



November 6, 2023

Ms. Stephanie Shellooe, AICP Director
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

By email: 24DCP033Y_DL@planning.nyc.gov

Dear Ms. Shellooe:

This is in reference to the Draft Scope of Work, Environmental Assessment Statement, Positive Declaration and Scoping Protocol, City of Yes for Housing Opportunity -- CEQR No. 24DCP033Y. Kindly accept the attached comments and cover letter on behalf of the Bronx Council for Environmental Quality (BCEQ), a 501c3 non-profit association.

Formed in 1971, BCEQ has sought to establish — as an Inherent Human Right — a sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage. We are made up of volunteers as we have no staff. Between our Board of Directors and our Membership, we represent every part of the Bronx from Mott Haven – Port Morris, Highbridge, Lower Concourse, Soundview, Parkchester, Coop City, City Island, Pelham Bay Park, Wakefield, Woodlawn, Norwood, Van Cortlandt Park, Riverdale, Spuyten Duyvil, Jerome Park, Van Cortlandt Village, Bedford Park, etc.

Our organization's goal is to advocate for improving water quality, developing waterfront greenways and recreational uses, increasing ecosystem services, and restoring shoreline natural habitats, among others. Early on, we fought the pollution of the Pelham Bay Landfill causing its closing; we were instrumental in starting the Bronx River Alliance; we fought the Croton Filter Plant in Jerome Park Reservoir; and successfully organized the last three decades of the Bronx Parks Speak Up -- an annual parks and open space meeting of hundreds of activists and community leaders. During the past decade, we focused on developing connections to and along the Harlem River and created on-water access and activities to improve water quality. This includes the formation the Harlem River Working Group with technical assistance from National Park Service Rivers, Trails & Conservation Assistance Program. After fighting for Harlem River equity, we remain active in the Urban Waters Federal Partnership for the Bronx & Harlem River Watersheds.

Attached to this cover letter, you will find our comments. In summary, you will find comments to change or add items to the draft scope of work: (1) Context, history and proofs for many statements is missing which have been identified. (2) Adopting the standard “cut and paste” CEQR comments is not enough -- each task should be reviewed and based on the environmental impact. Show all letters from appropriate agencies in response to your proposed action. It will not suffice to state that the agency believes there is enough room in the sewer to continue to build housing units. Given the increase in flooding this is not correct -- there is already a full pipe of stormwater and sewerage, both combined and separated. Finally, (3) Critical environment issues are missing, including

errors in the Carbon Neutral COY leading to a hole in lowering the “heat island” effect and the need for clean air and water as well as the greening of NYC.

We live in the greatest country in the world in what used to be the greatest city. We should learn from the mistakes of past administrations and not continue with “puff pieces.” Let us do something that is substantive!

Thank you for this opportunity to comment on the draft SCOPE. Looking forward to your accepting and replying to these important environmental suggestions.

Sincerely,

Karen Argenti
BCEQ Secretary
karen@bceq.org

Robert Fanuzzi
BCEQ President
robert@bceq.org



This EIS process concerns the environmental impacts that may have been caused by the proposal, based on the purpose, and the need. If the description, the purpose, and the need is not compelling, the thesis fails. The third alternative including the no action alternative serves as the least impacted alternative, and should be chosen.

1. Inadequate Description

The current proposal is designed to build “a little more housing in every neighborhood” more housing in New York City and spur new housing development. This zoning change is sought to enable private for-profit enterprises to increase greater production of market and affordable housing, based upon the City’s Housing Blueprint plan. This is not a municipal goal, but one that is for private interests. The current proposal does not quantify the amount of housing needed or for whom it is needed. The project description does not document need and /or market shortfalls.

A desire to simply build more housing is not a legitimate basis for a zoning resolution. There are many kinds of housing markets; there are many kinds of housing needs; and there are many kinds of houses. Previous mayoral administrations have undertaken housing initiatives and zoning changes, including Quality Housing, MIH and ZQA, with targeted goals. City of Yes for Housing Opportunity is simply a boon to the housing development industry with no clear goals or targets for public policy, no articulation of social impact, and without a wholistic concern for urban design. We do not know whether increased housing will stabilize or destabilize neighborhoods because the proposal description only states new housing construction goals. We do not know the existing inventory of housing for New Yorkers, or where the greatest need for housing exists.

The proposal description also fails to address existing conditions. These conditions provide a proposal that is completely the opposite of the City of Yes for Housing Opportunity.

The City of New York has simply failed to take care of its existing housing stock, including public housing, and privileged ad hoc development at the expense of neighborhood sustainability plans. Housing does not happen in a vacuum. Due to overdevelopment, city sewers are severely over capacity causing flooding of not just rainwater but brown water. Especially in poorer communities throughout the Bronx, parks need maintenance and professional staffing; schools need thousands of teachers and supplies; libraries need funding for staff to remain open longer for children who do not have access to computers; youth and aging services need funding; and colleges need funding to make up for missed skills. Existing open space has been replaced with higher impervious surfaces of the tall buildings, concrete outdoors, hundreds of flushing toilets, and smaller units. Or, as in this proposal, it is to be minimized in the private home areas by using up the carbon positive yards and trees.

In the Bronx, traffic rules are not enforced, streets are dirty, buses and trains are crowded, flooding is pervasive, existing housing stock is falling apart due to lack of enforcement. In terms of the paucity of funding city services throughout the last 50 years, more information is required.

We are already living in the City of Yes for Housing Opportunity and dealing with the consequences of unguided, indiscriminate development. Here is what we propose for a DGEIS scope of work: :



- Examine the prototypical for a third alternative related to city services, with the preferred and no build proposals.
- Quantify existing housing stock, and include vacancy rates
- Examine alternative of rezoning of existing housing stock so that environmental impacts of new housing development are minimized
- Examine impact of alternative of housing rehabilitation, including in-rem properties, for meeting housing needs so that we see the scope of the problem
- Examine the impact of budget cuts on the needed city services that are being arbitrarily cut in the last and present administration, while housing construction and remediation flourished.
- Examine population changes and identify who is moving into any new housing.

2. Identified Need is in Standard Deviation and not significant

If the proposal needs to be drawn from the NYC Housing Blueprint, it relies upon Public Safety Priorities, not documented housing needs. In addition, the Public Safety chart does not reveal a meaningful statistical difference between new housing needs and other needs. Housing by itself does not make our neighborhoods safer; housing is not an urgent need. According to the survey in the City's Housing Blueprint, housing is statistically equal to the need for more police, mental health services, workforce development & jobs. In addition, the word "housing" alone, cannot be inferred to mean new or affordable; it could simply indicate the need for basics like heat and hot water. It could be a cry for more enforcement, not housing (which is within the standard deviation). We ask the city to investigate its responsibility to sustain its existing housing stock and to integrate good housing with neighborhood goals

- Examine the prototypical alternative analysis of all needs within the standard deviation or at least the top three).

Figure I: Public Safety Priorities of New Yorkers, NYC Speaks

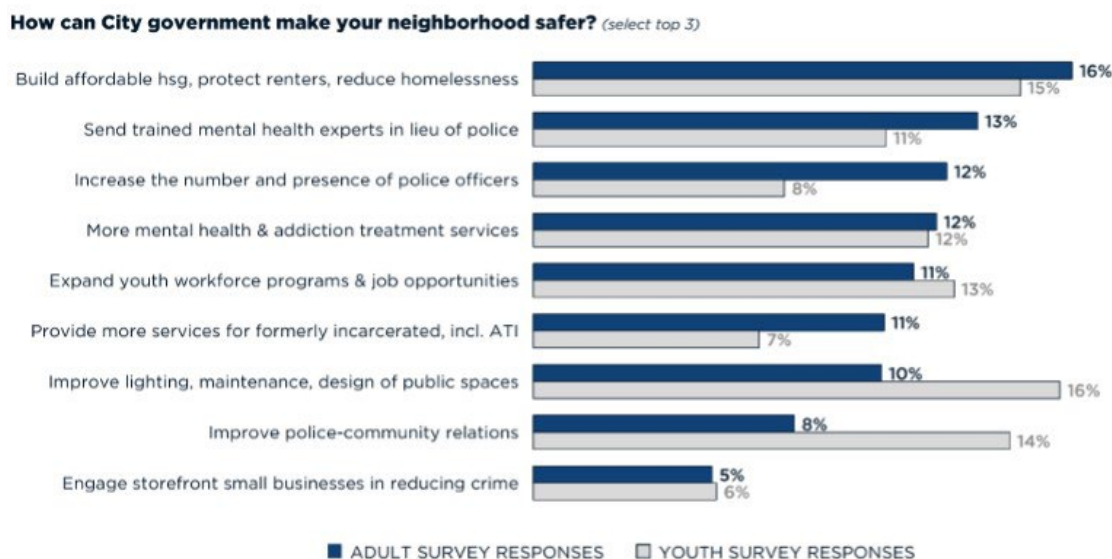




Figure II: Public Safety Priorities of New Yorkers by Demographics, NYC Speaks



Source: Civic Engagement Commission and HR&A Advisors, NYC Speaks survey data, 2022.

3. Proposed Zoning Change is for a Private Purpose

The proposed action misses the target in the description, purpose and need.

Zoning changes should not be made for private enrichment; they should be for the people’s municipal needs. For most of the last 50 years, our city provided for the needs -- schools, parks, police, sewer & water, fire, sanitation, libraries, colleges, transportation, social services, and separated commercial & industrial from residential. Since Quality Housing, MHI, and ZQA, the people’s needs have been sacrificed for the private benefit of the housing development industry. Its needs and those of New Yorkers are not the same.

Moreover, the proposal identifies crises and burdens but ignores major problems. Housing needs, including evictions, and homelessness are caused by loss of income, unemployment, health crises, family problems, immigration problems, and labor market fed by undocumented immigrants and non-union labor. A housing and homelessness crisis is also an employment and mental health crisis. Our people, not developers, need subsidies to keep up with the rising cost of rentals. People need good paying permanent jobs, like working for the city. We are forgetting the cost- benefit advantage of building code enforcement. Treat housing like the commercial business it is. The city does not build restaurants; housing should be enforced the same as restaurants and other businesses.

Moreover, the proposal does not document disparities of income in a dangerously stratified city that would make it possible to see the impact of income levels of different communities on the rent burden. We cannot turn the city over to new development without understanding where and



for whom new housing construction is being built. Without proper study of these disparate communities, new housing construction can cause high rents, displacement, income segregation, gentrification, poor housing quality, tenant harassment, and homelessness.

People do not need more tools; they need more jobs! If people had more money, they could pay rent and put food on the table in the existing housing. Even the DSOP chart on page 4 misses the point. One would think someone might study the status of the existing housing from the last 40 years. One would think someone might review how many new sewer lines were added to manage the impact of those housing spurts. Before you blame it on the outdated or restrictive zoning, check the incomes. A family of 4 making \$50,000 per year, can afford to pay 30% of the salary or \$1,250 per month. Affordability is the problem -- there is no place for rent for that amount.

Affordability and homelessness should not be lumped together. It is disingenuous to ascribe homelessness to simply the lack of housing. The homeless need mental health support, jobs, and a safe place to live. Here is what we propose for a DGEIS scope of work;

- Explain how this proposal impacts life for existing residents, and not just those who plan to move in; or, private enterprises looking to make a profit “subsidy” for increasing new housing stock.
- Explain how the formation of smaller sized units retains the sense of community and neighborhood.
- Identify more clearly if the housing proposal is for affordable units, housing shelters, or supportive housing.
- Explain why the proposal is generic, or city-wide when any approaches seem to be in one spot. Spotoning belongs only in the selected neighborhood or community board. Explain why it is altogether in a zoning resolution, and not a wholistic neighborhood plan with community participation.

4. Environment and our Changing Climate – which came first?

Just as the City of Yes for Carbon Neutral only looked at the energy industry and not how the ecosystem services capture carbon, the Housing Opportunity involves constructing new housing with cement, concrete and iron that only serves to increase greenhouse gases like CO².

As you know, cement manufacturing accounts for 8% of the world’s CO² emissions. Concrete, which is made from cement, is the most widely used substance on Earth -- behind only water; the third largest consumer of energy; and the second largest emitter of CO² when looking at industrial players alone. A better approach would be to pause the use of concrete and cement. There are better alternatives than the approach of the City of Yes on Carbon Neutral.

While the equator receives the highest intensity of solar radiation, plant cover supplied with water



holds temperatures to around 80° F or below. This offers energy solutions that also work in the City. By supplying vegetation with gray water, of which we have at least 600 million gallons a day, to support green infrastructure, we can lower urban temperature & energy requirements in at least three ways: less electricity at the WWTPs by not treating grey water so not creating more CO₂; more greening techniques lower CO₂; with carbon flow locally approaching that of pre-settlement Manahatta - not carbon neutral, carbon positive. Lowering temperatures can lower the risk of bigger and/or more frequent rain events, as well.

The NYC electric grid uses what seems to be an immense peak load -- 11,000 MW-hr. This power usage, however, is just 1/12th of energy released by energy flow through the evapotranspiration of vegetation cover when the Lenape's inhabited Manahatta and what are now the surrounding boroughs~ ecology is a significant force. Here is a snippet of the findings section of a research paper now in draft by Dr. Paul Mankiewicz & Dr. Dan Walsh:

6 Liters of Water - sustainable v. non-renewable

Carbon Positive	Carbon Negative
6 liters of water	burning fossil fuel
<i>captures about 20 grams of CO²</i>	<i>produces ~27 grams of CO²</i>
<i>in photosynthesis</i>	<i>to treat 6 liters of water at a WRRF</i>
<small>*Wastewater Resource Recovery Facility (WRRF)</small>	

In addition, we find it striking that even after hurricane-level events that have shattered rainfall records and produced predictable stoppages to city services, the Draft Scope of Work does not include impacts of increased imperviousness on stormwater and decreased capacity of existing sewer lines. While DEP has recently implemented new Uniform Storm Water rules that will hold developers responsible for water runoff quantity and quality in an attempt to reduce Combined Sewer Overflow, DCP swims in the opposite direction, inviting new construction without documenting the increased acreage of imperviousness on a generic scale or scaling development impacts to meet resilience goals as based on storm frequencies and intensities. This is an absolutely necessity for predicting the city's increasing vulnerability to climate change-induced storm surges and non-coastal flooding incidences, as documented by NOAA.

- Explain and quantify the impact of concrete used in the previous administration's building of 200,000 housing units (not all affordable, btw).
- Provide a construction plan that will not add CO₂, but remove it. Until such time, a pause on new construction should be instituted.
- Provide documentation of predicted increase in imperviousness and its impact on stormwater management capacity as a result of zoning changes and a
- Analyze no-action as well as other reasonable alternatives, such as existing housing rehabilitation, for their impact on stormwater.
- Provide documentation of cost to city funds to increase sewer capacity and to fix local streets as well as the budgetary impact of infrastructure rehabilitation.
- Produce impact of proposal on sanitary sewerage & expansion of the Wastewater Resource Recovery Facilities (WRRF)



5. Other comments and concerns:

- Provide **Executive Summary**, List of **Permits Required, Reasonable Alternatives** - the least environmental impact (*not effects*) of the proposal.
- Provide at least **three reasonable alternatives**: preferred, no change alternative, and another.
- Clearly describe the **irreversible and irretrievable** commitments of resources.
- Provide schedule of completion for **the irreversible and irretrievable** commitments of resources to be provided prior to the completion of any project that has such an impact and promised such a commitment.

6. Examine Impacts and their costs to the taxpayer, such as:

- Tree Loss of replacing one-house footprint with greater coverage per ADU.
- School Seats for the new housing residents;
- Mass Transit expansion for more residents;
- Drinking Water need may require filtering the Cat/Del;
- Municipal Staffing increase due to more park usage, garbage, composting, traffic management;
- Refer to 59 Community Boards **Statement of Needs**.

7. Method and prototypes

Under CEQR, a Draft Scope of Work for a Generic DEIS should be a citywide action. It is hard to provide a scope of work for a GDEIS that includes individual neighborhoods with unique demographics, environmental conditions, and neighborhood characters. Provide the public with an understandable version of the representative development prototypes representing the likely Reasonable Worst Case Development Scenarios (RWCDs) and a description of the representative neighborhoods for analysis. An EIS should analyze the Proposed Action for all technical areas of concern in a Prototypical Site Assessment, a Representative Neighborhoods Assessment, and a Conceptual Analysis. Individual zoning for one neighborhood and not another impacts public participation and pits one community against another. Spot zoning districts should be in each of those areas. Geography has an important and quantifiable influence on the plan, especially concerning flooding. Things that are different have to come out. In a GDEIS, similar actions can remain. We ask the following:

8. Prototypes should also address the representative neighborhood assessment in terms of the increased number of people and municipal services (above) needed to meet these needs. Add Non-municipal uses: Increase Supermarkets with delivery options since there will be less parking by design; Laundry Centers; Banks; etc.
9. Add Education, Environmental Justice to Tasks.
10. GHG task should review more than just energy, it should review impact of concrete and iron used for building on the increase of GHG
11. Purpose and Need is not proven. Housing starts are cumulative and must include older stock in need of capital improvements. Everything doesn't have to be new.
12. Review impact and cost from Quality Housing, MHI, ZQA, and City of Yes for Carbon Neutral.

Thank you.