

Chapter 27 : RESPONSES TO COMMENTS ON THE DEIS

Responses to Comments on the Draft Environmental Impact Statement for the Zoning for Quality and Affordability Text Amendments

1. INTRODUCTION

This document summarizes and responds to comments on the Draft Environmental Impact Statement, issued on September 21, 2015 for the Zoning for Quality and Affordability Text Amendments. Oral and written comments were received during the public hearing held by the Department of City Planning (DCP) at National Museum of the American Indian, Smithsonian, One Bowling Green, New York, New York 10004 on December 16, 2015. Written comments were accepted through the close of the public comment period, which ended at 5 pm on Monday, December 28, 2015. However, additional comments received after this deadline were accepted and also incorporated into this document. Section 2 lists the organizations and individuals that provided comments on the Final Environmental Impact Statement. Section 3 contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and where more than one commenter expressed similar views, those comments have been grouped and addressed together. All letters and comments submitted by the organizations and individuals to the Department of City Planning are included in Appendix G. Appendix G also includes oral and written comments received at the public hearing.

2. LIST OF ORGANIZATIONS AND INDIVIDUALS THAT COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

A. ELECTED OFFICIALS

1. Bill de Blasio, Mayor, 12/16/15 (oral testimony by Alicia Glen testimony pg 23)
2. Deborah J. Glick, State Assembly member, 12/16/15 (oral testimony), (written statement)
3. Gale A. Brewer, Manhattan Borough President, 12/11/15 (written statement), 12/16/15 (oral testimony and written statement)
4. Melinda Katz, Queens Borough President, 11/30/15 (written resolution), 12/16/15 (oral testimony)
5. Space intentionally left blank
6. Rosie Mendez, City Council Member, 2nd District, 12/16/15 (oral testimony), (written statement)
7. Ruben Diaz Jr., Bronx Borough President, 11/30/15 (written statement), 12/16/15 (oral testimony and written statement)
8. Tony Avella, Senator, 11th District, 12/16/15 (written statement)
9. Councilmember Benjamin Kallos, 12/16/15 (oral testimony)
10. Linda R. Rosenthal, Assembly member, 12,16,2015 (written statement)
11. Joint statement by a coalition of New York City and New York State elected officials, 11/17/15 (written statement)

B. BOROUGH BOARDS

1. Bronx Borough Board, 11/30/15 (written resolution)
2. Brooklyn Borough Board, 12/1/15 (written statement)
3. Manhattan Borough Board, 11/30/15 (written statement)
4. Queens Borough Board, 11/30/2015 (written resolution)
5. Staten Island Borough Board , 12/10/15 (written resolution)

C. COMMUNITY BOARDS

1. Space intentionally left blank
2. Space intentionally left blank
3. Bronx CB3, 11/25/15 (written statement)
4. Bronx CB4, 11/9/15 (written resolution)
5. Space intentionally left blank
6. Space intentionally left blank
7. Bronx CB7, 11/23/15 (written statement)
8. Bronx CB8, 11/12/15 (written statement)
9. Bronx CB9, 11/23/15 (written resolution)
10. Bronx CB10, 11/4/15 (written statement)
11. Space intentionally left blank
12. Bronx CB12, 11/27/15 (written statement)
13. Brooklyn CB1, 12/2/15 (written statement)
14. Brooklyn CB2, 11/2/15 (written statement)
15. Brooklyn CB3, 11/2/15 (written statement)
16. Brooklyn CB4, 11/30/15 (written statement)
17. Brooklyn CB5, 11/30/15 (written statement)
18. Brooklyn CB6, 11/27/15 (written statement)
19. Brooklyn CB7, 11/24/15 (written statement)
20. Brooklyn CB8, 11/25/15 (written statement)
21. Brooklyn CB9, 11/24/15 (written resolution)
22. Brooklyn CB10, 11/18/15 (written statement)
23. Brooklyn CB11, 11/16/15 (written statement)
24. Brooklyn CB12, 11/30/15 (written statement)
25. Brooklyn CB13, 12/7/15 (written statement)
26. Brooklyn CB14, 11/27/15 (written statement)
27. Brooklyn CB15, 10/27/15 (written statement)
28. Brooklyn CB16, 11/30/2015 (written statement)
29. Space intentionally left blank
30. Brooklyn CB18, 11/19/15 (written statement)
31. Manhattan CB1, 11/19/15 (written statement), 12/16/15 (written statement)
32. Manhattan CB2, 11/19/15, (written statement)
33. Manhattan CB3 , 11/30/15 (written statement)
34. Manhattan CB4, 11/30/15 (written statement)
35. Manhattan CB5, 11/13/15 (written statement)
36. Manhattan CB6, 11/19/15 (written statement)
37. Manhattan CB7, 11/4/15 (written statement), 12/16/15 (oral testimony by Page Cowley and Mark Diller)
38. Manhattan CB8, 11/ 25/15 (written statement)
39. Manhattan CB9, 11/24/2015 (written statement)
40. Manhattan CB10, 11/6/2015 (written statement)
41. Manhattan CB11, 11/23/2015 (written statement), 12/16/15 (oral statement by Angel Mescaín, District Manager)
42. Manhattan CB12, 12/2/2015 (written statement), 12/16/15 (written statement)

43. Queens CB1, 11/13/15 (written statement)
44. Queens CB2, 11/5/15 (written statement)
45. Space intentionally left blank
46. Queens CB4, 12/7/15 (written statement)
47. Queens CB5, 11/30/15 (written statement)
48. Queens CB6 , 11/12/15 (written statement)
49. Queens CB7, 11/23/15 (written resolution)
50. Queens CB8, 11/25/15 (written statement)
51. Queens CB9, 11/18/15 (written statement)
52. Space intentionally left blank
53. Queens CB11, 10/7/15 (written statement)
54. Queens CB12, 10/18/15, 11/23/15 (written statements)
55. Space intentionally left blank
56. Queens CB14, 11/12/15 (written statement)
57. Staten Island CB1, 12/9/15 (written statement)
58. Staten Island CB2, 12/10/15 (written statement)
59. Staten Island CB3, 11/24/15 (written statement)

D. PUBLIC AGENCIES

1. Department of Housing Preservation & Development, 12/16/15 (oral testimony by Vicki Been)
2. NYC Economic Development Corporation, 12/21/15 (written statement by Maria Torres-Springer)

E. ORGANIZATIONS

1. 32BJ SEIU, 12/16/15 (oral testimony by Sharon Cromwell)
2. ABT Associates, 12/16/15 (oral testimony by Jeffrey Lubell)
3. Affordable Housing Committee of the NYC League of Women Voters, 12/16/15 (written statement by Tiana Leonard)
4. AIA New York, 12/16/15 (oral testimony by Christine Hunter), 12/16/15 (oral testimony by Tomas Rossant) 12/16/15 written statement Tomas Rossant, 12/16/15 written statement Brooklyn Chapter, Queens Chapter and Staten Island Chapter)
5. Akerman LLP, 12/16/15 (written statement by Richard Bass)
6. American Association of Retired Persons (AARP), 12/16/15 (written statement by James Arnold), 12/16/15 (oral testimony by James Arnold)
7. American Planning Association (APA) New York Metro Chapter, 12/16/15 (written statement by James Rausse), 12/16/15 (oral testimony by James Rausse)
8. Space left intentionally blank
9. Association for Neighborhood and Housing Development (ANHD), 12/16/15 (written statement by Benjamin Dulchin), 12/16/15 (written statement by Barika Williams), 12/16/15 (oral testimony by Barika Williams), 12/16/15 (oral testimony of Benjamin Dulchin by Emily Goldstein)
10. Auburndale Improvement Association, Inc., 12/21/15 (written statement by Henry Euler), 12/16/15 (oral testimony by Henry Euler), (signed petition with 300 signatures 10/19/15)
11. Bedford Stuyvesant Restoration Corporation, 12/16/15 (written statement by Colvin W. Granum), 12/16/15 (oral testimony by Colvin W. Granum)

12. Bowery Alliance of Neighbors, 12/15/15 (written statement by David Mulkins), 12/16/15 (written statement by Jean Standish)
13. Breaking Ground, 12/16/15 (written statement by Brenda E. Rosen)
14. Broadway Community Alliance, 12/28/15 (written statement by Laura Spalter), 12/16/15 (oral testimony by Laura Spalter)
15. BRP Companies, 12/16/15 (written statement by Meredith Marshall)
16. Building and Construction Trades Council of Greater New York, 12/16/15 (oral testimony by Carl Johnson)
17. Capalino+Company, 12/16/15 (written statement by Claire H. Altman), 12/16/15 (written statement by Richard Barth), 12/16/15 (oral testimony by Richard Barth), 12/16/15 (oral testimony by Claire H. Altman)
18. Catholic Charities of Brooklyn and Queens, 12/16/15 (oral testimony by Claire Hilger)
19. Catholic Community Relations Council, 12/16/15 (written statement by Joseph Rosenberg)
20. Center for an Urban Future, 12/16/15 (written statement by Jonathan Bowles)
21. Centro Altagracia de Fe y Justicia, 12/16/15 (oral testimony by Tiffany Lee), 12/16/15 (written statement)
22. Citizens Housing and Planning Council (CHPC), 12/16/15 (written statement by Mark Ginsberg), 12/16/15 (written statement by Jerilyn Perine), 12/16/15 (written statement by Sarah Watson), 12/16/15 (oral testimony by Jerilyn Perine), 12/16/15 (oral testimony by Sarah Watson), 12/16/15 (oral testimony by Mark Ginsberg)
23. Class Size Matter, 12/16/15 (written statement by Miho Watabe)
24. Coalition for A Livable West Side, 12/16/15 (written statement by Batya Lewton), 12/16/15 (oral testimony by Batya Lewton)
25. Community Preservation Corporation, 12/16/15 (written statement by Rafael Cestero), 12/16/15 (oral testimony by Rafael Cestero)
26. Community Voices Heard, 12/16/15 (oral testimony by John Medina), 12/16/15 (oral testimony by Pearl Barkley), 12/16/15 (oral testimony by Edward Melendez), 12/16/15 (oral testimony by Peter Myette)
27. Continuing Care Leadership Coalition, 12/16/15 (written statement by Diane Barrett)
28. Cypress Hill Local Development Corporation, 12/16/15 (oral and written testimony by Humberto Martinez), 12/16/15 (oral and written testimony by Shai Lavros)
29. Debar Development, 12/16/15 (oral testimony by Dawanna Williams)
30. Defenders of the Historic Upper East Side, 12/16/15 (written statement)
31. Design Trust for Public Space, 12/16/15 (written statement by Susan Chin), 12/16/15 (oral testimony by Susan Chin)
32. Downtown Brooklyn Partnership, 12/16/15 (oral testimony by Alan Washington)
33. Dunn Development Corp., 12/16/15 (written statement by Martin Dunn), 12/16/15 (oral testimony by Martin Dunn)
34. Space left intentionally blank
35. Enterprise Community Partners, 12/16/15 (written statement by Elizabeth Strojan), 12/16/15 (oral testimony by Elizabeth Strojan)
36. Fifth Ave Committee, 12/16/15 (oral testimony by Jay Marcus)
37. Fried, Frank, Harris, Shriver & Jacobson LLP, 12/16/15 (written statement), 12/30/15 (written statement by Zachary Berstein), 12/23/15 (written statement by David Karnovsky), 12/16/15 (oral testimony by David Karnovsky)
38. Friends of Bushwick Inlet Park, 12/16/15 (written statement by Scott Fraser), 12/16/15 (written statement by Kim Fraser), 12/16/15 (oral testimony by Steve Chesler), 12/16/15 (oral testimony by Scott Fraser), 12/16/15 (oral testimony by Kim Fraser)
39. Friends of the Upper East Side Historic Districts, 12/16/15 (written statement by Rachel Levy)
40. George M. Janes & Associates, 12/28/15 (written statement by George M. Janes)
41. Greenwich Village Community Task Force, 12/16/15 (written statement by Zack Winestine)

42. Greenwich Village Society for Historic Preservation, 11/16/15 (written statement by Andrew Berman), 12/16/15 (written statement by Trevor R. Stewart), 12/16/15 (oral testimony by Aivita Isola), 12/16/15 (oral testimony by Andrew Berman), 12/16/15 (oral testimony by Lauren Snetiker), 12/16/15 (oral testimony by Sam Moskowitz), 12/16/15 (oral testimony by Sarah Bean Apmann), 12/16/15 (oral testimony of Matthew Morowitz by Trevor Stewart), 12/16/15 (oral testimony of Ted Mineau by Justine Leguizamo)
43. Hal Bromm Art & Design, 12/22/15 (written statement by Hal Bromm)
44. Historic Districts Council, 12/16/15 (written statement)
45. Housing Development & Asset Management for El Barrio's Operation Fight Back, Inc., 11/16/15 (written statement by Eric Toro)
46. Kramer Levin Naftalis & Frankel LLP, 12/16/15 (written statement by Michael T. Sillerman)
47. Kwartler Architects, 12/16/15 (oral testimony by Michael Kwartler)
48. Landmarkwest, 11/20/15 (written statement by Kate Wood), 12/11/15 (written statement by Kate Wood)
49. Law Office of Slater & Beckerman, 12/16/15 (written statement by Stuart Beckerman)
50. Legal Services NYC, 12/16/15 (written statement by Luis A. Henriquez Carrero)
51. Lenox Road Block Association Alliance, 12/16/15 (written statement by Judy Spence)
52. Licensed Associate Real Estate Broker, 12/22/15 (written statement by Dorothy Zeidman)
53. LiveOn NY, 12/16/15 (written statement by Bobbie Sackman), 12/16/15 (oral testimony by Bobbie Sackman)
54. Local Initiatives Support Corporation, 12/16/15 (written statement by Edward Ubiera), 12/16/15 (oral testimony by Edward Ubiera)
55. Loft Law Tenants, 12/16/15 (oral testimony by Victoria Hillstrom)
56. Magnusson Architecture & Planning Commission, 12/16/15 (oral testimony by Christine Hunter), 12/16/15 (written statement by Christine Hunter)
57. Make the Road New York, 12/16/15 (oral testimony by Jennifer Gray Brumskine), 12/16/15 (oral testimony by Rev. Janet Jones)
58. Marvel Architects, 12/16/15 (oral testimony by Jonathan Marvel) 12/16/15 (oral testimony by Ann Kederer)
59. Metropolitan Council on Housing, 12/16/15 (written statement by Ava Farkas), 12/16/15 (oral testimony by Ava Farkas)
60. Movement for Justice in El Barrio, 12/23/15 (written statement)
61. Space Intentionally Left Blank
62. National Mobilization Against Sweatshops (NMASS), 12/16/15 (oral testimony by Francisca Benitez)
63. New York Archdiocese+Catholic Charities, 12/16/15 (oral testimony by Joseph Rosenberg)
64. New York Housing Conference, 12/16/15 (written statement by Carol Lamberg), 12/16/15 (oral testimony by Carol Lamberg), 12/16/15 (oral testimony by Lisa Sturtevant)
65. New York Landmarks Conservancy, 12/16/15 (written statement by Andrea Goldwyn), 12/16/15 (oral testimony by Andrea Goldwyn)
66. New York State Association for Affordable Housing, 12/16/15 (oral testimony by Alexandra Hanson)
67. North Shore Waterfront Greenway, 12/16/15 (oral testimony by Linda Eskenas), 12/16/15 (written testimony)
68. NYC Community Alliance for Worker Justice, 12/16/15 (oral testimony by Carl Turner)
69. NYC Rent Guidelines Board, 12/14/15 (written statement by Martin Zelnik)
70. NYU Furman Center, 12/16/15 (written statement by Mark A. Willis), 12/16/15 (oral testimony by Mark A. Willis)
71. Partnership for New York City, 12/16/15 (written statement by Kathryn Wylde), 12/16/15 (oral testimony by Kathryn Wylde)
72. Phipps Houses, 12/16/15 (oral testimony by Adam Weinstein)

73. PoCo Partners LLC, 12/16/15 (oral testimony by Andrea Kretchmer)
74. Queens Colony Civic Association, 12/16/15 (written statement by Virginia Salow)
75. Real Affordability for All, 12/16/15 (oral testimony by Maritza Silva Farrell), 12/16/15 (oral testimony by Pastor James),
76. Real Estate and Planning, 12/16/15 (written statement by Alan Washington)
77. Regional Plan Association, 12/16/15 (written statement by Christopher Jones)
78. Ridgewood Bushwick Senior Citizens Council, Inc., 12/16/15 (oral testimony by Emily Kartz)
79. Riverdale Community Coalition, 12/16/15 (written statement by Albert K. Butzel), 12/16/15 (written statement by Albert K. Butzel), 12/16/15 (oral testimony by Jennifer Klein), 12/16/15 (oral testimony by Sherida Paulsen) and Riverdale Nature Preservancy, 10/27/15 (written statement), 12/16/2015 (written statement)
80. Save Chelsea, 12/15/15 (written statement by Lesley Doyel)
81. Selfhelp Community Service Inc., 12/16/15 (oral testimony by Rosa M. Barrow), 12/16/15 (oral testimony by Sandy Myers), 12/16/15 (oral testimony by Evelyn Wolff)
82. Settlement Housing Fund, 12/16/15 (oral testimony and written testimony by Alexa Sewell)
83. Space left intentionally blank
84. SKA Marin, 12/16/15 (written statement by Sydelle Knepper)
85. Society for the Architecture of the City, 12/16/15 (oral testimony by Christabel Gough)
86. Southside United HDFC – Los Sures, 12/16/15 (oral testimony by Alan Baker Yu)
87. Supportive Housing Network of New York, 12/16/15 (written statement by Robin Pagliuco)
88. The American Institute of Architects, 12/16/15 (written statement by Thomas Rossant), no date (written statement by Brooklyn, Queens and Staten Island Chapters)
89. The Arker Companies, 12/16/15 (oral testimony by Simon Bacchus)
90. The Hellenic American Neighborhood Action Committee, 12/16/15 (written statement by John P. Kaiteris), 12/16/15 (written statement by John C. Napolitano)
91. The Municipal Art Society of New York, 12/16/15 (written statement by Mike Ernst), 12/16/15 (oral testimony by Mike Ernst by Tara Kelly)
92. The New School, 12/16/15 (oral testimony by Rachel Meltzer)
93. The New York Building Congress, 12/16/15 (written statement), 12/16/15 (oral testimony by Ian Riley)
94. The Real Estate Board of New York, 12/16/15 (written statement), 12/16/15 (oral testimony by Mike Slattery)
95. The Society for the Architecture of the City, 12/16/15 (written statement by Christabel Gough)
96. Transportation Alternative, 12/15/15 (written statement by Paul Steely White, Gene Russianoff, Thomas K. Wright, Veronica Vanterpool, Elena Conte and Eric McClure), 12/16/15 (written statement by Julia Kite)
97. Two Trees Management, 12/16/15 (written statement by Dave Lombino)
98. Urban Homes Trading Assistance Board, 12/16/15 (oral testimony by Nancy Torres)
99. Urban Justice Center, (written statement by Adrien Weibgen)
100. Victorian Society New York, 12/16/15 (written statement by Hilda Regier), 12/16/15 (oral testimony by Hilda Regier)
101. West End Preservation Society, 12/16/15 (oral testimony by Josette Amato)
102. West Side Federation for Senior and Supportive Housing, 12/16/15 (written statement by Paul R. Freitag), 12/16/15 (oral testimony by Paul R. Freitag)
103. Waterbury LaSalle Community and Homeowners Association, 9/25/15, (written comment)
104. Riverdale Community Coalition, 10/15/15, (written comment)
105. Carnegie Hill Neighbors, 12/28/15 (written statement)
106. Fulton Area Businesses (FAB), 12/16/15 (written statement)
107. Alloy, 1/8/16, (written statement)

108. Myrtle Avenue Brooklyn Partnership, 10/21/15, (written statement)
109. Leading Age New York, 12/16/15 (written statement)
110. Riverdale Nature Preservancy, 12/16/15 (written statement)
111. Society for Clinton Hill and Fort Green Association, 12/31/15 (written statement)
112. Joint Statement by a coalition of builders, developers, architects, owners, and service providers of affordable housing, 1/5/16 (written statement)
113. Criterion Group, no date (written statement)
114. Various Faith Leaders, December 15, 2015 (written statement)

F. INTERESTED PUBLIC

1. Alex Schwartz, 12/16/15 (oral testimony and written statement)
2. Alyssa Bishop, 12/16/15 (written statement)
3. Amelia Bames, 12/16/15 (oral testimony)
4. Caroline Harris, 12/16/15 (oral testimony)
5. David Levine, 12/16/15 (oral testimony)
6. Elizabeth Capelle, 12/23/15 (written statement)
7. Elizabeth Ely, 12/16/15 (written statement)
8. Ellen Osuna, 12/16/15 (written statement)
9. Emily Kurtz, 12/16/15 (written statement)
10. Fatima Fernandez, 12/16/15 (written statement)
11. George James, 12/16/15 (oral testimony),
12. Gifford Miller, 12/16/15 (oral testimony)
13. Indira Prasad, 12/16/15 (oral testimony), 12/16/15 (written statement)
14. Jacob Dugopolski, 12/16/15 (oral testimony)
15. James Colgate, 12/16/15 (oral testimony)
16. Katherine Schoonover, 12/16/15 (written statement)
17. Kayla S. Rivera, 12/16/15 (oral testimony)
18. Lisa Gomez, 12/16/15 (oral testimony)
19. Martica Sawin, 12/17/15 (written statement)
20. Meredith Katz, 12/16/15 (written statement)
21. Norman Frazier, 12/16/15 (written statement)
22. Pawn Pongsangthong, 12/16/15 (written statement)
23. Pawn Pongsangthong, 12/16/15 (oral testimony)
24. Quinn Raymond, 12/16/15 (oral testimony)
25. Rosa Mae Borrow, 12/16/15 (written statement)
26. Sandy Hormick, 12/16/15 (oral testimony)
27. Sandy Reiburn, 12/16/15 (oral testimony)
28. Stanley Marte, 12/16/15 (written statement)
29. Stephen Smith, 12/16/15 (oral testimony)
30. Susan Gass, 12/16/15 (oral testimony)
31. Suwen Cheong, 12/16/15 (written statement)
32. Sydelle Knepper, 12/16/15 (oral testimony)
33. Ursula Hernandez, 12/16/15 (written statement)
34. Videle Carter, 12/16/15 (written statement)
35. Robin A. Kramer, 12/21/15, (written statement)
36. Virginia Salow, 12/16/15 (written statement)

37. Barak Wrobel, JD, 10/15/15 (written statement)
38. John Sore, 12/24/15, (written statement)
39. Melanie Meyers, JD, 12/16/15 (written statement)
40. Barry Weinberg, 12/16/15 (oral testimony)
41. Alex Schweid, 12/24/15 (written statement)
42. Carol Karasek, 12/21/15 (written statement)
43. Jay Sorid, 12/28/15 (written statement)
44. Karen Argenti, 12/28/15 (written statement)
45. Sandy Reiburn, 9/30/15 (written statement)
46. Valerie Landriscina, 10/14/15 (written statement)
47. Barnabas Wolf, 12/28/15 (written statement)
48. Roberto Francis, 1/7/16 (written statement)
49. Betty Mackintosh, 12/16/15 (written statement)
50. Space Intentionally Left Blank
51. Alicia Greenberg, 10/19/15 (written statement)
52. Mary Ann Zonsky, 9/9/15 (written statement)
53. Kathleen Shannon, 10/1/15 written statement
54. Teresa and Mario Alvarez 10/19/15 (written statement)
55. Maria and Dennis DeVoti 10//15 (written statement)
56. Henry Euler and Aline Euler 10/19/15 (written statement)
57. Various Authors and Dates. I oppose the 'Zoning for Quality and Affordability Plan,' Form letter, See Stack #1.
58. Majda Kallab, 12/19/15, written statement
59. Various Authors and Dates. Save Our Neighborhoods Now! Form letter, See Stack #6.
60. Various Authors and Dates. I Am Writing To You Today, Form Letter, Form Letter. See Stack #2
61. Various Authors and Dates. Oppose the 'Zoning for Quality and Affordability' Plan Version 2, Form Letter. See Stack #3
62. Various Authors and Dates. Save Our Neighborhood Zoning Protections, Form Letter. See Stack #4.
63. Various Authors and Dates. Additional Form Letter, Form Letter. See Stack #5
64. Petition Against New Zoning Proposal, Auburndale Improvement Association. Various Authors and Dates. Form Letter. Stack #7

3. COMMENTS AND RESPONSES TO PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT: ZONING FOR QUALITY AND AFFORDABILITY (ZQA)

Process

Timeline and Notice

1. Notice of the public scoping meeting requirement in CEQRA (232.1) was violated because Brooklyn Community Board 9 did not receive a notice of public scoping and was denied opportunity for scoping. As this is an Environmental Impact Area, which requires more study, information and disclosure in minority or low-income neighborhoods, environmental justice requirements were not followed. A subsequent motion for further study by Brooklyn CB9 ULURP committee was not addressed. In addition, the Public Advocate was not noticed on the Public Scoping Notice. F43

Response: Notice to the public, and interested agencies, was completed as required by law.

2. The timeline of releasing the proposed text amendments did not provide adequate time to understand and review the proposals. Inadequate attention was provided to educating local community boards about the text and potential implications to their communities. In the case of one community board, questions were raised that they felt were not answered by DCP prior to the DCP presentation. Also expressed concern that only came to community boards after significant input from other interests including real estate industry. A3, A7, A10, C3, C9, C10, C22, C24, C26, C31, C36, C51, C57, C36, C39, C40, C42, E10, E38, E48, E80, E105, F58

Response: DCP offered presentations to every community board in the Spring of 2015, prior to the start of the official public review process. A 60-day referral period followed the standard timeline for zoning text proposals.

Public Engagement

3. Concerned there is no requirement for DCP to return to community districts or the public to give an updated on the progress of ZQA after the program is implemented and to evaluate effectiveness. C31, C37

Response: Comment noted.

4. Development of 197-a and 917-c Plans should be accompanied by an urban design element to provide a 3-dimensional urban design context to any proposed zoning changes. Zoning changes should be based upon these plans. C38, E48

Response: Comment noted.

5. Past rezonings such as Greenpoint/Williamsburg made promises more investment in needed open space infrastructure which was not delivered. This has eroded public trust and makes future rezonings concerning. E38, F24

Response: Comment noted.

6. At public hearings, representatives from the Department of City Planning have routinely given only partial presentations of these very complex proposals to the Community Board members. Representatives have also been untruthful or disrespectful to the public. A8, F6, F45

Response: In addition to offering briefings to each Community Board in the spring of 2015 in advance of referral for public review, as well as during the 60-day comment period, DCP has made extensive information available online, including maps indicating the effect of different proposal components on each community district, supplementing the information in the draft EIS.

7. The public hearing held on December 16, 2015 had an enormous turnout and not all members of the interested public were able to testify. The Agency should have better anticipated and planned for the large public turnout. In addition, certain individuals were pre-selected and given priority by the Lead Agency to provide testimony in support of the proposals, which made it easier for them than other participants. In doing so, the Lead Agency and the Department of City Planning did not deal fairly and evenhandedly with all participants in the planning process, a principle of the Code of Ethics of the American Institute of Certified Planners. E40, E43, E52, F19

Response: Every member of the public wishing to do so was given the opportunity to speak. Speakers in favor, and those opposed alternated, five at a time. Elected officials spoke first or upon arrival, as is customary in a City Planning Commission public hearing. Additionally, all written comments from the public were received and considered.

8. The construction of senior and affordable housing induced by the ZQA proposal should have specific reference to using local city labor contractors and suppliers, union labor, employing New York based minority or women-owned firms, and should provide apprenticeship or employment opportunities for local minority and low-income residents, with prevailing wages. One commentator suggested looking into community benefit agreements, not-for-profit partnerships and further legislation on affordable housing. A4, A7 C10, C20, C24, E1, E16, E21, E24, E59, E68, E75

Response: The imposition of such requirements would be outside the scope of the City Planning Commission's legal authority.

Draft EIS Process

9. The Draft EIS for ZQA was composed and studied by DCP, which presents a potential conflict of interest, as the city has incentives to approve this plan. C24, C59, E24

Response: The production and certification of the FEIS complied with environmental review procedure.

10. The plan, by creating “as-of-right” incentives, reduces the zoning input and decision-making of local governmental actors in the planning process. It reduces leverage that the community had previously in the approval process for achieving lower income affordability and increased investment in infrastructure. A4, A7, C24, C31, C56, E9, E21, E42, E57, E110, E111, F2

Response: Comment noted.

11. The environmental review presents flawed examples to justify the ZQA text amendments that are not reflective of the types of buildings or conditions that ZQA would affect. The analysis is based entirely on narrow street, interior lot sites which are the most restricted types of lots. Wide street lots and corner lots are less restricted and more permissive and are more prevalent in Manhattan and Inclusionary Zones, making the analysis largely inapplicable. E42

Response: The proposal is geared toward common site conditions in the city and narrow streets are the primary street condition. Inclusionary Housing Designated Areas with narrow streets applicability include M1-6D, Hudson Square, Greenpoint Williamsburg, Myrtle Avenue, and Tremont Avenue. Further, wide street sites have only about 2% more flexibility in their envelopes when compared to narrow streets. This minimal difference is not enough to change the results of the analysis.

12. The CHPC report presents examples of almost exclusively 100% affordable housing developments, rather than the 80/20 or 100% market-rate developments that ZQA would affect. The developments analyzed have different requirements and therefore are misleading to apply to the citywide ZQA applicability. E42

Response: The 27 prototypes illustrated in Chapter 2-H of the FEIS are representative of the types and locations of development expected to occur under the Proposed Action.

13. The EIS stated that the “With-Action” – or approved – scenario will have the same effect as a “No-Action” – or not approved – scenario, because “the increment would be small and spread throughout the city.” If the zoning regulations are changed throughout the city in multiple zones in order to facilitate increased development, then, without question, increased development will occur through New York City. The impacts of this should be analyzed. A8, E40, E91, F45

Response: The effects of the Proposed Action are analyzed in the FEIS in accordance with the guidelines of the *CEQR Technical Manual*.

14. ZQA was segmented from two other actions, Mandatory Inclusionary Housing (MIH) as well as Vision Zero actions, violating CEQRA 130 Segmentation. The possible environmental impacts are higher and thus should result in a higher level of scrutiny regarding segmentation. The ZQA and MIH meet several of the segmentation questions including: a common purpose, a common reason for being completed at the same time, a common geographic area, significant cumulative or synergistic impacts, common control of the CPC and DCP, both part of an identifiable plan (Housing New York), and MIH not functionally independent from ZQA. F43

Response: Consistent with *CEQR Technical Manual* guidelines, ZQA was not impermissibly segmented from MIH because ZQA has independent utility, regardless of the MIH and Vision Zero actions.

15. Because ZQA does not look at conditions on a neighborhood by neighborhood basis as an individual ULURP would, there is no detailed analysis of the affect of proposed changes on local areas. This takes away leverage and input from the community over the outcome of such rezonings. E42

Response: Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EIS as a “generic action,” because there are no known developments that are projected and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action.

This proposal is not expected to affect the marketability of a building in any single zoning district over any other and thus is not expected to alter general market forces within any single neighborhood. The ZQA proposal is not in-and-of itself expected to induce development on sites where development would not have otherwise occurred. Nor is the type of development expected to differ in the future With versus Without the Proposed Action.

Proposed Actions

Generic Comments

16. Increasing market rate density to subsidize a small number of income linked units is not appropriate. F31

Response: As described in Chapter 1-I, The Proposed Action, of the FEIS, the proposed action would not increase market-rate density.

17. ZQA would grant very generous bulk and height bonuses to developers for including just 20% senior and affordable housing. E51, E12

Response: The frameworks of floor area bonuses in exchange for the provision of affordable housing in the Inclusionary Housing Designated Areas program, and the increased floor area for senior housing, are found in existing zoning with a 20% threshold. One of the goals of the Proposed Action, as described in Chapter 1-I of the FEIS, is to ensure that the zoning envelope accommodates this floor area in a well-designed and economically efficient building.

18. ZQA would be made available to developments of purely market-rate housing not just affordable or senior housing, why is this the case? E59

Response: As described in Chapter 1-I of the FEIS, the changes proposed for market-rate housing are modest in scale and designed to produce better buildings that interact more favorably with the streetscape.

19. There is some confusion as to what would be allowed by the ZQA proposal as distinguished from the related, yet separate, MIH requirements. For example, the maps show the impact of the height increases allowable under ZQA that would never be achieved on corridors that are also covered by the MIH proposal. Those areas that are subject to inclusionary housing requirements should be clearly hatched or shaded. E7

Response: The MIH program is applicable only when mapped in a separate discretionary action. All the effects described in the FEIS are those of ZQA.

20. Maintaining density and scale of existing neighborhood character has been the goal of many communities, which is not adequately reflected in the ZQA proposal. Increased density may place undue pressure on neighborhood infrastructure such as mass transit, school capacity, and municipal services which should be studied and disclosed. A2, A4, A7, A6, A10, A11, B4, B5, C7, C19, C24, C22, C26, C30, C31, C33, C36, C39, C42, C44, C47, C51, C53, C57, C59, E7, E14, E41, E74, E79, E103, E104, E110, E111, F42, F47, F55, F63

Response: Density increases under ZQA are limited to affordable senior housing, and are small. As described in Chapter 2-G, Screening Analysis, of the FEIS, because of the characteristics of the population served, these changes are not expected to increase pressure on neighborhood services.

21. Increases in scale through height, bulk and proximity to adjacent buildings and streets impact the overall aesthetic and character of the built environment. A2, A4, A7, A6, A10, A11, B4, B5, C7, C19, C24, C22, C26, C28, C30, C31, C33, C36, C39, C42, C44, C47, C51, C53, C57, C59, E7, E14, E41, E74, E79, E103, E104, E110, E111, F42, F47, F55

Response: Density increases under ZQA are limited to affordable senior housing, and are small. As described in Chapter 8, "Urban Design" of the FEIS, these changes are not expected to affect the character of the built environment.

22. Rather than expanding the zoning tool box to create more options for addressing local planning concerns, ZQA eliminates current rules, and retroactively and prospectively replaces them with new ones. E42

Response: As described in the Project Description, the proposal aims to address several ways in which current regulations have in practice discouraged the affordability and quality of recent buildings.

23. Developers should be required to relocate tenants currently living in buildings targeted for development into the new development project upon completion at affordable housing rates, without the requirement of adhering to the affordable housing requirements. C36, 48

Response: Tenant relocation is not governed by zoning.

24. ZQA could have impacts on the Voluntary Inclusionary Housing program such as providing additional height; to mitigate these issues, off-site provisions should be tightened to require more set asides for affordable units, and community review requirements should be strong and consistent. A3, A11, B3, C31, C42, E48

Response: ZQA is not proposing to change rules governing the IH off-site provisions, set asides, or community review requirements. There were no impacts associated with this action that would be reduced or eliminated through such a change.

25. Proposed changes may increase pressure on acquisition and demolition of underdeveloped property for purposes of redeveloping (i.e. “tear downs”), potentially eliminating existing affordable housing, and resulting in a net loss of affordable housing. An increase in permitted bulk and height should be awarded only for a net increase in affordable housing. C8, C13, C33, C38, C51, C59, E30, E38, E48, E65, E79, E100, E101, E105, E111, F45, E39, F60

Response: As described in Chapter 2-F, Effect of the Proposed Action, of the FEIS, ZQA is not expected to induce the redevelopment of existing residential buildings.

26. There should be additional incentives for senior affordable housing relative to “regular” affordable housing aside from mandatory parking requirements. C40

Response: Comment noted.

27. The City can achieve affordable housing goals under current zoning through flexible building permits, 74-711, other tax incentives. Utilizing 421a, developers can already build taller, denser buildings with fewer required parking spaces. Flexible building permits, already flexible building envelopes and existing 74-711 special permits can be utilized to generate affordable housing without altering the zoning resolution. C35, E79, E104

Response: As noted in the Purpose and Need chapter of the FEIS, the proposed action is necessary as part of a multifaceted approach to meeting the affordable housing goals of the Mayor’s Housing Plan.

28. By designating all R10 program areas as Inclusionary Housing Designated Areas there will be greater affordable housing production and a greater share of affordable units subsidized by the 421-a tax exemption would be permanently affordable. C35

Response: ZQA is not proposing to change the R10 Inclusionary Housing program. There were no impacts associated with this action that would be reduced or eliminated through such a change.

29. It seems like ZQA is a concession to developers to sweeten Mandatory Inclusionary Housing. It loosens the entire city’s existing zoning to allow greater density for market-rate development, under the guise of creating affordable units, which, as we all know, is optional. E44, E79

Response: ZQA does not include any provision to increase market-rate density. As noted in the Purpose and Need chapter of the FEIS, the proposed action is necessary as part of a multifaceted approach to meeting the affordable housing goals of the Mayor’s Housing Plan.

30. The proposed height increases for affordable housing should be contingent upon concrete statistical evidence which shows that such change would actually increase the amount of affordable housing produced and should be the minimum amount necessary to produce such affordable housing. Likewise, no study was performed to demonstrate that allowing housing-related uses in rear yard obstructions will increase uptake by developers of opportunities for inclusionary developments. Hurdles to uptake by developers of opportunities for inclusionary developments may in reality be hindered by financing, economies of scale, and bureaucratic hurdles. B3, C32, C33, A8, E42, E108, F57, F58, F60, F61, F62

Response: The Purpose and Need chapter of the FEIS addresses the need for the zoning changes proposed in the ZQA text amendment. In addition, the Modified Text Amendment Alternative in the FEIS will reduce the availability of the proposed rear yard obstruction. This would only be permitted within 100' of a wide street, or in a commercial district, in districts other than "B" districts, and would only be permitted for Affordable Independent Residences for Seniors and Long Term care Facilities.

31. In each new development, exclude a percentage of affordable-unit floor area from countable floor area to provide additional number of affordable housing units. C43

Response: This proposal would not be consistent with the objectives of the Proposed Action, which are to accommodate the floor area currently permitted by zoning, except in a limited number of districts where floor area increases are proposed for affordable senior housing to be consistent with the general policy.

32. Resources could be used more efficiently for community planning to create and preserve affordable housing. A good affordable housing plan would increase real code enforcement, finance capital improvements for loans for private housing, and infuse major capital funding to restore and repair NYCHA buildings. C8, E79, E104

Response: While all these components are not governed by zoning, they are among the components of the Mayor's Housing Plan, which takes a multifaceted approach to achieving housing affordability goals.

33. This proposal seems to favor developers over the needs and desires of communities. E10

Response: As noted in the Purpose and Need chapter of the FEIS, the proposed action is necessary as part of a multifaceted approach to meeting the affordable housing goals of the Mayor's Housing Plan.

34. The assumption that zoning should allow all developments to access full potential allowable FAR is untrue. Creating a maximum allowable FAR can regulate development in addition to ensuring adequate light and air, uses are not in conflict, and neighborhood character is protected. E42

Response: As described in the Project Description, the buildings that have the greatest difficulty fitting their permitted FAR are those that participate in the Inclusionary Housing program.

35. The proposed zoning modifications do not adequately address the cost of developing affordable housing, which requires someone to provide funding to make up the difference between the cost of development and the target pricing. E79

Response: The Executive Summary, and Chapter 1, "Project Description" of the FEIS describes in detail the role of funding and public subsidy on the development of affordable housing.

36. City Planning has failed to establish how and in what respects ZQA would significantly advance the creation of affordable housing, particularly in the context of current initiatives of HPD and HDC. C8

Response: As described in Chapter 1, "Project Description" of the FEIS, ZQA is expected to facilitate the development of more cost-effective affordable housing across the city. It is not possible to isolate the individual contribution that ZQA would have on the overall production of new housing in the context of

every other initiative underway. Nevertheless, ZQA is expected to play a meaningful role in achieving the Mayor's Housing Plan production goals.

37. Provisions of ZQA could become new zoning rules or categories that are added to existing text, rather than replacing it, so that provisions would only take effect if mapped in the future through individual ULURP actions requiring local analysis of impacts and allowing increased local leverage and input over the outcome. E42

Response: As described in the Project Description, the proposal aims to address several ways in which current regulations have in practice discouraged the affordability and quality of recent buildings.

38. There has been little discussion of the programmatic needs of affected communities. For example, it is often the case that poor credit score will prevent an individual or family from being eligible for a new apartment. The administration should consider using some of the \$1 billion in funding set aside for infrastructure within future rezoning areas to implement credit repair education and other similar programming. A7

Response: Comment noted.

39. Nothing to ensure that new construction under IH has equal amenities, resulting in the proliferation of "poor doors" and "poor floors" F60

Response: ZQA is not proposing to change rules governing the Inclusionary Housing program. There were no impacts associated with this action that would be reduced or eliminated through such a change.

40. This proposal does not address NYCHA developments which house over 115,000 residents in Manhattan alone. C42

Response: While several components of the Mayor's Housing Plan directly address the needs of NYCHA developments, the Proposed Action affects such developments, like all zoning lots within the City, insofar as new buildings are constructed or existing buildings are enlarged in affected zoning districts. These effects are described in the FEIS.

Generic Comments in Support

41. The city's rising income gap and housing crisis threatens the vitality of New York City's neighborhoods and the greatest opportunity to relieve this pressure is to harness the market to help provide inclusionary housing. Relaxing onerous requirements in zoning will create flexibility in providing more quality affordable housing and affordable senior housing to reach deeper levels of affordability with limited public financing. A1, D1, E2, E4, E9, E11, E17, E22, E25, E32, E35, E54, E64, E66, E70, E71, E72, E89, E91, E92, E93, E94, E112, F12, F26, E22, E9, E87, F33, F10, F28, E27, E90, E20

Response: Comment noted.

42. Zoning for affordability is a very important tool to modernize and more effectively accommodate and support appropriate development. I support the proposed ZQA text amendment. E37, F35, E107, E77

Response: Comment noted.

43. Providing inclusionary housing in areas with high market demand helps low- and moderate-income households' access high demand neighborhoods and key amenities including high performance schools. E2, E35, E64, F18

Response: Comment noted.

44. ZQA provides a number of changes that would improve the quality of housing and modestly increase the quantity of affordable housing. The program, with increased bulk, tax exemption benefits and subsidy appears to be structured in a way that makes economic sense and could actually encourage, not thwart, new housing production. E71, E94, E88, E22, E113, E46

Response: Comment noted.

45. Existing envelope constraints have not kept up with modern building techniques and design innovation. Reforming building envelope requirements to better match current practices will result in more efficient affordable and senior housing, and buildings and units that are sensitive to the existing context, with higher quality retail and community facility spaces. D1, E1, E22, E29, E33, E47, E54, E66, E72, E86, E102, E112, F5, F12, F14, F15

Response: Comment noted.

46. Allowing the construction of community spaces on the ground floor to cover the entire lot without rear yard setbacks will help to generate additional affordable housing and much-needed community services. E19, E78

Response: Comment noted. The Purpose and Need chapter of the FEIS addresses the need for the zoning changes proposed in the ZQA text amendment. However, the Modified Text Amendment Alternative in the FEIS will reduce the availability of the proposed rear yard obstruction. This would only be permitted within 100' of a wide street, or in a commercial district, in districts other than "B" districts, and would only be permitted for Affordable Independent Residences for Seniors and Long Term care Facilities.

47. We are in full support of the parking provisions of ZQA. E49

Response: Comment noted.

Other Agency Coordination

48. DCP, DOB and HPD to coordinate enforcement of provisions relating to housing for seniors and affordable housing. C37, E7

Response: Comment noted.

49. To assist affordable housing for the elderly to utilize full permitted floor area, the BSA should have more latitude in permitting Quality Housing development on irregular sites. B2

Response: Comment noted.

50. Agencies like HPD and SBS should provide supportive programs that match the requirements in ZQA such as funding for façade articulation or support for site planning to ensure the zoning results are actualized. E28, F41

Response: Comment noted.

51. Coordination between interested agencies i.e. HPD, BSA, DCP, LPC will create a more streamlined approach to implementation and planned investment in infrastructure. If the proposal were presented as coordinated with infrastructure improvements, it would be more palatable. A1, F46

Response: Comment noted.

Modernizing the Rules that Shape Buildings

52. The existing analysis does not support the rationale that proposed height increases, up to 31% for Inclusionary Housing in some cases, would increase the amount of affordable housing produced. Recent development in contextual zones with thirteen-foot six-inch ground floors, adequate floor-to-ceiling heights, with full utilization of allowable FAR provide evidence that existing regulations do not hinder high quality buildings. A8, B3, C32, C33, E42, E105, E106

Response: While some commenters have submitted examples of buildings that supposedly refute the analysis in the Purpose and Need chapter, upon examination, such examples support this analysis and do not suggest that the current zoning envelope presents no issues requiring enactment of the zoning text amendments specified in the Proposed Action.

53. The existing analysis does not support the claim that relaxing requirements regarding rear yard obstructions would result in additional affordable housing. Studies have shown that existing height limits are already permissive of the intended goals of ZQA such as increased ground floor heights to create active streetscapes, and relaxed envelope requirements to develop quality affordable and senior housing. The true barriers are bureaucracy and tax incentives that dissuade developers from opting in to the current voluntary program. A8, B3, C32, C33, E42, E105, E106

Response: The need for the Proposed Action is addressed in the Purpose and Need chapter of the FEIS. When contemporary best practices assumptions are accounted for, the contextual envelopes are typically unable to accommodate the full amount of development rights allocated to a particular site without diminishing quality (squashing floor heights or elongating depths). This problem is particularly pronounced as density increases, and undermines the utility of the additional FAR through the Inclusionary Housing program.

54. While the text amendment facilitates the possible construction of better designed and more affordable housing, it does not require developers to do so. The proposal is too rigid to permit novel and creative architecture or will simply encourage bigger buildings that are not more architecturally attractive. A4, C14, C22, C24 C37, C42, E42, E101, F60

Response: While there is no guarantee that the Proposed Action will result in better designed and more affordable housing, it has been received favorably by many architects and developers of affordable housing, including in public testimony before the City Planning Commission.

The Project Description chapter in the FEIS explains how the Proposed Action is expected to achieve these objectives. Current zoning controls tend to limit design flexibility and too often result in buildings that are flat or dull, fail to enliven the pedestrian environment, and lack the variation and texture typical of older apartment buildings. The proposal is intended to address these issues.

55. Height maximum should remain 35 feet in R1-R6B District and an approval or permit should be required before allowing for the additional one story or 15 foot enlargement of existing buildings. C28

Response: In low-density communities, height increases under the Proposed Action are limited to affordable senior housing. As discussed in the FEIS, due to funding constraints new affordable senior housing developments will be limited in number. The FEIS analyzes the effects of this change on neighborhood character and does not find the potential for significant impacts.

Lot Coverage, Rear and Side Yards

56. Existing envelope constraints have not kept up with modern building techniques and design innovation. Reforming building envelope requirements to better match current practices will result in more efficient affordable and senior housing, and buildings and units that are sensitive to the existing context. D1, E1, E22, E29, E33, E47, E54, E66, E72, E86, E102, F5, F12, F14, F15

Response: Comment noted.

57. Changing the shallow lot definition to include more lots may be overly permissive in terms of lot coverage and would result in overly permissive rear yard enlargements as-of-right. Allowance of rear yard enlargements may result in the loss of light and air, fire safety issues, a change in the character of the collective rear yards of a block and may reduce area for trees and plantings. A3, B2, B3, C8, C10, C13, C16, C20, C22, C23, C24, C26, C30, C36, C37, C51, E42, E48, E65, F40, F47, F61, F62

Response: As described in the Project Description, most zoning rules that shape residential buildings were designed with regular site conditions in mind – lots were assumed to be rectangular, with little topography or other irregularity. Because of this, construction on these irregular lots is not well considered in zoning, often making it unnecessarily difficult, and leading to buildings that are forced directly onto the property line with little room for design articulation. Changes for irregular lots are meant to address these inconsistencies. The proposed changes would result in more regular buildings that are more consistent with existing, older buildings.

While the FEIS did not find any of the adverse effects cited in comments, the Modified Text Amendment Alternative in the FEIS will reduce the availability of the proposed rear yard obstruction.

58. Encroachment in rear yard should not be allowed, as it would negatively affect the enjoyment of the remaining open space amenity. Also, especially in mixed-use areas, rear yards help divert storm water away from the sewer system. A10, C32, C38, C39, A3, E10, E48, E65, E100

Response: While the FEIS did not find any of the adverse effects cited in comments, the Modified Text Amendment Alternative in the FEIS will reduce the availability of the proposed rear yard obstruction. This would only be permitted within 100' of a wide street, or in a commercial district, in districts other than "B" districts, and would only be permitted for Affordable Independent Residences for Seniors and Long Term care Facilities.

As noted in the FEIS, the rear yard is not required to be accessible or planted open space and is subject to several other permitted obstructions under current zoning. The Proposed Action would not have any effect on the Department of Environmental Protection's stormwater retention regulations.

59. The required qualifying rear yard height (23 feet) for buildings with community facility and residential uses may preclude ground floor incentive or provision of a two-story community facility use extending to the rear yard. Increasing the rear yard height to 25' would be more permissive of community facility ground floor height with a nominal increase in permitted rear yard obstruction height. B2, C20, C23

Response: Such a change would not be consistent with current practice limiting permitted rear yard obstructions to one story.

60. The increase from 80 percent to 100 percent lot coverage for corner lots in R6- R10 districts could promote rooms and units that do not meet light and air standards. Adjacent buildings may also be impacted by these full lot coverage buildings. If a developer believes that limiting lot coverage to 80% is a hardship they can apply for a variance from BSA. B2, C15, C16, C20, C22, C24, C28, C37, E48, F40, F47

Response: As explained in the Purpose and Need and Project Description chapters of the FEIS, the existing lot coverage limitation limits design flexibility in "wrapping" a corner with a building, but is not necessary as a "light and air" protection.

All developments will continue to have to comply with zoning regulations for yards and courts, as well as building code regulations, including those ensuring adequate light and air. All developments will continue to have to comply with building code regulations, including those ensuring adequate light and air.

61. Remove increase in lot coverage from 80% to 100% for corner lots containing residential buildings in C4-2 Districts within the Special St. George District- Upland Subdistrict. B5

Response: Doing so would not be consistent with the goals of the Proposed Action.

62. Quality zoning should include provisions for side yards for new buildings to preserve the light and air for current and new residents. C8, C10, C20, C22, C30, C51, F47

Response: Side Yards are not required in R6 through R10 districts, and ZQA is not proposing to change side yard requirements.. Abutting buildings are characteristic of R6 and higher districts where no side yards are required. All developments will continue to have to comply with zoning and building code regulations, including those ensuring adequate light and air. There were no impacts associated with this action that would be reduced or eliminated through such a change.

63. Reducing the standard minimum distance between two or more buildings where legal windows are involved from 60 feet to 40 feet and/ or residential buildings may restrict light and air and may result in less desirable building placement. This becomes especially concerning for infill development on NYCHA sites and other zoning lots owned and/or operated by NYC agencies. B2, C13, C15, C20, C30, C41, F47

Response: The commenter overstates the significance of this change. As explained in the FEIS, under existing zoning multiple buildings on a zoning lot may abut and, if there are no facing legally required windows, may be separated by only 40 feet under current zoning, or 50 feet when only one facing wall contains a legally required window. As described in the DEIS, making all window-to-wall conditions consistent with the 40-foot MDL standard provides adequate light and air while and has modest but beneficial advantages in site planning in some cases.

64. The elimination of rear yard setbacks for affordable independent residences for seniors potentially eliminates provision of light and space for seniors. A rear yard setback of one half the height of the building should be maintained, as applied to other residential districts. C28

Response: The Purpose and Need chapter of the FEIS addresses the need for the zoning changes proposed in the ZQA text amendment. However, the Modified Text Amendment Alternative in the FEIS will reduce the availability of the proposed rear yard obstruction. This would only be permitted within 100' of a wide street, or in a commercial district, in districts other than "B" districts, and would only be permitted for Affordable Independent Residences for Seniors and Long Term care Facilities.

Height and Setback Requirements

65. The ZQA and bulk changes must maintain the building height difference and proportion between wide and narrow streets. Buildings on narrow streets that are the same height as or taller than buildings on the avenues negatively affect light and air to the side walk and surrounding buildings and disrupt the historic "hills and valleys." Proposed height should be reduced where impact is greatest on narrow streets and/or contextually rezoned areas C38, A3, B3, C13, E42, E30, E48, E65, E91, E101, E105

Response: As described in Chapter 9, "Urban Design and Visual Resources" of the FEIS, the Proposed Action would promote new development that is consistent with existing uses, density, scale and bulk, and would not result in buildings or structures that would be substantially different in character or arrangement than those that currently exist in the neighborhood.

The Modified Text Amendment Alternative in the FEIS establishes lower heights as compared to the Proposed Action in certain high-density contextual districts where such districts are mapped beyond 100 feet of a "wide street".

66. Changing height limits and eliminating the distinction between narrow and wide streets could have a detrimental impact on historic districts, contextual districts, and scale. A3, A10, B3, C28, C35, C37, E12, E30, E101

Response: As noted in Chapter 8, Historic and Cultural Resources of the FEIS, development in historic districts will continue to be subject to LPC review and approval. The Modified Text Amendment Alternative in the FEIS establishes lower heights in certain high-density contextual districts where such districts are mapped beyond 100 feet of a “wide street”.

67. The proposed maximum heights for Quality Housing Buildings and Quality Housing Buildings with affordable housing bonuses do not necessarily respect the contextual nature of many neighborhoods that support contextual preservation-based zoning. The maximum height and number of stories being proposed is too excessive of an increase. A2, A4, A8, A10, C15, C16, C38, C44, C46, C53, B3, E10, E30, E42, E48, E69, E80, E91, E100, E106, E110, E111, F45, F16, E44

Response: As described in Chapter 1-F, Effect of the Proposed Action, of the FEIS, additional flexibility for affordable housing would be allowed to fit all the currently permitted floor area. This would increase maximum heights for these buildings by 1 to 2 stories in most medium density districts, and 3 to 4 stories in the highest-density districts. In “B” zoning districts, no additional height is permitted for development of these uses.

As described in Chapter 8, Urban Design and Visual Resources, even where some additional FAR is being permitted in the Future with the Proposed Action, the increase is not expected to be great enough to change local development markets. Developments utilizing the additional height would be widely dispersed and dependent on funding, most critically, for the development of affordable housing. Clustering of these buildings are not expected, as described in Chapter 4, Socioeconomic Conditions, Chapter 5, Community Facilities and Services, Chapter 6, Open Space, and Chapter 15, Transportation..

68. There is little to no evidence that height limits need to be increased to allow developers to utilize full FAR in Quality Housing developments, or that current regulations discourage participation in the program. 20-foot height limits for Quality Housing on narrow streets in R8 and above is concerning. Increases for Inclusionary Housing of up to 25 feet is not necessary for developers to opt in to the inclusionary program. Height increases to allow greater variation in depth and setbacks to allow for better design are unnecessary. Allowing such height would not necessarily result in greater depth or setbacks on building facades. E42

Response: As described in the project description, the existing contextual envelope is unable to accommodate the permitted Inclusionary Housing floor area when reasonable best practices are applied.

69. Height increases for purely market rate housing in contextual zones should be eliminated, as it will not increase the quality of new developments. C33, C36, C37, E30, E42, E111

Response: As described in the Project Description, ZQA proposes a series of changes to the Quality Housing bulk regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that enough space exists in the building envelope to provide a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail

or other uses on the ground floor, it would allow sufficient height to provide a usable, high-quality space entered from the sidewalk at grade.

70. Zoning lot mergers should include height limits. A6, C33, C36, C37

Response: As under current zoning, height limits will apply in contextual zoning districts in the case of zoning lots that consist of more than one tax lot. Consistent with existing zoning, there would be no height limit to zoning lot mergers in height-factor districts.

71. Height and setback requirements should be sensitive to adjacent buildings, especially in contextual and historic districts and should not be based off highest existing building on the street. Furthermore, increased heights may not be necessary to achieve to intended goals. C28, E30, E42, E105

Response: Comment noted. As noted in the Executive Summary, and in Chapter 1-H, Purpose and Need, of the FEIS, heights have only been increased to the extent believed necessary to achieve the goals of the Proposed Action. Development in historic districts will continue to be reviewed by the Landmarks Preservation Commission.

72. Areas we believe are beneficial to a better streetscape and neighborhood appearance are: the relaxation of the alignment regulations to be located no closer than the adjacent building and the opportunity for setbacks at the street wall up to 10' in non-contextual buildings and thereby encourage planting at the street wall; relax rules for a step-down in height from corner buildings, and compensate for additional height of the ground floor by a modest increase (no more than 5') in building height. C37

Response: Comment noted.

73. The lack of definition of the level of the street line creates concerns for lots with sloped frontages and the base plane from which maximum building height is measured, allowing additional height on these sites. B2, C20

Response: Comment noted. This rule has been designed to address this issue.

74. Concerned that the reference for measure of a building's ground floor is not accurate measurement for all buildings. Using the adjoining sidewalk as a reference to measure up the minimum 13 feet does not reflect the differences in building designs, especially of ground floors that do not begin at grade with the sidewalk. Should be measured from ground floor's legal base plane or some equivalent standard. C28

Response: The additional height allowance for Quality Housing buildings with "qualifying ground floors" was conceived as a means to ensure that the ground floor levels of buildings could accommodate: reasonably size retail spaces in Commercial Districts (so as to ensure these spaces can be tenanted with enlivening uses); and residential units that are elevated above the sidewalk level in Residence Districts (so as to create a level of separation and privacy). Since the quality of both of these conditions directly pertains to their height relative to the sidewalk, the level of the adjoining sidewalk is an appropriate datum from which to measure the minimum 13' height requirement for qualifying ground floors.

75. Modest increases in allowable building height and relaxing setback requirements in medium and high density districts where inclusionary housing incentives exist will improve the design of residential buildings including floor heights, plantings and façade articulation. E9, E17, E22, E36, E37, E73, F4, F5, F14, F15

Response: Comment noted.

76. This proposal ignores decades of rezoning efforts and community plans. Request that the City Planning Commission modify the proposed Zoning Text to establish hard building and streetwall height limits in the Special Clinton Districts, Special Hudson Yards District, Special West District and East Chelsea District. Specifically, this proposal should ensure that: SCD 96-31 be modified to establish height and setback limits in Subarea C of the SCD consistent with the adopted 2011 West Clinton Rezoning, the East Chelsea area remain consistent with the 1996 plan, the zoning text establish height and setback limits consistent with the 2005 Hudson Yards Rezoning, and remain consistent with the agreements made in the 2005 West Chelsea Rezoning. C34

Response: As described in the Project Description, the building envelope controls in some Special Districts mimic the controls of a comparable contextual zoning district. For consistency, when the Special District does not include any special FAR or building envelope rules, the proposal would adjust the maximum building envelopes to bring them in line with the changes proposed for the Quality Housing option.

As noted in the Executive Summary, and in Chapter 1-H, Purpose and Need, of the FEIS, heights have only been increased to the extent believed necessary to achieve the goals of the Proposed Action. In each of the areas cited, the existing zoning, to the extent that it follows the underlying district contextual height and setback regulations, presents the problems described in the FEIS and, absent the enactment of the proposed changes to height and setback, will result in poorly designed and inefficient new residential development that will be detrimental to the neighborhood.

77. The ability to have successful commercial space is a function of the local retail market, not ceiling height. C34

Response: As noted in Chapter 1-I, The Proposed Action, of the FEIS, the proposal bases the zoning envelope on an assumed ground floor height of 15' to facilitate taller retail spaces in commercial districts and elevated ground floor units in residential districts and a 10' floor-to-floor height above the ground floor. When these revised assumptions are applied to a prototypical building, the current bulk envelopes are often unable to accommodate the permitted floor area ratio without drastically reducing the design quality (reduced floor to floor heights, increased building depths, no façade articulation, etc.), directly affecting marketability and the quality of new housing. To make apartments more marketable, new buildings often build retail storefronts that are lower in height than those in older buildings. These spaces meet retailers' needs poorly and are difficult to market. The FEIS, in the Purpose and Need chapter, explains that it is detrimental to communities to force housing developers into such unwanted tradeoffs in the quality and marketability of different portions of the building.

Bulk and Density Requirements

78. The maximum FAR should not be seen as an entitlement. Density controls are a method to limit population to the capacity of infrastructure and services. Zoning should not be changed to ensure that every developer is able to utilize the maximum possible FAR for every single development. C33, E42, E48, E105

Response: When neighborhoods undergo a rezoning, zoning is mapped with the assumption that developments will utilize the maximum FAR. The capacity of infrastructure and services is assessed at the time of each mapping using assumptions predicated on full build-out of “soft sites”. As described in the Analytical Framework of the FEIS, no site is expected to become “soft” as a result of this proposal. As explained in the Purpose and Need chapter, with the city experiencing high demand for housing and a crisis of affordability, it is important that the projected residential development in past neighborhood rezonings be achieved.

79. Reducing unit size in senior housing units is contrary to New York State’s Homes and Community Renewal Design Handbook which states that senior housing units should be at least one bedroom since seniors spend more time at home. F43

Response: As described in the project description, the affordable senior housing use would require a regulatory agreement with a City or State agency. Such housing will have to comply with the requirement of that regulatory agency, as well as other regulations and programmatic needs.

80. Eliminating or reducing the minimum dwelling unit size to 250 square feet for senior and affordable housing will reduce quality of life in these small spaces and lead to substandard design for a particularly vulnerable population. The minimum dwelling unit size of 400 square feet should be restored or minimum guidelines included. A6, C8, C24, C28, C41, C57, C59, E79, F43, E104

Response: As noted in Chapter 1-C, Changes for Quality, of the FEIS, some housing advocates have pointed out that the 400 square foot requirement limits the ability to provide some smaller units in a building, balancing them out with larger units to better serve a more-varied population. Other laws and codes will continue to ensure units meet minimum standards.

81. Increasing heights, relaxing building envelopes, eliminating minimum dwelling unit size and reducing parking requirements for affordable senior housing will allow developers to create more units and utilize allowable FAR. C35, E17, E22, E56, E109, F15

Response: Comment noted.

82. While ZQA is generally a good idea in the sense that the city would adopt design standards that allow developers to design units and more attractive amenities so that they can both develop better quality units, we should not allow developers to take advantage of these flexible standards such that they begin to squeeze undesirable unit sizes around every nook and cranny available within the development envelope. E45

Response: As noted in Chapter 1-H, Purpose and Need, of the FEIS, a minimum dwelling unit size of 400 square feet was established in Section 28-21 as part of the 1987 Quality Housing text amendment, in order to prevent the creation of excessively-small apartment units. However, other regulatory mechanisms such as the NYC Building Code and the Housing Maintenance Code both contain minimum room size

requirements that effectively establish de facto minimum dwelling unit sizes, and renders the zoning requirement as an additional redundant regulation.

83. The newly proposed 23-661(a) does not limit street wall line up solely to adjoining/ connected buildings. Can you confirm that the intent of the proposed 23-661(a) is to only require streetwall line up where the existing adjacent building is actually concerned and / or adjoining? If so perhaps the text can be further revised before final adoption to eliminate this ambiguity by adding the word “directly” or replacing “adjacent” with “abutting”? F37

Response: Greater clarity has been provided in the zoning text included in Appendix F in the FEIS.

84. I would recommend that the text in ZR Section 25-251 be revised to make it clear that the new text would apply to any “Income Restricted Housing Unit receiving certificate of occupancy after the (date of enactment).” F39, E37

Response: Greater clarity has been provided in the zoning text included in Appendix F in the FEIS.

85. I recommend adding clarifying language to Zoning Resolution Section 15-12 to make it clear that “gross roof area” means the flat, occupiable roof areas of a building. This would align the text with earlier Department of Building interpretations, would continue to produce rooftop common space and would facilitate residential housing. E37, F39

Response: Comment noted. ZQA is not proposing to change the definition of gross roof area. There were no impacts associated with this action that would be reduced or eliminated through such a change.

86. I recommend that Section 12-10 of ZQA should be revised to read: (n) floor space in exterior balconies or in open or roofed terraces, *other than terraces used as a common open space or amenity for the occupants of a development* (10) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed, *provided that a terrace used as a common open space or amenity for the occupants of a development may be fully enclosed by walls.* E37, F39

Response: Comment noted. The purpose of ZQA is not to change the rules governing balconies. There are no impacts identified associated that would be reduced or eliminated through such a change.

87. There are many projects working their way through the Department of Buildings that will not meet the vesting requirements under Zoning Resolution Section 11-30 and will be caught between the requirement of the existing controls and those proposed under ZQA. The Commission should incorporate text that will give these projects the option to proceed under prior text or an additional period of time to vest under Section 11-30. F37, F39

Response: No specific need for a vesting provision is identified. Since most of the proposal’s elements provide additional flexibility or clarify existing intent, such a provision does not seem warranted.

88. ZQA diminished the effects of Bronx Community Board 8’s 197-a community-based plan by increasing height for contextual buildings, eliminating yards, allowing rear yard construction and lessening the distance between buildings. C8

Response: During the Van Cortland Village rezoning and the Central Riverdale/Spuyten Duyvil rezoning, both of which are outgrowths of Bronx CB8’s 197-a plan discussions, the City Planning Commission expressed concern about the need to maintain opportunities for residential growth in appropriate locations. Consistent with those concerns, the Proposed Action is intended to ensure that affordable and quality residential buildings are constructed at the densities permitted by zoning.

“Sliver Law”

89. Eliminating the “Silver Law” for affordable housing or senior housing developments leads to the potential for out of context development that would damage scale, fabric and livability of residential neighborhoods. A11, C13, C31, C32, C38, C39, B3, A3, E30, E42, E65, E105

Response: As noted in Chapter 9, Urban Design and Visual Resources, of the FEIS, elimination of “Sliver Law” would not result in development that is out of context for its zoning district. On lots with a width of less than 45 feet, this provision limits the height of the building to the width of the street or 100 feet, whichever is less. However, if a narrow lot is adjacent to a lot with a building that exceeds these heights, the narrow lot is permitted to develop to a height that matches its neighbor. Similarly, if a lot is 50 feet wide, it may develop to the full contextual height. These narrow lot restrictions predate contextual zoning districts and were, at the time of their establishment, a reasonable means to ensure predictable development in areas with strong neighborhood character. However, with contextual height limits, these rules are unnecessarily restrictive. As a result, there are a handful of buildings in the existing condition that are substantially shorter than the majority of buildings in the neighborhood, and which may only be redeveloped as taller buildings when their adjacent neighbor achieves more height, or when combined with an adjoining lot.

90. Under ZQA there is no incentive to build affordable or senior housing on sites more than 45 feet wide. Exempting sites from the Silver Law creates an incentive to demolish the narrow buildings, most of which currently contain affordable housing. C38, E30, E48

Response: Under existing zoning, lots less than 45 feet wide may merge with adjacent lots to build to the maximum permitted height for its zoning district. Existing rent-stabilized units on such lots may be replaced with new developments of market-rate housing. The affordable and senior developments proposed to be exempted from sliver regulations, and permitted to use the full contextual envelope, are relatively few in number and unlikely to be more economically competitive in replacing existing rent-stabilized residential buildings than such market-rate housing, even when the latter is subject to sliver regulations.

91. Increases in height and setback allowances in higher density residential districts are excessive, particularly those changes which now allow exceedingly tall sliver buildings on narrow lots, diminishing light and air. A6, C22, C36, C37,C51, E42, E48, E105, F47

Response: As described in Chapter 2-H, Prototypical Analyses, Prototype 15 finds that, while the Proposed Action would facilitate a change in building height or envelope for this development site, many underdeveloped narrow lots would have an opportunity to merge with an adjacent neighbor and develop to the full height permitted by the zoning district. However, since there would be cases where a merge is not possible, bulk-related impacts are also analyzed as part of this EIS. These impacts include: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

A detailed analysis of these impact categories concludes the potential for significant adverse impacts in shadows; historic and cultural resources; hazardous materials; and noise. However, the buildings affected by the Proposed Action are substantially shorter than the majority of buildings in the neighborhood, and their proposed heights would be equal to those permitted on wider lots in the same zoning district. The Modified Text Amendment Alternative in the FEIS establishes lower heights as compared to the Proposed Action in certain high-density contextual districts where such districts are mapped beyond 100 feet of a “wide street”, partially reducing the likelihood of a significant adverse shadows impact.

Ground Floor Regulations

92. There is little or no evidence that there is a need for greater ground floor heights or that increases in allowable height will result in improved designs. E42

Response: As noted in Chapter 1, “Purpose and Need” and “The Proposed Action” of the FEIS, the proposed action is intended to result in more marketable ground floor retail spaces, and more generous floor to ceiling heights. The provision to allow additional height only when ground floors achieve 13’ floor to floor, and introducing a limit to the overall number of stories, ensures additional height will help achieve these goals.

As noted in Chapter 1-I, The Proposed Action, of the FEIS, the proposal bases the zoning envelope on an assumed ground floor height of 15’ to facilitate taller retail spaces in commercial districts and elevated ground floor units in residential districts and a 10’ floor-to-floor height above the ground floor. When these revised assumptions are applied to a prototypical building, the current bulk envelopes are often unable to accommodate the permitted floor area ratio without drastically reducing the design quality (reduced floor to floor heights, increased building depths, no façade articulation, etc.), directly affecting marketability and the quality of new housing. To make apartments more marketable, new buildings often build retail storefronts that are lower in height than those in older buildings. These spaces meet retailers’ needs poorly and are difficult to market. The FEIS, in the Purpose and Need chapter, explains that it is detrimental to communities to force housing developers into such unwanted tradeoffs in the quality and marketability of different portions of the building.

93. If DCP seeks a greater amount of ground floor retail, the department should consider requiring ground floor retail for properties on wide streets taking advantage of the increased height allowed under ZQA. C35

Response: The Proposed Action is intended to improve the quality of retail spaces, as described in the Purpose and Need chapter of the FEIS, and does not change the locations where ground floor retail space is permitted or required.

94. Location of where the additional 5 feet is located should be left to discretion of the Architect and Owner to diversify both the appearance of the building and provide user amenity where best suited to project requirements. C37

Response: Comment noted. The need for the height increase at ground floor level is explained in the Purpose and Need chapter.

95. Allowance for elevated ground floor unit space to accommodate ADA ramps and standards to be excluded from floor area calculations is excessive and may result in excess development rights. B2, C20, C24, C26

Response: The basis for the proposed exclusion from floor area for ADA ramps is explained in the Project Description chapter of the FEIS.

96. Moderately increasing permitted building heights will produce ground floor heights better suited to high-quality retail and vibrant streetscapes, and increased privacy for ground floor units. C18, C39, D1, D2, E22, E29, E31, E32, E33, E36, E54, E58, E64, E73, E89, E91, E102, E106, E109, F4, F5, F14, F15, F18, F46

Response: Comment noted.

Affordable Senior Housing and Long Term Care Facilities

97. Additional floor area and relaxed parking requirements for affordable independent residences for seniors are permanent, even though the senior housing itself is not. ZQA should require that the site be permanently affordable for the life of the building or long term (greater than 30 years) or require occupancy by low income households. A3, A4, A6, A10, A11, B2, B3, C13, C15, C16, C20, C23, C24, C30, C31, C35, C36, C37, C38, C39, C40, C41, E9, E14, E42, E85, E91, E102, E105, F40, E88, E77, E7, F57, C41, C34

Response: The proposed 30 year affordability requirement for senior housing is consistent with the terms of the major program to provide such housing, as established by the Department of Housing Preservation and Development. However, any affordable senior housing floor area that is non-complying as a general residence (e.g., above and beyond the residential floor area ratio) cannot be converted to market rate housing upon expiration of the regulatory agreement. It can only be for a use for which the floor area is permitted (under the Proposed Action, affordable senior housing or long-term care facilities).

98. The proposed changes in allowable height for senior affordable housing developments only requires a sometimes small percentage (20%) of units to be senior affordable housing, while the remainder can be general market rate housing, and still benefit from the full proposed height increase. There should be a mechanism to require more FAR devoted to seniors. C33, C51, E42, E111, F47, F57, E88, F61, F62

Response: This percentage is consistent with the percentage of affordable units necessary to achieve the full bonus floor area ratio for zoning lots providing affordable housing in Inclusionary Housing Designated Areas. Because of Federal and State fair housing requirements, senior housing has typically in the past been provided in stand-alone buildings in which all the residential floor area is affordable senior housing.

While it may be desirable in the future to achieve modest flexibility in these regulations, for example to construct intergenerational housing, affordable senior housing will not under the Proposed Action typically be mixed with market-rate housing.

99. Allowing long-term care facilities as-of-right in lower density districts may result in an incompatible intensity of use and uncharacteristic bulk and height (due to increases in FAR for long term care facilities). Specifically on narrow streets with block fronts consisting of detached or row houses and landscaped front yards with parking. Discretionary approval would allow for standards of findings and community input. B2, C8, C20, C22, C23, C24, C26, C30, C34, C51, C57, C59, E79, F47

Response: Long-term care facilities are permitted as-of-right in lower density districts under current zoning in 41 of 59 community boards. FAR is proposed to bring long-term care facilities in line with affordable independent residences for seniors, encouraging the co-location of these uses and allowing seniors to age in place. As described in Chapter 20, Neighborhood Character, of the FEIS, no significant adverse impacts associated with neighborhood character are expected.

The CPC discretionary approval to allow a long-term care facility, including a CCRC as defined in the Proposed Action, in an R1 or R2 district requires the completion of its own environmental review, specific to the proposed development. In order to meet the findings of the CPC Special Permit (on sites up to 10 acres) or CPC Authorization (on sites greater than 10 acres), the applicant would need to demonstrate that such use is compatible with the character or the future use or development of the surrounding area, and that the streets providing access to such use are adequate to handle the traffic generated by the use. These analyses concluded that use of the CPC Authorization or CPC Special Permit may allow new development that could result in a potential for significant adverse impacts. Any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

The Modified Text Amendment Alternative in the FEIS would remove the proposed authorization from ZQA, subjecting all long-term care facilities in R1 and R2 districts would be subject to a special permit review. The Modified Text Amendment Alternative could result in a potential for significant adverse impacts. Any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

100. Increases in building height for affordable independent residences for seniors and long-term care facilities may be out of character and should be more reliant upon the underlying allowable floor area. The density and height of affordable independent residences for seniors may diminish air, light, and open space and should better reflect existing neighborhood context. B2, C8, C16, C34, C59, A3, E49,

Response: Comment noted. As noted in the Purpose and Need and Project Description chapters of the FEIS, the higher floor area ratio for affordable independent residences for seniors is long-established, dating to 1969. The Proposed Action adds a higher floor area ratio in some districts where none is currently provided, but reflects the existing policy. The Proposed Action makes the same floor area ratio available for long-term care facilities to meet the needs of the existing population and to accommodate the added demand for these facilities as a result of the projected large growth in the senior population over the coming decades. The more permissive zoning envelope is proposed to enable this additional floor area to be accommodated. Having similar bulk regulations for affordable senior housing and long-term care facilities will promote the mixing of these facilities and the ability of residents to move from independent living to higher levels of care when these are warranted.

101. Support many elements of this plan including updating the definition of senior housing and of long-term care facilities as well as the mixing of residential and care facilities which will address the changing care needs seniors have over time. C34

Response: Comment noted.

102. Continuing Care Retirement Communities (CCRCs), which are classified as residential uses by Department of Buildings, should not be classified as community facility uses. In lower-density neighborhoods, such as R1 and R2 districts allowing these multiple dwelling units would be inconsistent with existing character and lead to out of scale buildings, even with proposed setbacks. C8, C12, C59, E14, E79, E110, E104

Response: As noted in Appendix B of the FEIS, Long-term care facilities are permitted in R1 and R2 districts today. However, CCRCs are undefined in the Zoning Resolution and do not exist currently in New York City, although they are common elsewhere in the U.S. and in New York State and may be licensed by the New York State Department of Health.

The CPC discretionary approval to allow a long-term care facility, including a CCRC as defined in the Proposed Action, in an R1 or R2 district requires the completion of its own environmental review, specific to the proposed development. In order to meet the findings of the CPC Special Permit (on sites up to 10 acres) or CPC Authorization (on sites greater than 10 acres), the applicant would need to demonstrate that such use is compatible with the character or the future use or development of the surrounding area, and that the streets providing access to such use are adequate to handle the traffic generated by the use. These analyses concluded that use of the CPC Authorization or CPC Special Permit may allow new development that could result in a potential for significant adverse impacts. Any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

The Modified Text Amendment Alternative in the FEIS would remove the proposed authorization from ZQA; instead, all long-term care facilities in R1 and R2 districts would be subject to a special permit review. The Modified Text Amendment Alternative could result in a potential for significant adverse impacts. Any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

103. We are opposed to the amendment that permits CCRCs to be acted on by a way of a City Planning Commission Authorization and to thereby avoid compliance with ULURP and review by the City Council. Specifically, the manipulation of the zoning resolution to permit CCRC developments through authorizations such as the Hebrew House result in private gain at the expense of public and Council review and approval, raising issues regarding the integrity of the process. C8, E79

Response: Comment noted. The Modified Text Amendment Alternative in the FEIS would remove the proposed authorization from ZQA, and all long-term care facilities in R1 and R2 districts would be subject to a special permit review.

104. Residential Floor Area for Affordable independent residences for seniors should be sensitive to whether increased floor area is mapped on a wide or narrow street and how the increases in FAR may affect neighborhood and built character, especially mid-block. B2, C15, C20, C39, E48

Response: The increased floor area for affordable senior housing is as-of-right under current zoning and not restricted as to street width. As discussed in the Purpose and Need and Project Description chapters of the FEIS, the additional floor area and the zoning envelope changes that are part of the Proposed Action are necessary to accommodate the needs of the city's current and projected population of low-income seniors.

105. The plans contain no discussion of compliance with the Americans with Disabilities Act. Renovations of older buildings that house seniors are permitted to be conducted in buildings without elevators or which are not compliant with the ADA. This may have a negative effect on seniors' ability to find adequate housing. C10

Response: This plan does not affect ADA-related requirements, which are found in the Building Code, other than acknowledging the space required to accommodate ADA compliant ramps, etc, enabling these features to fit better within a new building.

106. The proposal includes a variety of provisions that would remove impediments to the creation of senior housing and facilitate the development of facilities that will allow City residents to age in place. The proposal would facilitate the unit counts and internal layouts needed for various forms of senior housing, including assisted living. In addition, it would eliminate unnecessary impediments to senior housing by providing that density requirements would not apply to either affordable independent residences for seniors, the new Use Group 2 classification that would replace the current non-profit residences for the elderly classification, or to any senior facilities licensed by the State. E37, E27, E4, E112, E9, E13, E15

Response: Comment noted.

107. As demographics change and the city gets older, more and more seniors with limited incomes will need affordable housing options that are sensitive to their needs and help them safely age in place. E6, E9, E17, E18, E56, E66, E78, E81, E84, E102, E109, F4, F23, F26

Response: Comment noted

108. Support changing the zoning definition of "non-profit resident for the elderly" to "affordable independent residence for seniors" to include a broader range of typologies to serve this need. E17, F11, F15

Response: Comment noted

109. We encourage the commission to adopt the ZQA Amendment. ZQA would facilitate the development of facilities providing a wide range of senior services at all income levels to an extent not currently permitted. F37

Response: Comment noted

110. Develop more contextual senior housing options to be included in the text for LDGMA in the Borough of Staten Island. B5

Response: ZQA is not proposing to change contextual senior housing options in LDGMA. There were no impacts associated with this action that would be reduced or eliminated through such a change

111. Remove all R1 and R2 districts in the Borough of Staten Island from provisions applicable to buildings containing long-term care facilities or philanthropic or non-profit institutions with sleeping accommodations. B5

Response: As described in the Purpose and Need section of the FEIS, this change would not be consistent with the goals of the Proposed Action.

112. The necessary findings for the Special Permit for Long-Term Care Facilities include subjective language and does not provide adequate guidelines. Definition of or a process to define “essential character” and a more clear explanation of “an adequate buffer” are necessary. C28

Response: As in all discretionary actions, these are determinations the CPC makes based on facts and data, as well as the views expressed by CBs, elected officials and the public.

113. NYCHA will assign a senior applying for an apartment to any apartment in the borough without regard for the applicant’s needs and preferences. Further, if they refuse two apartments in any unacceptable neighborhood, they are taken off the list they have waited on for more than 5 years. This policy must change. F63

Response: ZQA is not proposing to change rules governing NYCHA assignment protocol. There were no impacts associated with this action that would be reduced or eliminated through such a change.

Reduce Unnecessary Parking Requirements for Affordable Housing

114. As senior housing sites will no longer have to provide off-street parking, will the extra developable land be subject to mandatory inclusionary housing requirements due to the potential for increased density? E7

Response: Increased development analyzed in the FEIS is under existing zoning. No increase in density is proposed for market-rate housing under ZQA, and applying MIH in the absence of significantly increasing the permitted residential floor area would be counter to MIH policy. As discussed in the FEIS, because of regulatory restrictions and the goals of non-profit sponsors, new development on zoning lots containing affordable senior housing is generally expected to be additional affordable senior housing.

115. The elimination of parking requirements to existing affordable independent residences for seniors does not reflect the utilization of residents, employees, frail elderly of these accessory group parking facilities and might result in a quality-of-life impact for residents of surrounding blocks. B4, A4, C16, C24, C28, C47, C51, E10

Response: As discussed in the FEIS, the proposal reflects current utilization of off-street parking lots for affordable senior housing. No housing type requires parking for staff or visitors, although such parking will not be prohibited under ZQA. Car ownership rates among AIRS residents are extremely low, and on-street parking is not expected to be exacerbated by this component of the proposal.

116. The current proposal would result in too many units of market rate housing to not provide additional parking. Reductions in parking requirements for market rate units in Transit Zones should be predicated on availability of parking spaces within 1,000 ft, BSA review, and proximity to public transportation. C15, C16, E103, E104

Response: There are no as of right reductions to market rate parking requirements as part of ZQA.

117. Parking requirements for senior housing should not be decreased. Not all seniors are able to take public transit and some rely on personal vehicles for transportation. C13, C15, C28, C44, E10, E79, E110, F36, E103, F51, F56, F63

Response: Comment noted. The reasons for proposed reductions in required parking for affordable senior housing are discussed in the Purpose and Need chapter of the FEIS.

118. The proposed definition of a half-mile transit zone from subway stations is too far to be considered a convenient walking distance. E7

Response: As discussed in the Project Description chapter of the FEIS, the Transit Zone does not consist entirely of neighborhoods within ½ mile of a subway. It is mapped in areas where car ownership rates are demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services.

119. Parking requirements should not be decreased or eliminated for affordable units nor other uses such as shopping districts or schools. The elimination of parking requirement will significantly and negatively impact the quality of life for area residents who are already dealing with limited supply of on-street parking spaces in the District. C13, C43, C46, C56, E10, E79, E103, E110, F52, F53, F54, F63

Response: As described in the Purpose and Need section of the FEIS, off-street parking requirements for affordable housing are poorly aligned with off-street parking utilization, which is often very low, even when parking is free of charge or priced nominally. Thus, making parking optional for affordable housing is not in and of itself expected to exacerbate on-street parking conditions. ZQA is not proposing to change parking requirements for other uses, including schools or commercial uses. There were no impacts associated with this action that would be reduced or eliminated through such a change.

120. The appropriateness of transit zones should consider frequency of train service and number of transfers required. C15, C43

Response: Comment noted. The Transit Zone is mapped in areas where car ownership rates are demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services. Analysis presented in the

FEIS shows car ownership rates vary little within the Transit Zone, regardless of subway service or frequency.

121. Transit zones, as identified in the proposal, are the destination points for many who drive to those areas and park on the streets before getting on mass transit because there is nothing closer to their homes. B4

Response: Comment noted. The off-street spaces that are affected by ZQA are not currently open to the public today, and thus would not alter on-street parking practices of people driving into the neighborhood.

122. Certain communities should not be in the Transit Zone, which would eliminate requirements for off-street parking, determined through technical distance of public transportation which does not reflect physical or neighborhood characteristics. Communities may have difficult topography, serve as commuter parking locations, or have infrequent transit or not ADA accessible, which limits the true reach of the Transit Zone. A4, A7, B2, C4, C8, C10, C20, C23, C24, C26, C30, C51, C53, C57, C59, E10, E21, E79, E110

Response: The Transit Zone does not consist entirely of neighborhoods within ½ mile of a subway. It is mapped in areas where car ownership is demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services. Areas with difficult topography within the proposed Transit Zone nonetheless have low car ownership among low-income households and seniors. Additionally, the off-street spaces that are affected by ZQA are not currently open to the public today, and thus would not alter on-street parking practices of people driving into the neighborhood.

123. ZQA's reliance on transit zones should be reevaluated to further consider appropriateness of including northern Manhattan, including East Harlem, within the same transit zone definition as the outer boroughs. Northern Manhattan, including East Harlem, is generally higher density with better access to, and use of, transit and a finer grained approach is appropriate. C41

Response: Comment noted. The Transit Zone is mapped in areas where car ownership is demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services.

124. The lower parking requirements could be refined with a further analysis of origin-destination patterns and actual transit use. It may be possible to go even further in some communities, while others may be found to be inadequately served. E77

Response: Comment noted. The Transit Zone is mapped in areas where car ownership is demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services. While transit service may not meet optimal service standards in some portions of the proposed Transit Zone, such shortcomings do not affect low car ownership among low-income households and seniors.

125. Elimination or reduction of parking requirements for income restricted housing units and affordable independent residences for seniors both within the transit zone and outside the transit zone may result in increased demand for on-street parking in the surrounding area due to displacement of off-

street group parking facilities. A4, B2, C3, C7, C8, C10, C20, C22, C23, C24, C26, C30, C50, C54, E10, E79, F47, E110

Response: As described in the FEIS, off-street parking utilization rates are typically low in affordable housing and affordable senior housing within the proposed Transit Zone, and thus cars owned by low income households in future developments where parking is not provided are unlikely to exacerbate local on-street parking conditions. At the same time, the cost savings and additional affordable housing units that would be facilitated by making parking for these units optional are considered to be a worthwhile tradeoff for any potential changes to on-street parking.

126. Long-term care facilities are staff intensive and often have consultants and employees that must drive to work, creating demand for parking at these facilities. Visitors and caregivers attending to the needs of the elderly often rely on this parking. A7, B2, C3, C26, C51

Response: Parking requirements for long term care facilities are not affected by ZQA.

127. Waivers for small number of spaces is too lenient; findings of BSA and CPC permits do not reflect availability of parking in the surrounding area, car ownership and proximity to public transportation. In addition, the findings do not adequately provide a distance used to determine the surrounding area. B2, C3, C20, C22, C23, C24, C41

Response: Comment noted. ZQA is not proposing to change the number of spaces allowed to waive out of parking requirements. As described in the Project Description chapter of the FEIS, the findings for the proposed CPC and BSA special permits to reduce parking are relevant to the consideration of the impacts, if any, of a proposed reduction in required parking. Additionally, each discretionary action is subject to its own environmental review. The FEIS includes prototypical analyses of the proposed BSA and CPC special permits. There were no impacts associated with this action that would be reduced or eliminated through such a change.

128. The reduction and elimination of parking requirements should also include a commitment to invest and innovate in current transportation deficiencies i.e. bicycle parking, increases in bus lines and improved sidewalk furniture. E17, E28, E54, F46

Response: Comment noted. Such investments are not within the jurisdiction of the City Planning Commission.

129. There is no guarantee in the proposal that increased capital resources made available from increased developable area and the elimination of parking in these locations would be assigned to increased investment in affordable housing or other community needs (i.e. medical facilities or grocery stores). C3, C10, E10

Response: Regulatory agreements covering the affordable senior housing developments that might be permitted additional development over existing parking lots typically require that the site be occupied exclusively by affordable senior housing.

130. The assumption that parking spaces contained within affordable housing developments are underused due to unaffordable monthly fees is not supported with any documentation presented to the Committee. The data used from the Catholic Charities appears to be based on a limited sample of development projects that may be skewed towards very low-income senior housing not low income population, and must be subjected to further, more detailed, transparent and inclusive research. C42, F43

Response: Comment noted. The cost to provide parking is widely supported, as are the tradeoffs between providing parking and providing more affordable housing with the same amount of public subsidy. Numerous operators, architects and developers of affordable and senior housing have indicated, including in public testimony before the City Planning Commission on ZQA, that require parking for affordable and senior housing is often little used, even when parking is free or nominally priced.

131. Seniors outside of the half-mile from the transit zone are discriminated against. F43

Response: As described in the Project Description, the distinctions between the regulations within the Transit Zone and the regulations outside the Transit Zone are based on data indicating differences in car ownership and use among low-income seniors and residents of affordable senior housing.

132. Senior and low-income housing often has lower parking demand. By reducing onerous parking requirements in transit-accessible areas, money and space can be better allocated to affordable and senior housing. Parking requirements increase public and private costs, which reduces affordability. Further research can be done to match parking needs with community conditions. D1, E4, E11, E17, E18, E19, E22, E33, E35, E37, E47, E53, E54, E56, E64, E66, E70, E72, E73, E78, E81, E84, E86, E89, E91, E94, E96, E102, E109, E112, F4, F5, F12, F15, F18, F24, F29

Response: Comment noted.

133. The option to redevelop existing parking lots, in developments where it would no longer be required, would also provide added flexibility to create additional senior and affordable housing or amenities E4, E18, E33, E56, E78

Response: Comment noted.

134. Proposal to permit removal of existing parking in a “transit zone” that meets the parking requirements for all housing units should be subject to review by NYC BSA to ensure standardized process for the removal of all types of parking requirements, as well as to require community board input. C41

Response: Comment noted. The reasons for allowing the removal of existing parking for affordable senior housing within the Transit Zone are discussed in the Purpose and Need chapter of the FEIS.

135. Change or remove some of the zoning regulations that restrict provision of parking in district where the Quality Housing Program applies. C43

Response: This proposal would be inconsistent with the objectives of the Proposed Action, which do not seek to change permitted or required parking for market-rate housing.

136. Enabling affordable housing developments to rent out existing spaces positively impacts the availability or parking in a given neighborhood but supports the development by creating additional revenue for building reserves. A7

Response: Since parking continues to be permitted, affordable housing developers may provide parking for paying nonresidents, where permitted by zoning and any other applicable regulatory requirements.

137. Remove all proposed parking reductions, waivers and modifications for Lower Density Growth Management Areas (LDGMA) in the Borough of Staten Island with the exception of future Mandatory Inclusionary Housing Areas (MIH) pursuant to Appendix F. B5

Response: As described in the Purpose and Need chapter of the FEIS, this change would not be consistent with the goals of the Proposed Action.

138. Remove applicability of modifications of parking and bulk regulations for LDGM areas in the Borough of Staten Island pursuant to BSA approvals. B5

Response: As described in the Purpose and Need chapter of the FEIS, this change would not be consistent with the goals of the Proposed Action.

139. Regarding off-street parking spaces, the text is not specific enough in defining “undue adverse effects” on the surrounding area. The text should give particular consideration to residents who still own cars and need parking, especially for seniors and disabled persons. BSA should consider needs of surrounding residents before allowing reduction or elimination of parking. C28

Response: As discussed in the FEIS, the proposal reflects current utilization of off-street parking lots for affordable senior housing. Car ownership rates among AIRS residents are extremely low, and on-street parking is not expected to be exacerbated by this component of the proposal.

140. Concerned with CD16 as a transit zone. While many transit lines run through the district, they are not accessible to everyone such as the disabled. The Community Board seeks to redefine the definition of a “Transit Zone” and add community-specific information regarding transit and transportation. C28

Response: The Transit Zone is mapped in areas where car ownership rates are demonstrably low, where car commutes are low, where there are multiple public transportation options, and where the built environment is dense, supporting local shops and services. Analysis presented in the FEIS shows car ownership rates vary little within the Transit Zone, regardless of subway service, accessibility or frequency.

Land Use, Zoning and Public Policy

141. Throughout the document, DCP has stated that “with-action” or approved scenario will have the same effect as a “no-action”- or not approved- scenario, because “the increment would be small and spread throughout the city. This is a disingenuous; if zoning changes throughout the city, then increased development will occur throughout New York City. A8

Response: As noted in the FEIS, increased development is expected to occur throughout New York City, but the increment is expected to be small and spread throughout the city. The CEQR analysis has been undertaken consistent with the guidelines in the *CEQR Technical Manual*.

142. Reducing the minimum distance between buildings will induce development, which was not adequately addressed by the environmental review. In-fill on NYCHA properties, which would be infeasible absent the proposed actions, would be made feasible with this allowance. Recent announcements of development on NYCHA sites following ZQA shows that new building spacing increases development potential, similar to an upzoning, and should be studied and disclosed in a Supplemental FEIS. E40

Response: Reducing the minimum distance between buildings is not expected to induce development, and further analysis of this issue in the FEIS is not needed. The assumption that current rules require a buffer around buildings is incorrect. Abutting buildings are already permitted under current zoning regulations. It also doesn't take into account the existing lot coverage requirements which regulate the amount of new construction that can occur on a large tower-in-a-park lot.

143. The FEIS does not indicate how issues of infrastructure will be impacted, how it will meaningfully advance construction of affordable housing, and how many affordable units are likely to be created under this plan. The FEIS does not discuss how new development spurred by ZQA will impact the public health, safety and quality of life of New Yorkers. A study should be conducted to assess the impact of associated market rate units, their location, and impact on schools, open space, public transit, traffic and existing infrastructure. C13, C24, C33, C36, C51, C59, E88, E39

Response: The FEIS considered the impact of ZQA on all required categories. The Purpose and Need chapter explains that the Proposed Action is part of a multifaceted approach to increasing the production of affordable housing in the Mayor's Housing Plan, and the role that ZQA plays in this multifaceted approach. Density-related impacts are discussed in Chapter 2, "Analytical Framework" of the FEIS.

144. Increasing maximum height and number of stories to accommodate increased permitted floor area for inclusionary housing undermines community led efforts to impose contextual height limits and neighborhood-wide contextual rezonings. Especially in lower-density zones, increases in height and bulk would alter the character of these neighborhoods. B2, C7, C8, C10, C18, C20, C24, C26, C30, C51, E10, E42, E79, F46

Response: While height limitations were an important component of neighborhood planning, many neighborhood rezoning plans also included "upzoned" areas where development was expected and projections of expected new market-rate and affordable units were prepared and evaluated by the community, City Planning Commission and City Council. As explained in the FEIS, Purpose and Need chapter, with the city experiencing high demand for housing and a crisis of affordability, it is important that the projected residential development in past neighborhood rezonings be achieved. The FEIS explains the reasons why the tradeoff between modest height increments and more and better housing would be beneficial for communities and the city as a whole.

In low-density communities, height increases under the Proposed Action are limited to affordable senior housing. As discussed in the FEIS, due to funding constraints new affordable senior housing developments

will be limited in number. The FEIS analyzes the effects of this change on neighborhood character and does not find the potential for significant impacts.

145. The process of certifying MIH and ZQA for concurrent but separate review allows MIH to be considered a generic action under CEQR, eliminating the need to analyze potential adverse effects; and may obviate the cumulative effect of adverse impacts from a series of small scale rezonings or larger developments in a neighborhood. This potentially undoes neighborhood planning efforts and negotiations around contextual districts and height caps. This issue should have been addressed in the FEIS under the public policy section. A3, C7, C8, C26, C32, C36, E48, F42, F43

Response: Consistent with *CEQR Technical Manual* guidelines, ZQA was not impermissibly segmented from MIH because ZQA has independent utility, regardless of the MIH actions.

146. Increases in the Special Height limitations applying to districts adjacent to lower density districts erodes the intent of transitional areas between divergent zoning districts and contextual height limits. B2, C20, C22, C23

Response: Comment noted. The reasons for the proposed change in the transitional area are discussed in the Purpose and Need chapter of the FEIS.

147. As a way to incentivize participation in the voluntary Inclusionary Housing Program, maximum height and number of stories should be reduced unless the affordable housing bonus is used. An associated increase in maximum building height for participating in the program provides incentive to leverage financial value of increased heights. B2, C20

Response: Comment noted.

Socioeconomic Conditions

148. ZQA will cause displacement. F31

Response: As described in Chapter 4, Socioeconomics, of the FEIS, no component of the proposed action is expected to result in displacement, and significant displacement impacts with respect to existing residents or businesses are not expected.

149. This program does not fight displacement or secure adequate tenant anti-harassment protections in the event that ZQA has the effect of encouraging redevelopment of an existing residential building. The proposals should include anti-harassment and anti-eviction measures to prevent displacement and rent stabilization to ensure long-term affordability. A6, A11, C8, C31, E2, E9, E12, E21, E36, E59, E98, F17, F27, F48

Response: As described in Chapter 4, Socioeconomic Conditions, of the FEIS, the proposed action would not result in direct or indirect residential or business displacement.

150. Lifting obstacles to new construction technologies that include “block and plank” and modular construction, as a stated goal of the Final Scope of Work for the FEIS, will have an impact on the construction and other trade labor and impacts to this sector should have been assessed in the socioeconomic conditions chapter in CEQR. If the changes to the building envelope reduce construction costs, as they expressly hope to do, the proposal will impact the economic and operational conditions of the construction industry, potentially moving jobs out of New York City and replacing lower skilled laborers with factory workers. The potential impact needs to be studied and disclosed per the CEQR Technical Manual. A3, B3, E14, E40

Response: As noted in the FEIS, Purpose and Need chapter, the city is experiencing rising demand for housing due to population and employment growth and a crisis of affordability. Actions that reduce the cost of constructing new housing will lead to more housing being built and will help sustain the continued growth of the city’s economy, as the city will be able to continue to add population and jobs. Since the construction industry is cyclical in nature and sensitive to fluctuations in the economy, keeping the city prosperous and growing, as the Mayor’s Housing Plan is intended to do, can only increase housing and other kinds of construction, help the construction industry and support construction employment.

151. Tying bulk changes to a particular construction technique may not be appropriate and certain construction techniques could cause a loss of jobs in the construction sector. This proposal could also negatively impact construction safety and the Administration should respond to the need for construction safety with a plan that addresses current concerns. B3, A3

Response: The Proposed Action does not favor any construction method but accommodates current practices for buildings of different sizes and heights. As described in Chapter 3, “Socioeconomic Conditions” of the FEIS, the Proposed Action is not expected to result in any direct or indirect displacement of jobs or businesses. Construction safety is not addressed under CEQR.

152. The socio-economic chapter of the ZQA FEIS is flawed; there is no mention of the fiscal impact on taxpayers for the real estate taxes forgiven, which may result in increased real estate taxes or service reductions. Capital projects necessary to meet infrastructure needs are not identified. F44

Response: Real estate tax policy is not part of the Proposed Action and is not within the jurisdiction of the City Planning Commission. As analyzed in the FEIS, the Proposed Action will not have significant infrastructure impacts.

Community Facilities

153. The CEQR formula that City Planning uses to estimate the impact of new construction on school enrollment is fundamentally inadequate and imprecise. It is based upon data from 1990-2000, and relies on borough-wide data, with no differentiation for neighborhoods with boroughs, and doesn’t take into account significant changes in birth rate data and family out-migration rates. Nor does the formula take into account differentiation in the size of the unit or number of bedrooms. E23.

Response: Comment noted. The CEQR analysis has been undertaken consistent with the guidelines in the *CEQR Technical Manual*.

154. Fair Share analysis has been removed as supportive housing, nursing homes and health-related facilities are now permitted as-of-right in medium- to high-density residential districts. This violates civil rights law that does not allow the disabled to be segregated in low income and minority neighborhoods. A supplemental EIS should be conducted to analyze community district bed analysis for supportive housing. This will have a negative effect on community residential character and will segregate the disabled. F43, F47

Response: The Proposed Action does not include any changes to the zoning districts where supportive housing (Use Group 3 non-profit institutions with sleeping accommodations) is permitted. Nursing homes and health-related facilities are permitted as-of-right in residence districts within 41 of the 59 community districts. As noted in the FEIS, the number of new nursing homes constructed in New York City is small due to regulatory and funding constraints, and many of the new nursing homes constructed are replacements for obsolete facilities that are then closed. Nursing homes have not clustered in the community districts where new nursing homes are as-of-right. Thus the Proposed Action's changes to the zoning use categorization of long-term care facilities are not expected to have significant environmental impacts.

155. The community facilities analysis of the FEIS is flawed. As new buildings are constructed, the demand for school seats will increase; the School Construction Authority's plans will not meet the demand. There should be additional provisions to incentivize developers to build new schools. Increased need for parks, libraries, day care and universal pre-K are similarly not addressed in the FEIS. A9, C13, E79, F3, F24, F44

Response: The community facilities analysis was conducted based on the guidelines and methodologies of the CEQR Technical Manual, and was not flawed. As noted in the FEIS, no additional density is proposed for market-rate or affordable housing, with the exception of affordable senior housing. As the latter introduces no additional school-age children, a detailed analysis on school seat demand is unnecessary.

156. For properties unable to be tenanted at "affordable" rent prices, previous affordable housing developments have been turned into homeless shelters. There is no guarantee that this will not happen in the future or that quality social services will be provided to these residents C10, C24

Response: Affordable housing programs are administered by multiple government agencies and funded at the city, state and Federal levels. The Proposed Action, and zoning generally, establishes a regulatory framework for building affordable housing but the funding and the operation of affordable housing are not within the jurisdiction of the City Planning Commission.

Open Space

157. The aggregate loss of "donut space" due to proposed rear yard encroachments was not accounted for in the FEIS. A3

The Open Space analysis under CEQR only considers open space that is accessible to the public. There are no zoning requirements that rear yards be accessible.

158. Residents have expressed concerns about a lack of green space provisions in the proposals. A7, E79

Response: Affordable senior housing is the only category of housing under ZQA with a proposed increase in density. This type of housing does not generally strain existing open space resources, as these developments are built with required recreation space.

159. Concerned special provisions for zoning lots directly adjoining public parks is only applicable to those parks that are less than 75% paved. Should be able to apply special zoning provisions to public parks and vital open space resources regardless of percentage paved. C28

Response: The Proposed Action does not include any provisions that would affect lots directly adjacent to public parks.

Shadows

160. Additional height may contribute to a lack of sunlight permeating to the street level. Rear enlargements may also contribute to lack of light and air to rear yards of adjacent buildings. C20, E100, E10, E79, E88

Response: Chapter 7, "Shadows", of the FEIS discusses the potential for significant shadow impacts created by the Proposed Action. The Modified Zoning Text Amendment Alternative in the FEIS would reduce the likelihood of a significant shadows impact, and would limit the type of and location of permitted ground floor rear yard accessory uses.

161. The proposal to limit heights that pierce the sky exposure plane within 100 feet of a public park should be further amended to limit heights that may cast shadows within 1000 feet of any park. A9

Response: Comment noted. The limitation on heights within 100 feet of a public park is a provision of existing zoning. This provision is not affected by the Proposed Action. ZQA is not proposing to change *CEQR Technical Manual* methodologies for analysis.

Historic and Cultural Resources

162. Regarding historic resources, the FEIS is flawed because it claimed that ZQA will not induce development, despite the goal of increased building. ZQA will have impacts on city and state historic districts. E65, E85

Response: The potential for impacts on historic and cultural resources as a result of the Proposed Action is disclosed in Chapter 8 of the FEIS. The FEIS disclosed actions where development might be induced as a result of the Proposed Action, namely, the redevelopment of existing parking lots for affordable senior housing. Chapter 2, "Analytic Framework", of the FEIS further describes the methodology for analysis.

163. ZQA would cause significant negative impacts on historic rezoning that would not be mitigated. Historic buildings on state and national registers will have no protection against such alternations and City Historic Districts will experience significant pressure to conform. E85

Response: As described in the Historic Resources Chapter, the proposed action would not result in any physical impacts to Historic Resources.

164. It is concerning that the proposed text would result in potential for unavoidable adverse impacts with respect to shadows, historic resources, hazardous materials and noise. Since this was a generic environmental review, with theoretical models and no list of specific development sites, there is no analytic path to deal with these potential scenarios. A3

Response: The FEIS was completed pursuant to guidelines in the *CEQR Technical Manual* for a generic EIS. The FEIS properly analyzed the potential impacts of the Proposed Action, and properly considered the potential for mitigation measures for those impacts.

165. LPC is ill-equipped to balance the social goal of increased affordable and senior housing against the aesthetic goal of preservation of historic districts. Additional resources need to be put in place to ensure that all of the work of the LPC, including designation, is not adversely impacted by an increase in permits which will result from additional development in historic districts as a result of ZQA. A3, A10, B3, C36, E48, E65, E91, E101, E105, F45, F60

Response: As stated in Chapter 8 of the FEIS, the Proposed Action is not expected to result in significant additional development or any adverse impacts on historic and cultural resources. Chapter 3, "Land Use, Zoning, and Public Policy" describes the role of LPC in reviewing development.

166. Increased height limits would impact any historic district and erode the character of these and future districts by precluding the ability to regulate height. A2, E100

Response: As stated in Chapter 8 of the FEIS, the Proposed Action is not expected to result in significant additional development or any adverse impacts on historic and cultural resources. Chapter 3, "Land Use, Zoning, and Public Policy" describes the role of LPC in reviewing development. The Proposed Action would not preclude any ability to regulate height.

167. Special attention should be paid in the environment review to the effects the proposed changes might have to designated landmark properties, as well as properties determined eligible for or included in the New York State or National Register of Historic Places. F60

Response: As stated in Chapter 8 of the FEIS, the Proposed Action is not expected to result in significant additional development or any adverse impacts on historic and cultural resources. Chapter 3, "Land Use, Zoning, and Public Policy" describes the role of LPC in reviewing development.

Urban Design and Visual Resources

No comments received.

Natural Resources

168. Encouraging senior housing facilities and associated population density, traffic and noise in low-density residential districts is inappropriate near sensitive natural areas. E110

Response: The natural resources analysis concluded that the Proposed Action would not result in significant, adverse impacts to natural resources. The Proposed Action does not change the districts or areas in which affordable senior housing is permitted as of right.

Hazardous Materials

No comments received.

Water and Sewer

169. Existing sewer infrastructure is overwhelmed, and increased development without associated investments in sewer infrastructure will exacerbate this problem. E10, F44,

Response: As stated in Chapter 12 of the FEIS, the Proposed Action is not expected to result in significant adverse impacts on water or sewer infrastructure.

Solid Waste and Sanitation

No comments received.

Energy

170. Development from these rezonings may result in pressures on the electricity infrastructure and exacerbate issues such as power outages with increased volumes of people. F3

Response: As stated in Chapter 14 of the FEIS, the Proposed Action is not expected to result in significant adverse impacts on energy.

Transportation

171. Increasing density will exacerbate congestion on city streets, sidewalks and the transit infrastructure. C13, E100, F3, F24, F44

Response: Affordable senior housing and long-term care facilities are the only categories of housing or residential community facilities under ZQA with a proposed increase in density. As discussed in the FEIS, Chapter 2, “Analytical Framework”, these uses are expected to be widely distributed across the city and are not expected to strain existing transportation networks. As discussed in Chapter 15, Transportation, the Proposed Action is not expected to result in significant adverse impacts on transportation.

172. Existing congestion on streets and sidewalks should be taken into account in determining whether or not the street and sidewalks can handle increased density. F47

Response: Affordable senior housing and long-term care facilities are the only categories of housing or residential community facilities under ZQA with a proposed increase in density. As discussed in the FEIS, Chapter 2, “Analytical Framework”, these uses are expected to be widely distributed across the city and are not expected to strain existing transportation networks. As discussed in Chapter 15, Transportation, the Proposed Action is not expected to result in significant adverse impacts on transportation, including sidewalks.

173. Expanding public transit lines, stations and frequencies, particularly in Brooklyn and Queens will be more effective to accelerating the building of more affordable housing. F42

Response: Comment noted.

174. The ZQA FEIS is segmented from a new transportation initiative, Vision Zero, which increases pedestrian walkways and decreases roadway space and has a negative impact on traffic. Further traffic study is necessary and should be mandated by CEQRA, SEQRA, NEPA and ULURP.F43

Response: Consistent with *CEQR Technical* Manual guidelines, ZQA was not impermissibly segmented from MIH and Vision Zero actions, because ZQA has independent utility, regardless of the MIH actions.

175. This proposal does not give regard to the dependence that the outer boroughs have on automobiles. B5

Response: The FEIS analyses took into account car ownership rates among the population affected by the proposed changes to parking requirements for affordable and affordable senior housing in all five boroughs.

Air Quality

No comments received.

Greenhouse Gas Emissions

No comments received.

Noise

No comments received.

Public Health

No comments received.

Neighborhood Character

176. “One size fits all” approach which applies standards to areas throughout the city is not sensitive to unique neighborhood characteristics and local conditions and may encourage out of context development. The process undermine decisions which have been carefully thought out by communities over time, and disempowers communities. Local planning efforts that are more inclusive and transparent have been successful and should be a part of the planning process moving forward. A2, A3, A4, A6, A7, A8, A10, B5, C7, C8, C13, C14, C30, C31, C32, C33, C34, C35, C38, C42, C58, C59, E7, E9, E10, E12, E14, E21, E28, E42, E48, E57, E60, E62, E65, E67, E69, E74, E79, E80, E91, E10, E104, E105, E106, E110, E111, F36, F40, F45, F47, F48, E51, E108, E10, F57, F58, F59, F60, F61, F62, F63, F64

Response: As described in Chapter 1, Project Description, and Chapter 20, Neighborhood Character, of the FEIS, the Proposed Action would not introduce new land uses that would conflict with the existing land uses or change the land use character, and the underlying zoning district would remain the same. As stated in Chapter 20, the proposed text changes would not adversely affect the neighborhood character, but rather encourage better quality buildings that contribute to the fabric of neighborhoods.

177. The neighborhood character analysis of the FEIS is flawed. What was once a mixed area of homes and buildings will lose their distinct personalities due to increasing development pressures. Developers should pay impact fees to upgrade infrastructure. F44

Response: The Neighborhood Character analysis followed the guidelines and methodologies of the CEQR Technical Manual and properly concluded that the proposed action would not result in significant, adverse impacts to neighborhood character. As noted in the FEIS, ZQA is not expected to increase development pressures, which are strong in the existing condition of population and employment growth.

178. The proposed zoning changes reverse and undermine 197-a plans and Special Natural Area Regulations by encouraging non-contextual development -- raising height limits and larger building volumes -- which would change, not preserve the character of the area. E79

Response: The height changes and as of right bulk changes proposed are not expected to undermine any 197-a plans.

Construction

179. The impact of construction of thousands of new affordable units will result in negative construction impacts on many communities. A3, E79

Response: Comment noted. The construction impacts of the Proposed Action are analyzed in Chapter 21 of the FEIS. The analysis concludes, contrary to the assertion of the comment that the proposed action will not result in significant, adverse construction impacts, as development is expected to be widely dispersed across the city, is not expected to cluster, and is expected to occur over a long period of time.

Alternatives

No comments received.

Mitigation

180. Despite the impact these combined proposals will have on density there are no mitigation plans identified to support the social and physical infrastructure necessary for the development for which this zoning plan allows. A7, C8

Response: Given the citywide applicability of the Proposed Action, no practicable mitigation measures were identified.

181. The Draft Environmental Impact Statement's conclusion that there are no issues in need of mitigation is surprising, as there has already been discussion about the real infrastructure needs of the impacted communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city. A7, C8

Response: Chapter 23, "Mitigation" of the FEIS, concludes that the Proposed Action may result in potential significant adverse impacts with respect to shadows, historic and cultural resources, hazardous materials, and noise. However, as described in that chapter, no feasible mitigation measures have been identified.

182. The CEQR manual sets unreasonable high thresholds for requiring mitigation. For example in Brooklyn, no residential development would be projected to have a significant impact on elementary schools unless it includes 121 units, and over one thousand units in the case of high schools. It must also cause locally zoned schools to exceed 100 percent utilization, and even then no specific mitigation measures are required. As a result, New York Lawyers for Public Interest and many Community Boards have called for reform of the CEQR formula review process, to ensure that development does not worsen school overcrowding. E23

Response: Comment noted.