2) the signer has signed a petition for a different candidate for the same position. No designating or independent nominating petition shall be invalidated because the witness omitted or misidentified her county.

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 08, 2018 5:15 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560025874 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560025874

DATE RECEIVED: 05/08/2018 17:13:59

DATE DUE: 05/22/2018 17:14:57

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/08/2018 17:13:27  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Tuesday, May 8, 2018 at 17:13:27

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Lucy

Last Name: Block

ZIP Code: 11373

Email: [REDACTED]

Comments: Please note that the following comments are solely my personal opinion: I recommend that the Charter Revision Commission consider ending the practice of selling tax liens on vacant buildings and lots and instead transferring them to nonprofit developers and community land trusts. I recommend adding a charity property tax exemption to the city charter and prohibiting lien sales for those properties. I recommend that all new development approvals formally account for climate change and rising sea levels. I recommend that the City track and enforce all deed restrictions that it holds for the public benefit. I recommend that community land trusts be prioritized as a recipient of dispositions of public land.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_12\_6) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/65.0.3325.181 Safari/537.36 OPR/52.0.2871.64

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 08, 2018 6:31 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560070472 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560070472

DATE RECEIVED: 05/08/2018 18:29:18

DATE DUE: 05/22/2018 18:30:56

SOURCE: eSRM

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Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 8, 2018 at 18:28:58

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Karen

Last Name: Peterson

Suffix: Ms

ZIP Code: 11221

Email: [REDACTED]

Comments: Instant Runoff Voting (IRV) is one of the most effective ways to help people elect representatives who will actually represent their wishes. Instead of getting a choice of voting for a lesser evil who doesnt represent their views, or not voting at all, citizens could rank their votes based on HOW MUCH they approve of each candidates stands on issues. You can vote for your favorite with a clear conscience, even if youre told they cant win - if they dont win, your vote is transferred to your 2 choice. This does more than even campaign finance reform. NY has some of the worst voter laws, lowest turnout, and - not unrelated - worst govt corruption in the country. We really need IRV.. Its been proven to work in other major cities like SF and Mpls. Lets do it now.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; Win64; x64; rv:59.0) Gecko/20100101 Firefox/59.0

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Wednesday, May 09, 2018 3:01 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560423127 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560423127

DATE RECEIVED: 05/09/2018 15:00:41

DATE DUE: 05/23/2018 15:01:26

SOURCE: eSRM

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-----Original Message-----

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Sent: 05/09/2018 14:59:49  
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Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Wednesday, May 9, 2018 at 14:59:48

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Alex

Last Name: Camarda

Suffix: Mr

Professional Affiliation: Senior Policy Advisor, Reinvent Albany

ZIP Code: 10013

Email: alex@reinventalbany.org

Comments: Dear Charter Revision Commission Members Staff-

Attached is our testimony on campaign finance and voting reforms in advance of tonights hearing in Manhattan.

Regards,

Alex

FILE1: 5-9-18 Testimony to the 2018 NYC Charter Revision Commission on Campaign Finance and Voting Reforms .pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi a&hashId=D05D15BE57638AB659B20A29B3C83BA5D1A899A0&accessId=6BCB81CFE6166DBCE0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi a&hashId=D05D15BE57638AB659B20A29B3C83BA5D1A899A0&accessId=6BCB81CFE6166DBCE0540003BA35EB85)

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HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_11\_1) AppleWebKit/601.2.7 (KHTML, like Gecko) Version/9.0.1 Safari/601.2.7

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**Testimony to the 2018 NYC Charter Revision Commission  
on Campaign Finance and Voting Reforms  
Public Hearing #5**

May 9, 2018

The New York Public Library

New York, NY

Good evening Chair Perales and members of the Charter Revision Commission. I am Alex Camarda, the Senior Policy Advisor for Reinvent Albany. Reinvent Albany advocates for transparency and accountability in State government, and are leading champions for transparency in New York City government, particularly the Freedom of Information Law and open data.

We previously testified before the Commission on increasing transparency and limiting the size of donations to nonprofits affiliated with elected officials.

Tonight we make recommendations for improving the city's campaign finance system and voting. First, we want to emphasize our strong support for the structure of the the city's campaign finance system - the public matching system and doing business restrictions - and the Campaign Finance Board. New York City's campaign finance system is a national model and has been continuously and carefully improved over 30 years. The Commission should make improvements to our model system but we oppose changing its strong foundation.

Reinvent Albany makes the following recommendations to improve the city's campaign finance and voting systems:

- 1. Empower the Campaign Finance Board to monitor and enforce laws and regulations for campaign finance, ethics, and lobbying.**
  - a. As a first step towards consolidating and strengthening oversight, move lobbying enforcement out of the City Clerk's office into the Conflicts of Interest Board (COIB).**
- 2. Significantly increase the cap limiting candidates' public funds to 55 percent of the spending limit for the office sought.**
- 3. Limit public matching funds to contributions up to \$175.**
- 4. Include the clients of lobbyists in the Doing Business definition.**



- 5. Require subcontractors doing large amounts of work on city contracts to be subject to the doing business contribution limits.**
- 6. Strengthen disclosure of independent expenditures by revealing the actual donors or beneficial owners of LLCs making independent expenditures or donating to entities making independent expenditures.<sup>1</sup>**
- 7. Establish Instant Runoff Voting (IRV) or Ranked Choice Voting for primary elections for citywide offices, all special elections, and for military and overseas voters.**

### **Recommendation #1**

**Empower the Campaign Finance Board to monitor and enforce laws and regulations for campaign finance, ethics, and lobbying.**

**As a first step towards consolidating and strengthening oversight, move lobbying enforcement out of the City Clerk's office into the Conflicts of Interest Board (COIB).**

In most places, campaign finance, ethics, and lobbying enforcement is more centralized than in New York City. Thirty five states have an ethics commission that administers both conflicts of interest and lobbying laws.<sup>2</sup> In California, the highly regarded Fair Political Practices Commission, oversees elections, ethics and lobbying, has done so for over 40 years and is considered a national leader in the field.

New York City's administration and enforcement is fragmented: the Campaign Finance Board oversees candidates raising and spending money for political office; the Board of Elections administers elections; the Mayor's Office of Contract Services (MOCS) administers the Doing Business Database; the Conflicts of Interest Board (COIB) oversees ethics laws and financial disclosure; and the City Clerk's Office, part of the City Council, regulates lobbying disclosure and enforcement.

Reinvent Albany believes New York should consolidate these functions to concentrate regulatory and technology expertise, take advantage of economies of scale, and reduce costs. Consolidation allows one agency to conduct more effective oversight because it can examine all areas of potential influence by outside actors and activities by public officials, and leverage expertise applicable to all areas to broadly identify corruption

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<sup>1</sup> CFB 2013 post election report, recommendation #3. Available at: [http://www.nyccfb.info/PDF/per/2013\\_PER/2013\\_PER.pdf](http://www.nyccfb.info/PDF/per/2013_PER/2013_PER.pdf). Pages 123-126.

<sup>2</sup> See: <http://www.ncsl.org/research/ethics/50-state-chart-state-ethics-commissions-jurisdic.aspx>

risk. The Campaign Finance Board, which effectively uses technology to make campaign activity transparent and to engage voters, could apply its expertise to improving and networking databases at MOCS, COIB and the City Clerk's Office.

Consolidating oversight at the CFB might seem like a far out idea for those hearing it for the first time, but greater consolidation is the norm and the long term trend in most other places. If the Commission and the mayor are looking to do something big to put the city at the forefront of curtailing the influence of money on politics and governance, this is it.

The last NYC Charter Revision Commission made steps in this direction, moving the Voter Assistance Advisory Commission (VAAC) into the Campaign Finance Board, which has been a big success.

Here in New York City, the ethics body, COIB, does not regulate lobbying. Instead lobbying oversight is housed in the City Council in the Clerk's Office. At the very least, lobbying oversight should be moved into the COIB. Better still would be to move both lobbying and ethics moved into the larger, more effective and independent Campaign Finance Board.

## **Recommendations #2**

### **Significantly increase the cap limiting candidates' public funds to 55 percent of the spending limit for the office sought.**

Reinvent Albany recommends changes to the campaign finance system to better incentivize small donor fundraising. The first way to achieve this is by eliminating the cap on public funds, which is 55 percent of the spending limit for the office. We believe this would be helpful in reorienting candidates from the start of their campaigns toward fundraising more from small donors. Currently candidates are incentivized to raise the maximum contribution because they have to raise, at minimum, 45 percent of the spending limit for their office in private dollars. Candidates believe the fastest way for them to get to the spending limit is to collect large contributions rather than raising money from small donors.

A joint analysis by Reinvent Albany and Represent.us New York shows Councilmembers during their 2017 campaigns were mostly funded by larger contributions: 88 percent of their campaign funds came from donations larger than \$175; 68 percent of funds from donations larger than \$500, and 54 percent of funds from donations larger than \$1,000. Thirty-four of 45 Councilmembers actively campaigning raised less than 20 percent of

their funds from small donations of \$175 or less. Fifteen candidates did not participate in the public matching system altogether.

**Recommendation #3:**

**Limit public matching funds to contributions up to \$175.**

Another solution is to limit matching funds for contributions up to \$175. Matching funds are currently provided for the first \$175 of *any* contribution at a rate of \$6 to \$1, no matter how large the contribution is. Consequently, many candidates with limited time and resources raise money from larger donors. By only providing the match for smaller contributions, we incentivize candidates to focus on smaller donors rather than raising the maximum contribution.

**Recommendations #4**

**Include the clients of lobbyists in the Doing Business definition.**

The Doing Business restrictions should be extended to clients of lobbyists. This means that individuals associated with companies and organizations that hire lobbyists but do not lobby themselves would have their campaign contributions limited to \$400 or less. It does not make sense that in-house lobbyists at small nonprofits are subject to the doing business limits yet clients of lobbyists who may pay lobbyists hundreds of thousands of dollars per year to advocate for them are not considered doing business with the city.

The New York City Hospitality Association, for example, spent \$30,000 lobbying as a client in 2017. Because the association was not registered as a lobbyist, its president, president emeritus, treasurer, and board member all legally gave campaign contributions to Councilmembers in excess of the doing business limits while legislation impacting the industry was before the Council.

**Recommendations #5**

**Require subcontractors doing large amounts of work on city contracts to be subject to the doing business contribution limits.**

Reinvent Albany recommends expanding the “Doing Business” definition so the reduced contribution limits apply to subcontractors doing large amounts of work on city contracts. We do not have a recommendation on the dollar value for being subject to the doing business restrictions at this time. However, we think it is an inconsistency that

subcontractors doing millions of dollars of work are not subject to doing business contribution limits while prime contractors on small contracts are.

Reinvent Albany has advocated for more transparency regarding subcontractors generally, and last year the comptroller began to make spending on subcontractors available in Checkbook NYC, the city's public database for expenditures.<sup>3</sup> However, only a small portion of the funds are known in part because the city does not require prime contractors to report their subcontractors for many city contracts.<sup>4</sup> Collecting this information would not only reduce undue influence in government (or the perception of it) by limiting donations of subcontractors, but also result in better monitoring of Minority and Women Business Enterprises (MWBES) and procurement.

### *Improve the Accuracy of the Mayor's Office of Contracting Doing Business Database*

Reinvent Albany also has concerns about the accuracy of the Doing Business Database. Based on our own experience filing lobbying reports, we believe the Doing Business Database is receiving incomplete or inaccurate information from the City Clerk's lobbying database. Reinvent Albany's current lobbyists were not listed in the Doing Business database even though we updated the online forms we submitted to the City Clerk's Office in March 2017. Former lobbyists who left the organization in March and September 2017 were not delisted until 2018.<sup>5</sup>

We are particularly concerned about the accuracy of the MOCS database because several changes were made in 2016 to the Doing Business laws. The 2016 laws prohibit matching contributions bundled by lobbyists and vendors doing business with the city; require that entities with at least a 10 percent interest in companies "doing business" also be classified as "doing business"; create new systems for disclosures to donors regarding doing business restrictions; require the Doing Business database include the dates when business was done; and require MOCS to publish a list of those doing business historically.<sup>6</sup>

## **Recommendation #6**

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<sup>3</sup> See:

<https://comptroller.nyc.gov/newsroom/comptroller-stringer-announces-new-transparency-tool-for-checkbook-nyc/>

<sup>4</sup> See:

[https://www.checkbooknyc.com/contracts\\_landing/bottom\\_slider/sub\\_vendor/dashboard/ss/yeartype/B/year/118/status/A?expandBottomCont=true](https://www.checkbooknyc.com/contracts_landing/bottom_slider/sub_vendor/dashboard/ss/yeartype/B/year/118/status/A?expandBottomCont=true)

<sup>5</sup> See:

[https://www1.nyc.gov/dbnyc/entityDetail.htm?org\\_id=160125&org\\_name=REINVENT%20ALBANY&lastClosingDate=12/31/2017&lastRunDate=12/31/2017](https://www1.nyc.gov/dbnyc/entityDetail.htm?org_id=160125&org_name=REINVENT%20ALBANY&lastClosingDate=12/31/2017&lastRunDate=12/31/2017)

<sup>6</sup> See: <https://council.nyc.gov/press/2016/12/15/1339/>

**Strengthen disclosure of independent expenditures by revealing the actual donors or beneficial owners of LLCs making independent expenditures or donating to entities making independent expenditures.<sup>7</sup>**

Limited Liability Corporations (LLCs) that are little more than shell companies or opaque conduits have been at the center of some of New York State's largest scandals. In New York City, corporate contributions to candidates are prohibited. However, because of the *Citizens United* and other court decisions, corporations, including limited liability companies, can spend unlimited amounts of money if they do not coordinate with candidates. Thanks to the last Charter Revision Commission, the voters approved robust disclosure of independent expenditures. However, even disclosure of the name of an LLC does not reveal the true source of the money behind a campaign expenditure. The CFB to its credit did an analysis in its 2013 post election revealing the real donors behind some of the LLC contributors to a real estate funded entity that made independent expenditures. But CFB's analysis was laborious and done after the election when the information had diminished value. The city should require the disclosure of the corporate parent or beneficial owner(s) when an independent expenditure is made or funded by an LLC. We believe state election law gives the city the authority to do this.

8

**Recommendation #7**

**Establish Instant Runoff Voting (IRV) or Ranked Choice Voting for primary elections for citywide offices, all special elections, and for military and overseas voters.**

Reinvent Albany recommends the city adopt Instant Runoff Voting (IRV) or Ranked Choice Voting for primary elections for citywide offices, all special elections, and for military and overseas voters. We think Councilmember Brad Lander's and Manhattan Borough President Gale Brewer's legislation, Int. No. 150 of 2014, which was supported by more than half the City Council, is a good starting point for introducing Instant Runoff Voting in New York City.<sup>9</sup> Their bill covers primary elections for citywide offices (mayor, comptroller and public advocate) and special elections for all offices, including City Council and borough president. Under Int. No. 150 of 2014, voters rank 3 candidates in order of preference. If no candidate receives 50 percent of the vote, an

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<sup>7</sup> CFB 2013 post election report, recommendation #3. Available at: [http://www.nyccfb.info/PDF/per/2013\\_PER/2013\\_PER.pdf](http://www.nyccfb.info/PDF/per/2013_PER/2013_PER.pdf). Pages 123-126.

<sup>8</sup> See NYS Election Law 14-120, "Campaign contribution to be under true name of the donor."

<sup>9</sup> See:

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1681065&GUID=C2D94A92-80CF-4E75-806F-D9C49E96C6BD&Options=ID|Text|&Search=ranked+choice>

instant runoff occurs. Only the candidates finishing in the top two in first choice votes advance to the instant runoff. The other candidates are eliminated, and ballots indicating a first choice vote for eliminated candidates are counted as votes for the highest ranked continuing candidate.

We think the city has a moral and possibly legal obligation to establish instant runoff voting for military and overseas voters. These voters are unable to vote in the runoff elections because there is not enough time in the two weeks between the primary and runoff elections for the Board of Elections to design and send ballots, and for military and overseas voters to receive and send back their completed ballots by the runoff deadline. Other states have established instant runoff voting for military and overseas voters, in some cases as the result of a legal settlement.

The benefits of instant runoff voting have been testified to before the commission. They include more civil and substantive campaigns, increased voter enthusiasm due to the lack of wasted votes for longshot candidates, millions of dollars in cost savings on elections administration, and preventing vote splitting and the election of polarizing candidates who appeal to a narrow base unreflective of the majority of voters in a district. Instant runoff voting is also clearly within the city's authority to do unlike some other proposed voting reforms.

Thank you for holding this hearing tonight. I welcome any questions you may have.

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Wednesday, May 09, 2018 5:59 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560531233 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560531233

DATE RECEIVED: 05/09/2018 17:58:21

DATE DUE: 05/23/2018 17:58:36

SOURCE: eSRM

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-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/09/2018 17:57:23  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Wednesday, May 9, 2018 at 17:57:23

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Roxanne

Last Name: Delgado

ZIP Code: 10467

Email: [REDACTED]

Comments: Testimony for May 3, 2018

FILE1: testimoneycrb.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi  
a&hashId=1A9928EC359349820591397FDDA2E3D11EF21C99&accessId=6BCDFCE360C16C92E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi<br/>a&hashId=1A9928EC359349820591397FDDA2E3D11EF21C99&accessId=6BCDFCE360C16C92E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
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Gecko) Chrome/66.0.3359.126 Mobile Safari/537.36

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The issue isn't voter registration or education but it is lack of competition where even before the race begins, most people know the outcome. And Campaign Finance has made races less competitive and as a result there is a lower voter turnout.

As I stated last week, there has been lots of abuses with campaign matching funds. In one case, a citywide incumbent took over \$750,000 in public funds even though that person outraised her opponent by over 4000 percent. Of course, the incumbent won by over 75% and all the public monies was wasted.

And there are some city council members who want to increase that gap in such scenarios by increasing the matching fund and fully financing these races. Not only does it increase the gap between the establishment and grassroots candidates but it is a waste of money

The way to stop this abuse is simply by not matching any race where the other opponents are not eligible for public funds and raise 50% less than their opponent.

## COMMUNITY BOARDS

- (1) I don't support term limits for community board members because in some districts there is little interest or free time to serve on the board. However, I do support term limits for community board leadership to 2 terms so other members can have a chance to lead as well.

- (2) Community board members with poor attendance should be automatically removed and not at the discretion of the borough president nor the other committee board members. Currently I have board members who have over 90 percent attendance failure but still on the board since they are political appointees.
- (3) A community board should not be permitted to vote on any issue that isn't on the agenda which is posted at least 24 hours before the meeting.

### Rank Choice Voting

Rank choice voting is great in theory but I doubt the BOE can handle it correctly. They still manually input voting transaction history manually which is why their transaction history often doesn't match with the results of the election.

Due to cost and Low turnouts, I recommend lowering the 40 percent of the voter threshold to 30 % of the vote in citywide races to avoid a runoff.

Lastly, thank you for posting the transcripts on your website. However for transparency sake, I ask you post all testimony and communication submitted to the commission via its website or email . Kind regards, Roxanne Delgado

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 10, 2018 12:21 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560599590 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560599590

DATE RECEIVED: 05/10/2018 00:20:25

DATE DUE: 05/24/2018 00:20:59

SOURCE: eSRM

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From: PortalAdmin@doitt.nyc.gov  
Sent: 05/10/2018 00:20:07  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 10, 2018 at 00:20:07

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Briar Winters and

Last Name: Zishun Ning

Suffix: co-chairs

Professional Affiliation: The Chinatown Working Group

ZIP Code: 10002

Email: [REDACTED]

Comments: The city administration routinely ignores community-developed zoning plans. These plans reflect broad community consensus, yet the city processing costs of implementing these plans set impossible hurdles for low income communities. While the Sutton Place community, with its deep pockets, were able to move their rezoning, our Lower East Side Chinatown Working Group plan has been thwarted solely by the exorbitant cost of ULURP / EIS. Because of these costs, under the current charter, only the rich have the right to self-determination. This is a fundamental violation of justice, especially since the wealthy have far more market options of self-determination than low income residents. The cost of the city governments EIS process tilts the playing field further against low income residents, rather than help to level it. The Chinatown Working Group included more than 60 community organizations and worked 7 years on its plan, yet the current process imposes financial obstacles that make it difficult for the community's effort to be implemented. The Chinatown Working Group recommends that the city charter revision remove all financial obstacles to low income community plan proposals.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_13\_2) AppleWebKit/604.4.7 (KHTML, like Gecko) Version/11.0.2 Safari/604.4.7

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 10, 2018 10:13 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560725029 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560725029

DATE RECEIVED: 05/10/2018 10:11:37

DATE DUE: 05/24/2018 10:12:44

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
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Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 10, 2018 at 10:07:18

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Teri

Last Name: Hagedorn

Professional Affiliation: Volunteer with Represent.Us

ZIP Code: 10013

Email: [REDACTED]

Comments: This is testimony recommending adoption of a campaign finance reform bill put forth by Ben Kallos to lift the public financing cap from 55% to 85% for city elections. Thank you for your consideration.

FILE1: Teri Hagedorn Public Testimony\_May 9 2018.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=808CFA190F36EE30E86FE24B503532C18441B58C&accessId=6BDB89999A340140E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=808CFA190F36EE30E86FE24B503532C18441B58C&accessId=6BDB89999A340140E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_13\_4) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.139 Safari/537.36

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**Testimony to the 2018 New York City Charter Revision Commission  
On Increasing the Public Matching Cap for City Elections  
Public Hearing #5**

New York Public Library in Manhattan, NY  
May 9, 2018

Thank you for holding this hearing and for the opportunity to testify.

My name is Teri Hagedorn, and I'm a volunteer member of the New York chapter of Represent.Us, a national anti-corruption organization. Our mission is "to pass tough anti-corruption laws in cities and states across America, and to end the legalized corruption that has come to define modern politics."

A critical component of our efforts is campaign finance reform, which is also a key priority for the mayor.

Even though New York City has one of the best public matching systems in America with up to 55% of a campaign's spending provided by the city in public funds, our city elections are still primarily financed by wealthy donors.

Represent.us New York conducted an analysis with Reinvent Albany and found that:

- In 2017, 68% of councilmembers' campaign funds came from donations over \$500;
- And 54% came from donations over \$1,000

This is obviously a lot of money when you consider that more than half of New Yorkers haven't even saved enough money for three months of expenses.<sup>1</sup>

One solution to the problem is to increase the available amount of public spending in elections, something that Mayor De Blasio mentioned in his State of the City address in February when he said, "Our goal is for elections to be funded primarily by public dollars, thereby greatly reducing the power of big money."

There is an existing bill that would do just that, and it already has the support of 21 councilmembers. Its Council Member Ben Kallos' proposed 2018 bill, **Introduction No.**

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<sup>1</sup> 2016 study by the Association for Neighborhood Housing & Development

**732**, which would raise the public financing cap for New York City elections to **85%** from 55%.

I believe that if New Yorkers were offered the chance to have more public matching funds in their elections, they would vote yes, and it would not only bring new candidates and more civic engagement into our system, it would also build greater faith in our elected officials.

In fact, based on a Demos study<sup>2</sup> released in June 2017, the benefits of campaign finance reform are numerous:

- Greater racial and class diversity among donors
- More women running for office
- An increased number of donors
- More quality time with constituents

I have provided with my testimony descriptions of different types of campaign finance programs in other localities. Thank you again for the opportunity to testify.

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2

<http://www.demos.org/publication/public-funding-electoral-campaigns-how-27-states-counties-and-municipalities-empower-sma>



## **A Short Description of Public Funding Systems Currently in Use**

### Small-Donor Matching Programs

Matching fund programs match small contributions to qualifying candidates with public funds, according to a specified ratio. Today's highest matching funds ratio is in New York City, where participating candidates receive \$6 for every \$1 in small contributions. This means that a \$50 contribution from an individual donor can actually be worth \$350 or more to a participating candidate. The goal is to amplify the voices of regular voters by incentivizing candidates to seek donations from a broad base of constituents rather than a few wealthy donors.

### Grant-based Programs

Grant-based programs—often referred to as “clean elections,” “fair elections” or “citizen-funded elections”—provide full funding for candidates to run their campaigns. Participating candidates receive a lump-sum grant from a public fund and no further fundraising is required (or allowed), so every participating candidate has equal resources with which to campaign. To qualify for the program, candidates must raise a threshold number of very small contributions (often \$5) to demonstrate broad support in the community. Newer systems can allow for further fundraising given the challenge of increasing outside spending.

### Voucher Programs (see Seattle Democracy Voucher Program below)

Voucher programs provide a “coupon” to individuals to donate to a candidate (or sometimes a party or political committee), who can then redeem the voucher for campaign funds.

### Tax Credits/Refunds

Tax credit programs generally allow those who file long-form tax returns to claim a full or partial credit for small political contributions made during the filing year to candidates (and sometimes parties or PACs). The tax credit can be refundable (available to those without tax liability) or not. Other programs refund the contributor's money immediately, so donors do not have to wait for tax time.

Matching fund, voucher and tax credit/refund programs often (but need not) require participating candidates to accept restrictions on their fundraising or spending in order to qualify for public funds.

##

### Seattle Democracy Voucher Program

The program is straightforward in its design: The city gives every resident who is eligible four \$25 vouchers to donate to campaigns. Eligible donors include both adult citizens and adult green card holders who live in the city. Those residents can then distribute their vouchers to participating candidates in the voucher-eligible races, which in 2017 were two city council races and the city attorney race.

In 2017, eight candidates participated in the program in the primary, five did in the general election. These eligible candidates received more than 45,000 Democracy Vouchers from Seattle residents.

Since the election, the data have shown additional positive results. For one, SEEC found that **Democracy Vouchers poured in from all over the city and brought in new donors to the process.**

Specifically, it noted that only 8,200 Seattle residents contributed to campaigns in 2013. With Democracy Vouchers, however, the number of contributors jumped to 25,000, a **three-fold increase.**

The 2017 donor base was more diverse than past elections in other ways too. In 2017, **higher proportions of donors were female, came from neighborhoods with below-city-median household incomes, came from areas with higher levels of racial diversity, and were younger.**

The voucher program creates a strong incentive for candidates to engage with a broader representation of the population and the 2017 election demonstrated that this incentive worked.

As the report concluded, **“Seattle’s Democracy Voucher Program is achieving its intended goals by generating historic numbers of new and small donors, diversifying the makeup of campaign supporters to better reflect the people of Seattle, and limiting the reliance on big money in local elections.”** These promising results stand in stark contrast to the continuing trend on the federal level of a decreasing number of large donors accounting for the bulk of campaign contributions.

The Sightline Institute found similarly positive outcomes in its own post-election analysis. It found that even in its first year, Seattle residents understood the program very well (a testament to the extensive outreach efforts described below), that the number of Seattle donors skyrocketed, and that average donation amounts dropped

significantly.

Simply put, Sightline said, “In just one election cycle vouchers have changed campaign finance in the city of Seattle. Candidates are receiving smaller donations from much larger—unprecedentedly large—donor bases.”

Public financing programs like this one matter from the candidates’ perspectives, too.

For example, Seattle’s program has also widened the field of potential candidates. As one candidate remarked before the election, the vouchers have helped make running for office feasible for candidates that don’t have significant personal wealth.

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 10, 2018 4:44 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1560946926 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1560946926

DATE RECEIVED: 05/10/2018 16:42:56

DATE DUE: 05/24/2018 16:43:51

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/10/2018 16:41:58  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 10, 2018 at 16:41:58

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Seth

Last Name: Silverman

ZIP Code: 10028

Email: [REDACTED]

Comments: I encourage the Commission to embrace instant run-off voting for New York City. This approach will drive up participation and competition in our elections at a time where both of these attributes couldnt be more important.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:59.0) Gecko/20100101 Firefox/59.0

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Friday, May 11, 2018 10:16 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1561222536 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1561222536

DATE RECEIVED: 05/11/2018 10:15:21

DATE DUE: 05/25/2018 10:16:01

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
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To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Friday, May 11, 2018 at 10:14:20

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Mark

Last Name: Caserta

Professional Affiliation: Executive Director, Park Slope Fifth Avenue BID

ZIP Code: 11215

Email: mark@parkslopefifthavenuebid.com

Comments: I strongly believe that the City of New York needs a permanent Small Business Commission like the City of San Francisco (see <http://sfsb.org/small-business-commission>). The NYC Department of Small Business Services works directly for the Mayor and does a decent job, given the resources they have. However, they lack the ability to provide an independent voice for the concerns of small business owners. Small Business Owners need to be able to express their concerns about how proposed bills and taxes will affect the city's 230,000 small businesses without having to take time out of their busy schedule to testify at the City Council in the middle of the work day or having to fear revenge by City Agencies (many fear they will be inspected and fined for speaking out). A small, permanent, independent commission with staff can give non-binding opinions and advice to the City Council, Mayor and Agencies. It is MUCH NEEDED. I'd be happy to discuss the idea further. It is supported by many of our business owners and we have the support of the Brooklyn Borough President. Thank you.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_11\_6) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/65.0.3325.181 Safari/537.36 OPR/52.0.2871.64

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Friday, May 11, 2018 4:35 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1561389917 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1561389917

DATE RECEIVED: 05/11/2018 16:33:29

DATE DUE: 05/25/2018 16:35:01

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/11/2018 16:32:50  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Friday, May 11, 2018 at 16:32:50

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Alex

Last Name: Camarda

Suffix: Mr

Professional Affiliation: Senior Policy Advisor, Reinvent Albany

ZIP Code: 10013

Email: alex@reinventalbany.org

Comments: Attached is Reinvent Albany's short list of recommendations, which compiles all the recommendations in our 3 different testimonies delivered during the initial round of public hearings by the Commission.

FILE1: Reinvent Albany Short List of Recommendations to the City Charter Revision Commission.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=B2108FF33147AC50A308C80BF90FFC764624D15F&accessId=6BF50A2ECB1D2891E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=B2108FF33147AC50A308C80BF90FFC764624D15F&accessId=6BF50A2ECB1D2891E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]  
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## **Short List of Policy Recommendations to the 2018 City Charter Revision Commission**

### **Campaign Finance & Voting Reform Recommendations**

1. Empower the Campaign Finance Board to monitor and enforce laws and regulations for campaign finance, ethics, and lobbying.
  - a. As a first step towards consolidating and strengthening oversight, move lobbying enforcement out of the City Clerk's office into the Conflicts of Interest Board (COIB).
2. Significantly increase the cap limiting candidates' public funds to 55 percent of the spending limit for the office sought.
3. Limit public matching funds to contributions up to \$175.
4. Include the clients of lobbyists in the Doing Business definition.
5. Require subcontractors doing large amounts of work on city contracts to be subject to the doing business contribution limits.
6. Strengthen disclosure of independent expenditures by revealing the actual donors or beneficial owners of LLCs making independent expenditures or donating to entities making independent expenditures.<sup>1</sup>
7. Establish Instant Runoff Voting (IRV) or Ranked Choice Voting for primary elections for citywide offices, all special elections, and for military and overseas voters.

### **Public Integrity/Conflicts of Interest Recommendations**

1. Limit contributions to *all* nonprofits affiliated with elected officials.
2. Restrict donations by those doing business with the city to city agencies, public authorities, public benefit corporations and local development corporations.
3. Publish as open data the exact amount of all donations by donors doing business with the city to nonprofits affiliated with elected officials, and to all government entities (city agencies, public authorities, public benefit corporations and local development corporations).
4. Require "volunteers" doing major policy work or senior level appointments for the city to follow city ethics laws.

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<sup>1</sup> CFB 2013 post election report, recommendation #3. Available at:  
[http://www.nyccfb.info/PDF/per/2013\\_PER/2013\\_PER.pdf](http://www.nyccfb.info/PDF/per/2013_PER/2013_PER.pdf). Pages 123-126.

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Saturday, May 12, 2018 5:01 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1561754731 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1561754731

DATE RECEIVED: 05/12/2018 16:59:54

DATE DUE: 05/26/2018 17:00:38

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

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Sent: 05/12/2018 16:59:39  
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Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Saturday, May 12, 2018 at 16:59:39

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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ZIP Code: 11211

Comments: Please ban all honking of car and truck horns inside New York City. In our experience people rarely honk their horns for genuine safety reasons, but instead, far too often horns are honked simply out of pettiness, peevishness, anger, road rage or simple impatience. Truck drivers in particular seem to believe they are still on the highway, when they honk at people in their way, and requiring them to stop speeding on residential streets. We personally live below a busy intersection and truck route, where there are often accidents at night. In over ten years we have never heard anyone honk their horns before one of these accidents, they just crash into each other. People instead seem to only honk their horns out of anger and impatience, which is a public nuisance as well as sound pollution that completely disregards the number of residences throughout the city. One could argue that an exception could be made to allow for honking only to avoid hitting a bicyclist or pedestrian, if this could be enforced by police officers and fines for honking at other cars. We would recommend no honking at all, people should just be more patient as drivers.

For similar reasons I would also recommend banning car alarms, which in our experience are almost always set off by passing trucks or motorcycles, rather than actual car thieves. Our city is not a truck route, it is a residential city and residents should be treated with more respect by drivers, who very often do not live here.

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REMOTE\_HOST: [REDACTED]  
HTTP\_USER\_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10\_11\_6) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/62.0.3202.94 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Monday, May 14, 2018 4:29 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1562516048 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1562516048

DATE RECEIVED: 05/14/2018 16:27:07

DATE DUE: 05/28/2018 16:28:43

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

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To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Monday, May 14, 2018 at 16:26:14

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: EZRA

Last Name: SELOVE

Professional Affiliation: City employee

ZIP Code: 11209

Email: [REDACTED]

Comments: The Commission should recommend new language for Chapter 2, Section 26, Salaries and allowances, along with any necessary adjustment to Chapter 2, Section 27. Section 26 should include language that mimics the 27th Amendment of our Constitution, No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened. Not only did the prior City Council raise their own salaries, they gave themselves back-pay at a time when they were calling for increased cuts to other areas of the City budget. This is a gross abuse of power and no future council should have the ability to repeat this action, especially given their ability to set their own budget. I implore the Commission to recommend this change.

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/65.0.3325.181 Safari/537.36

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 15, 2018 10:23 AM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1562809723 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1562809723

DATE RECEIVED: 05/15/2018 10:22:11

DATE DUE: 05/29/2018 10:23:16

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/15/2018 10:21:58  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 15, 2018 at 10:21:57

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

---

First Name: Jerry H

Last Name: Goldfeder

Professional Affiliation: Fordham Law School

ZIP Code: 10023

Email: [REDACTED]

Comments: I testified on May 9, 2018 and submitted my testimony and a proposed Charter amendment on electoral reform. I had to revise it because I mistakenly referred to the proposed amendment as Sec.1057-f of the Charter. It should have been referred to as Sec.1057-g. The attached materials reflects that correction.

FILE1: stroock.comdfs01FolderRedirectionNYOFolderRedirectjgoldfederDesktopCharter Commission Testimony.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=4800547E320B7712356EA427BDD2195C487903A4&accessId=6C405333D54F6319E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=4800547E320B7712356EA427BDD2195C487903A4&accessId=6C405333D54F6319E0540003BA35EB85)

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REMOTE\_HOST: [REDACTED]

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; WOW64; Trident/7.0; rv:11.0) like Gecko

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**TESTIMONY BY JERRY H. GOLDFEDER  
TO THE MAYOR'S CHARTER REVISION COMMISSION  
MAY 9, 2018**

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First of all, I want to convey my best wishes to Cesar Perales in your appointment as Chair of the Mayor's Charter Revision Commission. You have served the people of New York in a variety of positions over many years, and I know you will find this new role challenging and rewarding. Reviewing the entire Charter of the City of New York to ascertain how it can be amended to improve the quality of life in our city is a very daunting task. I have no doubt, however, that you will fulfill this assignment in an admirable manner and with great distinction, especially in that you are joined by fourteen other Commissioners with great expertise and experience.

As an election law practitioner and Adjunct Professor at Fordham Law School and the University of Pennsylvania Law School, I have studied the Charter and Charter revision closely for over thirty years.<sup>1</sup> I participated in what we called Citizens for Charter Change in the mid-1980s, and led a group to initiate a Citizens Charter Commission pursuant to § 36(3) of New York's Municipal Home Rule Law.<sup>2</sup> I testified at various Charter Commission hearings over the last number of decades, and have written and lectured extensively on a variety of proposals for inclusion as Charter amendments.<sup>3</sup>

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<sup>1</sup> Of course, I offer this testimony in my personal capacity, and my affiliations are for identification purposes only.

<sup>2</sup> Bruce Lambert, *Political and Civic Group Calls for Second Panel on Charter*, N.Y. Times, June 15, 1987.

<sup>3</sup> See, e.g., Jerry H. Goldfeder, *Two Powerful Weapons in de Blasio's Arsenal to Take On Albany*, City and State, January 1, 2014.

With that in mind, I offer an amendment that the Commission ought to seriously consider adopting – the accompanying “Democracy Agenda for New York City,” fashioned as proposed Section 1057-g of the Charter. Its provisions include enhanced registration and enrollment opportunities, early voting, instant run-offs and no-excuse absentee voting. With one bold and comprehensive stroke, this Democracy Agenda offers the people of the City an opportunity to create more robust elections by making it easier to register and vote.

The City of New York has the authority to enact such reforms in municipal elections, as articulated by various experts and disinterested parties, including the courts,<sup>4</sup> a former New York Attorney General,<sup>5</sup> and a former New York City Corporation Counsel.<sup>6</sup> Indeed, I testified before a previous Commission to this effect in 2010.<sup>7</sup> Thus, over the years we have established in our municipal elections a highly regarded campaign finance program; term limits; reduced petition signature requirements for ballot access; and non-partisan elections for vacancies.

The proposed Democracy Agenda will allow the City to take a crucial next step in easing the voting process. Thirty seven states already have early voting;<sup>8</sup> New York City should join them. Twelve states and the District of Columbia have enacted automatic registration;<sup>9</sup> New York City should at least provide the opportunity to register on the eve of elections. Twenty six

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<sup>4</sup> See *Roth v. Cuevas*, 82 N.Y.2d 791(1993); *McDonald v. New York City Campaign Finance Board*, 117 A.D.3d 540 (1st Dep’t. 2014).

<sup>5</sup> *Letter from Attorney General Robert Abrams to Mayor Edward I. Koch*, October 21, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services).

<sup>6</sup> *Memorandum from Corporation Counsel Peter L. Zimroth to Mayor Edward I. Koch and City Council Vice Chair Peter Vallone*, August 13, 1987 (on file with the Municipal Archives of the New York City Department of Records and Information Services).

<sup>7</sup> *Testimony by Jerry H. Goldfeder Before the New York City Charter Revision Commission*, June 2, 2010 ([http://www.nyc.gov/html/charter/media/video/video/pc060210\\_charter\\_forum\\_500k.aspx](http://www.nyc.gov/html/charter/media/video/video/pc060210_charter_forum_500k.aspx)).

<sup>8</sup> <http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>

<sup>9</sup> <https://www.brennancenter.org/analysis/automatic-voter-registration>

states and Washington DC allow no-excuse absentee voting;<sup>10</sup> we should permit it. There are many states that allow open primaries;<sup>11</sup> New York City voters should not have to wait almost a year to change political party affiliation. And Instant Run-off Voting, used in fifteen cities and the State of Maine, would eliminate an extra trip to the polls and save taxpayer dollars; this was used in New York City School Board elections. We should embrace this voting procedure for all municipal elections.<sup>12</sup> Each of these reforms, and all taken together, will prove to be a giant step for democracy in New York City.

I trust that the Commission will seriously consider this proposal. Thank you.

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<sup>10</sup> [http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#no\\_excuse](http://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx#no_excuse)

<sup>11</sup> <https://www.openprimaries.org/>

<sup>12</sup> See Press Release, Fairvote, May 1, 2018.



## DEMOCRACY AGENDA CHARTER AMENDMENT EXECUTIVE SUMMARY

Municipalities in the state of New York have the authority to enact election reforms for the nomination and election of their public officials.

In that the city of New York's primary and general elections are scheduled on dates when other public officers and party officials are also nominated and elected, reforms regarding registration, enrollment and voting for the City's public officials must not impact nominations and elections for other candidates. In order to accomplish that, there is to be established a separate Municipal Ballot. [§ 1057-g (a)] A voter will thus cast two ballots.

The opportunity to register to vote for municipal officials in a primary, general or special election is extended to ten days prior to said election. [§ 1057-g (b)(1)] This enhanced registration opportunity for elections relating to municipal public officials is cut off at ten days prior to an election so as not to run afoul of art. II, § 5 of the constitution of New York State.

The opportunity to change enrollment to vote for municipal officials in a primary election is extended to thirty days prior to said primary. [§ 1057-g (b)(2)] This enhanced enrollment opportunity for nominations relating to municipal public officials is more expansive than the law pertaining to primaries for non-municipal public officials or party officers, which is twenty five days prior to the previous general election.

Early voting is established for approximately two weeks prior to the primary, general or special election. [§ 1057-g (c)] It starts on the second Sunday prior to the election and extends through the second day prior to said election. This allows voting for one full weekend and two Sundays prior to the election, and is cut off two days prior to the election for the administrative convenience of the board of elections. Voters may cast ballots during this period anytime from 10 am to 5 pm at the borough office of the board of elections in the county in which they reside, or at a polling place in the council district in which they reside.

Instant run-off voting is established for primary elections, modeled after proposed legislation introduced in the City Council by Council Member Brad Lander. [§ 1057-g (d) ]

No-excuse absentee voting is established for primary, general and special elections. [§ 1057-g (e)]

All newly registered or enrolled voters will vote by affidavit ballot, and those ballots will be canvassed along with other affidavit ballots pursuant to the law and practices of the board of elections in the city of New York. [§1057-g (f)]

If this Democracy Agenda is adopted by the voters of the city of New York, its provisions will take effect ninety days after passage, and shall be implemented for any primary, general or special election after such effective date, but not prior to 2021. [§ 1057-g (i)] This allows the board of elections in the city of New York sufficient time to prepare to implement the provisions hereof. [§ 1057-g (g) ]

Jerry H. Goldfeder  
May 9, 2018

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## “DEMOCRACY AGENDA” CHARTER AMENDMENT

Proposed by Jerry H. Goldfeder  
May 9, 2018

### § 1057-g Municipal elections; enhanced registration; early voting; no-excuse absentee ballots; instant run-off primaries.

a. A resident of the city of New York who is eligible to vote in the city of New York at a primary, general or special election at which candidates for municipal office are on the ballot shall indicate their preferences on a ballot that lists only candidates for municipal offices and proposed amendments to the Charter of the city of New York; candidates for all other public offices or party positions or amendments to the constitution of the state of New York or other questions provided by law shall be listed on a separate ballot. Municipal offices are the Mayor of the city of New York; Public Advocate of the city of New York; Comptroller of the city of New York; Borough President of the Borough of Manhattan; Borough President of the Borough of Brooklyn; Borough President of the Borough of Queens; Borough President of the Borough of Staten Island; Borough President of the Borough of the Bronx; and Member of the City Council of the city of New York. The ballot that contains such municipal offices and proposed amendments to the Charter of the city of New York shall be known as a municipal ballot, and those who are eligible to vote for such municipal offices and proposed amendments to the Charter of the city of New York shall be known as municipal voters.

b. (1) A resident of the city of New York who is otherwise eligible to vote for municipal offices at a primary, general or special election who is not registered to vote in such election may register to vote and enroll in a political party during the early voting period pursuant to section c herein provided that said new registration is not later than ten days preceding the day of the primary, general or special election, and shall be permitted to vote for candidates for municipal offices and any proposed amendment to the Charter of the city of New York by affidavit ballot.

(2) A resident of the city of New York who is otherwise eligible to vote for municipal offices at a primary election except for being enrolled in another political party or as a blank, may change his or her enrollment and be permitted to vote in a newly-chosen political party primary if such change of enrollment is effected no later than thirty days next preceding such primary election, and shall be permitted to vote for candidates for municipal offices in said political party primary election by affidavit ballot.

c. A municipal voter shall be permitted to vote for candidates for municipal offices and proposed amendments to the Charter of the city of New York by affidavit ballot on any day commencing the second Sunday next preceding the scheduled election through the second day preceding said election, between the hours of 10 am and 5 pm at either the borough office of the board of elections in the city of New York in the borough in which the voter resides or at a designated polling place within the council district in which the municipal voter resides; the board of elections in the city of New York shall designate said early voting polling place within each city council district for this purpose no later than ninety days prior to said election day, and shall staff and provide all necessary materials and voting machines at and for such borough office and city council district polling places.

d. The municipal ballot in a primary election shall include an instant run-off provision for the public offices of Mayor of the city of New York, Public Advocate of the city of New York, Comptroller of the city of New York, Borough President of the Borough of Manhattan, Borough President of the Borough of Brooklyn, Borough President of the Borough of Queens, Borough President of the Borough of Staten Island, Borough President of the Borough of the Bronx, and the Members of the City Council of the city of New York. A



ranking of the candidates for each of said offices shall be indicated by the voter in said primary election in which there are at least three candidates for said nomination or election so that if no candidate for the nomination for said public offices receives more than fifty percent of the vote, voters will have indicated their ranked preferences to determine which candidate shall be declared the winner in said primary election. For the purposes of this section: (i) the municipal ballot shall allow voters to rank up to three candidates in order of preference as their first, second and third choices; (ii) if a candidate for the nomination for said public office receives more than fifty percent of first choice votes, that candidate shall be declared the winner of that nomination; (iii) if no candidate for the nomination for said public office receives more than fifty percent of first choice votes, the following tabulation procedure shall apply: the two candidates who received the highest and second highest number of first choice votes in each such election shall be continuing candidates, while all other candidates in each such election shall be eliminated; ballots indicating a first choice vote for an eliminated candidate shall be counted as votes for the highest ranked continuing candidate in such election on such ballot; ballots that do not rank a continuing candidate shall not be counted as votes for any candidate in that election; if both continuing candidates receive the same rank on a ballot, the ballot shall not be counted as a vote for any candidate in that election; the continuing candidate with the highest number of votes after the tabulation procedure set forth in this subdivision shall be declared the winner for that nomination; (iv) the voter shall be permitted to rank one write-in candidate for the nomination for such public office; and (v) the board of elections in the city of New York shall design and issue said ballot.

e. A voter eligible to vote for municipal offices in a primary, general or special election may vote by absentee ballot in such election without having to provide any reason or satisfy any condition to do so.

f. The validity of a voter's affidavit ballot cast pursuant to the procedure in paragraph (b)(1) or (2) herein shall be verified by the board of elections in the city of New York in the same manner and during the same period in which absentee and other affidavit ballots are reviewed.

g. The board of elections in the city of New York shall promulgate necessary forms and procedures, and shall allocate from its budget the necessary funds, to implement the provisions of this Section.

h. (1) Provisions of the following sections of the New York state election law shall not apply to the extent they govern registration, enrollment, absentee ballots, ballot format or voting, and are inconsistent with the provisions of this Section: §§ 5-210; 5-228; 5-304; 6-162; 7-102; 7-104; 7-106; 7-108; 7-110; 7-114; 7-122; 8-400; 8-402; and 8-412.

(2) Any other provisions that from time to time may be added to the New York state election law or that relate to the matters covered by the provisions of said election law that are inconsistent with this Section shall similarly not apply to the extent that they govern the subjects herein; and

(3) References to provisions of the New York state election law in this section shall be deemed to refer to any successors to such provisions.

i. This local law shall become effective ninety days after its adoption by the voters of the city of New York, and shall be implemented for any primary, general or special election after such effective date, provided that such election is during the year 2021 or thereafter.

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Tuesday, May 22, 2018 1:16 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1565943886 CRC Public Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Your City of New York - CRM Correspondence Number is 1-1-1565943886

DATE RECEIVED: 05/22/2018 13:13:59

DATE DUE: 06/05/2018 13:15:38

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/22/2018 13:11:41  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Tuesday, May 22, 2018 at 13:11:41

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This form resides at



First Name: Laura

Last Name: Shepard

ZIP Code: 11377

Email: [REDACTED]

Comments: Dear Charter Review Commission,

My name is Laura Shepard and I began covering Queens community board meetings as a local journalist in 2013, when I was 23 years old. As a recent college graduate, I returned from college, idealistic and hopeful, but found these meetings utterly depressing.

For lack of term limits, the boards skewed older and did not represent the diversity of the communities. This manifested itself in backwards thinking, comments devoid of any understanding of current citywide and global challenges, and sometimes downright racism. The boards are often stacked with homeowners and car owners, even in communities where most people rent and use public transportation. I've seen many good projects killed or watered down just because a few board members were concerned about loss of parking spaces. This framework sets up these projects to seem like losers, when they in fact deliver many positive benefits to the majority of residents, including street safety, greater mobility, and faster transit.

There is little consistency between the many community boards. The meetings start and end at different times. Some rush through their agendas to get home in 45 minutes, while others may spend three hours discussing sidewalk cafe and liquor licenses. The boards also follow vastly different procedures. Some have public forums at the beginning, some have them at the end, and some do everything in their power to try to truncate or suppress them.

At some boards, the chairperson and district manager are the only people who speak for the vast majority of the entire meeting. Some only permit committee chairs to discuss the relevant agenda items. Others allow robust debates, but as many members do not understand data, these discussions often devolve into anecdotal rants about minor issues on specific blocks. Some boards give little consideration (or are downright rude) to city employees who present important information about upcoming projects.

As our city must deal with the impacts of climate change, transition to renewable energy, achieve Vision Zero, and live up to its status as a sanctuary city, maintain affordability for its residents, and accommodate a booming population, our community boards must stop trying to preserve a lifestyle from the 1950s, which favored the overconsumption and sprawling development that created or exacerbated many of these challenges. Community board members should be required to read educational materials about these issues, if they are to weigh in on policy decisions.

There must be more clarity about the power of the community boards in general. Their role is advisory, but their votes carry far too much political weight considering how poorly they represent the communities. It's important that city agencies overrule them when they act in poor faith, delay, or obstruct necessary upgrades, especially regarding street safety and water quality.

I have also seen boards rubber stamp residential and commercial development projects without demanding adequate concessions from the developers because they believe these projects will happen anyway, no matter what they do. This attitude makes the entire ULURP process almost meaningless.

As a journalist, I found it frustrating that board members do not state their names when they speak, which makes it difficult to attribute quotes. Some would decline to tell me when I asked them after the meeting, citing privacy concerns, despite the fact that these meetings are public and open record.

Community board offices are poorly staffed and my phone calls and emails have gone unanswered or acknowledged, but not responded to, for several weeks, on several occasions. There is no transparency or accountability as to why these entities, which exist to serve the public, are so difficult to contact.

I have extensive notes, photographs, and audio recordings from various community board meetings over the last five years and I would be happy to share them, upon request.

Sincerely,  
Laura Shepard

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## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Wednesday, May 23, 2018 4:01 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1566457837 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1566457837

DATE RECEIVED: 05/23/2018 16:00:03

DATE DUE: 06/06/2018 16:01:10

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/23/2018 15:59:40  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
() on Wednesday, May 23, 2018 at 15:59:39

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: Maggie

Last Name: Clarke

Suffix: PhD

Professional Affiliation: Founder, Inwood Preservation

ZIP Code: 10034

Email: [REDACTED]

Comments: Inwood Preservation, a group of over 700 members in Northern Manhattan, is in favor of seeing Charter change to reform ULURP and CEQR. The CEQR manual is deficient and does not follow state SEQRA rules which require that the local rule book cannot be any less stringent than the state or federal. Any EIS also must do any reasonable study, and yet over and over again the City's deficient manual is being quoted as an excuse for allowing an agency that desperately wants development to blow off the community's comments and requests for reasonable studies. The CEQR manual from our understanding was never a law but an administrative action and they are treating the manual as law. This is part of the basis of the East Harlem rezoning lawsuit. That lawsuit, among other things, is seeking to throw out the CEQR manual and to throw out any rezoning that has resulted from its use.

Also environmental impact statements are supposed to be done Prior to planning. When the National Environmental Policy Act was passed it was for the purpose of showing in advance of an action all the environmental and social impacts so as to influence, and possibly modify or abandon the proposed action. The environmental impact statement was not supposed to be an afterthought. And yet this is exactly how the city does ULURP. Those entities that are voting for or against a zoning plan (community board, borough president, city planning commission, city council) do not have the benefit of a final environmental impact statement. So the impact statement is an afterthought and meaningless to planning. And that can be disastrous for a neighborhood, where decisions are made blindly and the community is ill-equipped with insufficient infrastructure, awful environmental impacts, social displacements, and the like.

Currently, the city planning commission is considering yea, nay or changes to the Inwood Rezoning with a flawed and incomplete DEIS. A document is attached that shows how the CEQR manual was misused in the case of the Inwood rezoning.

The Regional Plan Association, the Public Advocate, the Manhattan Borough President and numerous others agree that changes to the CEQR process such as we describe, plus changes to ULURP are needed. Coupled with how the CEQR manual is being misused, it is a foregone conclusion that any proposed rezoning will go through without much modification even if such is sorely needed to avoid major impacts.

Changes needed:

- All Planning by City Planning or EDC must come AFTER the full EIS process
- Community outreach must be considerably bolstered. Current process ensures that a tiny fraction of residents and businesses are aware of rezoning or other changes. Informative NEUTRAL postal communications to every resident and business well ahead of every EIS process and ULURP process should occur.

· The EIS process and the planning process in general, should actually utilize community based plans, not have faux community input sessions by agencies

All local media should be involved educating the population, and local groups should be given funding for independent research and outreach.

- Use State's SEQRA manual until the City's can be made at least as stringent.

- ULURP should not begin until FEIS has been released and public participation completed. Community Boards, Borough Presidents, City Planning Commissioners and City Councilmembers should not have to vote prior to seeing an FEIS..
- Agencies should be required to publicly release all documents pertaining to ULURP and EIS on the date on the documents
- Halt ULURP on any areawide rezoning immediately until these changes are made and reverse ULURP decisions made using flawed CEQR manual or EIS process within last 2 years.

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Inwood Preservations purpose and goal is to preserve the character of the Inwood (Upper Manhattan) neighborhood as a community of affordable, mostly low-rise housing, small businesses, and large public parks, and to uphold a good quality of life, environmental values, and a strong community. Our home base is on Facebook.

FILE1: Responses2\_UI\_DSOW\_Comnts\_Sumries\_CEQR\_highlighted.doc

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_media&hashId=73CEEE5DCF4C1BA3D6D592A79B76730156B42791&accessId=6CE5F9A33B7F5D8DE0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_media&hashId=73CEEE5DCF4C1BA3D6D592A79B76730156B42791&accessId=6CE5F9A33B7F5D8DE0540003BA35EB85)

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**SUMMARIES OF RESPONSES TO “UNIFIED INWOOD” COMMENTS ON THE DSOW FOR INWOOD REZONING**

Page #s in black refer to page #s in Final SOW Appendix 4. *Page #s in red italics refer to PDF page #s of Final SOW.* Underlines added by Paul for Emphasis.

Page #s	Com-ment#	Summaries of Our Comments (Some may be whole comments or light edits)	Summaries of Responses ( <i>Occasional blue italics: reaction to response.</i> )
		<b>Project Description/Development Scenario Comments</b>	
7 <i>189</i>	1.3	Rezoning area should include south of Dyckman to 193 <sup>rd</sup> /Nagle/Hillside/Broadway and the Columbia University & Allen Hospital area.	Refer to responses <u>1.1 &amp; 1.2</u> : 1.1: Study area resulted from process w/engagement of 2,500+ stakeholders; cannot now study excluded areas south of Dyckman. 1.2: Columbia facility uses expected to stay same for foreseeable future. <i>Excluding South of Dyckman means they did not listen to many stakeholders, esp. the 150+ unanimous at a public “charrette.”</i>
11 <i>193</i>	1.15	Councilman Rodriguez is actively moving forward with a long-standing plan to deck over the 44-acre MTA Rail Yard. ... If investors for the MTA Rail Yard are being actively solicited for future redevelopment, then the rail yard site must be assigned new zoning designations and be included in any rezoning plan as a potential site. ... With such an enormous omission, the entire endeavor is severely compromised and would risk a legal designation of “segmentation” to even consider the Inwood NYC Rezoning without including the ... Rail Yard.	Decking over the MTA Rail Yard is not being considered as a component of the Inwood Rezoning Proposal. The DSOW Project Description includes all of the project elements that are being considered by the City at this time and will form the basis for the EIS analyses.
13 <i>195</i>	1.23	Inwood Rezoning Proposal theoretically enables construction of more than 17,000 apartments ... ~12,000 more than theoretical max under current zoning. The No-Action to With-Action increment in the DSOW of 4,348 dwelling units is only 36% of the theoretical maximum for the No-Action to With-Action ... We understand that 100% of the theoretical maximum is just as unrealistic as the 36% included in the DSOW, but estimates as high as 50, 60, or 75 percent could be justified. Given this fact, the Mayor’s affordable housing goal could be achieved with a more modest zoning.	The commenter assumes that all of the tax lots in the Inwood Rezoning study area may be built out to their maximum FAR under the proposed zoning. <i>WRONG! We said, “100% of the theoretical maximum is just as unrealistic as the 36% included in the DSOW.” Response misrepresented our comment.</i> The RWCDs applies certain factors—to identify development sites in accordance with <b>CEQR Technical Manual</b> methodology. The development site criteria used for the Proposed Actions are described in detail in the DSOW. <i>So the CEQR Manual overrides reality of Inwood &amp; this rezoning.</i>
17 <i>199</i>	1.39	The SOW and future EIS documents should strike all claims that the Inwood Rezoning Proposal is the result of collaboration with the community or a community-driven process, as these claims are patently false.	Neither DSOW nor FSOW reference a community-driven process, however each document includes a description of the community engagement process. <i>This renders references to 2,500+ engaged (e.g., Resp. 1.1) worthless.</i>
18 <i>200</i>	1.41	The determination of projected sites should 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.	DSOW does take vacant or underutilized lots appropriate for infill ... projects requiring discretionary actions (such as variances) are considered if they have sufficiently progressed towards approval.
19-20 <i>201-2</i>	1.52	Analysis period should be 45-50 years to cover MIH regulatory periods. Or use 2-part analysis period: 15 years for build-out, 50 years for longer impacts, e.g., displacement after regulatory agreements, and climate change.	<b>CEQR Technical Manual</b> says we only need to go 10 years out. ... 15 years used due to large scale of area rezoned and slower development trends in Inwood.
20-1 <i>202-3</i>	1.53-1.56	Extensive comments on inadequacy of development criteria for the RWCDs, e.g.: vague criteria to determine “soft sites” & need to study development trends compared with past rezoning soft site projections; incredulity of only 33 development sites; 7 specific development criteria that are wrong and why they must be eliminated and changed. Includes (#1.54) that the poor criteria indicate that the CEQR Manual does not apply & has no legal bearing here. <i>Our actual comment cited 8 specific development criteria that are wrong. The City’s summary of our comment in FSOW Appendix 4 left one out.</i>	Refer all to Response 1.53: ... any criteria amended from guidance of the <b>CEQR Tech Manual</b> to reflect conditions in [Inwood] are noted. The RWCDs criteria were defined by NYCEDC & the NYCDPC using guidance of the <b>CEQR Technical Manual</b> , previous project experience, & professional judgement./ Therefore, an evaluation of development trends in other neighborhoods or a comparison of the proposed rezoning to other rezonings is outside of the scope of CEQR analysis for this project./ Re-evaluating CEQR methodology is also outside of the scope of this project. <i>Their judgment &amp; CEQR manual overrule what might be learned from analyses of real facts &amp; use of more realistic criteria.</i>



Page #s	Comment#	Summaries of Our Comments (Some may be whole comments or light edits)	Summaries of Responses ( <i>Occasional blue italics: reaction to response.</i> )
21-2 203-4	1.57	The City is not transparent about data used to select or reject sites ...without doing extensive, costly research, respondents to the DSOW cannot determine why most sites were chosen or not. The City must include in the SOW: (1) the reason why each site was chosen or rejected as a projected development site; (2) the data used to support that reason; and (3) the sources of data used for each site, with links to website where the data can be viewed and extracted.	Due to the large number of zoning lots in the study area, providing a description of why each lot was chosen or rejected as a projected development site would be infeasible within the scope of the Proposed Actions. Publicly available data used for these determinations include the City's Primary Land Use Tax Lot Output (PLUTO™) data files and New York Department of Finance (NYCDOF) data. <i>I.E., Go look it up yourself!</i>
<b>Comments on Required Approvals &amp; Review Procedures</b>			
22-4 204-6	1.59	<i>Our comment (starting bottom of p. 22/PDF 204), was lumped in with many others. Ours was:</i> The Project Description must not simply be a pro-forma restatement of plans in Inwood NYC, but must also describe environmental, socioeconomic, and public service contexts that have been glossed over or left out ... including, among others: (1) historical highly toxic industrial uses of the proposed rezoning area; (2) climate change; (3) overcrowded schools; (4) the only police precinct house a mile south; (5) thriving local small business environment, put at risk by rezoning; (6) the high % of renters already at risk of displacement due to, e.g., preferential rents; (7) parks without adequate maintenance to keep up with current usage, let alone added usage of a growing population; and (8) 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.	A lengthy response that basically says, "We followed CEQR." Also says that the public will have an opportunity to review & submit comments on the DEIS. And a public hearing will be held on the DEIS in conjunction with the City Planning Commission's (CPC's) public hearing.
25 207	1.62	The DEIS assessments should be made available for public comment and have a professional (impartial, knowledgeable, third party peer-review) review phase so that a jury of your peers can evaluate your techniques and methodology and speak to it before any development at all is even started. ... A peer-review process that could occur would be submitting the EIS to a Tier I science or engineering journal (ensuring that the methodologies and conclusions have been evaluated by experts). ...	<u>Refer to Response 1.59 (immediately above) &amp; 1.61:</u> The lead agency (ODMHED) typically requests that other City agencies in the review process based on their specific area of expertise (e.g., DOT for traffic, DEP for environment). These "involved agencies" have no other jurisdiction over the proposed project and therefore conduct an independent review of each analysis area related to their area of expertise.
25-26 207-8	1.63	The <i>CEQR Technical Manual</i> is a guidance document for EIS SOW preparers. Guidelines do not necessarily lead to what is appropriate for every community situation or to what is legally required in those situations by SEQRA or state and federal environmental laws that address EIS issues. The <i>CEQR Technical Manual</i> is not the governing standard for an EIS.	City's Exec Order 91 exercised local prerogative under State SEQRA to create City's own environmental review procedures, establishing CEQR and later the <i>CEQR Technical Manual</i> to provide guidance. The March 2014 edition of the <i>CEQR Technical Manual</i> is the result of a thorough review and update performed by the City's technical agencies ... and reflects changes in state and local laws and regs. <i>They seem to agree with us that the CEQR manual is "guidance" but it's so thorough they apply it as if it's a set of rules!</i> There are no federal discretionary actions contemplated for the Proposed Actions, therefore compliance with federal environmental review laws is not required. <i>But compliance with the fed Clean Water Act is still relevant.</i>
26 208	1.64	DSOW approach of many different studies as discrete tasks is flawed. Many of these analyses must be integrated, e.g., transportation & air quality; everything affects public health; climate change affects everything.	While DSOW shows discrete tasks, much of the actual analyses can only be performed using information found in other analysis areas. ... Analyses done in appropriate order so impacts of one analysis area on another are included.



Page #s	Com-ment#	Summaries of Our Comments (Some may be whole comments or light edits)	Summaries of Responses ( <i>Occasional blue italics: reaction to response.</i> )
		<b>Purpose and Need for Proposed Actions</b>	
26 208	1.65	The purpose and need 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.	Zoning cannot legally promote a certain type of business over another. The Proposed Actions would work in unison with other components of the <i>Inwood NYC Action Plan</i> to support small businesses and entrepreneurs. The proposed SID would facilitate the development of mixed-use buildings with active ground floors that promote retail continuity ... Proposed zoning would result in additional commercial space ... and opportunities for existing businesses to expand. Pursuant to <b>CEQR Technical Manual</b> guidance, in the DSOW, under Task 3, the EIS will analyze the potential for the Proposed Actions to result in significant adverse impacts due to indirect business displacement.
		<b>2. Land Use, Zoning, and Public Policy</b>	
27 209	2.2	The DEIS should address the Fair Housing impacts of the Proposed Actions [which follow] a trend of the City’s rezoning initiatives to target majority minority communities or communities of color with concentrations of low-income families. The lead agency and the NYCEDC have the burden to demonstrate that the Proposed Actions will not create disparate adverse impacts... MIH ... is part of a citywide zoning text amendment; thus, the DEIS should include study of the potential re-segregation effects displacement from the MIH areas will have in the larger NYC housing market. This is important ... considering fair housing goals and requirements. The DEIS should study and document the City’s intention to “affirmatively further” Fair Housing goals.	The City is not required, pursuant to federal, state, or local law or regulation, to include an assessment of the Proposed Actions’ compliance with federal fair housing laws and regulations in the EIS.
27-28 209-10	2.3	The DEIS states [a] guiding public policy ... to identify impacts ... is <i>OneNYC</i> [which] states the need to “foster an environment in which small businesses can succeed.” In light of this policy, the DEIS must study displacement of small local or independent businesses and their employees, [and] the impact the loss of these businesses will have on neighborhood character. The DEIS should 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 proposed rezoning area. In addition, the DEIS should evaluate whether the two goals (affordable housing and diversified retail in keeping neighborhood character) are mutually achievable under the proposed rezoning and not mutually exclusive. The DEIS must study the impact of the Proposed Actions on the “vibrancy” and “human scale” of the commercial corridors.	As stated in the DSOW, the public policy assessment will evaluate the Proposed Actions’ consistency with public policies, including <i>OneNYC</i> policies. The public policy assessment will be conducted in accordance with <b>CEQR Technical Manual</b> methodology evaluating the potential for significant adverse impacts in the primary study area (coterminous with the project area) and secondary (1/4-mile radius) study area. Please also see <u>Response 3.1</u> , which says they’ll follow <b>CEQR Technical Manual</b> methodology to analyze direct & indirect business displacement and indirect residential displacement and adverse effects on specific industries.
28 210	2.4	The <i>OneNYC Plan</i> intends to “support the creation of an advanced manufacturing network,” and the City’s <i>Industrial Action Plan</i> also affirms the administration’s commitment to strengthen the City’s core industrial. [As] the Proposed Actions would result in a net reduction of 59,059 sf of light industrial space, the DEIS should study the larger impacts of the rezoning action on the City’s ability to diversify its economy and the citywide land use-related goal to	The <i>FSOW</i> has been updated to list the City’s <i>Industrial Action Plan</i> as a policy to be described and assessed as part of Task 2, “Land Use, Zoning, and Public Policy.” The public policy assessment will be conducted in accordance with <b>CEQR Technical Manual</b> methodology evaluating the potential for significant adverse impacts in the primary study area (coterminous with the project area) and secondary (1/4-mile radius) study area.



		preserve space for industry to expand and local within the City rather than seeking locations outside of the City's boundaries. The DEIS should study the economic benefits the City foregoes by further reducing our manufacturing and industrial land base and a cumulative impact analysis of industrial and light manufacturing businesses in the area and the City more broadly to include potential industry clusters, including their need for expansion.	<i>One of the few places where they've changed the SOW based on comments.</i>
29 211	2.8	Given the dearth of manufacturing space, the DEIS should study the impact of the acknowledged net loss of 50,614 sf of light industrial space along the Harlem River.	The potential for the changes in land use anticipated under the RWCDs to result in significant adverse land use impacts will be assessed as part of Task 2. "Land Use, Zoning, and Public Policy."

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		<b>3. Socioeconomic Conditions</b>	
31 213	3.4	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 these steps, as a detailed analysis is clearly warranted. Thus, the SOW should describe in detail how a full-scale analysis of indirect residential displacement will be done.	Assessment ... will begin with a preliminary assessment to determine whether a detailed analysis is necessary, pursuant to the <b>CEQR Technical Manual</b> guidance. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluation of future No-Action and With-Action conditions in 2032, including any population and employment changes anticipated to take place by the analysis year for the Proposed Actions.
32-3 214-5	3.9	<i>Cheryl's comment at scoping hearing, included because it and the response are relevant to other UI comments:</i> I urge you to develop a more thorough and nuanced definition of residential displacement and include new quantitative measures in addition to the total number of directly and indirectly displaced persons. Important socioeconomic characteristics that you should include in the analysis and reflect in new measures of displacement include: (1) the significant percentage of households with preferential rent leases; (2) the percentage of households with children and one parent; (3) the prevalence of poverty in this community; (4) a high percentage of households with a first language other than English; (5) the percentage of residents with disabilities; and (6) other characteristics that could put households at risk of displacement under the Inwood Rezoning Proposal. <b>Extra reaction to the City's response:</b> <ul style="list-style-type: none"> <li><i>HPD should be able to provide data on regulatory agreements that might lower rents below max allowed; and HPD has "preserved" few apts in Inwood, so that number is likely to be low or zero.</i></li> <li><i>The consulting budget for the DEIS was \$708,850 in fees &amp; \$899,450 overall for EIS-ULURP. For those amounts they could have added a study to estimate % of families on preferential rents at risk, even if it meant collecting primary data on a sample basis. And <b>HPD HAS preferential rent data: they presented a partial analysis to CB12. They could have analyzed it for EDC for use in the DEIS/EIS.</b></i></li> <li><i>There have been audits of preferential rents that should be publicly</i></li> </ul>	The EIS will provide a preliminary assessment of indirect residential displacement that will consider current market conditions and trends, and ... the Proposed Action's potential effects on socioeconomic conditions. The analysis will consider a study area dependent on the size & characteristics of the RWCDs associated with the Proposed Actions, pursuant to Section 310 of Chapter 5 of the <b>CEQR Technical Manual</b> . If the Proposed Action could potentially introduce or accelerate a trend of changing socioeconomic conditions that may ... displace a vulnerable population, a detailed analysis is ... will be provided. Pursuant to guidance from the <b>CEQR Technical Manual</b> , <u>this analysis is conducted when the potential impact may be experienced by renters living in privately held units that are <b>not protected</b> by rent control or rent stabilization</u> , which includes a right to lease renewal and limits on rents and rent increases, or by renters whose incomes or poverty status indicate they may not support substantial rent increases.  An estimated 29% of occupied rent-stabilized units in the 3 ZIP codes of the study area have preferential rents [source: RGB]. This may reflect numerous circumstances, including units restricted by regulatory agreements to rents lower than the max regulated rent, and may not necessarily be indicative of a population at risk of indirect displacement. <u>There is no publicly available income data that allows sufficiently estimating the universe of ... tenants paying preferential rent who would be vulnerable to indirect displacement.</u> There is also no publicly available data to allow for sufficiently estimating the



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		<i>available that should shed further light on this issue, if not answer all the objections raised to the right.</i>	<i>standard gap between the preferential and maximum legal rent. ~9,200 apts on preferential rents &amp; they cannot make the leap to lots of families at risk!</i>
34 216	3.19	The SOW 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 Actions.	<u>See Responses to 3.2, 3.3, 3.24, and 3.27. 3.2 &amp; 3.3 are similar to first part of response 3.9 above. 3.24 references back to this response &amp; 3.27 references back to 3.2 &amp; 3.3 (circular, perhaps with some additions). Rest of Resp. 3.19:</u> DEIS will use conservative assumptions to ensure that any possible impacts of the Proposed Actions are fully analyzed. The determination of which MIH option(s) will accompany the Proposed Actions will be decided during ULURP. The EIS will not identify which MIH option(s) will be applied in Inwood. On public sites and on private sites, where feasible, additional subsidies could be provided to reach deeper levels of affordability and additional permanently affordable units than mandated by the MIH Program. NYCHPD welcomes opportunities to finance affordable housing on privately-owned sites beyond MIH requirements, enabling more affordable units, more permanently affordable units, or more deeply affordable units to be created.
37 219	3.28	Inwood and Washington Heights are the last bastion of affordability in Manhattan. Most of the rental market is rent-stabilized. But landlords have been chipping away at the rent protection with preferential rent riders. 30 percent of Inwood's rent-regulated apartments have preferential rent, which puts those tenants at risk of sharp rent increases. They should all be considered at risk of displacement.	See Response 3.9 ( <i>summarized in 3.9 above</i> )
37 219	3.29	In the assessment of secondary housing displacement impacts, the DEIS should employ a methodology that draws from the rate of development from previous rezonings.	Past rezonings have resulted in greatly varying changes, some producing little development, others a lot. Since every community is different, and many different factors influence changes in market conditions, generalizations from past experience would be speculative and are not included in the DEIS.
38 220	3.32	This issue affects not only the rezoning area, but also zip codes 10040 (to 181st St) and 10463 (Marble Hill and parts of the Bronx), where 30 percent of rent-regulated apartments also have preferential rent. These tenants to the north and south of the proposed rezoning area should be considered particularly at risk, as they (unlike the proposed rezoning area) will not have the protections of height restrictions to discourage new development.	<u>Refer to Responses 1.1, 3.3, 3.5, and 3.12.</u> In accordance with <b>CEQR Technical Manual</b> methodologies ... for projects that would increase the population by more than 5% as compared to the population expected to reside in the ¼-mile study area in the No-Action condition, a ½-mile study area is appropriate. A ½-mile study area from the boundaries of the proposed rezoning area would be appropriate for the Proposed Actions, as the associated RWCDs would result in an incremental (net) increase of 4,348 dwelling units, which would increase the population of the ¼-mile study area by more than 5% as compared to the future without the Proposed Actions. The ½-mile study area captures portions of the areas notes in the comment.
38-9 220-1	3.33	The residential displacement analysis should consider the high % of regulated tenants at risk of being displaced due to being harassed into moving, with or without buyouts, including areas extending to the north (zip 10463) and south (zip 10040). Landlords in these areas harass long-term occupants. They make their lives miserable with construction, false nonpayment claims, or other means to force them out, renovate apts and raise rents. NYCHPD's efforts at preserving regulated apts in Inwood has proved inadequate and should not be	<u>Please see Response 5(?)</u> . Residential tenants are afforded protection against displacement through state rent regs, regs guiding conversion of rental units to coops or condos, and provisions against the harassment. Despite the protection afforded to tenants under rent control and rent stabilization, tenants can be forced out of their apartments through illegal activities, such as harassment. Both NYCHPD and HCR administer measures against harassment that, in the more severe cases, provide very strong penalties for persons found



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		counted on to reduce displacement, nor should the new legal services office in Inwood or the new City law providing free legal aid to tenants facing eviction.	guilty of harassment and illegal eviction. <b>However, the effects of possible illegal actions are not considered under CEQR.</b>
41 223	3.43	The EIS, when considering residential displacement, must consider whether the Proposed Actions would result in disparate impacts on populations of concern, including Latinos, other people of color, and very low, low, and moderate income families and individuals.	<b>Potential changes in race and ethnicity are not considered in a CEQR analysis and will not be included in the DEIS.</b> As discussed in Task 3 of the DSOW, the demographic analysis in the DEIS will focus on income, including average and median household income, and income trends over time. The socioeconomic conditions analysis will consider whether the Proposed Actions could substantially alter these demographic and market conditions in a way that could lead to increased rents and potential indirect residential displacement. If the Proposed Actions could potentially introduce or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population, a detailed analysis is warranted and will be provided.
42 224	3.50	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 particularly of the industries in the Inwood area. Impacts resulting from the potential loss of small businesses who serve communities outside of Inwood, such as wholesalers serving the bodega industry, restaurant supply businesses east of Tenth Avenue, and auto-service shops, must be examined. Will these businesses be relocated within Inwood? What will happen to the businesses here that depend on them?	See Responses 3.45 and 3.48. <i>From 3.45 (which subsumes 3.48):</i> Pursuant to <i>CEQR Technical Manual</i> guidance, the EIS analysis of direct business displacement will estimated number employees and number and types of businesses that would be physically directly displaced by the Proposed Actions on the 33 identified projected development sites. The EIS will also include analysis of the potential indirect business displacement that will identify and characterize conditions and trends in employment and business operations within the proposed rezoning area and larger study area and characterize the commercial and industrial markets. Per <i>CEQR Technical Manual</i> guidance, the indirect displacement assessment will also identify if the Proposed Actions would markedly increase property values and rents throughout the study area as compared in absence to the Proposed Actions, making it difficult for some categories of businesses to remain in the area. ... mitigation measures will be identified for any potential significant adverse impacts.
45 227	3.59	The DEIS must study the loss of businesses by outlining the characteristics of the business owners, especially minority- and women-owned businesses, as well as locally-owned.	<b>The characteristics of business ownership are not considered in a CEQR analysis and will not be included in the DEIS.</b> <i>This response then repeats much of the comment above.</i>
45 227	3.60	How will the rezoning affect “soft” commercial sites outside of, but adjacent to, upzoned areas? For instance, 4055 10th Ave is not slated for upzoning, but was just sold for \$30.6 million, 6 times its selling price 11 years ago. The City must assess the effect of rezoning on the displacement of existing commercial entities. The DEIS must study to what extent the differential in current built FAR and new allowable FAR in the rezoning are will create soft sites, affecting multiple businesses on individual lots, a common configuration in Inwood.	See Response to 3.13 (which focused on residential displacement). The socioeconomic study area boundaries are expected to be similar to those of the land use study area, and will be dependent on the size and characteristics of the RWCDs associated with the Proposed Actions, pursuant to Section 310 of Chapter 5 of the <b>CEQR Technical Manual</b> . A socioeconomic assessment seeks to assess the potential to change socioeconomic character relative to the study area population.
45 227	3.61	The SOW states that the analysis will use current employment and business data from NYSDOL or U.S. Census Bureau. The DEIS must draw on more comprehensive and detailed data to determine both direct and secondary business displacement including data from City agencies (such as NYC SBS, which conducted a study of the business environment in the proposed rezoning area (“Inwood Manhattan: Commercial District Needs Assessment”)),	Consistent with the <b>CEQR Technical Manual</b> , the analysis of direct business displacement will rely on field observations, telephone surveys, as well as interviews to identify and characterize existing businesses and employment levels on the 33 identified projected development sites. <i>So they will do primary data collection for analysis of business displacement, but NOT for residential displacement with the very obvious issue of preferential</i>



		NYCDOF, etc.) that have compiled economic data in relation to the economic ecosystem within the proposed rezoning area and its adjacent trade area.	<i>rents staring them in the face!</i>
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45-6 227-8	3.62	<p>The DEIS should quantify lost opportunity for business expansion and investment in job growth in the rezoning area, considering potential loss due to displacement by non-industrial uses currently allowed in the remaining M zones and the job quality of existing and potential manufacturing and industrial jobs versus non-manufacturing/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 Propose Actions would create by sector, considering associated skill levels required and average wage-scales.</p> <p>The DEIS should examine 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 Actions. 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?</p>	<p>The EIS will estimate the number and types of jobs that would be created as a result of the Proposed Actions and associated RWCDs. The EIS will also identify and characterize conditions and trends in employment and business operations within the proposed rezoning area and larger study area as well as characterize the commercial and industrial markets in the future with and without the Proposed Actions and associated RWCDs. <b>An analysis of the quality of jobs is outside of the scope of CEQR.</b> Per <i>CEQR Technical Manual</i>, the EIS will provide a preliminary assessment for indirect residential displacement that will consider current market conditions and trends</p>
46-7 228-9	3.64	<p>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):</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> </ol> <p>The DEIS should include an analysis of this rezoning in terms of cumulative impact on industrial, light manufacturing, wholesale, and retail businesses in relation to the jobs and in relation to particular supply chains in the area, that is interdependencies of businesses in the proposed rezoning area and beyond in the larger Upper Manhattan and adjacent Bronx trade areas.</p>	<p>See Response 3.17. Socioeconomic conditions analysis will include analyses of direct and indirect business displacement, as well as the potential for adverse effect on specific industries. The assessments will be conducted in accordance with <i>CEQR Technical Manual</i> methodology. The analysis of potential indirect business displacement will identify and characterize conditions and trends in employment and business operations within the proposed rezoning area and larger ½-mile secondary study area and characterize the commercial and industrial markets. Pursuant to CEQR guidance, the indirect displacement assessment will also identify if the Proposed Actions would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Pursuant to the <i>CEQR Technical Manual</i>, appropriate mitigation measures will be identified for any potential significant adverse impacts resulting from the Proposed Actions.</p>
47 229	3.65	<p>For all businesses and clusters facing potential risk, the SOW should specify in detail how the DEIS will answer the following questions:</p> <ol style="list-style-type: none"> <li>1. Do these businesses/clusters depend on the locations' specific amenities, proximity to local markets and supply networks to remain viable?</li> <li>2. What will be the effects on other businesses that depend on those at risk</li> </ol>	<p>See Response to 3.64 (<i>just above</i>). <b>Determining how many businesses have construction/demolition clauses that would invalidate their current leases, should a landlord decide to build up taking advantage of the proposed zoning changes, is outside the scope of CEQR.</b></p>



		<p>due to rezoning (e.g., livery car businesses dependent on local auto repair and tire sales, local bodega dependent on food and beverage wholesalers)?</p> <p>3. 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.?</p> <p>4. 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.</p>	<p><i>Repeated here from above:</i> Determining how many businesses have construction/demolition clauses that would invalidate their current leases, should a landlord decide to build up taking advantage of the proposed zoning changes, is outside the scope of CEQR.</p>
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
48 230	3.69	<p>The SOW identified five principal issues of concern with respect to socioeconomic conditions, but these are not the only socioeconomic issues of concern. Given the socioeconomic makeup of Inwood and the surrounding areas, there are likely to be racial or ethnic disparities for housing-related issues. Other socioeconomic indicators should be studied in the DEIS, including housing/rent cost burden, racial and ethnic disparities, the loss of affordable housing units, and housing characteristics. The SOW must describe in detail how the consequences of the rezoning will differ for different racial &amp; ethnical populations in the areas of residential displacement, levels of housing cost burden &amp; severe housing cost burden, &amp; any other socioeconomic conditions that have the potential to affect different population groups differently.</p>	<p><u>See Response to 3.43 (see a few pages above).</u> The characteristics noted by the commenter are not part of a CEQR analysis. As stated under Task 3 of the DSOW, the DEIS will provide a preliminary assessment for indirect residential displacement that will consider current market trends, and evaluate the Proposed Actions' potential effects on socioeconomic conditions. If the Proposed Actions could potentially introduce or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population, as compared to the future No-Action condition, a detailed analysis is warranted and will be provided.</p>
48 230	3.70	<p>As the rezoning is likely to introduce market pressures that will 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 (defined as paying more than 30 percent of their income on housing) and severely housing cost burdened (defined as paying more than 50 percent of their income on housing). The SOW must specify how the analysis will be done, the data elements to be used, and the data sources. The DEIS must show the analyses and make the data and data sources available to the public.</p>	<p><u>See Response 3.30 which says:</u> The EIS socioeconomic conditions chapter of will characterize exiting conditions of the residents and housing in order to identify populations that may be vulnerable to potential indirect residential displacement, assess current and future socioeconomic trends in the area that may affect these populations and examine the effects of the Proposed Actions on prevailing socioeconomic trends and thus, impacts on the populations that could be subject to potential displacement. The EIS will utilize data from the Census and the American Community Survey (ACS) to characterize the economic status of the existing population, including income levels, median and mean household income, income distributions, and portion of individuals living below the poverty level in the study area, larger borough, and in NYC.</p>
48-9 230-1	3.72	<p>In addition to analyzing the displacement of people, the City must analyze and project how many affordable housing units will be lost, including apartments dropped from rent regulation. There is no way to know whether with this rezoning, the area will lose more apartments than it is gaining through MIH. It is necessary for the SOW to have a detailed plan for this analysis, describing the analysis to be done, what specific data elements will be used, and the sources of the data (such as HCR and NYCDOF data). Then, the DEIS must not just report the analysis, but must make the data and sources public.</p>	<p><u>See Response to 3.30 (just above).</u> The assessment of the areas of concern will begin with a preliminary assessment to determine whether a detailed analysis is necessary, pursuant to the <u>CEQR Technical Manual</u> guidance. Detailed analyses will be conducted for areas in which the preliminary assessment cannot definitely rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluation other Future No-Action and With-Action conditions in 2032, including any population and employment changes anticipated to take place by the analysis year for the Proposed Actions.</p>



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49-50 231-2	3.76	<p>In order to more accurately estimate the impact of the rezoning on the local economy, the following DEIS activities should be performed:</p> <ol style="list-style-type: none"> <li>1. The DEIS should study in particular the contributions that small businesses make to the local economy and calculate the impact of 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.</li> <li>2. The DEIS should employ the methodology developed by Civic Economics to transparently show the economic impact on Inwood that small independently-owned businesses have.</li> <li>3. The DEIS should study the differential economic contributions that chain and independently-owned businesses make on the local economy. This entails (per Civic Economics) 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.</li> </ol> <p>The SOW should specify in detail how the above studies will be conducted.</p>	<p><u>See Responses to 3.45, 3.54, and 3.57.</u> This comment addresses issues outside the scope of this project.</p>
50 232	3.77	<p>Because climate change quite literally affects everything, the SOW must describe in detail how all the socioeconomic studies/analyses will account for the effects of climate change.</p>	<p>As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."</p>
50 232	3.78	<p>The DEIS must study the 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 character of the neighborhood.</p>	<p><u>See Responses to 3.49, 3.50, 3.56, and 3.57.</u> In accordance with <i>CEQR Technical Manual</i> guidance, Proposed Actions potential effect on neighborhood character is evaluated in Task 19, "Neighborhood Character."</p>
<b>4. Community Facilities &amp; Services</b>			
52-3 234-5	4.1	<p>The EIS should look at the impacts of the large increase in the public school population that would occur under the Proposed Actions. Community School District (CSD) 6 schools are already overcrowded and underfunded and there is no capacity for expansion, growth, or increase in density. The existing schools will become more crowded and will decrease in performance with the influx of school children resulting from the rezoning.</p>	<p>As outlined in the DSOW, as part of Task 4, "Community Facilities and Services," a detailed analysis of the potential indirect impacts of the Proposed Actions on public schools will be provided. The analysis of elementary and intermediate school indirect impacts will focus on schools located within CSD 6, Sub-district 1, while the high school indirect impacts analysis will focus on schools located in Manhattan.</p>
53 235	4.3	<p>Inwood already must export is middle and high school students to other neighborhoods, which places a burden on the transit infrastructure. Any rezoning or increase in density will exacerbate this problem. Where will the thousands of new children go to school? Who will teach them? How will appropriate student-to-teacher ratios be maintained?</p>	<p><u>Refer to Responses 4.1 (just above) &amp; 4.2, which is:</u> If, based on the detailed indirect schools impact analysis, it is determined that the Proposed Actions would result in significant adverse impacts (i.e., if school utilization levels would exceed 100% and the Proposed Actions would result in an increase of 5% or more in the utilization rate, as compared to No-Action conditions), mitigation will be identified. <b>An analysis of the loss of state funding due to the inability of schools to meet prerequisite state and federal education requirements is outside the scope of CEQR.</b></p>
53 235	4.4	<p>The DEIS should study the full impact of the rezoning on school capacity and</p>	<p>As noted in Response 4.1, a detailed analysis of the potential for the Proposed</p>



		functioning, which should answer in detail: (1) will the train track noise be attenuated; (2) what is the likely impact on I.S. 52 of redevelopment of the Inwood Library; (3) will P.S. 278/P.S. 18 be relocated, as they share space in an area zoned as “industrial”; (4) where will all schools that serve Inwood students be located given the proposed rezoning; and (5) 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?	Actions to result in significant adverse impacts on public schools will be provided in the EIS. As noted in Response 4.2, if significant adverse impacts are identified, mitigation measures will be identified. As part of Task 20, “Construction,” the potential for construction associated with development on [RWCDs] projected development sites will be prepared, including the potential for impacts on community facilities (e.g., schools), as well as noise- and air quality-related impacts on sensitive receptors. Lastly, while P.S. 278/P.S. 18 will be rezoned ... they would not be relocated under the Proposed Actions.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
53 235	4.5	The SOW must specify and the DEIS must study, measure, and report on how much more difficult it will be to meet the needs to English Language Learner and special education students and the increased disparities in educational services and outcomes these students may face as a result of the rezoning.	<b>This is outside the scope of CEQR.</b> The EIS will provide a detailed analysis of the potential for the Proposed Actions to result in significant adverse impacts on public schools.
53-4 235-6	4.6	The Inwood Rezoning and its DEIS should be presented to the CSD 6 president’s council (representatives of the PA boards of its schools), as well as Community Education Council (CEC) 6; and the Citywide Council on Special Education, highlighting 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.	As noted in Response 4.1, a detailed analysis of the potential indirect impacts of the Proposed Actions on public schools will be provided in the EIS. The DEIS will be available to the public and available for public comment during the DEIS public comment period and at the DEIS public hearing, to be held in conjunction with the CPC public hearing.
55-6 237-8	4.15	Inwood’s award winning library is slated to be demolished, with no requirements that respondents to the RFP propose an interim library and no binding, enforceable plan for a temporary space. Moreover, there is no budget for an interim library, no location for an interim library (either specific or within a specific area), no minimum size for an interim library, and no requirements for what services must be provided. Since the proposed library redevelopment plan is an acknowledged component of the <i>Inwood NYC Action Plan</i> , the EIS must fully examine all impacts that could be expected under a RWCDs of the Inwood Branch Library redevelopment. How will the lack of a library affect Inwood residents?	<u>Please see Responses 1.36 and 4.12.</u> As noted in prior responses, during the construction of the proposed project on projected development site 25, a temporary library facility would be provided, in a central and accessible location in the Inwood neighborhood. It is expected that the temporary library facility would continue to operate under existing hours and would offer all existing core services, including circulation of materials, computer appointments, readers’ advisory, and reference. NYPL would continue with as much current programming as possible by partnering with local community-based organizations and schools.
56 238	4.17	The proposed library analysis appears to be an off-the-shelf analysis of potential impacts on library services that completely ignores the proposed redevelopment of the Inwood Branch Library.	<u>Please see Responses 4.12 &amp; 4.13.</u> <b>4.12:</b> ... the EIS will provide an analysis that will consider whether the displacement, physical change, proposed temporary relocation, and subsequent improvement of the new library on the same site would have the potential to result in significant adverse impacts on this community facility. The EIS will include all information available at this time about the expected timeline for the library construction and the proposed temporary library location(s). <b>4.13:</b> the proposed replacement library would be the same size as the existing library branch. As part of Task 4, “Community Facilities and Services,” a detailed analysis of the potential for the Proposed Actions and associated RWCDs to result in significant adverse indirect public library impacts will be provided in the EIS in accordance with <b>CEQR Technical Manual</b> methodology. The analysis will identify the holdings-per-resident ratio(s) of public library(s) located in Manhattan that serve the area within a ¼-mile radius of the proposed rezoning area. As noted in the comment above,
56 238	4.18	The RWCDs of the Inwood Branch Library redevelopment should assume a build period of at least five 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 two-story building at Broadway and 207 <sup>th</sup> (which took 3.5 years from issuance of the demolition permit to the first temporary certificate of occupancy (TCO)), the presence of a brownfield immediately adjacent to the site (necessitating environmental testing at least to Phase II levels), the need to take measures to mitigate the impacts of construction at the Inwood Branch Library site on the adjacent I.S. 52 building, and experience of the NYPL with the redevelopment of the Donnell branch of NYPL, which was	



		closed for over eight years. <u>Response: Please see Response 4.12 (at right)</u>	the EIS will describe the proposed temporary library location(s) that would be used to ensure that Inwood Branch Library services remain accessible to residents during the construction of the replacement library.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
56-7 238-9	4.19	The RWCDs concerning the Inwood Branch Library should 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: <i>[a list of 10 services follows]</i> The Inwood Branch 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. 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.	Please see Response 4.12 (just above).
57 239	4.24	The EIS should look at the impacts of the Proposed Actions on response time by the FDNY, NYPD, EMS, and NYC DEP to calls from residents for assistance and environmental complaints at rush, peak bar, weekend summer days, and other times given a realistic RWCDs for the current proposal. The SOW must specify, in detail, how the studies and analyses will be done.	In accordance with <i>CEQR Technical Manual</i> guidance, an assessment of potential indirect impacts to police/fire services and health care facilities is warranted when a proposed project would create a sizeable new neighborhood where none existed before. As this is not the case for the Proposed Actions, a detailed indirect impact analysis is not warranted in accordance with CEQR. An analysis of DEP response time is outside the scope of CEQR.
58 240	4.29	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 population increase, which will be even greater when more appropriate RWCDs criteria are used.	Refer to Responses 4.24 (just above) and 1.23.
58-9 240-1	4.30	The DEIS must quantify all of the following, comparing current situation to building out to the proposed rezoning: <i>a list of 14 items follows, e.g:</i> #1-3: Post Office impacts (wait times, facility space, spillover on nearby POs.) #4: Response time by FDNY, NYPD, EMS, DEP in average & extreme traffic #5-6: Facility space in the 34 <sup>th</sup> Precinct ... Crime rate for various crimes. #7: Traffic violation rate for various infractions, including double-parking ... #8-9: FDNY: Facility space ... impact on neighboring FDNY stations. #10-12: Allen Hospital: Vacancy rates, ER wait times to see Dr, get room, etc. #13-14: Schools: No. kids of each age vs. available seats, assessment of how much more overcrowded schools will become; pre-school spaces vs. demand.	... As stated in the <i>CEQR Technical Manual</i> , the community facilities (or resources) that may be addressed in environmental assessments include public schools, libraries, child care centers, health care facilities, fire protection, police protection, and "other community facilities." The <i>CEQR Technical Manual</i> defines other community facilities as homeless shelters, jails, community centers, colleges and universities, or religious and cultural facilities. As stated in the <i>CEQR Technical Manual</i> , these "other community facilities" are analyzed only if the facility itself is the subject of the proposed project or would be physically displaced or altered by the project. As none of these facilities are located on any of the identified projected developments sites, the Proposed Actions would not directly displace any of these other community facility uses, and, as defined in the <i>CEQR Technical Manual</i> , an



			analysis of other community facilities, including post offices, is not required. Refer to Response 4.24 for a response to items 4-12. As presented in the DSOW ... detailed analysis of the potential impacts of the Proposed Actions on public schools and child care facilities will be provided, including identifying existing and future demand and utilization levels. The indirect public elementary and intermediate school impact analysis will focus on CSD 6, Sub-district 1 and the public high school impact analysis will focus on schools in Manhattan, in accordance with <b>CEQR Technical Manual</b> methodology.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
59 241	4.31	The DEIS should analyze the impact of development on services on which elderly and disabled people are dependent, such as Access-A-Ride. The SOW must specify, in detail, how the studies and analyses will be done.	This is outside the scope of CEQR.
59 241	4.32	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of facilities and services will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."
60 242	4.33	The SOW should examine the likely impacts of ... 20,000 new residents and workers in Inwood and the resulting increased demand for library services, particularly in conjunction with NYCHPD's Inwood ... Library RFP, which specifies an 18,000 sf library space, compared to the 21,400 sf current library. The likely impacts should also be examined in conjunction with the RFP's design that would place the library in a ... newly-constructed apartment tower, thereby permanently capping the size of the proposed new library.	Refer to Responses 4.12 and 4.13 (both above)
		<b>5. Open Space</b>	
61 243	5.2	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.	In the future with the Proposed Actions, new open space would be built out on RWCDs waterfront projected and potential development sites in accordance with the requirements of the proposed WAP. As part of Task 10, "Hazardous Materials," the EIS will determine which, if any, of the RWCDs project and potential development sites may have been adversely affected by present or historical uses at or adjacent to the sites. If the potential for environmental concerns is identified, institutional controls or disposition restrictions will be identified to ensure that further studies and remediation, if warranted, are implemented prior to site development.
61 243	5.3	Inwood's parks are full and noisy on weekend when the weather is nice. Adding more units and people will only ruin/over run the parks. 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.	As outlined in the DSOW, a detailed indirect open space analysis will be prepared as part of Task 5, "Open Space." The analysis methodology, which is outlined in the DSOW, will be conducted in accordance with <b>CEQR Technical Manual</b> guidance.
61 243	5.4	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of open space will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."
		<b>6. Shadows</b>	



64 246	6.5	<p>The DEIS must quantify all of the following, comparing the current condition to build out the proposed rezoning:</p> <ol style="list-style-type: none"> <li>1. Impacts of shadows on public housing measured in summer and other times and potential violation of requirements for sunlight at the [NYCHA] Dyckman Houses. 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.</li> <li>2. Impacts on days with ice and snow on the streets of Inwood. <i>(In response they say only “open space” in public housing development is sunlight sensitive.)</i></li> <li>3. Impacts on mental health ... due to [more] shadows and [fewer] sky views.</li> <li>4. Impacts of shadows from 11- and 14-story buildings on Broadway on the Dyckman Farmhouse and its plantings.</li> </ol> <p>The studies should be a minimum of two years to provide a representative sample, and the SOW must describe in detail how the above studies and analyses will be done.</p>	<p>See <b>Response 6.1. 6.1:</b> The EIS shadows analysis will evaluate whether any publicly accessible sunlight-sensitive open space resources, including <u>open space associated with public housing development</u>, could be shaded as a result of the Proposed Project. Per <b>CEQR Technical Manual</b> guidance, buildings (other than ... architectural resources) are not sunlight-sensitive. Per <b>CEQR Technical Manual</b> guidance, project-generated shadows will be evaluated on four days throughout the year (Mar 21/Sep 21, May 6/Aug 6, June 21, &amp; Dec 21) considered representative of the full range of possible shadows.</p> <p><b>Rest of Response 6.5:</b> ... The EIS shadows analysis will evaluate whether any architectural resources, including the Dyckman Farmhouse, are determined to meet the <b>CEQR Technical Manual</b> definition of a sunlight-sensitive resource. The EIS will provide an assessment for all sunlight-sensitive resources. The DSOW provides additional information on the methodology for the shadows analysis. An analysis of snow and ice conditions on streets and sidewalks and the impact of shadow <b>coverage</b> on mental health is <b>outside the scope of CEQR.</b></p>
64 246	6.6	<p>Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of shadows will account for the effects of climate change.</p>	<p>As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”</p>
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
		<b>7. Historic and Cultural Resources</b>	
66 248	7.1	<p>The Dyckman Farmhouse and Museum must be protected from the impacts of shadows and construction from nearby developments. The impact of shadows from redevelopment on the building and its plantings should be considered as part of the historic resources assessment, as well as the impact from construction on nearby/adjacent sites.</p>	<p>... Dyckman House Museum would be considered a sunlight sensitive resource that warrants shadows assessment. If based on the Tier 1, Tier 2, and Tier 3 screening assessments, the potential for the RWCDS projected developments to cast incremental shadows on this historic resource cannot be ruled out, a detailed shadows analysis will be prepared as part of Task 6, “Shadows.” The potential for shadow impacts on historic resources will be identified in Task 6 and referenced in the Historic and Cultural Resources chapter.</p>
67 249	7.5	<p>Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of historic and cultural resources will account for the effects of climate change.</p>	<p>As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”</p>
		<b>8. Urban Design and Visual Resources</b>	
69 251	8.5	<p>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.</p>	<p>... the urban design and visual resources of the project area and ¼-mile radius secondary study area will be described, identifying critical features, use, bulk, form, and scale. Potential changes that could occur in the urban design character of the study area as a result of the Proposed Actions will be described ... for the projected and potential development sites, the analysis will focus on general building types for the sites ... assumed for development, as well as elements, such as streetwall height, setback, and building envelope.</p>
69 251	8.6	<p>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,” as the rezoning has the potential to replace small local businesses with chain stores and more banks.</p>	<p>In accordance with <b>CEQR Technical Manual</b> methodology, the EIS will assess the potential impacts of the Proposed Actions on the pedestrian experience at street level. Streetscape elements, in addition to a building’s streetwalls are components of the urban design ...; as such, ... impact of the Proposed Actions on these elements that contribute to the vibrancy of the pedestrian realm, will</p>



		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.	be assessed as part of Task 8, “Urban Design and Visual Resources.” The direct and indirect impacts of the Proposed Actions on businesses will be assessed as part of Task 3, “Socioeconomic Conditions” (refer to Response 3.1).
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
69-70 251-2	8.7	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of urban design and visual resources will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”
71 253	8.15	The DEIS must examine the impact on views to/from the Cloisters ... Fort Tryon Park, Inwood Hill Park, and the Inwood neighborhood between the two parks. At present there are no apt towers or tall commercial buildings within views north to Inwood and Inwood Hill Park from the Cloisters Tower, and it appears that, under the RWCDs, nine-story buildings would be constructed along west Dyckman Street and 14-story buildings would be constructed in the C4-4D area of Dyckman ... , Broadway, and Seaman Avenue. 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.	<i>See Response 8.1, which says:</i> As stated in the FSOW, visual resources will be identified in accordance with <b>CEQR Technical Manual</b> methodology, including the connection from the public realm to significant natural or built features, i.e., views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources. As the Cloisters and Fort Tryon Park are both considered visual resources per the <b>CEQR Technical Manual</b> definition, to the extent that there are view corridors within the ¼-mile radius study area from which these.
		<b>9. Natural Resources</b>	
71 253	9.1	... a thorough two-year study be conducted of the impact on the community of altering the ecology of the Inwood wetlands via urbanization. This study should include protection of the North Cove’s biodiversity and the role of the North Cove on bird migration, protection against natural disasters, and quality of life, as the North Cove is a saltwater tidal basin, a wetland with a soft shore line, a resting place for migratory aquatic birds, and also home to fiddler crabs, clams, blue crabs, and more, and the Inwood Rezoning Proposal would enable some of the densest tallest development to come practically right up to the North Cove, with at most a small shoreline public access zone. This study must be thorough and quantitatively measured and should be peer reviewed by at least three independent professionals with long standing careers in ecology and NYC urban planning and made public for review and comments before its inclusion in the FSOW for the EIS of the Inwood Rezoning Proposal.	Potential natural resources impacts, including impacts to habitat ... will be discussed in the DEIS. The analysis methodology and level of detail will be compliance with the 2014 <b>CEQR Technical Manual</b> . A 2-year study involving independent peer reviews is not necessary in accordance with CEQR. The natural resources analyses will be prepared and reviewed by qualified environmental scientists. The public and interested organizations will have an opportunity to comment on the DEIS & the lead agency will provide responses to comments, including changes to analyses where appropriate, in the FEIS.  The proposed rezoning area is already urbanized in the existing condition, and the Proposed Actions do not involve urbanization of an undeveloped natural area. The footprint of projected development site 6 on the south side of ... North Cove is located entirely within an existing paved ... parking lot. No encroachment into North Cove is contemplated as part of ... Proposed Actions; any future proposed development encroachment into the North Cove would require site-specific environmental review and permitting, including a NYS DEC Tidal Wetlands Permit and a U.S. Army Corps of Engineers Section 404 permit.
72 254	9.3	Inwood has several tidal salt marshes and other tidal wetlands important to the New York State Harbor estuary, Areas near tidal wetlands also often feature similar valuable attributes and provide a buffer for the wetlands. As such, any proposed waterfront development resulting from the Proposed Actions requires a comprehensive pursuant to the Tidal Wetlands Acts in the State’s Environmental Conservation Law, Article 25, Title I. The SOW should assess whether the development meets the mandatory standards outlined in State regulations at 6 CRR-NY 661.9.	As an area-wide rezoning environmental review, no permits for construction will be obtained based on the hypothetical RWCDs. ... The DEIS will analyze potential impacts and identify potential permit requirements; however, a detailed regulatory compliance analysis with NYSDEC Tidal Wetlands permitting requirements is not possible in an area-wide rezoning environmental review. It would be the responsibility of individual private developers to obtain all necessary permits for construction, including NYSDEC Tidal Wetlands Permits. ....
72	9.4	The North Cove is an important, necessary estuary and community landmark	<i>See Response 9.1 (above).</i> Development within the North Cove is not



254		along a major avian migratory flight route. Development along the shoreline or anywhere too close to North Cove would destroy this wildlife preserve, affect the health of the wildlife at the cove, and indirectly affect public health.	proposed as part of the Proposed Actions. Potential impacts to migratory birds are among the natural resources issues that will be discussed in the DEIS.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
72 254	9.5	The SOW must describe in detail how the DEIS will assess the impact of proposed construction along the waterfront on water quality and wildlife.	Other than potential repairs to existing bulkheads and rip-rap, no construction along the shoreline is proposed as part of the Proposed Actions. Potential natural resource impacts will be discussed in the DEIS consistent with the 2014 <b>CEQR Technical Manual</b> .
72 254	9.7	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of natural resources will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change." <u>Also see Response 9.15, which says:</u> Buildings in the 100-year floodplain would be required to comply with NYC Building Code requirements for flood-resistant construction. Information on projected/potential sites within potential future expanded floodplains due to climate change will be presented in the DEIS; however, as an area-wide rezoning, detailed engineering analysis of flood protection measures that might be incorporated into specifics buildings cannot be provided.
		<b>10. Hazardous Materials</b>	
74 256	10.1	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 groundwaters. Any construction at the Inwood Branch Library site would expose an old brownfield of unknown toxicity, the impacts of which are magnified by the existence of a network of underground water sources, which may now be toxic or spread toxicity.	The EIS will evaluate the potential for hazardous materials at the Inwood ... Library site (projected development site 25), including historic uses of nearby properties. If identified, potential adverse impacts during construction at [the site] would be mitigated by specific requirements incorporated into a Land Disposition Agreement ... or similar binding mechanism between the City of NY and future developers ... If warranted, these requirements would include sampling protocols, remediation determination ... protocols including construction-related health and safety plans to protect workers and the community. The NYC Office of Environmental Remediation (NYCOER) would oversee adherence ... and ensure all activities are protective of human health and the environment during construction and future occupancy.
74-5 256-7	10.2	The DEIS should address the compatibility of creating higher density development—particularly residential—in the proposed rezoning area, given the historic 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 EIS will evaluate any potential adverse impacts related to hazardous materials from historic industrial uses that may result as part of the Proposed Actions. If adverse impacts are identified, they will be mitigated through the implementation of investigation and remedial measures, if warranted, outlined in the (E) designation (or comparable measures) text. These requirements would include sampling protocols, remediation determination and remedial protocols including construction-related health and safety plans to protect workers and the community. NYCOER would oversee adherence to the requirements and ensure all activities are protective of human health and the environment during construction and future occupancy.
75 257	10.4	Some sites in the proposed rezoning area—especially along the Harlem River—are brownfield sites. As such, the SOW should described and clearly delineate how all brownfield sites will be studied for hazardous substances, including identifying all brownfield designations under consideration for Inwood,	The hazardous materials assessment will review current uses, historical resources and environmental databases for each of the projected and potential development sites along the Harlem River. Based on this assessment, the EIS will place (E) designations or a comparable binding mechanism to



		including all current brownfield studies and planning initiatives funded or being conducted by community based organization, local, state, and federal agencies, and private entities. Brownfields are known to exist at the site of Con Edison’s former power plant, at the Spectrum Communications parking lot on 9th Avenue (a brownfield covered by a soil “cap,” which Spectrum Communications asserted should not be removed), and 4566 Broadway at Nagle. 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 and nonprofit entities. For each brownfield identified, the DEIS should examine whether it meets the requirements for an (E) designation and the lead agency should assign an (E) designation to each qualifying brownfield.	mitigate any adverse impacts related to the Proposed Actions, if warranted. These requirements would include sampling protocols, remediation determination and remedial protocols including construction-related health and safety plans to protect workers and the community. NYCOER would oversee adherence to the requirements and ensure all activities are protective of human health and the environment during construction and future occupancy.
<b>Page #s</b>	<b>Comment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
75-6 257-8	10.5	3 specific hazardous materials studies that should be specified in the SOW are: 1. Quantify polychlorinated biphenyls (PCBs) and other toxic substances in the soils under and around the Con Edison station, under the Spectrum Communications site, current and former gas stations, and auto body shops (as this could be mobilized in increased flooding) 2. Quantify the toxic substances in street runoff to the Harlem River 3. Quantify the toxic substances in seepage into the Harlem River, Ship channel, and Hudson from brownfields under Con Edison, Spectrum Communications, current and former gas stations, and auto body shops. In addition, the SOW should specify how other potential toxic substances on redevelopment sites will be discovered and measures and how their potential for contaminating sites likely to be used by people will be assessed.	The EIS will include an assessment to determine if the Proposed Actions will result in adverse impacts from hazardous material including PCBs. Based on this assessment, the EIS will place (E) designations or a comparable binding mechanism to mitigate any adverse impacts related to the Proposed Actions, if warranted. These requirements would include sampling protocols, remediation determination and remedial protocols including construction-related health and safety plans to protect workers and the community. NYCOER would oversee adherence to the requirements and ensure all activities are protective of human health and the environment during construction and future occupancy.
76 258	10.6	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of hazardous materials will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”
77 259	10.13	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 investigation and feasibility study to define the threat to humans and the environment posed by potential contaminations as a result of planned waterfront development, including identifying and evaluating ways in which people living in and around Inwood now and in the planned redevelopments might be exposed to the chemicals and pollutants along the Harlem River ... .	Refer to Response 10.4 ( <i>above</i> ).
		<b>11. Water and Sewer Infrastructure</b>	
77-8 259-60	11.1	NYC’s infrastructure is in dire condition and does not even support the current population: water mains are 70–150 years old, sewer mains & catch basins are all dangerously past their life spans; North River Water Pollution Control Plant is over 60 years old and releases raw sewage into the Hudson. The ... Rezoning	As noted in the DSOW, the EIS will analyze the Proposed Actions’ potential effects on the water, wastewater, and stormwater infrastructure.



		Proposal is going to overtax every single part of the infrastructure in the neighborhood and does not include improvements to current infrastructure. We want the current needs of the neighborhood addressed before ... rezoning.	
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
78 260	11.3	The infrastructure analysis should look at impact on sewer, gas, electricity, and water distribution lines, as well as receiving waters and compliance with federal and state law, including (1) sewage backups into buildings at 1", 2", 5", and 10" and 100- and 500-year storms and others; (2) combined sewer overflows at 1", 2", 5", and 10" and 100- and 500-year storms and others; (3) infrastructure capacity (water, sewer, pumps, electricity, transformer, feeder, etc.); (4) infrastructure failure rate (water, sewer, pumps, electricity, transformer, feeder, etc.); (5) the potential for infrastructure failure and fragility (condition) (water, sewer, pumps, electricity, transformer, feeder, etc.); (6) the potential for the North River WPCP to be placed in violation of DEC) requirements, including a historical survey equivalent to the length of the build period, including specific violations, their severity, and their likely cause; and (7) 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 sewer overflows (CSOs).	The water and sewer infrastructure analysis will be conducted in accordance with <b>CEQR Technical Manual</b> methodology. The impact of the Proposed Actions and associated RWCDs (including gas and electricity distribution) are included as part of Task 13, "Energy."
78 260	11.4	Studies of compliance with state and federal laws and regulations must not simply consider individual parts of the water and sewage infrastructure, but entire systems affected by increased usage and loads caused by redevelopment with increased populations using many more plumbing fixtures. To most effectively assess the impact of new development in and around Inwood on the sewage system and CSO into the Harlem and Hudson rivers and Spuyten Duyvil Creek, the DEIS should include a wider areas in its analysis than shown in the DSOW. The 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 to examine the impacts of the increased sewage flow due to development and population growth in the entire City sewage system. For sewage flows from Inwood, this will mean (at a minimum) an analysis of the impact of increased flows into the Harlem and Hudson rivers and Spuyten Duyvil Creek, as well as the North River treatment plant and out into the Hudson River.	The water and sewer infrastructure analysis will be conducted in accordance with <b>CEQR Technical Manual</b> methodology.
79 261	11.6	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.	As discussed in the DSOW, an analysis of water and sewer infrastructure will be provided in the EIS. As necessary, the analysis will discuss any water and/or sewer infrastructure upgrades that would be necessary to support new development in the Project Area.
79 261	11.7	The DEIS should indicate the impact that a corrected RWCDs development will have on the depth/intensity of rainfall [and] snow events that will cause the City to open the valve to allow combined sewage overflows into the Hudson.	In accordance with CEQR guidance, the EIS will provide a sewer infrastructure analysis for the RWCDs developed for the Proposed Actions. Refer to Response 1.53 for RWCDs definition.
79	11.8	The DEIS should measure and analyze the quantity and quality (i.e., hazardous	... the EIS will analyze the Proposed Actions' potential effects on the water,



261		and sediment pollutants) of runoff into the Harlem River and ship canal.	wastewater, and stormwater infrastructure in accordance with <b>CEQR Technical Manual</b> methodology. An assessment of the quantity and quality of runoff into the Harlem River and ship canal is <b>outside the scope of CEQR.</b>
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
79-80 261-2	11.9	Given that the City is already out of compliance with the Federal Clean Water Act in some respects. We have raw sewage and stormwater being pumped into the river; how much more of that is there going to be with the additional residents that you are putting in the neighborhood? Development due to rezoning can exacerbate existing non-compliance and create additional noncompliance issues, the following organizations must be included as “involved agencies” in the DEIS study and analysis efforts: DEP, NYSDEC, and U.S. Environmental Protection Agency (EPA).	NYS Environmental Quality Review Act (SEQRA; 6 NYCRR Part 617.2(s)), ... New York State’s statute for ... environmental review and the statute from which CEQR has been promulgated, defines “involved agency” as an agency that has jurisdiction to fund, approve or directly undertake an action. Therefore, under SEQRA, USEPA and NYCDEP cannot be considered involved agencies because the Inwood Rezoning Proposal does not include any federal or DEP actions, such as approvals, discretionary permits, or funding, nor are EPA and DEP directly undertaking (or contributing to undertaking) any components included in the Inwood Rezoning Proposal. Due to the potential need for a DEC permit under the Tidal Wetlands Act (Article 25 of the NY Environmental Conservation Law) to subdivide City-owned waterfront lots where tidal wetlands regulated by DEC are mapped, DEC is considered an involved agency, consistent with 6 NYCRR Part 617.2(s). This means that DEC is part of the coordinated environmental review process and reviews and comments on all relevant documents produced during this environmental review.  Pursuant to SEQRA, as defined in 6 NYCRR Part 617.2(t), “interested agency” is defined as an agency that lacks the jurisdiction to fund, approve or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action. Therefore, NYCDEP qualifies as an interested agency and as part of a coordinated environmental review process, reviews and comments on all relevant analyses that are in DEP’s area of expertise (hazardous materials, natural resources, water and sewer infrastructure, air quality, noise and construction air quality and noise). Furthermore, as will be described in the DEIS, NYCEDC is coordinating with NYCDEP to investigate and confirm existing sewer capacity in the neighborhood and to develop a new drainage plan for the area that would respond to future capacity requirements.
80 262	11.10	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of water and sewer infrastructure and compliance will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”
		<b>12. Solid Waste and Sanitation Services</b>	
81 263	12.3	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.	In accordance with <b>CEQR Technical Manual</b> methodology, the solid waste and sanitation services analysis will evaluate the incremental change in solid waste generation on the 33 RWCDs projected development sites.
81 263	12.4 <i>App. 4 lists 2</i>	The DEIS should outline the added capacity needed with the Proposed Actions and identify the shortfall in capacity based ... [and] all proposed development sites that will affect solid waste & sanitation services, including the cost to the	The solid waste and sanitation services assessment of the EIS will be conducted in accordance with <b>CEQR Technical Manual</b> methodology, and will also include an assessment of the Proposed Actions’ impacts on the operation



	<i>Comment 12.4s by mistake</i>	City of collection & disposal of solid waste. This analysis should include impact of changes in traffic congestion & volume on the 4-district DSNY garage at 215 St & service to all four districts served by this garage, the number of trucks needed to serve Inwood, how refuse & recyclables collection routing will be affected & time of day of pick up, impacts on the deployment of snow & salt trucks in winter, & secondary impacts of delays in this deployment (i.e., accidents, injuries, deaths). Impact of traffic congestion on delivery of recyclables & refuse to transfer stations & material recovery facility must be quantified, as well as additional costs to the City resulting from delays.	of the 215th Street DSNY garage (refer to Response 12.6). An assessment of the cost of the City collecting and disposing of solid waste, the effect on refuse/recyclable collection routing, and the effects on the deployment of snow and salt trucks is outside the scope of CEQR. Truck traffic trips are included in the trip generation analyzed as part of Task 14, "Transportation."  <i>NOTE: Appendix 4 numbered 2 Comments &amp; Responses "12.4" by mistake.</i>
81 263	12.4 (2 <sup>nd</sup> )	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of solid waste and sanitation services will account for the effects of climate change.	... in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change." <i>Appendix 4 numbered 2 Comments &amp; Responses "12.4" by mistake.</i>
<b>Page #s</b>	<b>Comment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
		<b>13. Energy</b>	
82 264	13.1	The electric grid is operating at or beyond capacity today, with more outages each year and weather-related disruptions each year and increased AC usage. While New York State plans to overhaul the electric power grid, these plans are expensive and not expected to be completed for decades. The Proposed Actions, which will increase the population by at least 12,000, will further stretch the current infrastructure. What will be the impact of the rezoning on the electric grid? Will it support both the existing neighborhood and the new development?  <i>Reaction to comment at right: The CEQR Manual focuses on "transmission or generation of energy." Inwood's problem is DISTRIBUTION, which they ignore.</i>	... in accordance with <b>CEQR Technical Manual</b> methodology, a detailed energy assessment is limited to actions that may significant affect the transmission or generation of energy. For other actions, in lieu of a detailed assessment, the estimated amount of energy ... consumed annually as a result of [daily] operation of the buildings and uses resulting from an action is disclosed. As <u>the Proposed Actions would not significant affect the transmission or generation of energy</u> , the projected amount of energy consumption during the long-term operation of projected development sites will be identified as part of Task 13, "Energy." Con Edison of NY—the power utility serving the area and operating energy transmission infrastructure in the area—will be consulted.
82 264	13.2	<i>Not a UI comment, but on the mark: Comment by Maggie and others:</i> The analysis should look at the impacts of the Proposed Actions on gas and electricity distribution lines and compliance with federal and state law, including capacity, failure rate, and the potential for failure and fragility.	Refer to Response 13.1 ( <i>just above</i> ). <i>Again, Inwood's problem is DISTRIBUTION, which they ignore.</i>
82 264	13.3	analysis of energy demand is flawed if it does not consider how heating degree days & cooling degree days will be altered in the future conditions analysis	Refer to Response 13.1 ( <i>above</i> ). <i>Comment to left refers to effects of climate change, which they seem to ignore here.</i>
82-3 264-5	13.4	We cannot accept the energy analysis proposed in the DSOW. It is insufficient. The DEIS must address more than ... projected ... energy consumption. By dramatically increasing the proposed 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 the DEIS must include a detailed analysis examining long-term and cumulative impacts resulting for a more realistic RWCDs (with more than 33 sites).	<u>A detailed energy impact analysis is not warranted</u> for the Proposed Actions in accordance with <b>CEQR Technical Manual</b> methodology (see Response 13.1 <i>above</i> ). See Response 1.53 for the RWCDs projected and potential development site criteria.  <i>In the memory of Obie Bing, we cannot let this stand!</i>
83 265	13.5	Inwood has a relatively recent and unfortunate history of blackouts from its failed and aging energy distribution infrastructure, and there is concern about the numerous paper insulated lead cables (PILC) that make up Inwood's distribution grid. The DEIS must determine the extent to which Inwood's electrical distribution grid is still dependent on PILC and whether such cables	Refer to Response 13.1 ( <i>above</i> ) <i>They're totally ignoring a known problem.</i>



		can reliably support a realistic RWCDS.	
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83 265	13.6	<p>The DEIS should examine in detail the ability of the current distribution system to handle the RWCDs demand without blackouts and breakdowns and the changes that are necessary to assure that the distribution system can handle the expected demand. Such examination should include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Anticipated peak load demand under a realistic RWCDs (i.e., more than 33 sites) and build year (i.e., 50 years), that [considers] likely power demands of the population that will live and work in the anticipated new ... space.</li> <li>2. Ability of present distribution system to handle such anticipated peak load.</li> <li>3. Likelihood of blackouts and brown-outs under the realistic RWCDs without upgrades to the distribution system.</li> <li>4. Impacts of such anticipated blackouts and brown-outs, including impacts to life, health, safety, emergency services, comfort, transportation, economic activity, and community and social activity.</li> <li>5. Upgrades &amp; improvements needed to assure there are no blackouts or brown-outs under a realistic RWCDs, particularly at the Tip of Manhattan &amp; Sherman Creek where geometrically increased demand should be anticipated.</li> <li>6. Ability &amp; willingness of Con Ed to undertake needed upgrades &amp; improvements, including, but not [only], costs &amp; anticipated impacts on electric rates.</li> <li>7. Environmental impacts of the construction needed to undertake the necessary upgrades and improvements.</li> </ol> <p>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.</p>	<p>Refer to Response 13.1 (<i>above</i>) <i>Again, they're totally ignoring a known problem.</i></p>
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
83-4 265-6	13.7	<p>Con Edison should be made an Interested Party or "involved agency" for purposes of the EIS. The impact on Con Edison operations and the need for Con Edison to respond to those impacts are too great to leave Con Edison 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).</p>	<p>... Con Ed will be consulted in preparation of Task 13, "Energy." As neither Con Ed, FERC, NYS PUC, or NYSISO are funding, approving, or directly undertaking an action as part of... Rezoning ... none ... is considered an involved agency. However, Con Ed has existing facilities in the project area and controls several projected sites ... Con Ed therefore qualifies as an interested agency ... <i>We may want to contact PUC &amp; NYSISO ourselves to get them involved.</i></p>
84 266	13.8	<p>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 Con Edison project site. The lead agency should also analyze the transmission capacity and likelihood of transmission and distribution congestion resulting from this project.</p>	<p>Refer to Response 13.1 (<i>above</i>) <i>Again, they're totally ignoring a known problem.</i></p>
84 266	13.9	<p>Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of energy will account for the effects of climate change.</p>	<p>As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."</p>
		<b>14. Transportation</b>	
85	14.2	<p>Because climate change quite literally affects everything, the SOW must</p>	<p>As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b></p>



267		describe in detail how all studies and analyses of transportation will account for the effects of climate change.	guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
86-7 268-9	14.7	The traffic study area 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. 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 as Broadway, outside of Inwood.	In accordance with <b>CEQR Technical Manual</b> guidance, an assignment of peak hour traffic volumes was performed to identify intersections that would exceed the 50-trip analysis threshold. In consultation with NYCDOT, representative intersections most likely to be used by concentrations of action-generated vehicles traveling to & from the projected development sites were then selected for detailed analysis. Existing bottleneck locations and prevailing travel patterns were also taken into consideration. As presented in the DSOW, the traffic study area includes a total of 66 intersections for analysis, including four outside Inwood—1 in Marble Hill and 3 in the Bronx along W. Fordham Road at the interchange with the Major Deegan Expressway.
867 269	14.10	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 to quantify how much worse traffic will get, especially at key "choke points" in Inwood.	... in accordance with <b>CEQR Technical Manual</b> guidance, the transportation analyses will evaluate the potential for significant adverse impacts on traffic operations and mobility and the safety of all roadway users (pedestrians, bicyclists, and motorists) as a result of the Proposed Actions. If impacts are identified, mitigation needs and potential improvements will be identified, as appropriate, in conjunction with the lead agency, and NYCDOT. If any high crash locations are identified, the potential for vehicle and/or pedestrian trips and any street network changes resulting from the Proposed Actions to adversely affect vehicular and pedestrian safety will be assessed, and practicable measures to enhance pedestrian/bicycle safety will be described.
87 269	14.11	The Commercial "U" has an increasingly large number of liquor licenses; a conservative estimate is that the combined capacity of these SLA venues is 10,000 persons. Many patrons arrive and depart by car, which causes serious traffic problems, slowing down traffic for motorists, and also keeping first responders from getting through.	The existing traffic and pedestrian demand generated during the analysis peak hours by clubs in proximity to the proposed rezoning area will be reflected in the baseline traffic and pedestrian networks used for the EIS impact analyses.
87-8 269-70	14.12	Secondary effects of increased traffic (e.g., slowed response times for emergency vehicles and private vehicles, as well as buses, air pollution, and health impacts, such as asthma, cancer, and death) and additional traffic caused by drivers circling the neighborhood for parking spaces must be quantified during rush (7-9 AM and 5-7 PM) and bar (9PM-1AM Friday-Sunday) over a two-year period.	<b>Secondary effects of increased traffic such as slowed response times for emergency ... and private vehicles, as well as buses, air pollution, and health impacts ... are outside the scope of the traffic impact analysis under CEQR.</b> However... the effects of increased traffic on vehicular and pedestrian safety and parking will be included in the Transportation Chapter, and the effects on air pollution, public health and neighborhood character will be addressed in other chapters of the EIS. The weekday AM and PM peak hours will be included in the traffic analysis, as will the weekday midday and Saturday afternoon peak hours. The Friday-Sunday 9 PM – 1 AM periods will not be included as they would not be periods of peak demand from the residential and commercial uses that would be developed under the Proposed Actions.
88 270	14.13	Having 21- to 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 should be conducted over a two-year period for the Broadway Bridge and Broadway on either side of 232 <sup>nd</sup> Street	Representative intersections most likely to be used by concentrations of action-generated vehicles traveling to and from the projected development sites were selected for detailed analysis in consultation with NYCDOT. ... includes ... 66 intersections for analysis, including 4 outside Inwood—1 in



		down to 215 <sup>th</sup> Street, as well as along 225 <sup>th</sup> Street from Broadway to the Major Deegan and its nearby on/off ramps for rush hour (7-9 AM and 5-7 PM), bar times (9PM-1AM Friday-Sunday), and other times.	Marble Hill at B'way & 225 St, & 3 in the Bronx along W Fordham Road at the interchange with the Major Deegan ... The traffic analysis will be conducted in accordance with <b>CEQR Technical Manual</b> guidance and will include the weekday AM & PM peak hours [and] weekday midday and Saturday afternoon peak hours. The Friday-Sunday 9 PM – 1 AM periods will not be included as they would not be periods of peak travel demand from the residential and commercial uses that would be developed under the Proposed Actions.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
89-90 271-2	14.19	The transit study area should be expanded from the proposed ¼-mile radius to a radius that is consonant with documenting impact of projected and potential development on the broader transportation network. Given that Inwood's 2 subway lines are at one end of 2 ... heavily used lines, the doubling of Inwood's population at the north end of the train will cause decreased capacity as trains pick up more passengers traveling downtown. The transit analyses must go well beyond the stations identified in and around Inwood to effects of development at least down to 59 <sup>th</sup> St or 42 <sup>nd</sup> St on the A and No. 1 trains and up to 242 <sup>nd</sup> St on the No. 1 train. These subway cars become more and more crowded the further down the line they travel, and overcrowding on the cars will lead to overcrowding in the stations ... Limiting the subway impact analysis to just the 6 stations in Inwood is arbitrary and capricious.	The EIS will assess the Proposed Actions' potential for significant adverse impacts at a total of six subway stations where incremental demand is expected to exceed 200 trips in a peak hour, consistent with <b>CEQR Technical Manual</b> guidance. Stations more distant from the proposed rezoning area are not expected to experience 200 or more incremental entering or exiting trips in any peak hour. It should be noted, however, that the EIS will also assess line haul conditions (i.e., crowding) on trains at their maximum load points. For trains operating along the analyzed Broadway-Seventh Avenue Line and the Eighth Avenue Line (the A, C and Nos. 1, 2 and 3 trains), the maximum load points are in some cases located as far south as 42 <sup>nd</sup> Street or 59 <sup>th</sup> Street.
91 273	14.23	Likely delays on the entirety of the No. 1 and A lines must be studied, as delays caused by overcrowding affect the entire line. For the DSOW to ignore these delays that will result from overcrowding is arbitrary and capricious.	Under <b>CEQR Technical Manual</b> guidance, subway service is typically assessed in the context of crowding at key station processors (e.g., stairs, fare arrays, etc.) and on the trains at the maximum load point along each route (i.e., line haul conditions). Impacts are identified based on the level of crowding in the stations and ... trains, and not based on the delays potentially caused by such crowding. The subway analyses in the EIS will assess conditions at those facilities and services expected to be used by appreciable numbers of project-generated trips, including 6 stations in Inwood, & trains operating along the Broadway-7 <sup>th</sup> Avenue & 8 <sup>th</sup> Avenue lines (the A, C and Nos. 1, 2 & 3 trains).
91 273	14.24	The DEIS should identify the potential for impacts to transit at rush hours (7-9 AM and 5-7 PM), at peak bar time (9 PM-1 AM Friday-Sunday), and other times, in every season, including a representative sample of: (1) crowding on the No. 1 and A subways and Bx7, M100, and Bx12 buses; (2) access times within Inwood and the buffer zones of a ½-mile of each bus line coming to and leaving the bus depot from their routes; (3) the subway stations and crowding on all likely affected platforms (including those from 242 <sup>nd</sup> to 42 <sup>nd</sup> Street); and (4) crowding on the Hudson MTA North line and stations at University Heights and Marble Hill, as well as crowding on the Hudson MTA North line above and below those stations. The studies should be a minimum of two years to provide a representative sample.	In accordance with <b>CEQR Technical Manual</b> guidance, the subway and bus analyses in the EIS will focus on the weekday AM & PM peak hours when both action-generated transit demand and overall demand on the subway and bus systems are typically highest. The analyses will conform to ... methodologies ... in the <b>CEQR Technical Manual</b> and will be based on recent count data collected at each analyzed subway station in 2016 & 2017, [and] most recently available subway and bus line haul data provided by NYC Transit. Approved background growth rates and forecasted demand from future developments expected to be completed by the 2032 analysis year will be used to develop future conditions with and without the Proposed Actions. The subway analysis in the EIS will assess the Proposed Actions' potential for significant adverse impacts at ... 6 subway stations where incremental demand is expected to exceed 200 trips in a peak hour. Stations more distant from the ... rezoning area are not expected to experience 200 or more incremental entering or



			<p>exiting trips in any peak hour, and therefore, significant adverse impacts are considered unlikely at these stations. As the Proposed Actions are expected to generate relatively few (i.e., less than 100) trips by commuter rail in any peak hour, significant adverse impacts to Metro-North stations and service are also considered unlikely and will not be analyzed quantitatively in the EIS.</p>
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91-2 273-4	14.25	<p>Funds for MTA upgrades and repairs are ... stalled in a funding war between Mayor de Blasio &amp; Governor Cuomo. It is required that the DSOW analyze the improvements &amp; upgrades that the MTA must make in its system to accommodate the thousands of new riders on the A and No. 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.</p>	<p>... in accordance with <b>CEQR Technical Manual</b> guidance, the transportation analyses will assess the potential for significant adverse impacts to the six subway stations serving the rezoning area as well as to subway line haul conditions. If impacts due to the Proposed Actions are identified, mitigation needs and potential improvements will be identified, as appropriate, in conjunction with the lead agency, NYC Transit, and the MTA. A broader study of improvements and upgrades to subway facilities and services is outside the scope of the transit impact analyses required for this EIS under CEQR.</p>
92 274	14.26	<p>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.</p>	<p>Consultations between the Lead Agency and the MTA have been ongoing, and the MTA will have the opportunity to review the transit analyses in the DEIS and comment on its findings.</p>
93 275	14.32	<p>On-street parking is difficult, at best, even during off-peak times, with few places to park; illegal Uturns and double parking abound. Street parking is non-existent with our lenient once-a-week street cleaning rules commuters from the suburbs already warehouse their cars on the streets, adding more residents will only make this situation worse. Adding 14,000 people would make parking (both on- and off-street) more unbearable than it already is. Where are those people going to park? The DEIS should [thoroughly examine] the impact on any net increase in the car-to-available-spaces ratio.</p>	<p>In accordance with <b>CEQR Technical Manual</b> guidance, the parking analysis in the EIS will document the existing on-street and off-street parking supply and demand in proximity to projected development sites, as well as changes in parking supply and utilization under both No-Action and With-Action conditions. The analysis will focus on the overnight period (when parking demand from the Proposed Actions’ residential uses would peak) and the weekday midday period (when demand from the Proposed Actions’ commercial uses would peak).</p>
93 275	14.33	<p>There must be a parking study to establish current public street parking and garage parking demands. This study must compare parking during off-hours as well as peak activity of the nightlife industry. There is a need for additional municipal parking.</p>	<p><u>Refer to Response 14.32 (just above).</u> Providing additional municipal parking is outside the scope of the Inwood Rezoning Proposal.</p>
93 275	14.34	<p>The Commercial “U” has an increasingly large number of liquor licenses; a conservative estimate is that the combined capacity of these SLA venues is 10,000 persons. Many patrons arrive and depart by car, which causes serious parking problems—if I don’t get home from work before 5 PM on Thursdays and Fridays, I cannot find a parking place in a single parking garage within 15 blocks of my home, and the same is true on Saturday and Sunday evenings after 5 PM during the summer. Many clubs offer valet parking and take cars to garages or park them on the street legally or illegally.</p>	<p>Refer to Response 14.32 (above).</p>
93 275	14.35	<p>With the ... rezoning, there will likely be a loss of parking garages on Dyckman ... near the clubs, &amp; the new buildings, which are required less parking under the proposed zoning, will lead to more demand for already scarce parking.</p>	<p>Refer to Response 14.32 (above).</p>
94 276	14.36	<p>The DEIS must quantify (1) the number of cars owned by Inwood residents and those used by Inwood businesses; (2) the impact on parking spaces; (3) the impact on the amount of time spent circling the neighborhood for a parking</p>	<p>The EIS parking analysis will quantify [existing use] of on-street and off-street public parking [near] projected development sites, and the change in supply and utilization under the Proposed Actions. Secondary effects of increased</p>



		spot at different times of the day, week, and year, including rush and bar times; and (4) secondary impacts of this on increased response time by emergency vehicles, air pollution (criteria air pollutants and hazardous air pollutants), reduced productivity, illness, and death.	traffic such as slowed response times for emergency vehicles, air pollution, and health impacts, <b>are outside the scope of traffic impact analyses under CEQR</b> . However ... the effects of increased traffic on vehicular and pedestrian safety and parking will be included in the Transportation Chapter, effects on air pollution, public health & neighborhood character will be addressed in other chapters of the EIS. ...weekday AM & PM peak hours will be included in the traffic analysis, as will the weekday midday & Saturday afternoon peak hours as these are typically the periods of peak demand from the residential and commercial uses that would be developed under the Proposed Actions.
<b>Page #s</b>	<b>Com-ment#</b>	<b>Summaries of Our Comments</b> (Some may be whole comments or light edits)	<b>Summaries of Responses</b> ( <i>Occasional blue italics: reaction to response.</i> )
94-5 276-7	14.41	West 207 <sup>th</sup> Street and Ninth Avenue was listed as one of the most dangerous intersections in New York City by NYCDOT in 2015. This intersection—with ramps to the Major Deegan and located close to residences and two schools—requires a study of accidents, injuries, and deaths on the 207 <sup>th</sup> Street bridge and approaches to it from Fordham, 207 <sup>th</sup> Street, and the Major Deegan.	<u>Refer to Response 14.38 which says</u> . The transportation analyses in the EIS will identify high crash locations at analyzed intersections, including those along Broadway, 207, & Dyckman and along approach routes to the Major Deegan ... and the Henry Hudson Parkway. If any high crash locations are identified, the potential for vehicle and/or pedestrian trips and any street network changes resulting from the Proposed Actions to adversely affect vehicular and pedestrian safety will be assessed, and practicable measures to enhance pedestrian/bicycle safety will be described. <b>Rest of Resp. 14.41:</b> All intersections along W 207/W Fordham Road corridor from Seaman Avenue to the Major Deegan Expressway approach ramps will be included in the evaluation of vehicular and pedestrian safety in the EIS.
95 275	14.42	The DEIS must quantify (1) the number of cars owned by Inwood residents and those used by Inwood businesses; (2) the impact on parking spaces; (3) the impact on the amount of time spent circling the neighborhood for a parking spot at different times of the day, week, and year, including rush and bar times; and (4) secondary impacts of this on increased response time by emergency vehicles, air pollution (criteria air pollutants and hazardous air pollutants), reduced productivity, illness, and death.	The EIS parking analysis will quantify the existing utilization of on-street and off-street public parking in proximity to projected development sites, and the change in supply and utilization under the Proposed Actions. Secondary effects of increased traffic such as slowed response times for emergency vehicles, air pollution, and health impacts, are outside the scope of traffic impact analyses under CEQR. However, as outlined in the DSOB, the effects of increased traffic on vehicular and pedestrian safety and parking will be included in the Transportation Chapter, and the effects on air pollution, public health and neighborhood character will be addressed in other chapters of the EIS. The weekday AM and PM peak hours will be included in the traffic analysis, as will the weekday midday and Saturday afternoon peak hours as these are typically the periods of peak demand from the residential and commercial uses that would be developed under the Proposed Actions.
		<b>15. Air Quality</b>	
98-9 280-1	15.1	The DEIS must study and quantify increases in air pollution (comparing current situation to building out the proposed zoning, in Inwood, extending an additional half-mile beyond, as well as secondary spillover backups at weekday rush hours (7-9 AM and 5-7 PM) and at summer peak bar time (9 PM - 1 AM Friday-Sunday), in addition to other times: 1. Traffic accessing and exiting the 207 <sup>th</sup> Street Bridge, including ramps to it from Fordham Road and the Major Deegan, including cars per hour; 2. Distance of backup on Fordham Road and the highway from the exit ramps	A mobile source air quality analysis will be presented in the DEIS following the procedures proscribed ( <i>sic</i> ) in the 2014 <b>CEQR Technical Manual</b> . The air quality analysis incorporates data from the traffic analyses of existing and future condition congestion and delays, which in turn are based on extensive existing conditions field data collection. Based on the traffic data, the air quality analysis will identify the three worst-case intersections for detailed analysis. If these worst-case intersections do not result in significant adverse air quality impacts, it can be inferred that no significant adverse mobile source air quality



		<p>and on to the 207<sup>th</sup> Street bridge (average and maximum)</p> <p>3. Traffic from the Henry Hudson accessing and exiting Inwood at Riverside and at Dyckman (cars per hour)</p> <p>4. Distance of backup onto the Henry Hudson from Dyckman exits (average and maximum)</p> <p>5. Traffic on and around the Broadway Bridge</p> <p>6. Traffic caused by drivers circling to find parking</p> <p>7. New traffic attracted to new “destination retail” stores in Inwood</p> <p>8. Additional cars brought by new residents</p> <p>9. Vehicles avoiding the Henry Hudson toll (both directions) congesting near Broadway Bridge and Dyckman/Riverside on/off ramps</p> <p>10. The 217<sup>th</sup> Street Bus Depot and buses serving it</p> <p>11. The DSNY garage at 215<sup>th</sup> Street and vehicles serving it. The SOW must describe in detail how the above will be measured and compared</p>	<p>impacts would occur at other less congested/lower volume intersections. The intersections included in the traffic study area were selected in consultation with NYCDOT and are representative of those most likely to be used by concentrations of action-generated vehicles traveling to and from the projected development sites. Intersections along the West 207<sup>th</sup> Street/Fordham Road corridor at the approaches to the Major Deegan Expressway and University Heights Bridge, along Dyckman Street and Riverside Drive, and on the approaches to the Broadway Bridge have all been included for detailed analysis. Intersections in proximity to both the Kingsbridge Bus Depot and the DSNY garage have also been included, and the auto, bus and truck traffic associated with these facilities will be reflected in the baseline traffic conditions. The Friday-Sunday 9 PM – 1 AM periods are not included for analysis as they would not be periods of peak traffic demand from the residential and commercial uses that would be developed under the Proposed Actions; the other hours mentioned in the comment (e.g., the AM and PM peak hours) are captured in the proposed analysis.</p>
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99 281	15.2	An air quality analysis with meteorological conditions from 2010 is not valid for boundary conditions of 2032 as it does not incorporate climate change projections.	The DSOW did not reference 2010 ... data. The dispersion modeling procedures for the DEIS will be conducted in accordance with the 2014 <b>CEQR Technical Manual</b> and EPA guidance documents that require the use of five consecutive years of meteorological data. Meteorological data for future years is not available; the use of current data in analyzing future conditions is a necessary and accepted procedure in the field of air quality impact analysis.
99 281	15.4	The DEIS studies of transportation and air quality must be integrated, and the SOW should specify how they will be integrated.	... data from the traffic analysis is integral to the mobile source air quality analysis (see “Air Quality” section of the DSOW). The use of traffic data will be further explained in the methodology section of the DEIS air quality chapter.
99 281	15.5	An air quality study is needed of the intersection of West 207 <sup>th</sup> Street and Ninth Avenue—including ramps to the Major Deegan—to assess the pollution created by gridlock truck traffic close to two schools and residents.	As indicated in the DSOW, the mobile source air quality analysis will select the worst-case intersections for analysis based on the incremental traffic volumes generated by the Proposed Actions.
99- 100 281-2	15.6	There are flaws in the methodologies described in the DSOW for studying and analyzing air quality. The SOW must describe how the flawed methodologies will be corrected to better account for climate change effects by 2032 and other issues.	The methodologies presented for air quality are consistent with the 2014 <b>CEQR Technical Manual</b> and the approaches recommended by federal (EPA), state (NYSDEC) and local agencies (DEP) with expertise in air quality impact assessment.
100 282	15.7	The cost-saving step of simulating 4 individual hours in 4 individual “representative” months of each season fails to (1) capture the potential for lengthening or shortening of time when certain thresholds are passed; (2) account for daily changes or variability by simulating too few discrete hours; or (3) 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 & [signal variability] may be noted.	The approach of using four representative hours and four months to address time of day and seasonal variations is consistent with EPA’s <i>Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM<sub>2.5</sub> and PM<sub>10</sub> Nonattainment and Maintenance Areas</i> . <sup>1</sup> This approach is conservative because peak-period traffic is assumed for longer portions of the day than such traffic levels actually occur. If potential significant impacts are identified, consideration will be given to more refined modeling with additional time periods. 1. <a href="https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100NMXM.pdf">https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100NMXM.pdf</a>
100	15.8	Wind speed is highly variable day to day & during the diurnal cycle, and gusts	The dispersion models used for this study (CAL3QHC for mobile sources and



282		are not capture well in even 3 hourly time intervals; they are underestimated. High wind speeds (e.g., gusts) are particularly important since aerosol emissions occur ... on order the 3rd power of the wind speed (U3), & this emission influences the amount of aerosol transport. A parameterization for gusts should be explicit in the analysis and evaluated in a variety of field conditions ... in Inwood. If this technique has been applied in ... previous EISs, the results should ... be revisited to ensure an appropriate range of boundary conditions have been applied [and] the model has skill under a variety of conditions.	AERMOD for stationary sources) are recommended by the 2014 <b>CEQR Technical Manual</b> and EPA guidance. The models utilize five years of existing meteorological data in estimating potential pollutant concentrations at receptors and this meteorological data includes information on hourly wind speeds. <b>The regulatory framework and tools for air quality analysis under CEQR are not required to address wind gusts.</b>
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100 282	15.9	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 to simply apply the same analysis everywhere. When all intersections have been assessed, a regression analysis should be performed to projected this analysis onto conditions consistent with 2032—traffic load, temperature, wind speed, relative humidity, precipitation, etc.	In accordance with the 2014 <b>CEQR Technical manual</b> , it is not necessary to analyze all intersections that fail the initial screening analysis; worst-case intersections with the highest potential for impacts can be prioritized. If the analysis of the worst-case intersections demonstrates no significant impacts, it can be concluded that other intersections in the study area with lower traffic volumes and/or less congestion would similarly not be impacted.
101 283	15.10	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 skills of the model against instrumental observations of CO, PM <sub>2.5</sub> . It is unclear how well these models will perform under conditions in Inwood and whether they will have a negative or positive bias.	CAL3QHC is recommended by the 2014 <b>CEQR Technical Manual</b> & DEP for use in all areas of NYC for purposes of CO screening analyses—validating these accepted models for this particular study is not appropriate or warranted. CAL3QHC is not used for PM <sub>2.5</sub> analyses; PM <sub>2.5</sub> analyses are performed using CAL3QHCR, which incorporates 5 years of actual meteorological data (as opposed to conservative meteorological assumptions used with CAL3QHC).
101 283	15.11	The DEIS must quantify the following factors and conditions, comparing current situation to building out the proposed zoning, and the SOW must describe in detail how the following will be measured and compared: Primary impacts to the airshed from motor vehicle emissions (including all criteria pollutants (including CO, NO <sub>x</sub> , hydrocarbons, SO <sub>x</sub> , lead, PM <sub>10</sub> , and PM <sub>2.5</sub> ), hazardous air pollutants (including benzene, acetaldehyde, 1,3-butadiene, diesel, and PAHs), and greenhouse gases (including carbon dioxide and NO <sub>x</sub> ) from vehicles on all streets in Inwood (Hillside to Broadway Bridge), also including an additional half-mile buffer (190 <sup>th</sup> Street to 231 <sup>st</sup> Street east to the Major Deegan) as well as secondary spillover backups to adjoining streets (including Fordham Road, the Major Deegan, and the Henry Hudson), studying average and peak emission times, including at least weekday rush hours (7-9 AM and 5-7 PM), weekend afternoons until sunset, summer peak, bar time (9PM – 1AM Friday-Sunday), and other times of day.	Mobile source, HVAC stationary source, and industrial source air quality impacts will be assessed in the DEIS following the 2014 <b>CEQR Technical Manual</b> .
101 283	15.12	The DEIS must quantify secondary impacts of air pollution, including illness, death, and reduced productivity (absence from work), comparing current situation to building out the proposed zoning. The SOW must describe in detail how these secondary impacts will be measured and compared.	The DEIS will compare predicted ambient concentrations of air pollutants to the National Ambient Air Quality Standards (NAAQS) and other relevant state/local guideline concentrations designed to be protective of public health, including the health of sensitive populations such as the elderly, children and people with respiratory conditions. <u>Please also see Response 18.3.</u>
101-2 283-4	15.13	Studies should be conducted to quality the following building emissions: 1. CFCs, HFCs, and related compounds that are often emitted from refrigeration units in buildings and that contribute to climate change and	<u>See Response 15.2 (above).</u> <b>Study of health outcomes is not required by the CEQR Technical Manual</b> necessary because air quality standards are set to be protective of public health.



		<p>ozone depletion in the stratosphere;</p> <p>2. Criteria pollutants (incl. CO, NOx, hydrocarbons, SOx, lead, PM<sub>10</sub>, &amp; PM<sub>2.5</sub>);</p> <p>3. Hazardous air pollutants, including benzene, acetaldehyde, 1,3-butadiene, diesel, and PAHs; and</p> <p>4. Greenhouse gases (including carbon dioxide and NOx) form the burning of fossil fuels for heating and other purposes.</p> <p>The DEIS must also quantify rates of illness and death due to air pollution, including (but not limited to) asthma, flu, COPD, and other respiratory illnesses that can be caused or worsened by air pollution. The studies should be a minimum of two years to provide a representative sample.</p>	
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		<b>16. Greenhouse Gas Emissions and Climate Change</b>	
103-4 285-6	16.3	Climate change is the baseline upon which the development will occur and must be seriously considered in all EIS tasks. The SOW must explicitly describe how climate change will be factored into every other EIS task (Tasks 3-22). If the City believes an EIS task is not affected by climate change it must explicitly say that in the SOW. The SOW should present the methodology and flaws of the technique with justification for why it is appropriate.	The 2014 <i>CEQR Technical Manual</i> provides methodologies for all analysis areas under CEQR. Chapter 18 of the <i>CEQR Technical Manual</i> provides details for a 2-pronged approach to conducting climate change analysis. The approach includes a component on greenhouse gas (GHG) emission quantification of a proposed project and a component on climate change, with focus on the effects from sea level rise and coastal flooding. While quantification of GHG[s] can be undertaken uniformly for different projects, the climate change analysis is based on the specific nature of a proposed project's location. ... in accordance with the <i>CEQR Technical Manual</i> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions & Climate Change."
104 286	16.4	The DSOW is not specific in referencing which federally mapped 100- and 500-year floodplains are intended to be used.	The FSOW will indicate that the FEMA pFIRM floodmaps will be used for the identification of existing 100- and 500-year floodplains and that the most recent New York Panel on Climate Change (NPCC) projections of future floodplains will be used for the climate change assessment.
104 286	16.7	Under the current structure and mandate of State Environmental Quality Review Act (SEQRA)/CEQR, the lead agency not only had the ability to examine a project's impact on climate change, but is under obligation to do so.	<i>Refer to Response 16.2 which says:</i> ... the proposed rezoning area is partially located within the federally mapped 100- and 500-year floodplains and is susceptible to storm surge & coastal flooding. As such, [in] Task 16, "[GHG] Emissions & Climate Change," a qualitative discussion of the potential effects of climate change & potential design measures that could be incorporated into new development projected to occur in the ... area will be provided.
104 286	16.8	The full carbon footprint of all buildings encompassed in this rezoning must be assessed [including] the footprint of the building materials, transport, and construction, has 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 & methods should also be included. The lead agency should quantify the direct & 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 & peer review to ensure it has been done appropriated.	As stated in the DSOW, Task 16, "Greenhouse Gas Emissions and Climate Change," will include an assessment of the GHG emissions from the Proposed Actions' operations, mobile sources, and construction, in accordance with <i>CEQR Technical Manual</i> methodology. As the GHG emissions analysis is a density-related analysis, it will focus on development anticipated on the 33 RWCDs projected development sites. The GHG emissions will be calculated in accordance with <i>CEQR Technical Manual</i> methodology, and the public will have an opportunity to comment on the analysis during the DEIS public comment period.
104	16.9	Climate change has the propensity to dramatically alter Inwood. Without	Refer to Response 16.2. ( <i>See above, in response to comment 16.7</i> )



286		purposeful planning and remediation, the proposed Inwood Rezoning will exacerbate the impacts.	
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105 287	16.10	... NYCEDC intends to use FEMA flood risk potential maps ... . Given that their methodology is based on historical climatology & statistically simulated flood risk in the past, it is not the appropriate tool to assess flood & climate change risk in future. In spite of being informed of the deficits of this methodology, NYCEDC indicated it will continue to use these maps. We request that NYCEDC not use these maps & provide a summary on the methodology reported at FEMA to ensure that appropriate tools are used for this EIS and all future NYC EISs. 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. Consider the National Climate Assessment 4, which says that up to eight feet of sea level change by 2100 cannot be ruled out. Future planning should use tools and datasets that have incorporated future climate change potential.	<i>Refer to Response 16.4 (above).</i> The greenhouse gas emissions and climate change impact assessment will be conducted in accordance with <b>CEQR Technical Manual</b> methodology. As outlined in the <b>CEQR Technical Manual</b> , the FEMA pFIRM floodmaps will be used for the identification of existing 100- and 500-year floodplains, and the most recent NPCC projections of future floodplains will be used for the climate change assessment. The FSOW will be updated to provide this information.
105 287	16.11	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 significant area of green space, which could exacerbate the urban heat island effect.	This issue is <b>outside the scope of CEQR.</b>
105 287	16.12	The DEIS should clearly lay out the purpose and need of incentivizing new mid-to high-density residential buildings, given sea level rise and other climate change considerations.	The purpose & need of the Proposed Actions are stated in the DSOW & will be ... reiterated in the EIS. As stated in the FSOW, the consistency of the Proposed Actions with climate change/sea level rise considerations is assessed as part of the WRP assessment to be included in Task 2, "Land Use, Zoning, and Public Policy," and will be summarized in the [GHGs] and Climate Change chapter.
105 287	16.13	The severity & magnitude of climate change beyond the 2020s are uncertain (dependent on emissions scenarios, mitigation efforts, & response times of slow feedbacks, such as glacial ice sheets). Estimates to address the above should be considered at a minimum. We expect that the high-emission scenario (e.g., RCP8.5) and low probability, high risk (8 ft of sea level rise) will be addressed in any EIS. We expect that these studies will be conducted in a way that results could be published in a first-tier, peer-reviewed publication with the methodologies & conclusions evaluated by expert peer reviewers	A climate change assessment will be provided in the EIS that will follow <b>CEQR Technical Manual</b> methodology. As noted in Response 16.4, the most recent NPCC projections of future floodplains will be used to evaluate sea level rise and climate change. The public will have an opportunity to comment on the analysis during the DEIS public comment period.
105-6 287-8	16.14	Special consideration should be given to: (1) the propensity of the majority of the proposed rezoning area to flooding; (2) the 33 percent increase in cooling degree days; (3) the potential for the rezoning to double the population of Inwood; (4) the burden on the power infrastructure of Inwood; and (5) the subway infrastructure and its vulnerability to flooding.	... potential flooding & floodplain impacts is included as part of the WRP consistency assessment that will be prepared in conjunction with Task 2, "Land Use, Urban Design ... ," [&] Task 9, "Natural Resources," & the climate change assessment of Task 16, "[GHGs] & Climate Change." <b>An assessment of cooling degree days is outside the scope of CEQR.</b> ... effects of increased population generated [in] the RWCDs [of] Proposed Actions will be provided in the density-based EIS analyses. <b>A detailed energy analysis is not warranted for the Proposed Actions, in accordance with CEQR Technical Manual methodology (refer to Response 13.1).</b> ... as the Proposed Actions does not propose new subway infrastructure, <b>assessment of existing subway infrastructure's vulner-</b>



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			ability to flooding is outside the scope of CEQR, and the flooding/ floodplain assessment focus on the RWCDs projected & potential development sites.
106 288	16.15	The NPCC anticipates total annual rainfall and extreme rainfall events to increase in the future, and thus, storm runoff, street drainage, and flooding in the future and the impact of the proposed rezoning should also be assessed.	Refer to Response 16.13 ( <i>above</i> ).
106 288	16.16	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 improvements required to fully abate CSOs.	This issue is outside the scope of CEQR.
106 288	16.17	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 2 years [for] a representative sample.	This issue is outside the scope of CEQR.
		<b>17. Noise</b>	
107 289	17.1	The EIS should look at the impacts of increased traffic on noise levels throughout Inwood at different times of day, including rush hour and bar times.	... a detailed noise analysis will be prepared as part of Task 17, "Noise." The analysis methodology... outlined in the DSOW, will be conducted in accordance with <i>CEQR Technical Manual</i> guidance. According to the methodology guided by CEQR, and in coordination with Task 14, "Transportation," existing noise levels will be monitored and assessed during peak traffic hours when noise levels are expected to be at their greatest in locations where sensitive receptors are most likely to be affected by the Proposed Actions.
107 289	17.3	... nightlife [venues] have created discord in Inwood, which has registered the greatest number of noise-related 311 complaints in the City and the NYPD has issued the most noise summonses in the City. 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, as chronic noise is a recognized health hazards. There must also be a realistic assessment of existing noise violations and propensity for increased with the proposed rezoning and upzoning of the Commercial "U."	CEQR requires the assessment and mitigation of project-generated impacts – not existing impacts. Refer to Response 17.1 above for CEQR methodology. According to the RWCDs, no projected development sites are anticipated to include nightclub uses in the future With-Action condition. Concerns regarding existing noise levels emitted from bars, restaurants, and nightclubs are addressed by the City of New York's Local Law No. 113 – also known as the City's "Noise Code."
107 289	17.4	It is unclear whether the noise mitigation the MTA implemented in 1981-2 remains implemented today. The impact on enhanced elevated train traffic on not only school children, but also residents adjacent to the No. 1 train, should be assessed.	Refer to Response 17.1 above. The detailed noise analysis, in accordance with <i>CEQR Technical Manual</i> guidance, will assess train noise as the Proposed Actions would introduce receptors within 1,500 feet of, and have a direct line of sight to, an existing rail facility (i.e., the No. 1 elevated subway).
107-8 289-90	17.5	The DEIS must quantify all of the following, comparing current situation to building out the proposed zoning: impacts on noise levels throughout Inwood at rush hours (7-9 AM and 5-7 PM) and bar times (9P M-1 AM Friday-Sunday) and measured at peak noise locations, including along the No. 1 train, the Tenth Avenue bar scene, the west Dyckman Street bar scene, and major intersections, as measured in average and peak decibels.	Refer to Responses 17.1, 17.3, and 17.4. In accordance with <i>CEQR Technical Manual</i> guidance, noise measurements will be recorded and measured in units of "A" weighted decibel scale (dBA) as well as one-third octave bands. The measured noise level descriptors will include equivalent noise level (Leq), maximum level (Lmax), minimum level (Lmin), and statistical percentile levels such as L1, L10, L50, and L90.
108 290	17.6	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of noise will account for the	As discussed in the DSOW and in accordance with the <i>CEQR Technical Manual</i> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas



		effects of climate change. For example, the increase in heat waves will increase cooling degree days, and increase associated noise.	Emissions and Climate Change.”
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		<b>18. Public Health</b>	
108-9 290-1	18.1	The DSOW indicates that a public health assessment will only be conducted if ODMHED determines it is warranted; 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. The FSOW should specify in detail how the effects of the Proposed Actions on public health will be evaluated.	... a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, [e.g.] in Task 15, “Air Quality,” Task 10, “Hazardous Materials,” or Task 17, “Noise,” according to the <b>CEQR Technical Manual</b> . A detailed public health analysis will be provided for these specific technical areas in the event that unmitigated significant adverse impacts are identified for the Proposed Actions in any of these technical areas.
109 291	18.3	The DEIS must take into account that child asthma rates in Inwood are four times the national average. 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 worst child asthma rates will become.	... a detailed air quality analysis will be prepared as part of Task 15, “Air Quality.” The analysis methodology, outlined in the DSOW, will be [done] in accordance with <b>CEQR Technical Manual</b> guidance. If the ... analysis discloses potential for significant adverse air quality impacts, a range of mitigation measures will be proposed & considered in the EIS. If a potential significant adverse ... impact is unmitigated, a detailed public health analysis may be warranted.  Similarly, as outlined in the DSOW, a preliminary construction impact assessment will be prepared as a part of Task 20, “Construction.” The ... methodology will be [done] in accordance with <b>CEQR Technical Manual</b> guidance. If the preliminary assessments indicate the potential for a significant impact during construction – particularly in specific technical areas associated with public health, such as impacts to air quality conditions – a detailed construction impact analysis will be undertaken and reported in the EIS in accordance with <b>CEQR Technical Manual</b> guidance. If the detailed construction analysis discloses the potential for significant adverse construction impacts, a range of mitigation measures will be proposed and considered in the EIS. If a potential significant adverse construction impact is unmitigated, a detailed public health analysis may be warranted for the specific technical areas that may contribute to significant adverse public health impacts.
109 291	18.4	Housing risk is a major public health issues in the City and will increase with market pressures in the future, warranting a public health assessment.	<b>Refer to Response 18.1 (above)</b> for methodology according to <b>CEQR Technical Manual</b> guidance. Under CEQR, accounting for the effects of market pressures is outside the scope of the public health impact analysis.
109-10 291-2	18.5	The DEIS must quantify all following impacts to safety in Inwood (comparing current situation to building out proposed rezoning) from all streets in Inwood, extending an additional ½-mile, [&] secondary spillover backups during at least 1 rush hour, peak bar time, weekend summer days & other times: 1. Response times by FDNY, NYPD, DEP ... broken down by type ... 2. Death/injury rate from fires, crime, other ... broken down ... 3. Accidents, by season, to bicyclists & pedestrians ... B’way, Dyckman, 207 ... 4. Accidents, by season, at each nearby Major Deegan & Henry Hudson ramps 5. Accidents at B’way Bridge & 207 St Bridge, broken down ... 6. Study impacts on all transportation choke points entering and leaving Inwood from the increased cars residents in Inwood and the public health	<b>Refer to Response 18.1 (above)</b> . None of the specific items listed in the comment are included in a CEQR public health analysis, as defined in the <b>CEQR Technical Manual</b> .



		impacts from this ... accidents (injuries/deaths) ... air pollution 7. Impact of the heat island effect on additional buildings. ...	
		8. A study of how long it takes all the ambulance companies that service the Allen Hospital to reach the hospital ... within Inwood and the ½-mile buffer zone [and] from the length of Riverdale to Allen Hospital [no hospitals but many nursing homes in Riverdale] 9. A study of the death rate in transit of ambulances servicing Allen Hospital. 10. A study of how long it takes all ambulance cos. that service Columbia Pres Hospital to reach the hospital while within Inwood & the ½-mile buffer zone ... 11. A study of the death rate in transit on ambulance rides servicing Columbia Presbyterian Hospital originating from or traveling through Inwood. ... 12. A study of death, heat stroke, & heat exhaustion ([due to] heat island effect) by Inwood residents brought to Allen & Columbia Pres. hospitals. Potential shut down of Inwood Library—a cooling center—must be considered. ... studies should be a minimum of 2 years [for] a representative sample.	
110 292	18.6	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of public health will account for the effects of climate change. For example, the NPCC describe the impact of climate change (heat waves, extreme storms and storm surge, changes in aerosols, allergens, food/airborne pathogens) for NYC. These pathways of impacts should be followed here, with adjustments made to the climate, population density of Inwood and the City in general appropriate to 2032.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”
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		<b>19. Neighborhood Character</b>	
113 295	19.3	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.	<u>Refer to Response 19.2, which refers to Response 19.1, which says:</u> [Neighborhood character] assessment methodology ... in accordance w/ <b>CEQR Technical Manual</b> guidance ... will identify defining features of the existing neighborhood character, summarize changes in character of the neighborhood that can be expected in future With-Action condition as compared to the future No-Action condition, and evaluate whether the Proposed Actions have the potential to affect these defining features. If the neighborhood character assessment determines that the Proposed Actions could affect the defining features of neighborhood character, a detailed neighborhood character analysis will be conducted in accordance with <b>CEQR Technical Manual</b> guidance. <b>Response 19.2 adds:</b> The impact of the Proposed Actions on socioeconomic conditions will be assessed as part of Task 19, “Neighborhood Character.”
114 296	19.11	Most of the buildings of Inwood were constructed prior to 1940, and many buildings exhibit an “art deco” style, with harmonious design, uniformity, and historic fabric. Newer construction downtown, primarily of tall buildings of steel and glass, would clash with neighborhood character.	<u>Refer to Responses 19.8 and 19.10. Both refer to Response 19.1 (just above).</u> <b>19.8 also refers to Resp. 22.1 &amp; adds:</b> The shadow and urban design impacts of the Proposed Actions will be assessed as part of Task 19, “Neighborhood Character.” <b>19.10 adds:</b> The ... Rezoning Proposal is not proposing to demolish any historic buildings. The impacts of Proposed Actions on historic and cultural resources will be assessed [in] Task 7, “Historic & Cultural Resources.”
115	19.15	A neighborhood’s character is not defined primarily by ... statistical profiles of	<u>Refer to Response 19.1 (above).</u> The neighborhood character assessment will



297		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 youth 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 impacts by the proposed rezoning actions.	be conducted pursuant to <b>CEQR Technical Manual</b> guidance.
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115 297	19.16	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.	Refer to Response 19.1 ( <i>above</i> ). The shadow and traffic impacts of the Proposed Actions will be assessed in the EIS.
115 296	19.17	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 analyses. Thus, the SOW should transparently outline the methodology by which neighborhood character has been determined.	Refer to Response 19.1 ( <i>above</i> ). The neighborhood character assessment will be conducted pursuant to <b>CEQR Technical Manual</b> guidance.
115 296	19.18	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of neighborhood character will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, “Greenhouse Gas Emissions and Climate Change.”
		<b>20. Construction</b>	
118 300	20.1	Construction at the Inwood ... Library site would result in noise & air pollution [very close to] P.S. 52 & 2 elementary schools on the next block. The construction will disrupt the education of many children, as well as compromising the health of area residents. Normal school operation will be ... impossible for an unknown number of years. As such, the SOW should examine likely impacts on the ... schools located within the I.S. 52 ... building, including noise, dust, potential for release of airborne toxins from construction (in light of the adjacent brownfield), and other construction impacts. The noise study should take into consideration the need to drill or blast through hard sub-surface rock, as well as construction related traffic, and include interviews with business owners and residents who experienced such noise during construction of the building at the northwest corner of Broadway and 207 <sup>th</sup> Street. The noise study should examine evidence of noise impacts on education in New York City schools.	<p>Potential construction noise and air quality impacts, including impacts to schools, will be evaluated in the DEIS following the 2014 <b>CEQR Technical Manual</b> methodology.</p> <p>-----</p> <p><b>Also see Response 20.2:</b> ... a preliminary impact assessment will be prepared as part of Task 20, “Construction.” The preliminary assessment methodology, which is outlined in the DSOW, will be conducted in accordance with <b>CEQR Technical Manual</b> guidance. According to methodology guided by <b>CEQR</b>, the preliminary assessment will evaluate duration &amp; severity of the disruption of inconvenience to nearby sensitive receptors due to construction on the 33 projected development sites. Technical areas of assessment include transportation systems, air quality, noise, and community facilities, and, if appropriate, may also include other technical areas such as historic resources and hazardous materials. If the preliminary assessments indicate the potential for a significant impact during construction, a detailed construction impact analysis will be undertaken and reported in the EIS in accordance with guidance outlined in the <b>CEQR Technical Manual</b>. If the noise analysis discloses</p>



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			the potential for significant adverse noise impacts, a range of mitigation measures will be proposed and considered in the EIS.
118-9 300-1	20.3	The DEIS should disclose the health impacts on area residents associated with disturbing and moving noxious materials on projected and potential sites and detail remediation plans.	<u>Refer to Response 20.2 (just above)</u> . If a potential significant adverse construction air quality impact is found to be unmitigable, a detailed public health analysis may be warranted in those technical areas as discussed in the DSOW as a part of Task 18, "Public Health."
119 301	20.4	The Inwood Rezoning Proposal would kill the quiet space of Inwood due to massive construction work. The DEIS construction analysis should examine and disclose potential noise impacts to residents, schools, nearby workers, and construction workers in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	Potential construction noise impacts will be evaluated in the DEIS following the methodologies of the 2014 <b>CEQR Technical Manual</b> .
119 301	20.5	The DEIS construction analysis should examine and disclose 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 in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	... several areas of environmental assessment, including hazardous materials, will be analyzed for potential construction-related impacts. If a potential significant adverse construction impact is unmitigated in a certain technical area(s), a detailed public health analysis may be warranted for those technical areas. In addition, as noted in Response 9.6, a general discussion of floodplain-fill related impacts and permitting requirements will be provided in the DEIS.
119 301	20.7	The DEIS construction analysis should examine & disclose 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 surrounding area in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	Refer to <u>Responses 20.2 (above) and 20.5 (just above)</u> . As outlined in the DSOW, other areas of environmental assessment—such as natural resources—may be analyzed for potential construction-related impacts.
119-20 301-2	20.8	The DEIS construction analysis should examine and disclose potential exposure to and health impacts of criteria and hazardous air pollutants on workers in the site and potential remediation plans in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	Criteria pollutant emissions, including PM2.5, will be analyzed in the DEIS construction air quality assessment. The 2014 <b>CEQR Technical Manual</b> does not recommend a detailed analysis of hazardous air pollutant emissions during construction.
120 301	20.9	The DEIS construction analysis should examine and disclose impacts to airshed of all construction vehicles and machines in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	Potential construction air quality impacts will be evaluated in the DEIS following the 2014 <b>CEQR Technical Manual</b> .
120 301	20.10	The DEIS construction analysis should examine and disclose health impacts and detailed remediation plans for potential tenants living on the site in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	<u>Refer to Responses 20.2 and 20.3 (both above)</u> . The contents of the EIS will be public and accessible to potential future tenants resulting from the Proposed Actions.
120 301	20.11	The DEIS construction analysis should examine and disclose dewatering activities and potential contamination of surrounding sites in relation to potential impacts on children and adults living, working, and pursuing leisure activities in the area.	<u>Refer to Response 20.5 (above)</u> .
120 301	20.12	Because climate change quite literally affects everything, the SOW must describe in detail how all studies and analyses of construction will account for the effects of climate change.	As discussed in the DSOW and in accordance with the <b>CEQR Technical Manual</b> guidance, climate change is evaluated as part of Task 16, "Greenhouse Gas Emissions and Climate Change."



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		<b>21. Mitigation</b>	
122 304	21.3	The DEIS should describe mitigations to fully abate the potential strain the Proposed Actions will place on existing infrastructure, including a feasibility study and cost analysis of the necessary infrastructure improvements.	... where significant adverse impacts have been identified measures to mitigate those impacts will be described in the mitigation chapter of the DEIS. Should the water and sewer infrastructure analysis identify significant adverse impacts, appropriate mitigation measures, if any, would be developed and coordinated with responsible agencies, including NYC DEP. As will be noted in the EIS, NYCEDC is currently working with other City agencies (including DEP) to investigate and confirm existing sewer capacity in the neighborhood and to develop a new drainage plan for the area that would respond to future ... requirements. As part of the drainage plan, future development within the proposed rezoning area may be required to provide new sewer infrastructure.
		<b>22. Alternatives</b>	
122-3 304-5	22.1	The proposal should consider an R7A alternative. This alternative emerged as the overwhelming choice of the numerous community members who attended the “charrette” conducted by the City on June 14, 2017, and, in addition to being popular with the community, does reasonably well in achieving the Mayor’s affordable housing goal. Under the R7A alternative all areas currently proposed as residential or mixed-use are rezoned R7A or its mixed-use equivalent. (In a variation, the proposed M1-5 zoned in the “Tip of Manhattan” districts would also be changed to R7A.)	The Proposed Actions would use R7A zoning selectively in the proposed rezoning area, where community members and elected officials have identified a need to preserve the existing residential character. R7A zoning would not be appropriate for areas such as the commercial corridors along the Commercial “U” sub-district, which should be allowed to function as vibrant mixed-use districts, taking advantage of the excellent access to transit and streets appropriately wide for higher density development. Furthermore, a significant number of market-rate residential units can be developed today along the study area’s commercial corridors; R7A zoning would not result in sufficient density increases to require MIH; therefore no affordable housing units would be developed on private sites along the Commercial “U” without a zoning district that provides sufficient density. As one of the main goals of the Proposed Actions is to preserve and create new affordable housing, a blanket R7A plan as proposed by the commenters would not appropriately meet the intent of the Inwood Rezoning Proposal.  As noted in the DSOW, a lesser density alternative will be analyzed in the EIS. The lesser density alternative would present a targeted framework that mirrors the overall intent of the Inwood Rezoning Proposal for each sub-district while reducing residential density throughout.
123 305	22.6	Under the R7A alternative, the rezoning area should be expanded to include all of Inwood (adding the areas south of Dyckman Street to the 193rd/Nagle/Hillside Broadway confluence and the Columbia University property to the north, including Baker Field and the Allen Hospital).	<u>Please see Responses 1.1 and 22.1. (22.1 just above)</u>
124 306	22.7	The R7A alternative should include a parkland buffer in the flood zone along the Harlem River, and analyze the alternative’s impact on emergency response times, compared to impacts under the Proposed Actions.	<u>Please see Response 22.1 (above).</u>
124 306	22.9	The DEIS should study an R7A alternative as a special district (the “Special	<u>Please see Response 22.1 (above).</u> ... the Proposed Actions seek to ensure that



		<p>Preservation District” Alternative) with regulations to specifically safeguard and incentivize small retail, including creating a permitting process for formula stores and limiting commercial frontages and commercial floor plates. Additionally, for the 207<sup>th</sup> Street corridor, the SOW should specify that the DEIS will study the development of a neighborhood character preserving special district of neighborhood-serving commercial district, to include a prohibition on additional formula stores to maintain the corridor’s unique quality and contribution to the neighborhood character.</p>	<p>Inwood’s strong existing built character, primarily west of 10<sup>th</sup> Av is preserved through ... an R7A contextual zoning district that applies height limits and urban design requirements for new buildings ... consistent with the existing built character. [About] 80% of expanded rezoning area west of 10<sup>th</sup> Av would be rezoned to this type of R7A ... where increased residential density is proposed in areas [with] existing residential buildings, permitted residential FAR would be capped at sufficiently low levels to ensure that there will be no incentive to redevelop buildings [with] housing. Further, as part of the <i>Inwood NYC Action Plan</i>, the City is taking aggressive action to ... preserve the existing affordable housing stock in the neighborhood thru outreach to building owners to promote preservation loan &amp; financing opportunities, providing tenants free legal services, &amp; ... action against landlords who harass tenants.</p> <p>As noted in Response 1.66, zoning cannot legally promote a certain type of business over another. The Proposed Actions would work in unison with other components of the <i>Inwood NYC Action Plan</i> to, among other things, support small businesses and entrepreneurs. The Proposed SID would facilitate development of mixed-use buildings with active ground floors that promote retail continuity &amp; a consistent streetscape, with a variety of local retail and services to support the surrounding neighborhood. Commercial uses would be allowed on at least the first 2 floors of new buildings throughout the SID, and in areas where C4 and C6 districts are proposed, zoning would allow new buildings that are mostly or entirely commercial. The proposed zoning would, therefore, result in additional commercial space throughout the ... rezoning area and providing opportunities for existing businesses to expand. Additionally, the rezoning would map commercial overlays in locations within the Upland Core sub-district where businesses currently exist on parcels that are not zoned for commercial use, thereby allowing these businesses to expand and ensuring that commercial uses can continue to be located on these sites in the future.</p>
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125 307	22.11	<p>The DSOW should be amended to consider a scenario where all former industrial areas are mapped as R7A (or similar mixed-use commercial equivalents) rather than dramatically higher densities. Such a plan would still result in thousands of new apartments and commercial spaces but would properly meet the stated goal to “extend the neighborhood character eastward to the Harlem River” — something the current Inwood Rezoning Proposal with 26-story towers clearly does not do. The M zone currently proposed in the Tip of Manhattan is likely to remain a blight at the top of the island for many years, but would likely be developed much sooner as a residential building if rezoned to R7A</p>	<p><u>Please see Responses 22.1 (above).and 1.1.</u></p>
125 307	22.13	<p>The DEIS should study an alternative that would incentivize new economy light industry and jobs in the area.</p>	<p>... one of the main goals of the Proposed Actions as proposed is to promote commercial and community facility uses to spur job growth and potential institutional expansion, by allowing higher density commercial and non-residential districts. The Proposed Actions as proposed do not preclude new</p>

			economy jobs from locating in the Inwood neighborhood.
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125 307	22.15	The DEIS should study MX special district alternative scenarios that would accommodate innovative, job-producing economic development projects and require set asides of space for light manufacturing and production activities/ uses on a per building basis. In doing so, the lead agency and its partners should confer with manufacturing and green job experts, potential partners of higher education, and potential equity investment partners to study the space requirements and the development of a potential zone of incubating new enterprises and job training opportunities related to the green building industry, culinary and food production sector, or other contextually relevant sectors. The EIS should study this kind of special zoning district for the area east of Broadway to incubate industries, develop local partnerships, and train local residents. 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.	Comment noted.
127 309	22.21	The EIS should analyze a “No Commercial ‘U’ and Expansion of Rezoning Area” Alternative under which major streets in the contextual area (the Commercial “U” in the City’s Inwood Rezoning Proposal) should not be upzoned, and the rezoning area should extend south to the 193 <sup>rd</sup> /Nagle/Hillside/Broadway confluence and north to take in the entire Columbia University property, including Baker Field and the Allen Hospital.	<u>See Responses 22.1 (<i>above</i>) and 1.1.</u>
127-8 309-10	22.23	EIS should analyze a “Sustainable Improvements” Alternative [including] the “Climate Resiliency” and “Green” Alternatives ... designed to minimize adverse environmental, infrastructure, service, social, & neighborhood character impacts to Inwood. This plan recognizes that having more actually affordable apts for Inwood residents would be desirable, but that MIH is not a good way to accomplish it as the majority of units in MIH developments are luxury ... . The “Sustainable Improvements” Alternative should include ... : <ol style="list-style-type: none"> <li>1. ... Community Land Trusts for certain developments to ensure that what is built is 100 percent permanent affordable housing for Inwood residents;</li> <li>2. [Use] vacant parcels (e.g., on B’way) to build similar to adjacent built structures, as was done at Seaman &amp; Payson, [and] at the Stack on Broadway;</li> <li>3. Adding as much as two stories to one- and two-story commercial buildings either for affordable housing or retail commercial;</li> <li>4. Conversion of parking lots (e.g., near the Broadway Bridge) to garage(s);</li> <li>5. Avoiding upzoning where there are transportation choke points that can easily cause a myriad of primary and secondary impacts (i.e., within 4 or 5 blocks of the Broadway Bridge, 207 St Bridge, &amp; Henry Hudson on/off ramps);</li> <li>6. More attention paid to bringing diversity to retail (to address the current lack), repairing infrastructure, adding municipal services (police, schools, etc.);</li> <li>7. More attention to addressing landlord abuses (needless gut renovation/ repairs, harassment, illegalities pertaining to J-51 and other tax abatements,</li> </ol>	As noted in the DSOW, the EIS will include a No Unmitigated Impacts Alternative, in which the density and other components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions.



		lack of adequate maintenance of buildings and units); and 8. Maximum effort to retain all rent-regulated units in Inwood.	
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128 310	22.24	The EIS should analyze a “Climate Resiliency” Alternative that would 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 or high “eight feet” scenario in the NCA4 CCSR for 2032 with a superimposed storm surge, 0.1 percent, 0.02 percent flood probability.	All buildings constructed in the study area as a result of the Proposed Actions would be subject to relevant regulations for building in the floodplain, including the NYC Building Code. Furthermore, it is expected that any waterfront open space created by the City as a result of the Proposed Actions would incorporate resiliency measures to the extent practicable. It is important to note however that the City of New York does not and would not control the entire shoreline along the Harlem River in the study area; therefore additional resiliency waterfront resiliency measures would be the responsibility of other landowners along the river shoreline. In addition, as part of the WRP consistency assessment, there will be an analysis of projected future flooding within the proposed rezoning area and a discussion of how future development would incorporate resiliency measures (refer to Task 2, “Land Use, Zoning, and Public Policy” in the FSOW). This analysis will use the NPCC sea level rise projections, which range from eight inches to 30 inches for the 2050s.
128 310	22.25	EIS should analyze a “Green” Alternative where the building specs & land use design reach LEED-Gold stds or higher, and renewable sources of energy are [used]. This alternative should include, where feasible, green building technologies, green roofs, graywater systems, or other infrastructure improvements, and ... 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 pre 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.	LEED-certification and green building technologies would not be required under the Proposed Actions, as there is no mechanism to require them. Carbon cost estimates are <b>outside the scope of a CEQR analysis.</b>
128 310	22.26	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 Inwood Rezoning Proposal.	... alternatives to be analyzed in the EIS will include a No-Action Alternative, a no impact or no unmitigated significant adverse impact alternative, and a Lesser Density Alternative. The ... analysis will be qualitative, except ... where significant adverse impacts for the Proposed Actions have been identified.
128-9 310-1	22.27	The City should let the community members choose alternatives to be analyzed in the EIS. 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-drive balance among the ... goals to be achieved & avoid or greatly limit adverse impacts. We are urging the City to pause the EIS process to let this happen. The City should engage leaders of community groups that have been actively engaged in <i>Inwood NYC</i> to date to plan the process. The process should be bilingual, ... include extensive outreach, & ... involve carefully planned & facilitated meetings where community members get to deliberate with each other over all parts of the plan.	<u>Please see Response 22.26 (just above).</u> As noted in the DSOW, once the EIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments, including comments about the Proposed Actions and its alternatives as outlined in the DEIS.
		<b>23. Summary EIS Chapters</b>	
		<b>Growth-Inducing Aspects of the Proposed Project</b>	
130	23.1	The DSOW implies that the EIS analysis will focus mostly on the difference	All technical analyses in the DEIS will be conducted pursuant to <b>CEQR</b>



312		<p>between what will happen on 33 development sites within the proposed rezoning area in the With-Action and No- Action conditions, 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 (air shed, 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. 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. Given market pressures from nearby upzoning, these underbuilt sites are very likely to be developed into larger structures that add housing &amp; residents; they may even be individually rezoned in the future for even larger developments that 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.</p>	<p><i>Technical Manual</i> guidance, as presented in the DSOW. For density-based technical areas (e.g., community facilities, transportation, etc.), the increase in demand associated with the projected development sites identified in the RWCDs is projected and superimposed onto demand associated with other known programmed developments in the area of the Proposed Actions, and increases in demand attributable to general background growth. This approach ensures a comprehensive and cumulative analysis in accordance with CEQR guidance. Also refer to Response 1.53 above for specifics regarding the selection of projected development sites.</p>
Page #s	Comment#	Summaries of Our Comments (Some may be whole comments or light edits)	Summaries of Responses ( <i>Occasional blue italics: reaction to response.</i> )
		<b>D. MISCELLANEOUS/OTHER COMMENTS</b>	
134 316	13	<p>A major flaw of the progress reporting on <i>Housing New York</i> is that it only measures affordable housing units being created &amp; preserved. No measures of how much affordable housing is being lost are reported to the public by the City. Because of this deficiency ... there is no way for the public to know whether the City is losing more affordable housing than it is gaining. Beyond ...EIS ... if the City is to be fully transparent about <i>Housing NY</i> and its full effects, all future public reporting on affordable housing must not only report on affordable ... units ... created or preserved, but also on affordable ... units lost.</p>	<p>Evaluating the progress of the City’s <i>Housing New York</i> plan is beyond the scope of this application and will not be included in the EIS.</p>
138 320	31	<p>The DEIS should examine the impact of brownfield remediation costs and infrastructure improvements costs on housing affordability of the projected and potential residential units to be developed in the proposed rezoning area, particularly east of Tenth Avenue.</p>	<p>Costs associated with remediation and infrastructure improvements is outside the scope of CEQR and will not be discussed in the EIS. The EIS will include a hazardous materials analysis as well as water and sewer, energy, and transportation infrastructure analyses in accordance with <i>CEQR Technical Manual</i> methodology.</p>

## Mary Van Noy (Charter)

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**From:** outgoingagency@customerservice.nyc.gov  
**Sent:** Thursday, May 24, 2018 1:02 PM  
**To:** Comments (Charter); Joshua Sidis (Charter); sfong@charter.nyc.gov; Candice Cho (Charter)  
**Subject:** City of New York - Correspondence #1-1-1566882343 CRC Public Comments

Your City of New York - CRM Correspondence Number is 1-1-1566882343

DATE RECEIVED: 05/24/2018 13:01:13

DATE DUE: 06/07/2018 13:02:17

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov  
Sent: 05/24/2018 12:58:11  
To: <sbladmp@customerservice.nyc.gov>; <clong@doitt.nyc.gov>; <charris@doitt.nyc.gov>; <mguskova@doitt.nyc.gov>  
Subject: < No Subject >

From: ()  
Subject: CRC Public Comments

Below is the result of your feedback form. It was submitted by  
( ) on Thursday, May 24, 2018 at 12:58:10

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This form resides at  
<http://www1.nyc.gov/site/charter/about/public-comments.page>

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First Name: oksana

Last Name: mironova

Professional Affiliation: Community Service Society

ZIP Code: 10003

Email: omironova@cssny.org

Comments: Please see attached PDF.

FILE1: CSS City Charter testimony.pdf

URL:  
[http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view\\_medi&hashId=92D0743BE75FBFAE2E5DD8B4F12CE762F53A15FD&accessId=6CF78E6C37161718E0540003BA35EB85](http://cityshare.nycnet/portal/site/admin311/menuitem.d9316ceafeaaa929ade16410c6d2f9a0/?linkViewId=view_medi&hashId=92D0743BE75FBFAE2E5DD8B4F12CE762F53A15FD&accessId=6CF78E6C37161718E0540003BA35EB85)

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HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 6.1; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/66.0.3359.181 Safari/537.36

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*May 24, 2018*

*Testimony of Oksana Mironova, Housing Policy Analyst, Community Service Society  
New York City's Charter Revision Commission*

Thank you to the Commissioners of the City's Charter Revision Commission for the opportunity to submit written testimony on changes to the City Charter. My name is Oksana Mironova and I am a Housing Policy Analyst at The Community Service Society (CSS), an independent nonprofit organization that addresses some of the most urgent problems facing low-income New Yorkers and their communities, including the effects of the city's housing affordability crisis.

New York City has always been known as a chronically tight, high-cost rental market. In recent decades, housing affordable to low-income New Yorkers has become more elusive and homelessness has skyrocketed. The city's low-income population has remained fairly stable since 2000, with about a million households living below twice the federal poverty level. Yet the number of homeless families in shelters has tripled.

Housing is a primary concern for New Yorkers across all income levels. However, low-income renters are most vulnerable to a range of housing insecurity types, including increasingly unaffordable rents; inadequate, unsafe housing conditions; and, increasing instances of landlord harassment. For many low income households, housing insecurity leads to doubling up, eviction, and homelessness.

A review of the New York City Charter provides the opportunity to update this governing document with language that will help make it easier to address the city's housing affordability crisis.

We are calling for the addition of a "right to housing" provision to the Charter, as a complement to the "right to shelter" mandate from the New York State. Even though the "right to shelter" mandate has helped create an essential homeless service infrastructure for the state, it has proven to be insufficient to permanently house New York City's growing homeless population.

A prolonged recession and wage stagnation combined to create a striking rise in housing insecurity. Even though economic indicators have improved in recent years, population growth, the gentrification of formerly disinvested neighborhoods, the emphasis on luxury development in new construction, diminishing support from state and federal governments, as well as the deregulation of rent-stabilized and subsidized units have increased competition for fewer lower-priced units. This is reflected in the 2017 net vacancy rates. A the 2017 Housing Vacancy Survey shows, apartments renting for less than \$800 had a vacancy rate of just 1.15 percent while apartments renting for \$2000 or more had a vacancy rate of 7.42 percent.

As housing costs continue to rise citywide, a "right to shelter" requirement without a complementary "right to housing" requirement has created a shelter system which serves over 32,000 households or over 60,000 people. Today, many low income New Yorkers are on the brink of a lengthy cycle of precarious housing, eviction, homelessness, and temporary shelter.

New York City should go beyond the State-mandated "right to shelter", to enshrine every New Yorker's right to a home that is permanent, affordable, and safe. A New York City "right to housing" requirement would create a framework that would encourage the creation of permanent and deeply affordable housing.