

## 28. RESPONSES TO COMMENTS ON THE DEIS

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### A. INTRODUCTION

This document summarizes and responds to comments on the Draft Environmental Impact Statement, issued on May 19, 2017, for the Self-storage Text Amendment. Oral and written comments were received during the public hearing held by the Department of City Planning (DCP) at the Manhattan Municipal Building, 1 Centre Street, New York, NY 10007 on August 23<sup>rd</sup>, 2017. The DEIS hearing is required under City Environmental Quality Review (CEQR) and was held in conjunction with the City Planning Commission's (CPC) Citywide public hearing pursuant to Uniform Land Use Review Procedure (ULURP). The public hearing also considered a modification to the Proposed Action, (ULURP No. N 170425 (A) ZRY). Written comments were accepted through the close of the public comment period, which ended at 5 PM on September 5, 2017.

Section B lists the organizations and individuals that provided comments on the Draft Environmental Impact Statement. Section C 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 generally parallel the chapter structure of the Draft Environmental Impact Statement. 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.

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

#### ORGANIZATIONS

1. Charles Monchik – Industrial Property Owner
2. Jon Dario – New York State Self-Storage Association
3. Ethan Goodman – Fox Rothschild LLP
4. Ari Goldman – Safe N Lock Self-Storage
5. Marc Sharrin – Safe N Lock Self-Storage
6. Nick Burns – Safe N Lock Self-Storage
7. Maeve Marcello – Safe N Lock Self-Storage
8. Stuart Beckerman – Slater & Beckerman
9. Varun Sanyal – Brooklyn Chamber of Commerce
10. Armando Maritz-Chapelliquen – Association for Neighborhood and Housing Development
11. Adam Friedman – Pratt Center

12. Justin Collins – Southwest Brooklyn Industrial Development Corporation
13. Darryl Hollon – Business Outreach Center Network
14. Jesse Masyr – Fox Rothschild LLP
15. Quincy Ely-Cate – Business Outreach Center Network
16. Ross Moskowitz – Stroock & Stroock & Lavan LLP
17. Yesenia Polanco – SoBRO

## C. COMMENTS AND RESPONSES ON THE DEIS

### PROCESS

**Comment 1:** The fact that none of the new mechanisms in the A-text were discussed at the community board or borough president raises questions as to whether it is within scope. [10, 17]

**Response:** The A-text is within scope, as it was introduced prior to the public hearing. DCP filed an amended zoning text application that addresses issues raised after issuance of the DEIS. The amended application, filed as ULURP No. N170425 (A) ZRY, expands upon the Mixed Use Alternative presented in the DEIS. The amended application was filed on August 3, 2017, and analyzed in a Technical Memorandum issued on August 7, 2017. As described in Chapter 23 of the FEIS, “Alternatives,” the Mixed Use Alternative has been revised and expanded upon as the A-text Alternative.

### PURPOSE AND NEED

**Comment 2:** Self-storage facilities occupy an estimated 1.3 percent of the land in IBZs. Therefore, even with the anticipated increase in self-storage development, self-storage facilities pose no significant threat to the viability of industrial uses and development. Recent sales of self-storage buildings to purchasers intending to use the buildings for other industrial uses contradict the assumption that self-storage is a threat to industrial business. [8]

**Response:** As stated in Chapter 1 “Project Description” of the FEIS, self-storage stands out as a low-density employment use when compared to other storage and warehousing businesses, which furthermore tends to occupy large sites along designated truck routes, in a context where such large sites are becoming increasingly scarce. Almost one quarter of new construction permits issued for large sites in Designated Areas in M Districts are for self-storage developments: An analysis of new building permits issued by the Department of Buildings between 2010 and the end of 2016 for new constructions on sites larger than 20,000 SF in Designated Areas in M Districts shows that a total of 44 new building permits were issued, of which ten, or 23 percent, were self-storage facilities.

Given the City’s numerous measures to support industrial businesses in IBZs and the fact that industrial employment has been growing in IBZs since 2010, the use of such sites for self-storage detracts from the City’s economic development objectives. The Purpose and

Need of the Proposed Action relates to the future availability of siting opportunities for more job-intensive, industrial businesses in the IBZs.

**Comment 3:** There is not data to support the proposal's assertion that preferred industrial uses will occupy sites that otherwise would be developed as self-storage.

The DEIS acknowledges that the proposal will not actually spur industrial development. Self-storage facilities support businesses and the zoning proposal will not actually create additional industrial space. [2, 8]

**Response:** As mentioned in the "Project Description" Chapter 1 of the FEIS, a 2016 study by the NYC DCP entitled "Employment in New York City's Manufacturing Districts" demonstrated that there is growth in the construction, wholesale, transportation, manufacturing, and repair sectors within the IBZs, and that the IBZs remain the city's most active industrial areas. The predominant uses in IBZs are also gaining employment in M zones citywide: wholesale trade, construction, and transportation. These industries tend to site in facilities located on large, horizontally configured sites accessible to highways and truck routes. Self-storage facilities in IBZs tend to be located disproportionately on sites that are best suited to accommodating these businesses – large, M zoned sites along truck routes and among similar types of businesses.

As described in the Analytical Framework and the Land Use, Zoning and Public Policy chapters of the FEIS, building permit data shows that development within Designated Areas in M districts has indeed covered a wide spectrum and a variety of uses and businesses. The analysis presented in the chapters of developments on large lots in Designated Areas since 2010 concluded that industrial uses represent the majority of permits for new construction. The industrial uses include vehicle repair, wholesale and distribution, courier services, construction-related uses and the manufacturing of concrete, plastic and steel, but also new utility facilities and a film recording studio, which is an emerging industry in NYC. In that sense, industrial uses are seen as the primary competitors for large sites in Designated Areas in M districts and it is expected that the proposal will enable some existing industrial businesses to remain in place, or new industrial businesses to open. New non-industrial developments have however also been developed on large lots in Designated Areas in M districts: these are hotels, retail and offices. While certain non-industrial developments could continue to be developed on some sites suitable for self-storage, these uses also directly support a significant number of jobs and are consistent with the Proposed Action's purpose and need.

**Comment 4:** Self-storage often changes communities for the better by locating in buildings that are blighted or abandoned, including properties where former manufacturers chose to leave. This helps create areas that are safer and better to walk around. [7]

**Response:** Comment noted.

**Comment 5:** Self-storage facilities consume large swaths of land and provide few jobs, most of which are low paying service jobs. Self-storage jobs pay about \$25,000 annually, while average wages for manufacturing jobs are nearly \$52,000, and are more likely to provide benefits. [13, 15]

**Response:** The socioeconomic conditions analysis presented in Chapter 4 of the FEIS was conducted pursuant to CEQR Technical Manual guidelines. It is beyond the scope of environmental review to consider wages and benefits of industries and occupations.

**Comment 6:** Self-storage facilities take up land that could instead house more job-intensive businesses. When a facility is developed on a property previously home to an industrial business, it creates a net loss of jobs. Even if developed on vacant land, it precludes the creation of these industrial jobs. [12]

**Response:** The intention of the A-text and Modified A-text Alternatives, described in Chapter 23 of the FEIS, was to achieve the Purpose and Need of the Proposed Action (see Chapter 1 in the FEIS), which places new restrictions on self-storage development, while addressing the potential significant adverse impacts on the self-storage industry. These alternatives provide an as-of-right option for development of self-storage facilities, provided a portion of the site is reserved for more job-intensive industrial uses. The A-text and Modified A-text Alternatives would still allow for new industrial uses on vacant land, by making it a condition of self-storage development on large sites. Furthermore, in certain instances, self-storage presents an opportunity for the adaptive reuse of multistory loft buildings, which were often built before 1930 and are in need of reinvestment.

**Comment 7:** Requiring a special permit for self-storage development is an important first step in protecting and preserving land for industrial businesses. It is critical that the special permit be expanded to include other alternative uses such as hotels and event spaces in order to prevent the loss of businesses and stop the loss of livable wage jobs for these local communities. [15]

**Response:** The Proposed Action considers a CPC Special Permit mechanism to develop self-storage facilities in Designated Areas. The recommendation to expand the special permit to include other uses such as hotels does not meet the Purpose and Need of the Proposed Action, as described in Chapter 1, "Project Description." The main objective of the proposal is to ensure the availability of future siting opportunities for industrial businesses in IBZs.

**Comment 8:** The "Production, Distribution, and Repair (PDR)" program in San Francisco has been described by industrial use advocates as a model that should be adopted in NYC. However, this program includes many uses that would not be allowed as industrial uses within the proposed text amendment. Additionally, since the PDR's enactment, only one project, which received public subsidy, has been approved. [8]

**Response:** Comment noted.

## ANALYSIS FRAMEWORK

**Comment 9:** The DEIS projects future self-storage development in M and C8 districts outside of IBZs by applying rates of development from the preceding decade. The DEIS also discusses population and employment growth in these areas and the demand for commercial, community facility, and other uses. Therefore, the projection of 66 new self-storage facilities in these areas may not be accurate. [8]

**Response:** As described in Chapter 2 “Analytical Framework,” the methodologies used to develop the Reasonable Worst Case Development Scenario (RWCDs) in the DEIS are reasonable and consistent with the guidelines of the CEQR Technical Manual. These assumptions are unchanged in the FEIS. It should be noted that the determination of the potential for significant impacts would not be affected, were the industry more dependent than the analysis concludes on siting opportunities in Designated Areas in M districts.

## POTENTIAL IMPACTS OF THE PROPOSED ACTION

**Comment 10:** Even though self-storage facilities do not necessarily employ a lot of people on-site, they play a critical role in the city by supporting businesses. Approximately one third of self-storage space is used by business customers. Self-storage provides affordable, accessible, and flexible storage solutions for small businesses that cannot afford warehouse space, long-term commitments to warehouse contracts, and want the ability to adapt their space to demand. The proposal will cause self-storage rates to increase for business customers and individual customers because the supply will be restricted. [2, 3, 5, 9]

**Response:** As noted in Chapter 1, “Project Description,” according to industry sources, on average 30% of self-storage customers are businesses, so the majority of customers are households. While the analysis in Chapter 4 of the FEIS, “Socioeconomic Conditions”, concludes that the Proposed Action may cause the price of self-storage to increase, or may result in people or businesses traveling further or seeking other storage options, the Proposed Action is, on balance, expected to support the needs of businesses. Pursuant to CEQR Technical Manual guidelines, a socioeconomic analysis need not quantify the increase in the price of services that may result from a Proposed Action. The analysis in Chapter 4 of the FEIS concludes that no specific industry depends on self-storage, and that no specific category of businesses relies disproportionately on the services provided by self-storage. In response to comments on the DEIS, Chapter 23 of the FEIS was revised to include two alternatives, an A-text and a Modified A-text Alternative to partially mitigate any adverse effects of the industry. The alternatives provide as-of-right options for self-storage in Designated Areas. The Modified A-text includes as-of-right siting provisions for self-storage facilities on small sites, which are intended to establish a preference for business storage by requiring that a certain amount of larger units are provided. These units are typically leased by businesses.

Chapter 2 of the FEIS, “Analytical Framework” also notes that as demand for personal storage continues to grow, more residential developments may include accessory private storage within buildings, providing more opportunities storage closer to residents.

Growing segments of the market -- such as on-demand storage -- could continue to serve these populations as well.

As described in Chapter 1 of the FEIS, the proposal will continue to allow existing self-storage facilities to operate and for new facilities to locate as-of-right within C8 districts and manufacturing zones outside of Designated Areas in M Districts, as well as on appropriate sites within IBZs by Special Permit.

**Comment 11:** Since this moratorium on storage units has been put in place, I have lost opportunities to sell my property. Previously, I had interest from storage facilities, but the proposed text amendment has created a hardship on my business because I cannot sell my real estate. [1]

**Response:** As noted in Chapter 1, "Project Description," self-storage facilities are currently permitted as-of-right in M districts. The commenter is incorrect in stating that a moratorium on storage units has been put in place. The Proposed Action is not a moratorium, but seeks to maintain future siting opportunities for industrial businesses in Designated Areas, by imposing restrictions on self-storage development. Many other uses would still be permitted as-of-right in Designated Areas. Chapter 23 of the FEIS "Alternatives", includes an A-text and a Modified A-text Alternative, which would allow self-storage as-of-right under certain conditions and partially mitigate significant adverse impacts on the self-storage industry.

**Comment 12:** The proposed text amendment damages working class people by targeting jobs in the self-storage industry. [7]

**Response:** As described in Chapter 1 of the FEIS, "Project Description," the goal of the Proposed Action is to maintain future siting opportunities for industrial businesses in Designated Areas and ensure that self-storage is sited appropriately, not in a manner that conflicts with the City's economic development policies for Industrial Business Zones. The Proposed Action would establish a framework to conduct a case-by-case, site-specific review process to ensure that the development of self-storage facilities does not occur on sites that should remain available to more job-intensive industrial uses. A case-by-case framework would allow self-storage facilities to locate in Designated Areas in M districts on sites where self-storage facilities are found to be appropriate. As described in Chapter 4 of the FEIS, "Socioeconomic Conditions," the Proposed Action is not expected to have direct or indirect business impacts. The socioeconomics analysis does identify potential significant adverse impacts on the self-storage industry.

It should be noted that the Proposed Action will continue to allow existing self-storage facilities to operate and for new facilities to locate as-of-right within C8 districts and manufacturing zones outside of Designated Areas in M Districts, as well as on appropriate sites within IBZs by Special Permit.

The FEIS also includes two alternatives, the A-text and Modified A-text Alternatives that provide as-of-right siting opportunities for self-storage in Designated Areas, which provide partial mitigation for the significant adverse impacts on the self-storage industry.

**Comment 13:** The discretionary process of the special permit makes it virtually impossible to secure financing or provide investors with an accurate timeline for construction. [4, 5]

Response: As described in Chapter 2 of the FEIS, “Analytical Framework,” it is reasonable to assume that the Special Permit discretionary review process would not deter all self-storage developers and that a certain number of Special Permits may be applied for, based on existing CPC Special Permits. There are several existing Special Permits in NYC, for which developers have been able to secure financing despite the existence of the discretionary review process. As noted in Chapter 4 of the FEIS, “Socioeconomic Conditions,” the Proposed Action could hamper the self-storage industry’s ability to grow in New York City and determines that the Proposed Action has the potential to significantly affect business conditions in the self-storage industry. For these reasons, the A-text and Modified A-text Alternatives analyzed in Chapter 23 of the FEIS consider as-of-right options for development of self-storage facilities, which partially mitigate any adverse effects on the industry.

**Comment 14:** The DEIS states that the mixed-use alternative would partially mitigate the adverse effects on the self-storage industry and partially meet the purpose and need of the Proposed Action "to maintain and maximize siting opportunities for more job-intensive industrial sectors." The mixed-use alternative and the A-text would require the creation of industrial space in exchange for allowing new self-storage use on sites within IBZs. This is in comparison to the action as originally proposed, which the DEIS acknowledges would not directly induce industrial development, and which the self-storage industry has argued would merely result in other non-industrial uses to locate on such sites. As such, it seems that these alternatives would not merely partially meet the purpose and need of the action, but would rather meet such purpose and need even more fully than the action as originally proposed. Therefore, should the Commission vote to adopt restrictions on self-storage facilities, we believe it has an obligation to consider an A-text that mitigates the identified impact to the industry. [3, 14]

Response: As noted in Chapter 23 “Alternatives” of the FEIS, the A-text Alternative achieves the purpose and need of the Proposed Action by providing additional siting opportunities for self-storage, while partially mitigating the potential significant adverse socioeconomic impacts on the self-storage industry.

**Comment 15:** The proposal will cause the self-storage industry to move outside of NYC. [2]

Response: Chapter 2 of the FEIS, “Analytical Framework,” considers the number of self-storage facilities that would not be built in New York City due to the Proposed Action and concludes that a certain number would likely be developed outside of the city boundaries instead. As

described in the RWCDs section of the chapter, the Proposed Action would result in the change of location of one new self-storage facility per every two years beyond city boundaries. However, because demand for self-storage in New York City is strong, it is expected that the industry will continue to seek and find siting opportunities in New York City, despite the Proposed Action.

The A-text and Modified A-text Alternatives presented in Chapter 23 of the FEIS would have the effect of reducing the number of self-storage facilities that would locate outside the city in the future, compared to the Proposed Action.

#### **FINDINGS OF THE PROPOSED CPC SPECIAL PERMIT**

**Comment 16:** The special permit is unlikely to be pursued, given that the findings require the applicant to demonstrate the economic and physical unsuitability of the site for an extensive range of industrial uses, many of which the self-storage industrial has no experience or knowledge. The list of uses that must be analyzed is too onerous and the factors that the Commission may consider in making its findings are vague and open to multiple interpretations. [8]

**Response:** In response to comments on the DEIS, Chapter 23 of the FEIS has been revised to include a Modified A-text Alternative that proposes a BSA Special Permit instead of a CPC Special Permit. The findings of this proposed special permit relate to the financial feasibility of the required industrial space, and that are thus more straightforward.

**Comment 17:** In considering the special permit factor "recent trends and levels of investment in the surrounding area for industrial ground floor uses within the last five calendar years," what happens if there is an increase in investment between the time that an application is filed and the time that a public hearing begins? [8]

**Response:** Chapter 24 of the FEIS, "Conceptual Analysis," considers the effects of assessing the potential environmental impacts that could result if a Special Permit is obtained to develop a self-storage facility within the Designated Areas in M Districts. Under the Proposed Action, any application for this Special Permit will be subject to CEQR, and any relevant changes would be analyzed, disclosed and considered as part of the public and environmental review process. In considering whether to grant a special permit, the City Planning Commission would be permitted to consider all pertinent information in the public record.

It should be noted that in response to comments on the DEIS, the FEIS has been updated to include a Modified A-text Alternative that no longer proposes such a consideration, and instead proposes a BSA Special Permit process with findings that relate to financial hardship.

## PROPOSED A-TEXT ALTERNATIVE

**Comment 18:** The median gross square footage of self-storage facilities built in NYC over the last decade is 65,800 square feet. Locking the proposal into a fixed number for an industrial set-aside, 20,000 square feet, would only work on relatively rare, large sites. Investors will not underwrite 20,000 square feet of manufacturing on a typical-sized project. [4, 5]

The proposed A-text to require 20,000 square feet of manufacturing space be built within a storage facility is not realistic and would put some self-storage companies out of business. The proposed A-text will also limit development of industrial space if the requirement is too onerous. [7, 8]

**Response:** In response to comments on the DEIS, Chapter 23 of the FEIS, "Alternatives," has been revised to include a new Modified A-text Alternative that analyzes the effect of allowing self-storage as-of-right provided that industrial space amounting to 50 percent of the lot size is included in the self-storage facility. Since this alternative proposes a ratio, instead of a fixed number, the amount of floor area that has to be set aside for the required industrial space varies by lot size. Furthermore, the Alternative seeks to facilitate the co-location of self-storage and the required industrial space, by allowing for some flexibility in the placement of the required industrial space. The Alternative requires that at least half of the required industrial space be located on the ground floor, while the other half can be located either directly above or below the ground floor, as long as it benefits from direct access to the industrial space on the ground floor, freight elevators and loading berths. This provision improves the feasibility of such a mixed-use building for self-storage developers and has the potential to increase the affordability of the required industrial space for industrial businesses.

Should the regulations for self-storage be impracticable, the Modified A-text Alternative in the FEIS proposes a BSA Special Permit with findings that relate to the financial feasibility of providing the required industrial space.

**Comment 19:** If the goal is to create space for job-dense uses, why is the city developing a mixed-use model for a low job-generating use? [10]

**Response:** As discussed in Chapter 23 of the FEIS, "Alternatives," the A-text and Modified A-text Alternatives achieve the purpose and need of the Proposed Action by allowing the low job-generating self-storage use to occur in specified circumstances only in conjunction with more job-intensive industrial uses. Self-storage development in Designated Areas in M districts would be permitted as-of-right as long as it simultaneously creates industrial space serving more job-intensive industrial businesses. These alternatives partially mitigate the significant impacts of the Proposed Action on the self-storage industry.

**Comment 20:** One-size-fits-all approach may not be the right approach and may result in no space being developed on many sites. The proposal should tie the size of the set-aside to the size of the development site.

A better alternative would be to require self-storage on lots greater than 50,000 square feet to set aside a 10% ground floor manufacturing space. [3, 4, 5, 6, 8, 9, 14]

Response: In response to comments on the DEIS, Chapter 23, "Alternatives," of the FEIS has been revised to include a Modified A-text Alternative that analyzes the effect of allowing self-storage as-of-right provided that industrial space amounting to 50 percent of the lot size is included in the self-storage facility, for lots greater than 25,000 sf. Since this alternative proposes a ratio, instead of a fixed number, the amount of floor area that has to be set aside for the required industrial space varies with lot size.

An industrial space requirement amounting to 10 percent of the lot size, however, would not be a meaningful amount of industrial space, and would not meet the Purpose and Need of the Proposed Action to support job creation and industrial growth.

**Comment 21:** The mixed-use proposal for the Greenpoint Manufacturing Design Center in Long Island City includes 100,000 square feet of light manufacturing space in a 1.5 million square foot development, which equates to less than 7 percent. A ratio of 7 percent should be considered for the mixed-use alternative [6]

Response: The Mixed Use Alternative in the DEIS has been expanded upon for the FEIS and is referred to as the "A-text Alternative." As discussed in Chapter 1 of the FEIS, "Project Description," the purpose and need of the Proposed Action is to maintain adequate future siting opportunities for more job-intensive industrial uses in the Designated Areas. The commenter's recommendation would not meet the Purpose and Need of the Proposed Action to support job creation and industrial growth in NYC's most active industrial areas, the Industrial Business Zones.

**Comment 22:** It has been asserted that the mixed use provision will create a cross subsidy mechanism to add new industrial space. If so, it should be based on a ratio of storage to industrial space and not a fixed amount of space, and it should apply only to new construction and not the conversion of an existing industrial space. [10, 11]

Response: In response to comments on the DEIS, Chapter 23, "Alternatives" of the FEIS has been revised to include a new Modified A Text Alternative that proposes a ratio instead of a fixed amount of industrial space. The mechanism proposed by the alternative, however, applies to both new construction and conversion, because self-storage can in some instances present an opportunity for the adaptive reuse of multistory loft buildings, often built before 1930, and in need of reinvestment.

**Comment 23:** The proposal should exempt smaller lots from the industrial set-aside. Smaller lots should be considered lots less than 50,000 square feet. [3, 4, 5, 6, 8, 9, 14]

Response: In response to comments received on the DEIS, an additional alternative has been added to the FEIS. As described in Chapter 23, "Alternatives," the Modified A-text Alternative includes a provision for small lots, defined as lots smaller than 25,000 sf, to allow self-storage facilities as-of-right, provided that the facility caters significantly to businesses. 50,000 SF is a very large site in NYC and exempting sites of such sizes would not meet the

Purpose and Need of the Proposed Action. As presented in Chapter 23, “Alternatives” of the FEIS, sites smaller than 20,000 SF support many industrial jobs.

**Comment 24:** The proposal should exempt the required industrial space from floor area in all areas included in the proposal, not just M1-1 districts. [3, 4, 5, 6, 8, 9, 14]

Response: As discussed in the A-text Alternative section of Chapter 23, “Alternatives,” allowing the industrial floor area to exceed the 1.0 Floor Area Ratio (FAR) maximum in M1-1 districts will permit a wider range of practical lot sizes for the A-text and Modified A-text Alternatives in this low-FAR district. Districts with an FAR of more than 1.0 have sufficient floor area to accommodate both uses, the self-storage and the industrial space.

**Comment 25:** The proposed A-text is asking self-storage companies to change their business model, both with respect to mixed-use construction and becoming a property manager. The risk involved in relying on a tenant’s rent is significant for self-storage companies. [4]

Response: Chapter 4 of the FEIS, “Socioeconomic Conditions” identifies potential significant adverse impacts on the self-storage industry. However, consideration of specific business models is beyond the scope of CEQR. The A-text and Modified A-text Alternatives presented in Chapter 23 of the FEIS were developed to partially mitigate these impacts. These alternatives do not preclude other ownership arrangements.

**Comment 26:** First floor storage rents are usually 20% higher than rents on other floors, resulting in a more significant loss for self-storage facilities if ground-floor space is set aside for manufacturing. Modern industrial uses, including many manufacturers, do not always rely on trucking and, therefore, do not necessarily need ground-floor space. [3, 4]

Response: In response to comments on the DEIS, the FEIS has been updated to include a Modified A-text Alternative that allows the required industrial space on other floors, not limited to the ground floor. This alternative seeks to facilitate the co-location of self-storage and the required industrial space, by allowing for some flexibility in the placement of the required industrial space. As described in the description of the Modified A-text Alternative in Chapter 23, “Alternatives,” at least half of the required industrial space should be located on the ground floor, while the other half can be located either directly above or below the ground floor, as long as it benefits from direct access to the industrial space on the ground floor, freight elevators and loading berths. This alternative is seen to improve the feasibility of such a mixed-use building for self-storage developers and has the potential to increase the affordability of the required industrial space for industrial businesses. The Modified A-text Alternative achieves the Purpose and Need of the Proposed Action, while partially mitigating the significant adverse impacts on the self-storage industry.

**Comment 27:** The original proposal established a solid foundation for much-needed use group reform in core industrial areas. The A-text will exacerbate the speculative market forces that have made it increasingly difficult for manufacturers to stay in the city. [10, 12, 17]

Response: As described in the FEIS, Chapter 23, the A-text Alternative ties self-storage development in NYC's most active industrial areas, the Designated Areas in M districts, to the creation of industrial space serving more job-intensive industrial businesses, which can entice manufacturers to stay in the city. The description of the A-text Alternative in Chapter 23, "Alternatives," of the FEIS states that this alternative can meet the Purpose and Need of the Proposed Action, while partially mitigating significant adverse impacts on the self-storage industry.

**Comment 28:** Developers may apply for a variance to use required industrial space for additional self-storage, resulting in no new industrial space and additional density for self-storage. [10, 17]

Response: The Proposed Action does not affect the variance process, which is available to all property owners as a legal underpinning of zoning. However, the FEIS does not consider future variance applications as this would be speculative. The A-text and Modified A-text Alternatives described in Chapter 23 of the FEIS conclude that the range of uses permitted in the required industrial space is sufficiently flexible to permit such space to be tenanted in these areas, which are city's strongest industrial areas. While the A-text and Modified A-text Alternatives would allow new industrial space to be created, that is not the stated objective of the Proposed Action. The Proposed Action and Alternatives do not propose additional density for self-storage.

**Comment 29:** There is no way to enforce the required industrial space over the long-term. [11, 12]

Response: While the subject of zoning enforcement is not a CEQR issue, it should be noted that the Department of Buildings is responsible for enforcing zoning regulations, including use restrictions in M zones.

**Comment 30:** The A-text encourages manufacturing and/or industrial development on vacant parcels in Designated Areas while also allowing self-storage facilities to continue to provide essential space to small business owners and residents. [16]

Response: Comment noted.