Testimony of Vicki Been, Commissioner of the

Department of Housing Preservation and Development

City Council Subcommittee on Zoning and Franchises

Hearing

on the

Mandatory Inclusionary Program

February 9, 2016

Good morning, Chair Richards and members of the City Council. For the record, I am Vicki Been, Commissioner of the Department of Housing Preservation and Development. The proposed Mandatory Inclusionary Housing program, which I will refer to as MIH, is about creating lasting affordability to ensure the diversity and inclusivity of our neighborhoods. MIH would require that developers provide permanently affordable housing in new developments built in areas rezoned for residential growth. This bold policy, the most rigorous of any city in the nation, will mandate permanently affordable homes in neighborhoods for the first time. And by securing affordable housing from builders, MIH will allow the City to devote its subsidies to finance affordable housing that the private market can't provide – housing aimed at the lowest income families.

MANDATORY VS VOLUNTARY SLIDE

Today, the City does not require developers to provide any affordable housing unless they **choose** to do so. Through the voluntary inclusionary program, we allow builders to increase the height of the building if they provide affordable housing. The voluntary program has produced less than 9,000 units over several decades, far fewer than had been hoped for, despite efforts to improve the program over the years. Further, the units built have almost all been focused on families whose incomes are up to 80% of Area Median Income ($62,150 annual household income for a family of three).

MIH is a new approach. It would *mandate* that developers supply permanently affordable housing in the City. Builders would be required to provide affordable housing whenever City Planning Commission actions – community-wide rezonings or private applications for single lots – encourage the development of substantial new housing. That new

housing would be ***permanently*** affordable. Because the benefits of a rezoning are lasting, we can achieve permanent affordability through ongoing cross-subsidy of affordable rents by the market rate units. This means that we will not have to put new City subsidies into the project every 30 years to keep the rents affordable. Further, the new housing would be aimed at a ***broader range*** **of incomes.** This will ensure that our neighborhoods retain the economic diversity which is so critical to the City's character and competitiveness.

SLIDE: OPTIONS

The proposal allows the City Council and the City Planning Commission to determine which of two basic income options would apply. These options specify the *minimum* the developer must provide as affordable housing. Let me reiterate—this is the baseline requirement – the floor. The City can, and will, use its subsidies to supplement that minimum, by paying for more affordable housing in the buildings, and by paying for those units to be available to families with lower incomes than the developer legally and practically can be asked to serve. The two options require the developer to provide either:

- 25% of the units to be affordable for families at an *average* of 60% AMI ($46,620 for a family of three) **or**

- 30% of the units to be affordable at an *average* of 80% AMI ($62,150 for a family of three).

It's important to understand that because these are *average* AMIs, units will be included

at AMIs lower than the 60% and 80% contained in these options. I will explain that more fully in a minute.

We have one additional option, the workforce option that the City Council may decide to apply in limited circumstances. This option would preclude the use of City subsidies. We know that market rate housing starts to get built when developers can charge rents of about $2,300 for a two bedroom unit, which is affordable to families making around 120% of AMI, or around $93,000 for a family of three. If developers are building in a neighborhood at that level without subsidies, and we require that 25 or 30% of the apartments be restricted to the lower rents the first two options require, they will stop building either market or affordable apartments unless we subsidize the affordable ones. The workforce option will allow the market to continue to build housing without subsidies, but at the same time "lock in" the affordability of some units for moderate income households. That way, if the market surges to much higher rents, we've secured some economic diversity by ensuring that moderate income families will be able to remain in the neighborhood because they have permanently affordable apartments. And we can use the subsidies we saved to secure other apartments for people with much lower incomes – families of three making just $23,350, for example – to further ensure the diversity of the neighborhood.

Which of the two basic options would be appropriate for a particular neighborhood would be identified during the process for each specific rezoning, following the normal land use public review procedures. The basic option, and whether the workforce option would also be available to developers, would be subject to the approval of the City Council for each

neighborhood rezoning or private application.

SLIDE: HOW AVERAGING WORKS

Let me take a minute to explain the averaging process -- it is an important tool we have built into the proposed program, but it has generated some confusion. In practice, under each option, affordable units could be created across different income levels to meet the required average. For example, if option 1 (that 25% at 60% AMI option) is chosen for a specific rezoning, in a 100 unit building the requirement could be met by having:

- 25 units at 60% AMI (for a family of three earning $46,000) **or**
- 10 units at 40% AMI (for a family of three earning $31,080); 5 units at 60% AMI (for a family of three earning $46,620) and 10 units at 80% AMI (for a family of three earning $62,150).

Either scenario would fulfill the 25% at an average of 60% requirement.

This income mixing provides housing opportunities to families at a broader range of incomes, without affecting a building's operating income. Under all the options, units priced higher than 130% AMI cannot fulfill a development's MIH requirement. Averaging can be achieved in any number of ways – this is just one example.

Again, MIH is only one of the tools we will use to provide affordable housing and to reach families with different incomes. We will use city subsidies and rental assistance such as federal Section 8 vouchers to further reduce the rents so that families with even lower incomes can be housed.

SLIDE: CITY SUBSIDIES CAN HELP PROVIDE AFFORDABLE HOUSING FOR EVEN MORE FAMILIES

Many people have called for us to require developers to provide housing affordable to even lower incomes under MIH, arguing that the City then would not have to rely on subsidies to attain the affordability that many communities will need.

As Deputy Mayor Glen explained, providing housing for a range of extremely low, very low, low, and moderate income New Yorkers is the paramount goal of the Mayor's *Housing New York* plan. But MIH is only one part of that plan, and cannot be asked to do everything. An MIH program that is too onerous for developers will stop, rather than foster, the new housing we so desperately need. If our program makes development too expensive, nothing will get built -- investors will stop investing in housing and instead will put their money into higher yield, lower risk projects. Thus our good intentions will only hurt the people we want to help.

SLIDE: MIH MUST BE FINANCIALLY FEASIBLE, FLEXIBLE, AND CONSTITUTIONAL

An MIH program that pushes too far will stop housing production at a time when rents are increasing because we don't have enough housing. Stalled housing production would set the stage for **increased** displacement as rent pressures rise. Further, demanding too much from developers will place the program at risk of legal challenges; we would spend years litigating rather than seeing families moving into permanently affordable housing.

Again, we hear, understand, and sympathize with the call for greater affordability. And we look forward to working with the Council to address those calls within the legal constraints we face. But we shouldn't let the perfect be the enemy of the good – we need to craft a program that results in housing – housing that families can move into soon. If we impose restrictions that are not financially feasible, or that are so close to the line that they won't work except in the strongest markets, or in the best parts of the market cycle, we'll stop production, and we'll spend our time and money fighting in courts, rather than building badly needed housing. Our families and neighborhoods need affordable housing *now*, and MIH will establish a feasible, flexible, and defensible baseline requirement that developers provide that affordable housing.

SLIDE: COMPARISON TO OTHER JURISDICTIONS

Just how far we're pushing is best illustrated by comparing our proposal to what other major cities are doing. Our proposal would create the most rigorous inclusionary program of any city in the nation by adopting a citywide approach and requiring a higher percentage of affordable units to be created. San Francisco's existing program has a 12% onsite affordable housing requirement and a 20% off-site requirement, for example, while MIH would require at least 25% permanently affordable housing be built whether on- or off-site.

SLIDE: MIH – WHY NOW?

Because the 421-a program was recently suspended, some voices have questioned whether the MIH program will work. It can. Although MIH was designed assuming that

421-a would be in place, HPD has other tax exemption tools, such as 420-c and Article XI, that can be used as substitutes for 421-a in many projects. Further, the suspension of 421-a is likely to be temporary; it has been in place for 45 years and has lapsed before, but it has always been restored. We fully expect that pressure will build for some broad tax exemption for rental housing.

Until 421-a or a similar program is available, projects seeking tax exemptions in areas zoned with MIH will likely have to rely on HPD's other tax exemption programs. The terms of those programs will require that many of these projects serve families with lower incomes, and provide more affordability than MIH alone will require.

CLOSING REMARKS AND TRANSTION TO CW

SLIDE: COMBATING DISPLACEMENT

There is no denying that our neighborhoods are changing, rents are increasing, and many people are afraid they won't be able to stay in their neighborhoods. There is no silver bullet to prevent displacement, which is why we have a comprehensive, multi-pronged, citywide approach to ensure that rent increases won't force people out of the neighborhoods they love. MIH is a critical component of that approach, because it will help secure new, permanently affordable apartments across the City. It works alongside the many financing and subsidy programs we use to create new affordable housing for families at an even broader range of incomes. And it complements all the work we do to preserve the affordability of existing rent-restricted housing, and to use new tools, like our Green Housing Preservation Program, to bring more of our housing stock into

affordability agreements. At the end of the day, the best way to avoid displacement is to provide enough housing to meet the City's needs, to lock in the affordability of that housing, and to ensure that the housing serves the people who have made the neighborhood their home for years or even decades.

As the Deputy Mayor noted earlier, the City is deploying immediate and proactive measures to protect residents from landlords that engage in harassment to force people to leave apartments in which they have a right to remain. Already, the City has worked with tenant advocates and the State Assembly to strengthen rent regulations; increased funding for free legal services to tenants; joined forces with the State's Attorney General and Tenant Protection Unit to investigate and bring charges against landlords who harass tenants; and, with the help of this City Council, secured new laws prohibiting harassing buy-out offers.

MIH will shape the way our city grows for generations to come. It will ensure that new development protects the diversity of our city and neighborhoods, which is critical to making New York City the center of innovation, art, culture, fashion, food, technology, problem-solving, and so much else that we value. That diversity is what makes New York unique, and what we have to fight, at all costs, to preserve. By securing permanent affordable housing that serves a broad range of incomes, MIH will help people of all incomes, in every neighborhood, stay in this great city, and work together to make the city even better for all our residents.

Thank you for the opportunity to testify today.

MIH

Mandatory Inclusionary Housing (MIH) is a proposal to require developers to provide permanently affordable housing for low- and moderate-income New Yorkers in communities where rezonings will allow substantial room for new growth.

Why MIH?

Rents are rising faster than many New Yorkers' ability to pay. Between 2005 and 2014, the typical renter's income increased by only 2% while their rent grew by 15%.

Those increasing rents and other market forces already are changing our neighborhoods. This is why we need MIH now: It will provide neighborhoods with a critical tool to shape development to their needs.

The Permanently Affordable Housing Developed Through MIH Will:

- Create housing for **low- and moderate-income households**, who often bear a disproportionate burden when housing costs increase.
- Preserve and promote the **economic diversity** of our neighborhoods.
- Stabilize neighborhoods by protecting the affordability of a significant amount of housing **permanently**.
- **Protect** lower-income families from displacement as neighborhoods change.

Key Aspects of the MIH Proposal

When It Applies: MIH will apply to any future rezoning that the City, a community, or a private developer proposes that will create significant additional residential capacity in a medium- or high-density district.

Flexibility for Neighborhoods: MIH is not a one-size-fits-all approach. Indeed, each neighborhood can prioritize affordability options that match its local housing needs.

Affordability Options: The City Council, working with the City Planning Commission, will choose which of the two basic options will apply to a particular rezoning:

- 25% of housing will be affordable for households with incomes averaging to 60% Area Median Income (AMI) ($36,300 for an individual or $46,620 for a family of 3); or
- 30% of housing will be affordable for households with incomes averaging to 80% AMI ($48,350 for an individual or $62,150 for a family of 3).

The incomes served by the affordable housing must average to the specified AMI, with some lower and some higher. A household with an income of $30,250 and a household with an income of $42,350, for example, would average to the required $36,300.

Permanent Affordability: The affordable housing will be required to remain permanently affordable. Even if the building is demolished and rebuilt, the affordable requirement will never go away.

How MIH Fits Into *Housing New York*

MIH is an important tool for affordability that will complement other tools the City is using to achieve Mayor de Blasio's *Housing New York* plan to build and preserve affordable housing and foster more livable and diverse neighborhoods.

The City has committed **significant funding to create and preserve affordable housing** across the five boroughs.

By requiring the private market to supply affordable housing units, MIH **allows more public funds to be used to make affordable housing available at even lower rents**, serving New Yorkers who need the most help. Using its subsidy programs, the **City will reach a wide range of New Yorkers**, including individuals making as little as $18,150.

MIH will also complement a variety of strategies to combat displacement:

- Strengthening rent regulations
- $76 million in funding for legal assistance for low-income renters
- A task force of enforcement agencies to combat tenant harassment
- New laws prohibiting harassing buyout offers to tenants
- Neighborhood Preservation Helpdesks that offer physical, financial, and technical assistance for small building owners to help them keep renting affordable apartments
- A Green Housing Preservation Program to finance energy and water efficiency improvements to lower operating costs and promote long-term affordability
- Counseling and improvements to our housing lottery to help those most in need document their eligibility

Other Important Details

- The proposal does not itself rezone any neighborhood. It simply authorizes the City Planning Commission and City Council, working with individual neighborhoods, to apply the affordable housing requirements to any future rezoning.
- Most affordable housing will be built on-site. If it is built off-site, it will be within the same Community District or within 1/2 mile of the zoning lot that contains the affordability requirement.
- Residential developers of small buildings (11-25 units) will have the option to pay a fee in-lieu of building affordable housing. The fees will be used to supply or preserve affordable housing in the Community Board where the funds were generated.
- The City Council and the City Planning Commission may offer a workforce option, in addition to one or both of the two basic options they choose. This option would require 30% of the housing to be permanently affordable for households with an average income of $93,240 for a family of three. It could not be used in Manhattan Community Districts 1-8.

MIH is a bold step forward in fostering equitable, inclusive development across New York City neighborhoods and ensuring that all our communities and residents will thrive together.

HNY HOUSING NEW YORK

NYC Department of Housing Preservation & Development

NYCPLANNING DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

HOUSING NEW YORK

City Council Subcommittee on Zoning and Franchises Hearing on the Mandatory Inclusionary Program

February 9, 2016

nyc.gov/housing

New York City faces a housing crisis

Demand is outpacing supply

- Citywide vacancy rate is **less than 3.5%**
- We've lost **250,000** rent-regulated units since 1994

Rents are not affordable

- Rents up **15%** since 2005 – but incomes only up 2%
- **56%** (more than 1 million households) rent-burdened in 2014
  - **33%** severely rent-burdened

Sources: Housing and Vacancy Survey (U.S. Census), 2014; American Community Survey

Housing New York is a strategy to address this crisis with a variety of tools

Develop More Affordable Housing

- Create 80,000 new affordable units
- Ensure financing programs meet community housing needs
- Zone for affordable housing while protecting neighborhoods' special features

Preserve Existing Housing and Prevent Displacement

- Preserve 120,000 existing affordable units
- Bring buildings without regulatory agreements into preservation programs
- Protect tenants facing harassment
- Strengthen rent regulations

Plan for and Invest in Strong Neighborhoods

- Plan collaboratively with communities
- Create Neighborhood Development Fund
- Align planning with strategic investments

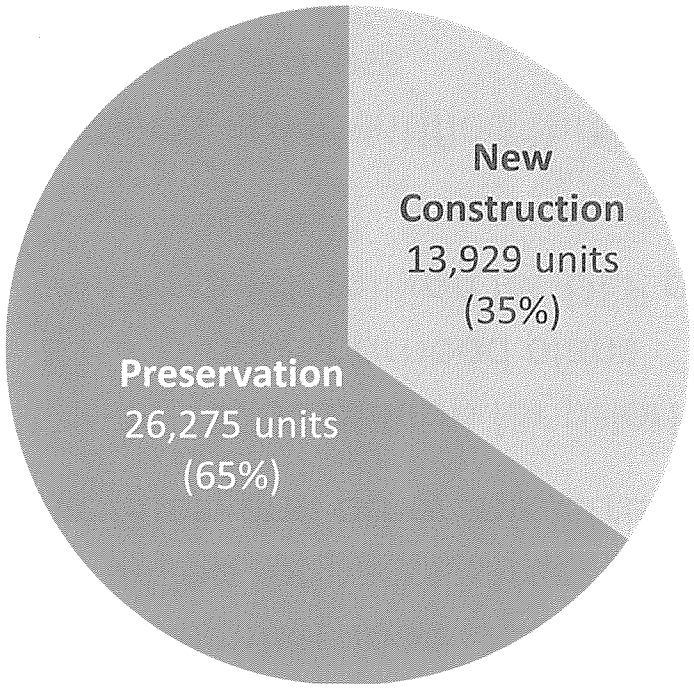
We are committed to protecting tenants against harassment and preventing displacement

- New laws **prohibit harassing buyout offers** to tenants
- Partnerships with law enforcement to **combat harassment**
- Legal services **to protect** low-income tenants
- **Preserve** existing affordable housing

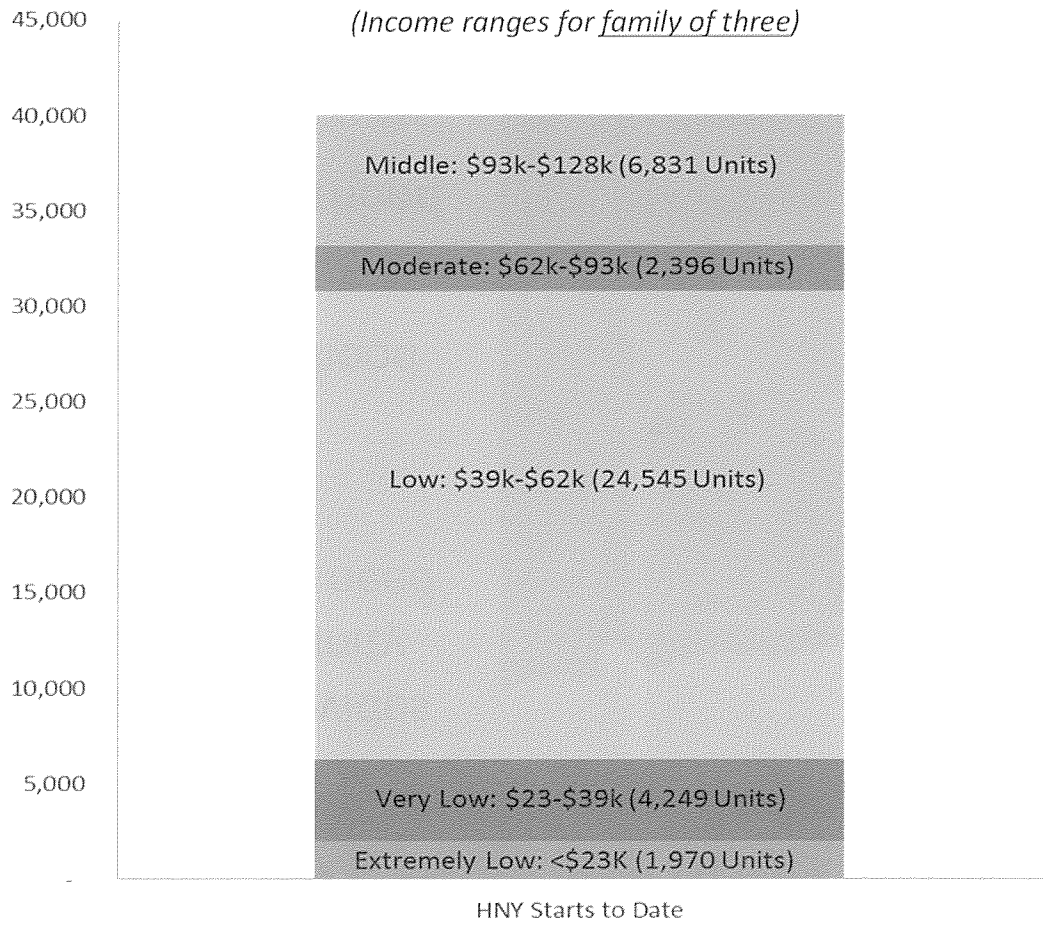


We've financed over 40,000 affordable units to date

Affordable units financed



Level of affordability



(Excludes 218 units for building supers)

Our $1 billion fund for neighborhood improvements will complement new housing in the City's neighborhood plans

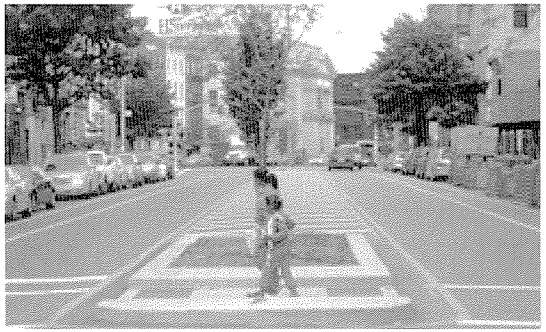
The **Neighborhood Development Fund (NDF)** provides **$1 billion** for parks, street improvements, community facilities, and other infrastructure neighborhoods need

- **$700 million** for priority capital needs in neighborhood plans
- **$300 million** for DEP projects in neighborhood plans

Projects are identified through the City's neighborhood planning process







Mandatory vs. Voluntary

Voluntary Inclusionary Housing program: not enough to meet demand

- 8,991 affordable units in 30 years
- Affordability primarily at or below 80% AMI ($62,150)

Mandatory Inclusionary Housing (MIH):
Citywide framework for creating **permanently affordable housing**

- Applies when substantial new housing is allowed by zoning changes
- Locks in affordability to **ensure economic diversity**

MIH offers several options

At the end of the public review process, the City Council chooses which options to apply to a rezoning:

1. **25% of housing must, on average, be affordable** for a family of three making $47,000 per year (60% AMI)

2. **30% of housing must, on average, be affordable** for a family of three making $62,000 per year (80% AMI)

To serve our critical middle-income workforce, like first responders and teachers, the City Council may add another option that cannot draw on any government subsidies:





3. **30% of housing affordable** for a family of three making up to $93,000 per year (120% AMI)
(Not available in Manhattan CDs 1-8)

Through averaging, options ensure that a range of income levels are served

Example: City Council selects Option 1 for a specific rezoning. For every new building with 100 units, MIH will require 25 permanently affordable units:

Averaging would result in:

25 apartments for households with $47K income

OR

10 for $31K income

5 for $47K income

10 for $62K income

OR many more examples

No apartments above 130% AMI ($101,000 per year for a family of three) can count as affordable under MIH

City subsidies can help projects reach even more families and lower-income households

ELLA

Extremely Low & Low-Income Affordability

Requires portion of apartments at 30%, 40%, and 50% AMI or for formerly homeless

Example: Building with 100 apartments

Under HPD's ELLA program, all 100 apartments would be affordable to extremely low, very low, and low-income families:

10 for $23K income (30% AMI)	**Additional HPD subsidies**
15 for $31K income (40% AMI)	
15 for $39K income (50% AMI)	
30 for $47K income (60% AMI)	
30 for $47K income (60% AMI)	**MIH units *(permanently affordable)***

MIH must be financially feasible, flexible, and legal

- MIH must not be so onerous that projects are financially infeasible
- MIH must work in different kinds of neighborhoods and through both good times and bad
- MIH cannot violate the Constitution

Comparison to other cities

	Boston	Chicago	District of Columbia	San Francisco	Seattle	*Existing NYC* Voluntary IH Program	*Proposed NYC* MIH Program
Year Adopted	2000	2003	2006	2002	2001	1987 (R10) 2005 (IHDA)	TBD
Program Type	Voluntary	Voluntary	Mandatory	Mandatory	Voluntary	Voluntary	Mandatory
Duration of Affordability	50 years	30 or 99 years	Permanent	Permanent	50 years	Permanent	Permanent
Set Aside (%)	15%	10%	Varies	12% onsite 20% offsite	5%*	4-5% (R10) 20% (IHDA)	**25 to 30%**
Income Targets (AMI)	<70 to 100%	≤60 to 100%	<50 to 80%	≤55 to 90%	80 to 100%	< 80%	Average of 60% or 80%; limited workforce option at 120%

MIH

Why now?

Combating Harassment and Displacement

Support for tenants

- Stronger **rent regulations**
- **$76 million for legal assistance** for low-income renters
- **Enforcement agency task force** combats tenant harassment
- New laws **prohibit harassing buyout offers** to tenants

Housing preservation efforts

- **Preservation of 120,000 currently affordable homes**
- Affordability in buildings without regulatory agreements:
  - Neighborhood Preservation Helpdesks
  - Green Housing Preservation Program
- **Working with neighborhoods** to plan for new growth

MIH will be implemented through both public and private ULURP applications

Public ULURP applications

MIH will be applied to neighborhoods that are rezoned for increased residential development to meet community needs.

Current neighborhood planning areas:

- East New York (Brooklyn)
- Flushing West (Queens)
- Bay Street Corridor (Staten Island)
- Jerome Avenue (Bronx)
- Inwood (Manhattan)
- Long Island City (Queens)
- East Harlem (Manhattan)

Private ULURP applications

MIH will be applied to rezonings that will significantly increase the opportunity for residential development on the site(s).

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Gale A. Brewer, Borough President

Testimony of Manhattan Borough President Gale A. Brewer
Subcommittee on Zoning And Franchises
Mandatory Inclusionary Housing
February 9, 2016

Thank you for the opportunity to testify today on the Mandatory Inclusionary Housing (MIH) Program text amendment. Everyone is aware that I am the only Borough President who has voiced conditional support for MIH and I did so after much work, community input, negotiations and consideration. So I will do three things in my testimony today: First, briefly go over the lay of the land – or at least the very expensive land in my Borough – as it relates to the construction of new affordable housing. Second, explain why I gave conditional support to this program. And third, and most importantly, share my thoughts on what changes are necessary to make this a program that will truly benefit Manhattan and our city.

Currently, if the Mandatory Inclusionary Housing Program becomes law, there will be two types of inclusionary housing programs in New York City: voluntary and mandatory. The existing voluntary program offers developers a benefit – additional zoning density – if they provide affordable housing with a market rate project. They can get this in areas specifically zoned for the Voluntary Inclusionary Housing Program and in all R10 zones. These areas together make up about 20 percent of Manhattan.

The City needs a mandatory inclusionary housing program. Since I became Borough President I have been calling for two things:

1. Requiring affordable housing to be built whenever there is new residential development and especially when special permits allow the building of housing where it wouldn't otherwise be allowed.

2. Fixing the City's opt-in Voluntary Affordable Housing Programs where developers get bonuses for building affordable housing. This opt in program covers significantly more territory in the borough of Manhattan than the contemplated neighborhood rezonings (such as East Harlem and Inwood) will cover.

Based on my strong belief that only with two strong programs – mandatory and voluntary – can we hope to construct a meaningful amount of affordable housing, I support this plan for the following reasons:

1. In addition to neighborhood rezonings, it would apply to all special permits applications by private developers to add more than 10 residential units of housing to any area where it couldn't otherwise be built.

2. I have a commitment from the City Planning Chair and Commissioner of HPD to begin crafting changes to the Voluntary Affordable Housing programs. These changes would result in developers being required to build more affordable housing when they take advantage of these programs and ensure that affordable housing is not stigmatizing for residents by prohibiting the creation of "poor doors."

3. I have received a commitment from the City Planning Chair and Commissioner of HPD to work with neighborhoods on strategies to apply the proposed Mandatory Program in a way to get more housing at the higher and lower ends of the AMI spectrum in neighborhoods that have a need for lower income units and those that have a need for middle income units respectively. And I am confident that working with the Council we can translate this into more AMI options at the lower and higher ends.

4. I have a commitment from HPD and City Planning to work towards a higher percentage of affordable housing in the voluntary and mandatory programs if an offsite option is used.

5. I have gotten two further commitments that will go a long way to ensuring that the Affordable Housing Fund funded by smaller projects will be used in the community where the money was generated, and the BSA hardship waiver provisions for the program have been significantly tightened at my insistence in the language that the Commission has sent to you.

That is why I recommended a conditional approval. However, in addition, there are other significant changes that must occur or the program will not adequately meet our needs. So they are much more than mere "tweaks." They are:

1. We need to ensure that we are not leaving affordable housing on the table in Manhattan. If we do not believe we can require affordable housing with all new residential construction over a certain size – even "as of right" construction -- then we need something else: Percentages of affordable housing in the mandatory inclusionary areas in Manhattan that are maximized under every option, including special permit applications. That means lowering the threshold from the current 10 units or 12,500 square feet and seeing if we can go even higher than 30 percent affordable – especially in markets such as most of Manhattan. I know the Progressive Caucus has recommended lowering the threshold to 6 units, and this is consistent with my desire to see that loft buildings in, for example, SoHo and NoHo cannot get out of the program.

2. The Council must broaden the AMI options at both the lower and higher ends, otherwise the program could fail to meet neighborhood needs at a significant cost to the stability of various communities. If we don't have options such as 30% AMI in our least affluent neighborhoods, then even affordable housing could contribute to gentrification. And if we don't

have a middle income or workforce option in other neighborhoods, then long term residents priced out by market rate housing will have nowhere to go.

3. There must be strong anti-harassment provisions or other protections baked into the program to prevent landlords from harassing existing tenants so that the very development we are allowing does not spur displacement.

4. The affordable housing must be as integrated as possible in terms of location and distribution, and any deviation from this goal should be discouraged by requirements of additional affordable housing over and above the current maximum percentage. We called for a substantial increase in the percentage of affordable housing if an offsite option is allowed, and the Council's Progressive Caucus agrees.

Finally, HPD and City Planning have agreed on the following safeguards for the MIH Payment in Lieu Fund which requires money to be contributed by smaller projects to fund affordable housing: (1) that the money remain in the community district for at least ten years; (2) those funds should always remain in the borough in which it they are raised; and (3) these provisions should be put in the zoning text. I ask that you make sure this happens because without these changes in the text a future commissioner could take money for affordable housing out of the communities which were intended to get the housing. This could result in certain communities going without affordable housing and other communities becoming the "affordable communities."

Thank you for the opportunity to express my thoughts and I look forward to working with the Council on this important program.

F.T.R.

BRONX BOROUGH PRESIDENT RUBEN DIAZ JR.

Testimony of
Bronx Borough President Ruben Diaz Jr.
For the
New York City Council Sub-Committee on Zoning and Franchises
February 9, 2016
Public Hearing
On
Zoning for Quality and Affordability
&
Mandatory Inclusionary Housing Text Amendments

I am here today to testify in opposition to the pair of zoning text amendments that have been put forward by this administration and the Department of City Planning, known together as "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH).

These text amendments pose an abundance of concerns and questions by my office, the community boards, advocacy groups, elected officials and others from all points on the spectrum of the development and public policy community. These concerns were underlined at a recent hearing of the Bronx Borough Board, where they were unanimously rejected for a wide variety of reasons.

The submission of over 500 pages of text amendments at the same time is an unreasonable burden on the capacity of most community boards to adequately review and evaluate their local neighborhood impact. These text amendments will govern land use development for our city for decades to come and should not be adopted in such a short period of time. Something so profound as the future development of this city cannot be rushed.

Achieving our city's affordable housing goals cannot be accomplished in a vacuum. Our goal as a city should not be just to achieve a goal of 200,000 units, but to meet the individual needs of each and every community in this city. Allowing just 60 days for our community boards to weigh in on these proposals is disrespectful to the boards, their members and the neighborhoods they serve, and goes against the spirit of progressive, inclusionary and transparent government.

Despite the impact these combined proposals will have on density, there are no serious discussions on the social and physical infrastructure necessary to manage the development for which this zoning plan allows.

Are there enough school seats for the children accompanying their parents as they move into new affordable units? What will be the impact on transportation in these communities? Will additional services be provided for seniors? Will new green and public spaces be provided for new residents? What kind of jobs will be created? How can we totally eliminate parking requirements? Will neighborhood residents even be able to get these new apartments?

These questions, and many others, have gone asked and unanswered.

Additionally, the proposal as it stands would not fully realize the goal of truly mixed-income communities. For example, a mix of specific income levels covering a broad range from very low to moderate-incomes within market rate developments should be considered. This range, rather than income averages, would create the true mixed-income neighborhoods that this proposal hopes to achieve.

The "neighborhood-by-neighborhood" approach to planning has been very successful in The Bronx, and these text amendments undermine that success. The borough has adopted no less than 16 rezonings since 2009, yet these proposals will reshape the zoning of this city with one broad brush stroke.

One size does not fit all. Local planning efforts reinforce the principles of inclusion and transparency, and can also mitigate displacement and preserve neighborhoods. These principles have been successful in previous rezonings, and they must be respected moving forward.

This Administration has said that MIH and ZQA are the only way to mitigate the problems of displacement that can come with gentrification in New York City. This is simply not the case. While affordable housing is key, these amendments as they stand are not the way to accomplish affordable housing for New Yorkers. There are multiple issues with the proposed amendments. We need to find a way to ensure that Bronx residents' needs and all New Yorkers' needs are met by new zoning, and these proposals do not achieve those ends.

While it has been said that changes will be made to these text amendments in light of community concerns raised regarding their implementation, we have not seen these changes yet. As currently written, I cannot support these zoning text amendments-Mandatory Inclusionary Housing and Zoning for Quality and Affordability- and strongly recommend that the City Council vote to defeat these proposals.

DEBORAH J. GLICK
Assemblymember 66th District
New York County

FOR THE RECORD

The Assembly
State of New York

CHAIR
Higher Education Committee
Intern Committee

COMMITTEES
Environmental Conservation
Governmental Operations
Rules
Ways & Means

Testimony of Assemblymember Deborah J. Glick
Before the New York City Council

Regarding City-Wide Zoning Text Amendment
Mandatory Inclusionary Housing
February 9, 2016

Thank you for the opportunity to testify before you today regarding the city-wide zoning text amendment known as Mandatory Inclusionary Housing (MIH) that was recently approved by the City Planning Commission (CPC). There is a serious affordable housing crisis throughout the City. I applaud the goals behind MIH in which all new construction would be required to include affordable units, allowing for income diversity across neighborhoods. In Manhattan, incomes vary drastically and change quickly. As a result, long-term residents are often priced out of their communities due to a volatile real estate market. However, due to the attempts to address this issue in one city-wide amendment, MIH limits affordability requirements too significantly. Additionally, there are still loopholes—such as the payment in lieu of option and the "poor building" option--that are counter to inclusion and are detrimental to communities. Changes to these items must to be made before this amendment should be approved.

As proposed, lower and middle income individuals and families could still be priced out of certain neighborhoods based on geographic boundaries and Affordable Median Income (AMI) requirements. Specifically, not including the mid-range AMI option in Manhattan south of West 110th Street and East 96th Street does not address the issue of affordability or creating long-term sustainable affordable housing. In areas like Greenwich Village, where incomes are already higher than the city-wide median average, the proposed AMI bands do not reflect what is actually affordable, causing future developments using the MIH incentives to potentially offer rents that are more in line with market rate rents. Individual communities and neighborhoods should be able to decide what AMI bands make the most sense for their neighborhood. This is particularly important in areas of our city that have weathered quick and drastic gentrification. Longtime residents find themselves being priced out of these far more quickly than in other neighborhoods.

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The MIH proposal contains a number of loopholes that fail to protect tenants and communities. First, MIH offers a *Payment-in-lieu Option and Housing Fund* (PIL) through which developers can make a contribution to a housing fund that can be used to fund affordable housing elsewhere if the proposed development is smaller than 12,500 square feet. MIH should lower the minimum threshold to be more in line with actual neighborhood square footages. While changes to MIH regarding PIL funds did occur during last week's CPC vote, these do not address the root issue of developers using the PIL option as a loophole. Additionally, I have concerns that MIH as written allows for the creation of a "poor building" which would replace the "poor door" concept which has long been opposed throughout communities. This provision needs to be reviewed and full integration of all levels of income need to be guaranteed within each development, without any loopholes.

I am pleased that CPC strengthened provisions for Board of Standards and Appeals (BSA) variance permits. This more robust and stringent language helps to ensure that some of the most egregious problems experienced by residents, such as the issuing of superfluous weekend variances, may be prevented in the future. However, I urge the City Council to fully vet these changes to ensure that developers will not continue to use the BSA hardship variance system as a way to do work most convenient for their schedule despite inconvenience for residents.

I thank the New York City Council for listening to the public, Community Boards, and elected officials who are wary of major aspects of MIH as well as the Zoning for Quality and Affordability text amendments. While the aims of increasing affordable housing and improving neighborhood quality in the city are laudable, this proposal does not address the problems appropriately. Many communities stand ready to offer solutions within their districts to preserve and expand affordable housing. Neighborhoods and communities should be allowed to remain unique through strengthened locally defined standards. Thank you.

For the Record

City of New York

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Raj Rampershad, Chairperson * Lisa Gomes, District Manager * Melinda Katz, Borough President

November 18, 2015

Mayor Bill de Blasio
City Hall
New York, NY 10007

Carl Weisbrod, Chairman
New York City Planning Commission
22 Reade St.
New York, NY 10007-1216

Dear Mayor de Blasio and Mr. Weisbrod,

Queens Community Board 9 commends the initiative to address the crisis in affordable housing. Accordingly, we have carefully reviewed the City's proposals to achieve this: "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing (MIH). Unfortunately, the ZQA and MIH proposals are so seriously flawed that we must strongly oppose and reject them. Our reasons are detailed in the enclosed resolution, which was unanimously passed at our regular monthly meeting on November 10, 2015.

We have taken these proposals very seriously -- and rejected them. They claim to increase affordable housing. Yet, after learning of the recent Stuyvesant Town/Peter Cooper Village deal between the City and the Blackstone Group, we wonder whose interests are really being advanced. This deal, awarding the Blackstone Private Equity firm $571 million of tax payer and other funds, makes one wonder how serious this Administration is about providing affordable housing to ordinary New Yorkers. An opportunity to maintain and quickly create well-placed affordable housing seems to have been missed. Even Crain's Business magazine (October 26, 2015) calls it a raw deal for ordinary New Yorkers, who are paying $571 million to Blackstone, a private equity giant whose assets total $81 billion. Why waive the City's $77 million in mortgage recording taxes? Why call the $144 million coming through the Housing Development Corporation a "loan" to Blackstone when they need never repay it? And why give them 700,000 square feet of air rights valued modestly at $350 million? One can be reasonably certain those air rights will not be used to provide affordable housing. More than half a billion dollars is awarded to Blackstone in exchange for keeping 44% (some 5000 units) of Stuyvesant Town housing "affordable" and then only for 20 years -- a brief moment in the life of the city. And are these units truly affordable even in the short run? Moreover, as Crain's so aptly puts it: "Those enduring long commutes to Manhattan because they cannot afford to live there might well wonder why their tax dollars should help, for example, a family of three earning $128,000 to rent in the most expensive borough for $3,200 a month when lots of others would happily pay more." Why couldn't the City have worked with local and non-profit groups to plan permanent affordable housing, instead of the ZQA and MIH proposals which we believe will primarily benefit developers?

If enacted, the ZQH and MIH proposals would undo careful re-zonings in our community and many others. They would increase density with no provision for addressing the many concomitant increases in infrastructure. They would invite developers to purchase vulnerable properties to erect profitable housing, in return for a "blank check" to rezone these properties. These concerns, and many others, are detailed in the enclosed resolution. We know our concerns are shared by many other communities in Queens and throughout New York City. We urge you to take these concerns very seriously.

Sincerely,

Raj Rampershad
Chairman

Z:\Committees\Land Use Committee\CB9 ZQA-MIH-Resolution nm815.docx

Cc:

BP Melinda Katz
Comptroller Scott Stringer
Jessica Douglas Queens Borough Director CAU
CM Eric Ulrich
CM Elizabeth Crowley
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CM Ruben Wills
CM Melissa Mark-Viverito
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Assemblyman Michael Simanowitz
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Assemblyman David Weprin
Assemblyman Phillip Goldfeder
Assemblywoman Vivian Cook
Senator Joseph Addabbo, Jr.
Senator Leroy Comrie
Senator James Sanders, Jr.
Senator Michael Gianaris
Queens Community Boards
Woodhaven Residents Block Association
Richmond Hill Block Association
Kew Gardens Civic Association
Queens Civic Congress
Queens Chronicle
Leader Observer
Forum

Queens Community Board 9 (CB9)
Resolution on NYC Affordable Housing Proposals

Resolution

Queens Community Board 9 strongly opposes and rejects the proposed zoning text amendments re Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH).

Community Board 9's opposition is outlined below. We do not pretend to detail the text which covers hundreds of pages. What we read in these texts and understand from presentations is that little "affordable" housing will result from these amendments and most of such housing will only be affordable for what is the blink of an eye in the life of the city. We see the undoing of years of careful re-zonings done throughout Community Board 9, and an open door policy inviting developers to gain much while potentially destroying vibrant working communities.

The Proposals

The de Blasio administration has initiated a much-publicized "Housing New York" plan, proposing rezoning to promote affordable housing. The rezoning proposals are referred to as "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH). The following links provide more details on these proposals.

- Zoning for Quality and Affordability (ZQA)
- Mandatory Inclusionary Housing (MIH)

The NYC Department of City Planning (DCP) has been enlisted to promulgate these proposals and has dutifully and diligently done so. We appreciate the DCP's efforts to present and explain the zoning proposals, but we must be careful not to confuse the messenger with the message. In fact CB9 has serious concerns about the ZQA and MIH proposals.

CB9 Overview

We certainly recognize the dire need for affordable housing and strongly support reasonable initiatives to provide it. But it must be done in a way that preserves and protects the hard-won rezoning that has already been achieved, in CB9 and other low density communities throughout the city. We are especially concerned that the current proposals will encourage developers to increasing density at the expense of community character and without providing the increased infrastructure and services (police, schools, sanitation, etc.) dictated by increased density.

The proposals are complex, voluminous and sweeping. Further, the City Planning Commission (CPC) has "fast-tracked" them: the ULURP process formally began on September 21, 2015, and communities have only 60 days to respond. Proper evaluation of proposals of this magnitude and complexity requires many years, not a few weeks. In fact, CB9's recent contextual rezoning required several years of painstaking cooperation between the community and the Department of City Planning.

CB9 Recommendation

While CB9 supports any reasonable initiative to address the affordable housing crisis in New York City, we emphatically oppose the ZQA and MIH proposals as they now stand, for the reasons explained below.

We believe zoning and permitting could become meaningless under these proposals and that developers would be given more license to act as they pleased without realizing an increase in quality and affordability. Moreover, the effect will be detrimental to current community character and threatens to undo current re-zonings that were achieved after years of hard work and cooperation between communities and the DCP.

If the proposals as they now stand are implemented, they will serve to intensify the "Tale of Two Cities" on which our mayor's election campaign was based. We will be happy to support any affordable housing proposal in which ALL segments of New York City's economy, including developers, the real estate industry and the very wealthy, contribute fairly to providing affordable housing.

The remainder of this resolution itemizes our specific concerns with each of the above proposals.

Zoning for Quality and Affordability

- **Senior Housing and Affordable Housing**

  The proposal cites overall population growth and wage gaps as causes of the housing crisis. Yet, the bulk of the proposal focuses on senior housing which provides institutional care, ranging from nursing homes to assisted living. Institutional care that provides professional medical care – as in nursing homes – is extremely costly. While it is true that the "baby boom" segment of the population will tax social resources that provide health care, it is not at all clear how this health care need is synonymous with the need for affordable housing. While costly institutional care may provide a healthy revenue stream for institutional care owners, it is an unconvincing argument to claim that it is a way to provide affordable housing. Moreover, the national trend is moving away from institutional care, in favor of home-based medical care, because it is significantly less expensive; it is now understood that it is best to keep seniors in their homes as long as possible.

- **Space and the Elimination of Minimal Dwelling Unit Size**

  The CPC suggests eliminating minimal dwelling unit size in affordable senior housing. Thus the FAR allowed in a building could accommodate many more dwelling units, increasing population density. The zoning document describes significant increases in FAR in nearly every zone for "affordable" and "affordable senior housing." The document raises the possibility of mixed uses, both affordable and senior housing within the same market rate building. This kind of mix could be a good step in reducing isolation between seniors and the rest of the population. However, what will mixed use of such housing in a market rate building add or enable of the "new" FAR? And how much affordable housing is actually required? Nor is it clear whether or not more FAR is only for seniors. What happens when the senior leaves?

- **Parking**

  In the apparent belief that seniors don't drive cars and that low income people don't own cars, parking is either totally eliminated or reduced in what are referred to as "transit zones" -- within ten blocks of public transport, and construction would be permitted on current parking lots. Further, eliminating parking is permitted even outside the transit zone.

As for low income people not owning cars, public housing in NYC provides reasonably priced parking to its tenants - some $60 to $538 a YEAR, depending on whether it is reserved, not reserved, indoor or outdoor parking. At this cost it is hard to believe these spaces go begging, particularly since they are also open to non-residents. In fact, over 200 NYC Housing Authority developments offer parking (http://www.nychaparking.com/parking_maps.php), most of which have long waiting lists.

Community Board 9 does not lack for seniors nor for seniors with cars. What we greatly lack (especially with the closing of the Municipal Parking garage) is adequate parking. In areas close to mass transit ("transit zones"), parking is already limited as drivers from outside the area drive in and park to take advantage of the nearby mass transit. During the work day, one moves at one's peril out of a parking spot. Yet travelling in Queens without a car is an exercise in time consumed waiting for and changing buses. Queens, aside from Staten Island, has the least subway transit in the city. In CB9, street parking is a scarce commodity, as DCP is well aware.

In addition, parking at senior housing and long-term care facilities allows visitors to come without spending hours on buses, an effort which discourages visiting. Also, most workers are at the same disadvantage for mass transit, so must drive and park.

- **Building Heights**

Building heights are revised to accommodate new zoning definitions. Much has been made of the statement that DCP is only *tweaking* the zoning, that in most cases only one story would be added to a building. It's unclear how the increased FAR in the proposal results in just one additional story.

- **Removing Setbacks**

Mandated setbacks perform two functions in this city - ensuring light and air, and in very high density areas making the streetscape appear less overwhelmed by the heights permitted. We are opposed to easing mandated setbacks.

- **Reduce Side Yards and Rear Yards**

Not only does the proposal allow one to reduce the rear yard distances between adjacent structures, from 30 feet to 25 feet, the change would permit **construction** in rear yards, although not for housing use and not, supposedly, in B districts So what remains of the rear yard?

In addition, mixing affordable and senior housing creates a wide open door. For example, there are over 60 references to what one can or cannot do with and to rear yards. The present Zoning Resolution is convoluted and can lead a builder and architect into a labyrinth, but this proposal will only make this worse. We are opposed to reducing side and rear yards.

- **Odd Shaped Building Lots**

Greater flexibility for building on odd lots would simply reduce the need for the BSA (Board of Standards and Appeals), which some might agree with. If one buys a small lot and fills it, does this lead to encroaching on the light and air of adjacent buildings? By reducing the required distances in side lots and rear yards, these odd lots become usable as-of-right, but what effect does this have on adjacent structures? What are the controls?

- **Eliminate Certain Certificate and Special Permits**

Today, certain certificates and special permits are required for certain types of long-term care facilities, e.g., nursing homes. The proposal suggests that these uses could thus become as-of-right, thus creating building and population density in areas now of low density given their zoning.

- **Affordable Housing and 421-a Tax Exemptions**

Right now, according to the IBO (Independent Budget Office) the City loses **one billion dollars in tax revenue EVERY year** (http://ibo.nyc.ny.us/cgi-park2/?p=1045). The 421-a exemption has led to such travesties as reducing the property taxes on a $100 million Manhattan apartment to less than many NY state residents pay on houses costing less than $1 million. One billion dollars could go a long way to building non-profit or even regulated for-profit affordable housing.

Mandatory Inclusionary Housing

The inclusionary housing that now exists in the city is not mandated to provide a fixed mix of affordable units or even such units within the new building. The recent award by NY State HUD to RockRose of $270 million dollars to help erect a luxury apartment building in Long Island City mandates 20% of affordable housing for a term of 30 years. Such affordable Inclusionary Housing apartments have generally been made available through a lottery.

Mandatory Inclusionary Housing (MIH) would require through zoning actions that a share of new housing to be permanently affordable. A developer would submit a new Mandatory Affordable housing application to the City Planning Commission. The developer would commit to one of three options.

1. 25% affordable units at an average cost of 60% AMI* ($46,620)
2. 30% affordable units at an average cost of 80% AMI* ($62,160)
3. (Overlay**) 30% affordable units at an average cost of 120% AMI* ($93,240)

**AMI: Average Median Income. In New York City this is currently set at $77,700 for a family of four.*

AMI levels are averages, meaning a variety of income levels can exist in a given development.

***Overlay:* Must be applied along with one of the previous options.

East New York is the first of at least 15 neighborhood rezonings proposed by the City for Mandatory Inclusionary Housing. Other areas under consideration are Jerome Avenue (Bronx), Bay Street (Staten Island), Flushing and Long Island City (Queens), and East Harlem (Manhattan), and at least nine more to come.

We believe the MIH proposal invites developers to seek out and purchase vulnerable properties in existing communities, in order to construct profitable housing in return for rezoning and providing a token number of "affordable" housing units.

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HENRIETTA LYLE
Chairperson

Manhattan Community Board 10 Testimony on MIH Rezoning Text Amendment

Good morning. My name is Brian Benjamin and I am the Chair of Land Use for Manhattan Community Board 10 representing the neighborhoods of central Harlem. I am making this statement on behalf of our Chairperson Henrietta Lyle and my fellow Community Board 10 members.

Our residents are deeply concerned about the lack of affordable housing in our neighborhood and across the city. Enabling more affordable housing is an urgent priority for Manhattan Community Board 10 and we are glad that this is the stated goal of the administration in proposing the MIH zoning text amendment.

We have had multiple hearings, forums and conversations surrounding the city's MIH rezoning text amendment proposal and we believe that we would be doing a disservice to the community that we represent if we did not raise them at this hearing. We urge the City Council to take note of our 3 biggest concerns and to amend the MIH text amendment proposal accordingly:

1) Requiring 25% or 30% of the units to be affordable is a step in the right direction, but this percentage is too small for neighborhoods like central Harlem. At a minimum developments benefitting from rezoning in selected CB districts should be required to provide 50% of the units as affordable and a percentage of those units should be focused at 30-40% AMI levels
2) If the affordable units are built off-site, the construction schedules should be required to ensure that affordable units are completed before or at the same time as the market-rate units and the affordable units should be built in the same Community Board District as the market rate housing
3) Any proceeds from the payment in lieu option for small buildings should be restricted to subsidizing 60% AMI units and below otherwise this option shouldn't be available. There needs to be transparency surrounding how those funds would be utilized.

We hope that these concerns will be taken into consideration in a meaningful way, and we look forward to working proactively with this administration in the future to find solutions to the housing needs of Harlem and of our city.

For the record

Progressive Caucus *of the New York City Council*

For Immediate Release: February 4, 2016
Contact: Alana Cantillo, 212.341.9509, acantillo@council.nyc.gov

Press Release

Progressive Caucus Priorities to Strengthen MIH

New York — New York — Caucus members are committed to creating and preserving safe, decent and affordable housing for all New Yorkers. With consideration of that founding principle, we support the goals of the proposed Mandatory Inclusionary Housing (MIH) program. MIH will help ensure that developers are investing in affordable housing and that these units are permanently affordable. This housing will also help mitigate displacement and gentrification concerns throughout the City.

As the City Council reviews this proposal, the Caucus will be advocating for a series of modifications that will enhance the protections and advancements MIH hopes to achieve. Firstly, we feel it is imperative that an option be created that will guarantee units at deeper levels of affordability for the significant number of residents we represent earning incomes below the 60% AMI average currently proposed. Additionally, we recommend the following program components:

- **Disincentivize off-site affordable housing**
  The Caucus is concerned that off-site affordable housing development exacerbates segregation. In order to limit this, the offsite option must require that the market-rate and affordable housing is built within the same Community District, that a C of O for any offsite development must be obtained before the on-site development can begin construction, and that any offsite development must include affordable units at the rate of 40% of the units in the market-rate building. We also encourage exploring other strategies that ensure geographic inclusion, including school assignment policies and other measures of socio-economic integration.
- **Reform Board of Standards and Appeals**
  The public deserves more transparency in cases where developers file a financial hardship claim. This must include objective criteria for approving applications along with a process in which HPD will present a financial analysis that would justify any exemptions. Council Intros 281, 282, 283 and 354 would provide additional oversight the Caucus seeks for this important government entity.
- **Create a strong "off-site permanent preservation" option**
  Another tool to prevent displacement in rezoning neighborhoods would be to allow MIH developers to participate (through a contribution that would equal or exceed what they would spend for on-site housing) for the permanent preservation of existing, at-risk affordable housing. This option will be used in the neighborhood, with stabilized or un-stabilized units that have deep affordability and are owned and operated by not-for-profit organizations.

- **Report, monitor and track affordable units**
  HPD must create a system to secure the affordable units created through the MIH program so they will continue to exist for their intended purpose. The City must establish a thorough process that ensures the housing from this program is created, registered and monitored for permanent affordability.
- **Maintain distribution of affordable units at 65% minimum from 50%**
  In order to prevent discrimination, affordable units must be distributed throughout 65% of the building for rentals, coops and condominiums. This would uphold the current standard in the voluntary program and avoid over-concentration of affordable units on a single floor or section of a building.
- **Reduce building size exemption**
  We propose that buildings exempt from creating the affordable housing requirement be reduced from 10 to 6 units, 12,000 sq. ft. to 7,500 sq. ft.
- **Require developers receive a "Certificate of No Harassment"**
  Before DOB issues permits for any demolition or material alteration of a Class A multiple dwelling., HPD must issue a "certificate of no harassment" in order to prevent illegal displacement of rent stabilized tenants for the creation on higher-income residences. Council Intro 152 would extend provisions already in place for the Special Clinton District, SROs and several other rezoning areas to all applications.
- **Structure oversight of Affordable Housing Fund**
  When the City collects fees in lieu of executing program requirements, funds provide financing to locally constructed, affordable housing. The expected use of these funds must be codified and include formulas for contributions, annual reviews and processes for ensuring proactive expenditure.
- **Strengthen current MOUs**
  Memorandums of Understanding (MOU) are often negotiated to allow for additional community benefits within housing applications. Unfortunately, they are often disregarded once projects become realized. Therefore, we propose creating enforceable "neighborhood commitment plans" with mechanisms for Administration filing, tracking and accountability such as inclusion in the Mayor's Management Report.
- **Require deeper affordability in rezonings that include a use change**
  When a property zoned for manufacturing is rezoned for residential use, the property value immediately increases dramatically. While the Caucus supports maintaining manufacturing zones for industrial uses, in the rare cases where manufacturing land is rezoned for residential, 50% affordable housing should be required.
- **Guarantee tenant equity**
  Caucus members want to stymie discriminatory practice from occurring in the diverse, mixed-income buildings this program supports. Therefore, we propose all tenants have equal access to building amenities as well as comparable apartment appliances and finishes.

It is clear that the efforts of this progressive Administration and City Council will respond to the needs of our growing city that include low vacancy, tenant harassment and challenges of affordability. MIH is an important tool to support our goal for a more just and equal New York and the Progressive Caucus looks forward to collaborating with our colleagues to include these important changes in the final outcome.

###

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TESTIMONY OF THE GREENWICH VILLAGE SOCIETY FOR HISTORIC PRESERVATION BEFORE THE NEW YORK CITY COUNCIL REGARDING *MANDATORY AFFORDABLE HOUSING* PROPOSAL

February 9, 2016

Requiring a percentage of affordable housing in new developments, as MIH proposes, could be reasonably assumed to help affordability in New York City.

But the Mayor has insisted that MIH would only be applied if also very significantly increasing the amount of market rate or luxury housing which would be allowed, which would have the exact opposite effect.

This is essentially applying the Williamsburg/Greenpoint and West Chelsea/Hudson Yards model to the entire city. Those neighborhoods were rezoned in 2005 to allow significantly increased market rate development in exchange for affordable housing creation. In the past ten years, these two neighborhoods have produced far and away the most new affordable housing units in the city through the inclusionary zoning program. But the tsunami of market-rate housing which was the price to pay for it has made these two neighborhoods physically and scoio-economically unrecognizable. They look more like Hong Kong or Miami than New York City, and they are among the least affordable, most rapidly gentrifying parts of the city – a process greatly accelerated by the vast increase in the amount of allowable market-rate residential development from the rezonings. And while MIH would produce a slightly higher proportion of affordable housing than in these areas (25-30% as opposed to 25% in West Chelsea/ Hudson Yards and 20% in Williamsburg/Greenpoint – see attached City Planning data for Community Board #4, Manhattan and Community Board #1, Brooklyn), the overall effect would nevertheless be largely the same.

Tying MIH exclusively to large-scale upzonings and significantly increasing the allowable amount of market rate housing also means that it will almost undoubtedly will not be applied in many parts of the city. Areas of the city with housing markets strong enough to support MIH without government subsidy and without requiring large scale increases in the size of development are found largely in medium to high density districts in Manhattan and Brooklyn. Arguably these communities in some ways need affordable housing most. In most cases, however, these are also communities which value maintaining a human scale and character, and would strongly oppose large-scale upzonings, though they would likely welcome new affordable housing. This MIH policy needlessly puts these two important public policy goals in opposition.

The de Blasio administration has made clear that they won't consider turning the many voluntary 'Inclusionary Housing' districts already mapped in many of these areas into mandatory ones. And when we proposed rezoning the University Place/Broadway corridor of our neighborhood to allow modest increases in the size of new

development for including affordable housing, the de Blasio administration rejected it, saying that only a large-scale upzoning would be considered. They preferred instead to keep in place the existing zoning which guarantees that only luxury condos will be built in this area.

The administration claims such enormous increases in the allowable amount of market rate housing are necessary to make the production of the required affordable housing economically feasible, and to insulate against legal challenges. But these are false claims. Reports and analysis by the Furman Center at NYU and the Association for Neighborhood and Housing Development both point out that in many parts of the city, affordable housing could be produced as a mandatory component of new developments without the need to increase the allowable size of development. And clearly the legal requirement that inclusionary zoning allow property owners to make a "reasonable return" on their investment would not necessitate massive upzonings in many parts of the city. This is evidenced by the fact that many developers in existing inclusionary zones choose to participate in the affordable housing program right now, with just the modest bulk increases they currently receive in return.

In fact, this policy of tying MIH to massive increases in the allowable amount of market-rate housing seems to be driven more by the administration's desire to maintain favor with the real estate industry and not damage their profits than by any real concern about affordability. Rather than asking the real estate industry to bear its fair share of the burden, the administration wants communities to needlessly sacrifice their light, air, scale and character in exchange for affordable housing, and in the end to accept a program which will have the overall effect of making their communities less affordable.

I urge the Council to instead be guided by a clear evaluation of what will really address affordability, rather than a desire not to offend developers. Allow communities to maintain their scale and character, and do not make affordable housing requirements or new rezonings dependent upon large and damaging increases in the allowable amount of market-rate development, as currently contemplated for MIH.

Thank you.

From Department of City Planning Website: http://www.nyc.gov/html/dcp/html/ih_production/index.shtml

Inclusionary Housing Designated Areas
Total Housing Units Created in New Buildings and IH Affordable Units Produced Through July 2013

Community District	Number of Units in Buildings Issued NB Permits Within Designated Area	Total affordable units produced through IH	% of total units permitted
BK 1*	6825	996	14.6%
BK 2	99	0	0.0%
BK 3	321	90	28.0%
BK 6	0	0	n/a
BK 7	97	6	6.2%
BK 13	0	0	n/a
BK 14	0	0	n/a
Brooklyn total	**7342**	**1092**	**14.9%**
BX 1	201	40	19.9%
BX 3	0	0	n/a
BX 4			n/a
BX 6	5	0	0.0%
BX 7	0	0	n/a
Bronx total	**206**	**40**	**19.4%**
MN 1	19	0	0.0%
MN 2	0	0	n/a
MN 3	461	89	19.3%
MN 4	6055	1470	24.3%
MN 6	0	0	n/a
MN 7	616	127	20.6%
MN 9-10-11**	191	37	19.4%
Manhattan total	**7342**	**1723**	**23.5%**
QN 1	81	0	0.0%
QN 2	157	0	0.0%
QN 12	182	33	18.1%
Queens total	**420**	**33**	**7.9%**
NYC total	**15310**	**2888**	**18.9%**

*In upland areas of the 2005 Greenpoint-Williamsburg rezoning, some areas zoned R6B or R6 are only eligible for a much smaller bonus, which provides a limited incentive for a smaller share of affordable units. Excluding these areas, Brooklyn CD 1 had permits for **6,309** total units in new buildings, and Inclusionary Housing affordable units represent **15.8%** of this total.

** The 125th Street rezoning (adopted in 2011) included portions of Manhattan CDs 9, 10, and 11.



West End Preservation Society

West End Preservation Society Statement to New York City Council Subcommittee on Zoning and Franchises in Opposition to Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)

February 9, 2016

Good morning Chairs Greenfield and Richards and Council Members,

My name is Josette Amato and I am the Executive Director of the West End Preservation Society (WEPS). We are a non-profit organization founded in 2007 and our mission is to preserve and protect the architecture, character and quality of life on Manhattan's West End Avenue and its surrounds.

Growth and affordable housing are vital for NYC. The concepts behind MIH and ZQA are admirable. In practice, they will negatively impact existing contextual and historic districts and what remains of our existing affordable housing stock and therefore we cannot support these proposals, as written.

Affordability is not a new phenomenon. It has been a persistent problem throughout our history. The federal, state and city governments have all stepped in to rectify problems and often New York City has been at the forefront of solutions.
The City is relying on private developers to achieve big gains in affordable units but MIH guarantees no substantial numbers. This only works if developers are willing to participate and build. So to make them an offer they can't refuse, ZQA gives a bounty to developers by changing the landscape of New York City in perpetuity. That's too high a price to be paid.

Selling MIH as "good for all" may prove to be "good for few". It offers the possibility of eliminating both the lowest income residents and the middle-income residents. The workforce option is non-existent for Manhattan Community Boards 1-8. And while we desperately need senior housing, units should be made permanently affordable, not time out.
We have either lacked the resources or the will to enforce existing laws for affordable units under 421-a and J-51's. It was revealed in 2015, landlords receiving tax abatements failed to register almost 50,000 units as rent regulated. Who will enforce MIH and what are the consequences for non-compliance?

In our Upper West Side neighborhoods, it is unlikely we would see substantial affordable housing. MIH allows for units to be created off site (unrealistic in our area) or payment-in-lieu. This payment places the burden of creating new affordable housing back on the City at a time when it cannot maintain the housing it already owns and operates. NYCHA is steeped in debt and deterioration and some city owned buildings have been shamefully neglected resulting in the demolition of landmarked buildings rather than being re-purposed for much needed affordable or senior housing.

ZQA states these changes would provide flexibility to existing regulations to facilitate housing development and improve quality, yet there is no proven correlation between the two.

Changes to height restrictions are a major concern. Changing height limitations for narrow streets will facilitate sliver buildings across this city. Should these buildings contain 11-25 units there will be no gain of affordable units onsite.
On smaller lots, it foretells the destruction of smaller buildings. This could result in a loss of existing regulated units and the harassment of our older regulated tenants. Having a fund available to legally combat harassment is

noteworthy but legal action is re-active not pro-active. Too many tenants are already subjected to the emotional stress and strain of owners trying to push them out during this building boom.

Zoning changes in historic districts are foreboding. Communities work for years to preserve and protect their unique sense of place. Limitations have been painstakingly agreed upon, within this body.
Now, in one fell swoop, agreements will be nullified and streetscapes changed forever. LPC approval remains, but by increasing height and decreasing rear yard setbacks, you will be forcing LPC's hand to change our streetscape everytime a new building or alteration comes before them. Changing rear yard setbacks will eliminate green spaces and desperately needed light and air in the backs of buildings. Once implemented, this proposal will unduly burden this smallest of City Agencies.

We urge you to make no changes to the fabric of historic and contextual districts. Retain the height limitations on smaller lots and narrow streets. We urge you to allow much needed green space in our rear yards and not reduce the rear yard requirements.

It has been made clear by this administration that these proposals would be passed. Despite valid concerns voiced at every previous public hearing from an overwhelming number of New Yorkers, the Planning Commission has changed little.
We ask you to act on the concerns of those in opposition. We will have to live with your determination. Do not pass these proposals as written.

Thank you for considering our comments.

514 West End Avenue Suite 15B New York, NY 10024
westendpreservation.org

For the Record

Testimony of Rafael E. Cestero
President & Chief Executive Officer
The Community Preservation Corporation

Hearing Before The New York City Council Subcommittee on Zoning and Franchises

Regarding the Mandatory Inclusionary Housing and Zoning for Quality and Affordability Text Amendments

February 2/8/16

Thank you Chairman Richards and distinguished Committee Members. My name is Rafael Cestero and I am the President and CEO of the Community Preservation Corporation (CPC), a nonprofit mortgage lender that was formed in the early 1970s to help New York City restore and rebuild communities that had been devastated by deterioration and abandonment. Today we help neighborhoods across the state meet their housing and revitalization challenges. In the last fiscal year alone, we have invested more than $372 million in communities around the state to support more affordable and sustainable neighborhoods.

I appreciate the opportunity to be here today to testify in support of the proposed Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) text amendment changes, which seek to make this city more affordable to a wide range of New Yorkers, fostering diverse, livable communities with buildings that contribute to the character and quality of neighborhoods. Many people have, I believe, misunderstood these initiatives because they are viewing them in isolation and not in the context of both the city's history and also its present affordable housing efforts, including the Housing New York plan.

Since the 1990's, New York City has been on a steady and impressive trajectory of growth. Over the past 25 years, we have seen the population expand, the city has added new jobs, and incomes have increased – though not as fast as rents – and by all accounts public safety is light years beyond that of decades past. All of this points to an economy that is strong and robust and poised to continue its growth. But we must remember that this has not always been the case.

Throughout the 1970s and 80s swaths of our city fell victim to blight and abandonment that devastated our housing stock and the communities it served. From the South Bronx, to Harlem and East New York – buildings were abandoned, crime was rampant, and hundreds of thousands

of people fled the city for the surrounding suburbs. It was so bad that it took a courageous decision from Mayor Ed Koch to change the city. Instead of fencing off the South Bronx and other neighborhoods as part of a strategy called "planned shrinkage," he launched a massive housing investment plan that rebuilt much of our city.

Today, New York City is booming in a way that has not happened in generations, and we have become an economic engine for the state, as well as the region and points beyond. This unprecedented growth can largely be attributed to this city's legacy of investing in our neighborhoods, and in particular those neighborhoods that were scarred and stigmatized the most by disinvestment and flight.

This historical context is important. Over the past few decades the city has rebounded and we have seen an enormous pressure on the cost and demand for housing that is driving change in neighborhoods across the city. Our housing policies have been varied and expansive. Inclusionary Zoning has been a piece of that overall housing strategy, but was never intended to work alone.

In 1987, New York City issued the first Inclusionary Zoning Plan to incentivize the creation of affordable housing and foster economic opportunity in communities. The Bloomberg Administration took a critical next step in recognizing that the city was experiencing large-scale change, and revamped the Inclusionary Housing program to better harness the private market to create new permanently affordable apartments in exchange for greater density. Both policies were set forth in the larger context of the Koch and Bloomberg housing plans.

Today, the de Blasio Administration is proposing sweeping changes to our zoning policies. These changes are both innovative in their scope and within the context of our city's proud history of investing in underserved neighborhoods in a way that seeks to address the upward pressures of rapid growth and gentrification. And the changes are proposed in the context of the Mayor's remarkable Housing New York plan.

The market pressures our communities face today are not due to the policies or politics of the Bloomberg or de Blasio Administrations. We have done such a great job of making New York City one of the world's premier cities – a place where everybody wants to live and invest – that we have become victims of our own success. The downside is that the city doesn't have

unlimited land or unlimited resources, and the scarcity of both has driven up demand as well as costs.

In putting forth this plan, the Administration recognizes these issues, but also that the dynamics of the New York City market are strong and can be harnessed to create affordable housing and help lock in affordability in growing communities.

Without seeing the totality of this plan, it is easy to pick apart a zoning strategy as something that would lead to further pressure on low-income communities. But when you look at the various policies and plans that work in concert with one another under the umbrella of the Housing New York plan, you recognize that this is very far from the truth.

Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) are two critical programs that will help to create affordable housing and mitigate gentrification, but they should not and were never meant to be viewed in a vacuum. They must instead be analyzed in the context of the Housing New York Plan and other complementary work of the de Blasio Administration.

Through the Housing New York Plan, the City's Department of Housing Preservation and Development and Department of City Planning—along with other city agencies—have put forth a series of new programs that encourage the creation of new affordable housing, aggressively pursue the preservation of existing affordable housing, seek to protect the quality of our housing stock, mitigate uncontrolled growth, reign in unscrupulous owners, ensure tenant protections are enforced, and direct resources to NYCHA public housing so that all of our residents have more opportunities to live in safe and affordable housing.

I am here as the head of CPC and as a former HPD Commissioner to express my full support for the objectives of MIH and ZQA as vital new components of the Housing New York plan.

Voting down these new proposals because they are complicated, viewed out of context or because there are details that need working out, is myopic and potentially damaging to our city. The details can and will be addressed. The Administration is not blind to the need for dialogue. But if we simply say no, then the results are obvious. Re-zonings will not happen, additional affordable housing will not be required in private construction projects, and the main forces for

change will continue to be those unaddressed market pressures of gentrification that are pushing our neighborhoods out of reach for working-class New Yorkers.

MIH and ZQA are integral components of this comprehensive strategy. Without them I have no doubt that the pressures facing our neighborhoods will get worse. There are some who are saying no because they don't want their neighborhoods to change. That is understandable, but the truth is that these neighborhoods are already changing, that change is moving quickly, and it is pushing affordable housing further and further to the fringes of our city and beyond.

MIH and ZQA will give neighborhoods an opportunity to maximize the resources of their existing housing stock and will require permanently affordable housing to be created when new buildings go up. With these strategies in place New York will be equipped to harness the forces that are shaping our city while continuing a legacy of investing in the affordability and revitalization of our neighborhoods.

Thank you.

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For the Record

New York's Mandatory Inclusionary Zoning Plan in National Perspective

Alex Schwartz
Professor of Urban Policy
The New School

Author of *Housing Policy in the United States* (Third Edition), Routledge, 2014
Managing Editor for North America, *Housing Studies*

Submitted to New York City Council
February 10, 2016

New York City is one of nearly 500 local governments in the United States that have adopted some form of inclusionary zoning to help meet their need for affordable housing. Most of these jurisdictions are suburban. Most are also located in the states of California, New Jersey, and Massachusetts, where municipalities are required by law to provide affordable housing. However, several major cities have instituted inclusionary zoning independently of state legislation. In this testimony I will situate New York's proposed inclusionary zoning plan with other inclusionary programs, especially those of other major cities.

Background

Inclusionary zoning (sometimes also called inclusionary housing) refers to local policies that incentivize and/or require private developers to provide affordable housing. Inclusionary zoning programs vary widely in many respects, including:

- the ways by which developers may provide this housing (as part of market-rate developments, construction of separate affordable developments, through in-lieu fees, land donations or other means);
- the required "setaside" for affordable housing;
- the minimum size of a development subject to the program;
- the definition of affordability;
- the extent to which programs focus on rental or owner-occupied hosing;
- the use of density bonuses and other incentives;
- the geographic scale of the program;
- the duration of affordability restrictions;
- and whether the program is voluntary or mandatory.

The Community Land Trust Network and the Center for Housing Policy recently identified 512 inclusionary zoning programs in 487 jurisdictions in 27 states, plus

the District of Columbia.[1] Nearly two-thirds of all programs are located in California and New Jersey, where local governments have often employed inclusionary zoning to comply with state requirements to provide a portion of statewide or regional need for affordable housing.[2] Data on the amount of affordable housing created through inclusionary zoning is fragmented and incomplete. Calavita and Mallach estimate that inclusionary programs have produced 129,000 to 150,000 units of affordable housing as of 2010, with California accounting for about half of the total.[3] Most likely, inclusionary zoning programs have now produced about 200,000 units of affordable housing, although a portion of this housing has reverted to market-rate occupancy.

Although most inclusionary zoning was originally a suburban phenomenon, and most jurisdictions with inclusionary zoning are still suburban, a growing number of cities have also established inclusionary zoning. Besides New York, these cities include Boston, Chicago, Denver, San Francisco, Seattle, and Washington, DC.

Overview of Other Urban Inclusionary Zoning programs

Table 1 summarizes key elements of the inclusionary zoning programs of Boston, Chicago, Denver, San Francisco, and Washington, DC. Several points stand out in relation to New York's proposed program:

First, New York is the only city to require that all inclusionary units be rental. Of the five cities, four allow for owner and rental units; Denver restricts its inclusionary program to owner occupied units only[4].

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[1] The Community Land Trust Network and the Center for Housing Policy, National Directory of Inclusionary Housing Programs (July 2014). Washington, DC: author. http://cltnetwork.org/wp-content/uploads/2014/08/National-Directory-of-Inclusionary-Housing-Programs-8-26-14.pdf. See also Robert Hickey, Lisa Sturtevant, and Emily Thaden, "Achieving Lasting Affordability through Inclusionary Housing." Cambridge, MA: Lincoln Land Institute, 2014. https://www.lincolninst.edu/pubs/dl/2428_1771_Achieving%20Lasting%20Affordability%20through%20Inclusionary%20Housing%20-%20Final%20-%206-9-14-NS07-14.pdf

[2] Rick Jacobus. Inclusionary Housing: Creating and Maintaining Equitable Communities. Cambridge, Lincoln Land Institute, 2015. https://www.lincolninst.edu/pubs/dl/3583_2928_Inclusionary_Housing_web.pdf. Nico Calavita, and Alan Mallach, eds., *Inclusionary Housing in international perspective: Affordable housing, social inclusion, and land value recapture.* Cambridge, MA: Lincoln Institute of Land Policy, 2010.

[3] Calavita & Mallach, p. 26.

[4] Denver limits its mandatory inclusionary zoning to condominiums out of concern that restrictions on rents would violate prohibitions against rent regulation (Hickey et al., 2014).

Second, New York targets a higher percentage of units for affordability. Table 1 shows that the five cities target 10 to 15% of all units for lower income occupants. The New York City program would target 25 or 30% of all units.

Third, New York City's income requirements are roughly similar to those of the other cities. Under the current plan, Option 1 would require units to be affordable to households earning 60% of Area Median Family Income (AMI), and Option 2 would lift the affordability definition to 80% of AMI. Option 3, which would apply in certain neighborhoods outside Manhattan, would put affordability at 120% of AMI. In comparison, the maximum eligible income for affordable rental units in the five cities shown in Table 1 varies from 50 to 70% of AMI. It is important to note that unlike New York, these cities also allow developers to provide affordable units for owner-occupancy. Here, the maximum incomes vary from 50 to 100% of AMI.

Fourth, New York is similar to Boston and Chicago in connecting inclusionary requirement to development that involves a change in zoning. In contrast, Inclusionary zoning in Denver, San Francisco, and Washington applies across the city, although in some cases, such as San Francisco, the setaside is higher in neighborhoods that have recently been upzoned.

Fifth, all of the cities except for Denver allow alternatives to on-site provision of affordable housing, including payment of in-lieu fees and construction of affordable housing at a separate location. In some instances, such as San Francisco, developers are required to provide a higher percentage of affordable units when they do not provide the units in the same development as the market-rate housing.

Finally, the cities vary in the duration of their affordability requirements. While San Francisco and Washington D.C., like New York's proposed program, mandate perpetual affordability, the affordability period in the other cities varies from 15 years in Denver to 50 in Boston.

Concluding Comments

New York City's proposed mandatory inclusionary zoning is consistent with other inclusionary zoning programs, especially those of other large cities in the U.S. The main difference is that New York's program requires developers to provide a larger percentage of affordable units (25 to 30%), and the program requires all developers to provide affordable rental housing. New York differs from some cities in applying inclusionary requirements only in areas that have been upzoned or for developments that require a zoning variance for increased density. New York, like most jurisdictions, would give developers the option of building affordable units at other locations or paying an in-lieu fee.

It is important to emphasize that inclusionary zoning is based on a trade-off between the percentage of units that developers must provide for lower-income

occupants, and the targeted income of these occupants. The lower the income, the lower the percentage of affordable units. New York's program, as noted above, involves a higher percentage of affordable units than is the case in most if not all inclusionary zoning programs. Under Option 1 25% of all units would be allocated to households earning no more than 60% of AMI, and under Options 2 and 3, 30% of the units would be allocated to households earning up to 80% and 120% of AMI, respectively. The income targeting of Option 1 is consistent with the income targeting of other cities' inclusionary zoning programs for rental housing; lower for those in owner-occupied housing. The income eligibility standards for options 2 and 3 are higher than those for rental housing in other inclusionary zoning programs but involve a much higher set-aside for affordability.

In some of the most expensive neighborhoods, it may be possible to target households with incomes lower than 60% of AMI with a 25% setaside, but this would be feasible without additional subsidy in only the most robust local housing markets; otherwise, deeper income targeting will require a reduction in the number of units that are allocated for affordability; or a system in which income targeting is divided between extremely low income households and households with moderate incomes (e.g., 30% of AMI and 80% of AMI, but no households with incomes between 30 and 80% of AMI).

Many people have expressed concern about the risk of inclusionary zoning stimulating broader rent increases within the existing housing stock, putting residents at risk of displacement. Unfortunately, there have been no studies of the impact of inclusionary zoning on rents in broader neighborhood housing markets. However, it should be pointed out that absent inclusionary zoning, this housing could still be at risk of inflationary pressures due to the continued growth in housing demand. That said, the city's investment in expanded legal assistance for tenants in neighborhoods slated for inclusionary zoning seems very sensible.

Finally, it is important to emphasize that inclusionary zoning is only one means of addressing the need for affordable housing. Indeed, nationally, it has produced less than 250,000 units over the past two decades—far less than half of what the Low Income Housing Tax Credit finances in a single year. Clearly, inclusionary zoning cannot by itself reach the New York City's current goal of producing 80,000 new affordable housing units over 10 years. But it will enable the city to leverage the private sector to produce a portion of the city's affordable housing goals. Moreover, by producing units affordable to low- and moderate-income households, inclusionary zoning enables the city to concentrate its direct subsidies on lower income households.

Table 1--Overview of Inclusionary Zoning Programs in Selected US Cities

City	Year Instituted	Mandatory/Voluntary	Minimum Units	Affordability Duration	In-lieu fees/other alternatives to on-site affordability	Percent Affordable		Income Target (% of AMI)	
						Rental	Owner	Rental	Owner
Boston	2000	Mandatory, with Zoning Change	10	50 years	Yes	15%	15%	<=70%	50% <=80%; 50% 80 to 100% AMI
Chicago	2003	Voluntary	10	30 years	Yes	10%	10%	<60%	<100%
Denver	2002	Mandatory	30	15 years	No	NA	10%	NA	50-80%--can be higher in high-cost buildings
San Francisco	2002	Mandatory	5	Perpetual	Yes--with 20% setaside	12%	12%	<=55%	<=90%
Washington, DC	2007	Mandatory	11	Perpetual	Yes	Varies	Varies	<-50% & <=80%	<-50% & <=80%

Source: Program websites and Hickey, Sturtevant et al. 2014.

Public Hearing
Mandatory Inclusionary Housing &
Zoning for Quality and Affordability
NYC Council
Committee on Land Use
Subcommittee on Zoning and Franchises
February 9th, 2016

Hello, my name is Ted Houghton and I am the President of Gateway Housing, a new nonprofit transforming New York City's response to homelessness. Over the past 25 years, I have served as the Executive Deputy Commissioner of NYS Homes and Community Renewal, the Executive Director of the Supportive Housing Network of New York, and in positions at the NYC Department of Homeless Services and the Coalition for the Homeless.

Thank you for this opportunity to testify in favor of the two proposed zoning changes.

New York City's Zoning Resolution is intended to ensure that we build high quality buildings that enhance neighborhoods. It is an essential tool for preserving a livable city. But in doing so, the Zoning Resolution also limits the number of housing units we build each year.

New York City has grown by one million people since 1990. Housing production has not kept pace, to say the least. As a result, we have the worst housing shortage in the past 50 years, a primary cause of the unprecedented rent burdens and record homelessness we see today.

We must address this crisis with every tool at our disposal.

One tool available to us is to increase allowable density. We need to build bigger, while still preserving the livability and character of our neighborhoods. The Mayor's proposals provide a thoughtful step in this direction.

Another tool is to build new affordable housing. Ambitious affordable housing plans by both Mayor de Blasio and Governor Cuomo will help achieve this.

But we don't have enough public resources to build all the affordable housing we need. The Mayor's proposals require developers who benefit from new increases in zoning allowances to include affordable housing in their developments in return. This is a smart way to increase the supply of affordable housing, predominantly in more highly integrated neighborhoods, without additional public spending.

We must update the city's Zoning Resolution to reflect the circumstances we face today. As others will tell you in greater detail, the proposed text amendments will enable us to: build better looking buildings that fully use existing floor area allowances; build more housing units for seniors and other vulnerable New Yorkers; and reduce wasteful parking requirements at sites well-served by public transportation.

Can the Mayor's proposals be improved? Sure. Advocates and elected officials have made many worthwhile suggestions, including:

- Additional and deeper affordability
- Anti-harassment tenant protections
- Fewer exemptions for smaller buildings
- Equal access to amenities and greater integration of the affordable apartments within each building

Please consider these suggestions. While the administration's proposal does a good job balancing the need for more affordability without discouraging new development, it may be that more can be done to increase affordability. Certainly, requiring apartments to be permanently affordable should have little effect on developers' decisions on whether to build.

If we don't act now, development will continue, but without the additional affordability and aesthetic improvements these text amendments provide. I live in Park Slope, Brooklyn, where we have seen the Fourth Avenue rezoning transform that corridor, but with mostly ugly buildings, with no affordable apartments. We should not let this happen again. Please pass these amendments.

TESTIMONY BY
PATRICK J. PURCELL. EXECUTIVE DIRECTOR
GREATER NEW YORK LECET
BEFORE THE
SUB-COMMITTEE ON ZONING & FRANCHISES
NEW YORK CITY COUNCIL
TUESDAY, FEBRUARY 9, 2016

Good afternoon Mr. Chairman and members of the sub-committee. My name is Patrick Purcell, and I am the Executive Director of Greater New York LECET, a labor-management fund of the Mason Tenders' District Council and Laborers' International Union of North America. I am also a proud member of the Real Affordability for All coalition.

Throughout the day and over the next few weeks, you will hear from various organizations, unions, zoning experts etc. regarding the pros and cons and the questionable legality of the Mayor's plan for mandatory inclusionary housing, MIH. You do not need to hear me simply repeat what will be said.

I am here today to send you another message. My message to this entire Council is to stand up and be the leaders you were elected to be, and work with stakeholders to pass a housing plan that provides real affordability, the best trained construction workers in this State - a plan that includes local hire and pathways to the middle class for some of the poorest neighborhoods in our State.

I ask you to reject the divisive approach this Administration has taken with stakeholders. An approach that is pitting union member against union member, activist against activist, housing advocates against working men and women and ultimately, our members and residents of this City against a political circus that spends two years debating the fate of the horse carriage industry, but will decide one of the most controversial zoning plans in recent history within 50 days.

I speak for many when I say that honest dialogue and tough negotiations can produce a plan that this City can unite behind. The responsibility to see that those conversations take place falls to you.

It falls to you, and you will be held accountable because this Administration refuses to discuss serious aspects of MIH that they have failed to consider.

For example, the subject of worker safety. After one pedestrian died this past week in the tragic crane accident downtown, the Mayor, rightfully so, responded within two days by forming a Task Force to look into the circumstances of the accident

Yet, over the last 12-14 months while this City has seen an epidemic of construction worker fatalities occur, this Administration has been silent. It has refused to even sit down and discuss the issue of worker safety in relation to MIH and the amount of construction this plan will produce.

During a period of time when this City is being lead by the most progressive government is has seen in decades, I must ask if this City Council will simply mimic the Administration's rhetoric that any additional cost to the construction process will deny New Yorkers affordable housing, or will you seek to unite New Yorkers behind a better plan?

Will Councilmembers support the position that to build affordable housing we must use the lowest possible bidders and favor the same wage stealing contractors currently on HPD's most adored list?

Will you, as the elected leaders of this City, demand that we all unite and prosper through tough negotiations, or will you support the Administration's divide and conquer strategy?

Our members, and this entire City, will be watching to see if you will be a vote for the integrity of the Democratic process, or a vote for one-person rule.

Thank you.

Testimony before the NYC Council - Subcommittee on Zoning and Franchises
February 9, 2016
Jose Lopez, Director of Organizing
Make the Road New York

Make the Road New York (MRNY) is pleased to testify today to the City Council on the topic of affordable housing. MRNY is the largest grassroots community organization in New York offering services and organizing the immigrant community. Our more than 19,000 members have worked closely with the City Council on many important matters, and we appreciate deeply the work of all its members to support immigrant, Latino, and working-class communities citywide.

I want to start this testimony by sharing the story of Susana Salas, a MRNY member who has serious concerns about "defining affordability" in New York City. In a recently published Gotham Gazette op-ed, Susana writes; "*My husband and I live in Bushwick in a one bedroom apartment with our three children - one of whom has special needs - and my sister. We pay more than $1,200 per month - over 50 percent of our income, which comes from my husband's job in a fruit and vegetable market. For the last two years, we've been looking to find somewhere better - somewhere more affordable, with more space for our children.*" She continues, "*But there is nowhere for us to go. Even studios near where we live are now renting for $1,500 - too much money, and too little space, for our family of six.*"

Susana's story is an all too common one; Families struggling with earnings to cover exorbitant amounts of rents in a city that has just entered its fifth decade with vacancy rates below 5 percent. This growing gap between high housing costs and low wages fuels the affordability crisis and exposes more residents and households, like Susana's, to greater risks of displacement and homelessness. It is for that reason that organizationally, we cannot get behind the current version of Mandatory Inclusionary Housing.

Without a doubt, the affordability crisis that Mayor De Blasio has before him was inherited by Mayor Bloomberg. In the twelve years that Bloomberg served as the mayor, the median monthly gross rent for an apartment skyrocketed from $788 in 2002, the year he took office, to $1,216 in 2012, the year before he left office. This is a staggering 54 percent increase over the course of a single decade.

We will not sit here today to challenge the administration on how we got into this mess, the facts are clear. We will however challenge the administration on how we plan to get out of this mess. If this administration fails to create truly affordable housing for the lowest-income New Yorkers, it will repeat Bloomberg's worst mistakes.

So where is the need? If the Department of City Planning's projection that the city's population will rise to nine million residents by 2030 is accurate, we will require a net gain of over 300,000 housing units, with over 95,000 of those units affordable to the lowest income (below 30% AMI) households. (Imperatrice et al. 2012)

What our city needs is deep affordability for new immigrants who make this city thrive. Immigrants like Rigoberto Silva, a MRNY Queens member who does asbestos clean-up in Jackson Heights, Corona and Elmhurst. When I asked Rigoberto about the city's MIH plan he commented, "*I made less than $18,000 last year doing a taxing and dangerous job. Due to my low-income, I can only afford to rent a single room with limited space and privacy. The room is so small that I have to keep my work materials and some personal items in the trunk of an old car. I need this MIH plan to reach for me.*"

Unfortunately, the current MIH plan falls short of what working-class and low-income New Yorkers, like Rigoberto, need to remain in this city. As noted in a recent Real Affordability For All (RAFA) report, MIH will actually exclude the vast majority of low-income residents it is intended to help. The proposed housing isn't properly aligned with the incomes of current residents in these neighborhoods targeted for up-zoning: most earn far less than 60 percent of AMI.

Proposed Re-Zoned Neighborhoods	**Neighborhood AMI as a % of NYC AMI**	**Income Level at Neighborhood AMI**
East New York	45% of NYC AMI	$35,000
South Bronx	32% of NYC AMI	$25,000
East Harlem	40% of NYC AMI	$31,000

RAFA Table 2: Area Median Income in Neighborhood Rezonings

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Mandatory Inclusionary Housing as a policy concept looks good on paper, but this chart indicates that if new development does not maximize real affordable housing for longtime residents, we will change the course of our city forever. Two-thirds of "affordable housing" is already unaffordable to most neighborhood residents. An MIH program that defines affordability at 60 percent of the AMI only contributes to that gap.

Finally, to get a full scope of the need of a particular community, we should be studying income support profiles that the Department of City planning releases at the district level. Let's examine Bushwick, Brooklyn, the neighborhood I've called home most of my life.

According to the 2012 district 4 profile, 49 percent of the total population received income support to achieve self-sufficiency through TANF, Social Security Income (SSI) and/or Medicaid. Medicaid is capped at 138% of the Federal Poverty Line; $27,311 for a family of three. This tells us that "affordability" as defined by the MIH program already does not reach half of Bushwick. That percentage increases as we calculate families who earn above $27,311 (138% FPL) but below $46,620 (60% AMI) annually.

For these reasons, rezonings must be done differently and should require developers to create more affordable apartments with deeper affordability and good jobs. We understand it is not easy to build for very low-income families in New York City. However, the solution cannot be to leave families behind without affordable housing and good local job opportunities. The need is the need - we should not spend taxpayer dollars to build housing that is unaffordable to the local community and simply brand it as "affordable."

If Mandatory Inclusionary Housing as currently drafted is not the solution to building deep affordability, we must go back to the drawing board. Simply building housing is not enough. Make the Road New York and its 19,000 members urges the New York City Council to vote "NO" on Mandatory Inclusionary Housing if the program doesn't improve significantly for the lowest income New Yorkers.

Thank you for your time.

For the Record

Community Service Society | Fighting Poverty Strengthening New York

Testimony of Tom Waters
Housing Policy Analyst, Community Service Society
Public Hearing on Mandatory Inclusionary Housing
New York City Council Committee on Land Use, Subcommittee on Zoning and Franchises
February 9, 2016

Thank you for this opportunity to comment on the proposed zoning text amendment creating a mandatory inclusionary housing program. The Community Service Society is an independent nonprofit organization that addresses some of the most urgent problems facing low-wage workers and their communities here in New York City, including the effects of the city's chronic housing shortage.

Mandatory inclusionary housing is an appropriate use of the city's zoning power to further the public interest in an adequate supply of affordable housing. It is also a creative response to the fact that the city has a dwindling stock of developable land to use as a resource for its affordable housing activities. On the other hand, inclusionary zoning raises a number of important problems as an affordable housing strategy, because of the way it links affordable housing development to market development.

The de Blasio administration's affordable housing plan is predicated on the idea that rezonings in neighborhoods like Jerome Avenue and East New York can stimulate investment in market rental development, and that some of this investment can be steered into the creation of affordable housing. In the early years of the envisioned redevelopment of these neighborhoods, most or all of the new apartments built will be subsidized affordable housing, but at some point the city hopes that developers will begin to build market rentals, and affordable housing can be piggy-backed onto these projects through the inclusionary zoning provisions. This will only work if the new development induces new demand for housing in the neighborhood from people with higher incomes and the ability to pay unsubsidized rents on new construction. But this new demand will inevitably apply to the existing housing stock as well, leading to rent pressures on the neighborhoods' low-income residents.

The affordability benefits from a rezoning must be enough to mitigate the rent pressures that result from redevelopment. And that means that they must target the households most at risk: those with the lowest incomes.

More than a third of the city's households have incomes that the federal Department of Housing and Urban Development describes as "very low," below 50 percent of the statistic known as HUD Area Median Income – about $38,000 a year for a family of three. More importantly, almost three quarters of the households facing excessive rent burdens (more than 30 percent of their income), are in that income category. And in many of the neighborhoods that will be affected by inclusionary zoning, the figures are even higher. In the area within two blocks of the Jerome Avenue rezoning study area, 65 percent of households have incomes below 50 percent of HUD AMI, including 44 percent of households below 30 percent of HUD AMI. Out of rent-burdened households in that area, 88 percent have incomes below 50 percent of HUD AMI, including 65 percent below 30 percent of HUD AMI.

Yet these same neighborhoods may end up being rezoned with "option 3" under the mandatory inclusionary housing proposal, which would require 30 percent of apartments be affordable, but allow the affordable apartments to be targeted to households making up to 120 percent of HUD AMI, or $93,000 a year for a family of three. Even if this option is removed, as it should be, the affordable apartments set at 60 or 80 percent of HUD AMI will still be out of reach for most neighborhood residents.

City housing officials have pointed out that they can build on the affordability levels in the inclusionary zoning requirements by adding subsidies such as Low Income Housing Tax Credits and low-interest loans. This is true and important, but once rezoned neighborhoods become more attractive to higher-income people, developers will become less willing to accept these additional subsidies and the lower rents that result. An inclusionary zoning policy for these neighborhoods must include provisions that ensure that developers continue to include housing that fits the needs of the community, even after it ceases to be economically necessary to do so.

Many of the city's low-income neighborhoods have opposed the mandatory inclusionary housing proposal that we are considering today, through their community boards, and they have done so because they lack confidence that rezoning-based redevelopment will meet their most pressing needs. The City Council ought to take this message seriously and amend the proposal so that it includes firm commitments to include housing that matches community needs, even if that requires the use of subsidies.

Subcommittee on Zoning and Franchises
Comments Regarding Mandatory Inclusionary Housing

Good morning/afternoon. Thank you to Councilmember Richards and the other members of the subcommittee on zoning and franchises for giving me the opportunity to comment on the proposed Mandatory Inclusionary Housing text amendment.

My name is Maritza Silva-Farrell, and I'm the coordinator of Real Affordability for All: a labor, community and faith-based coalition united to create deep affordability and good jobs for all New Yorkers. I am also a campaign director at ALIGN: the Alliance for a Greater New York. ALIGN is a permanent alliance of community and labor united to create good jobs, vibrant communities and an accountable democracy.

The Real Affordability for All coalition agrees with the ultimate goal of MIH: All New Yorkers know that we need to create affordable housing units when rezonings occur. Unfortunately the Mayor's plan, so far, has failed to meet the housing and job needs of the low- and moderate-income New Yorkers who were ignored by Bloomberg in his prior housing plan.

And MIH does nothing to change this simple fact.

The Mayor's plan includes no standards or criteria for job quality, and it doesn't achieve the real affordability levels that many New Yorkers need to continue to live in the neighborhoods where they currently reside. Good jobs and affordable housing are two sides of the same coin – it doesn't matter that we are building affordable housing if the local residents don't have jobs that allow them to afford that housing.

That's why we need a better plan that gets us deeper levels of affordability while creating good jobs for local residents impacted by the rezoning. Unless a real plan is in place for affordability and jobs, then I urge the Council to vote No on MIH.

The Mayor's plan only offers scenarios for 25 percent or 30 percent affordability in new housing, and even then, the affordability doesn't match the low- and moderate-income levels of residents, especially in neighborhoods like East New York, the South Bronx, and East Harlem.

In these neighborhoods, where the administration is committed to building with increased density, we need to make sure the developments do not provide windfall profits for developers at the expense of our communities. Every community should be able to require developers to meet high standards for real affordability and job quality if the city is going to allow greater density. That's a fair and reasonable deal.

And we need a fair and reasonable deal. The lowest-income residents of this city were left behind by the Bloomberg housing plan, and now de Blasio is doing the exact same thing. We are in a crisis, and households making 30% of AMI or below face an enormous housing deficit. In this era of massive inequality, we are only perpetuating the problem if we build the vast majority of our so-called affordable housing at income levels that the New Yorkers who need it the most can't afford.

Our plan, the Floor Area Affordability Bonus (known as FAAB), is a fair and reasonable deal. It requires that developers agree to meet our standards for real affordability and career-oriented jobs before receiving increased density. This bonus would not create increased density in a neighborhood, but would allow a developer to access the full zoning potential proposed in the upzoning.

Under our plan, 50 percent of new apartments created through the rezoning will be affordable at or below the median income of each neighborhood. Each neighborhood would be able to increase the affordability levels to meet their unique needs, providing flexibility to the program.

Construction contractors and subcontractors would be required to hire directly from the community, and meet the following criteria: 30% of work hours performed by local residents; 15% of work hours performed by disadvantaged local residents; and 10% of work hours performed by local women residents.

In addition, we would require that contractors and subcontractors utilize a state-certified apprenticeship program, ensuring that new workers are well trained for on-the-job safety and have an opportunity for career-track jobs and a path to the middle class.

The FAAB program can work alongside MIH and protect our communities from speculative development and gentrification. We urge City Council members to vote No on MIH unless the zoning text is amended to include the FAAB program. City Council members have the opportunity to make this program right for our communities.

Our message to developers is simple: either build it right, or don't build at all! This is about our lives and our communities. We must use our zoning power to prevent gentrification, and to create good jobs for local residents. The Mayor's plan fails on all these counts.

Thank you.

Subcommittee on Zoning and Franchises
Comments Regarding Mandatory Inclusionary Housing

Good morning/afternoon. Thank you to Councilmember Richards and the other members of the subcommittee on zoning and franchises for giving me the opportunity to comment on the proposed Mandatory Inclusionary Housing text amendment.

My name is Jonathan Westin and I am the director of New York Communities for Change, a grassroots community organization that works in low-income communities of color, specifically on housing issues. We are a member of the Real Affordability for All Coalition, that is premised on deeply affordable housing for low-income New Yorkers and union jobs.

Although mandatory inclusionary housing has the right intentions, it fails to deliver on it's promise.

The vast majority of housing built under MIH will be market-rate housing. With the current options on the table 70-80% of the housing units built will be market-rate.

This point should not be lost. When a neighborhood is rezoned, the only guarantee under MIH will be 20-30% affordable. A landowner or developer, will not be required to do anything more.

The city is proposing to rezone massive swaths of the city, 15 neighborhoods. These rezonings will give huge bonuses in density to developers. These increases in density will create massive subsidies to developers, in the form of land in the sky, for developers to make millions on each parcel.

Let me repeat, there will be no other guarantees that the developer will have to build affordable except the 20-30% in MIH. This leaves entire communities ripe for displacement. If the only gurantees communities will have is 20-30% affordable, we will lose working class communities around this city as we know them.

We cannot underestimate the massive impact rezonings will have on communities. Look at downtown Brooklyn or Williamsburg. Entire working class neighborhoods are now gone, because of previous rezonings done under Bloomberg. The city's plan is flawed in expecting that MIH will curb the gentrification of communities. It will only exacerbate it.

And MIH does nothing to change this simple fact.

In a neighborhood like East New York, where the administration is looking at rezoning first, the median income of the neighborhood hovers around $34,000 a year. The affordability levels in MIH start at $52,000 a year and go up to $104,000.

Almost nobody will be able to afford the 'affordable' units created in East New York. They will be targeted to higher income families outside the neighborhood.

The administration will claim that they will get to affordability through subsidy. But, the reality is developers are not required to take subsidies. When East New York gentrifies, they will build market rate like every other gentrified neighborhood. The market rate units will all go to families outside the community. Right now, developers are building market rate in ENY. This is not years down the road. This is tomorrow. This is once the neighborhood is rezoned, gentrification will speed up. We are seeing this everywhere.

This windfall in profits from a rezoning would go directly to developers developing in ENY, on the backs of families that have lived in the community for decades.

We cannot allow this.

We also cannot allow that all the housing that is produced out of MIH and the rezonings will be built by exploitive developers that have a track record of wage theft and discrimination against workers. If we are going to create jobs in these communities by spurring development, there is no reason why we should not ensure that they are not good union jobs for residents in the neighborhood.

Our plan, known as the Floor Area Affordability Bonus (known as FAAB), is a fair and reasonable deal. It requires that developers agree to meet our standards for real affordability and career-oriented jobs before receiving increased density. This bonus would not create increased density in a neighborhood, but would allow a developer to access the full zoning potential proposed in the upzoning.

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The FAAB program can work alongside MIH and protect our communities from speculative development and gentrification. We urge City Council members to vote No on MIH unless the zoning text is amended to include the FAAB program. City Council members have the opportunity to make this program right for our communities.

Enterprise®

Testimony of Elizabeth Strojan
Program Director, Public Policy & External Affairs
Enterprise Community Partners, Inc.

To the New York City Council
Hearing on
Mandatory Inclusionary Housing and
Zoning for Quality and Affordability

February 9, 2016

Good morning. My name is Elizabeth Strojan and I lead the policy work for the New York office of Enterprise Community Partners, a non-profit affordable housing organization that has worked to create and preserve affordable housing here and nationwide for 30 years. Thank you, Chair Richards and the City Council Subcommittee on Zonings and Franchises, for the opportunity to testify today in support of the Mandatory Inclusionary Housing and Zoning for Quality and Affordability proposals. We support these proposals because we believe they will help increase the supply of affordable housing, bring much needed resources and reduce costs to help solve our city's affordability crisis, and promote the goals of fair housing.

1) **Increasing the supply of affordable housing:** Given the incredible demand for affordable housing and limited resources to address the issue, we must both harness the resources from the private market and lower the cost of development. MIH sets a new baseline threshold for private sector contribution to affordable housing. Development is happening and must occur to accommodate our city's growing population. It is important to include developer-provided affordable housing as part of this development to bolster the City's initiatives to preserve housing opportunities for low- and moderate-income households.

2) **Reducing costs:** ZQA will help reduce onerous requirements that drive up cost of development and make affordable and senior housing development difficult. Reducing parking requirements for affordable senior housing developments is low-hanging fruit. A recent study by LiveOn NY found that many parking lots next to senior housing developments go unused. LiveOn NY also found that HUD-assisted senior housing properties (including properties with empty parking lots) have more than 100,000 seniors on their waiting lists.

3) **Fair Housing:** Inclusionary Housing would further the goals of fair housing by providing opportunities for low-income families to move to or remain in affluent or gentrifying neighborhoods with access to good schools and other amenities. The ability to create more affordable housing in a variety of neighborhoods is key to making sure we keep our city one of opportunity for all.

Addressing Concerns of Affordability Levels and Neighborhood Input

In any citywide policy, we must balance the cost of building and operating housing with the desire to reach deep affordability levels. We also have to think about these proposals within a broader suite of tools we need to address this crisis. These changes are a part of the solution, not all of it. But we can't solve the problem without setting this baseline standard.

There are programs addressing the issue from other angles, some of which can be layered on these policies for deeper affordability. For example, the City's Extremely Low & Low-Income Affordability Program (ELLA) requires developers to set aside units for formerly homeless or extremely low-income households. Developers who access HPD subsidy for affordable units will comply with affordability levels specified in the term sheets.

To be sure, every neighborhood in New York is unique, and specific community needs should be addressed within any neighborhood plan as individual rezonings roll out. Enterprise will be supporting our non-profit, community-based affordable housing partners as they work with stakeholders to ensure that comprehensive neighborhood plans are able to use MIH and ZQA to meet the needs of individual communities.

To produce more affordable housing in a high cost market like New York, we need to use every tool in our toolbox. We continue to advocate for additional public resources, but other approaches like these proposed zoning changes are an important way to magnify the impact of the resources at hand.

For the Record.

Community Service Society | Fighting Poverty Strengthening New York

Testimony of Tom Waters
Housing Policy Analyst, Community Service Society

Public Hearing on Mandatory Inclusionary Housing

New York City Council Committee on Land Use, Subcommittee on Zoning and Franchises

February 9, 2016

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Mandatory inclusionary housing is an appropriate use of the city's zoning power to further the public interest in an adequate supply of affordable housing. It is also a creative response to the fact that the city has a dwindling stock of developable land to use as a resource for its affordable housing activities. On the other hand, inclusionary zoning raises a number of important problems as an affordable housing strategy, because of the way it links affordable housing development to market development.

The de Blasio administration's affordable housing plan is predicated on the idea that rezonings in neighborhoods like Jerome Avenue and East New York can stimulate investment in market rental development, and that some of this investment can be steered into the creation of affordable housing. In the early years of the envisioned redevelopment of these neighborhoods, most or all of the new apartments built will be subsidized affordable housing, but at some point the city hopes that developers will begin to build market rentals, and affordable housing can be piggy-backed onto these projects through the inclusionary zoning provisions. This will only work if the new development induces new demand for housing in the neighborhood from people with higher incomes and the ability to pay unsubsidized rents on new construction. But this new demand will inevitably apply to the existing housing stock as well, leading to rent pressures on the neighborhoods' low-income residents.

The affordability benefits from a rezoning must be enough to mitigate the rent pressures that result from redevelopment. And that means that they must target the households most at risk: those with the lowest incomes.

More than a third of the city's households have incomes that the federal Department of Housing and Urban Development describes as "very low," below 50 percent of the statistic known as HUD Area Median Income – about $38,000 a year for a family of three. More importantly, almost three quarters of the households facing excessive rent burdens (more than 30 percent of their income), are in that income category. And in many of the neighborhoods that will be affected by inclusionary zoning, the figures are even higher. In the area within two blocks of the Jerome Avenue rezoning study area, 65 percent of households have incomes below 50 percent of HUD AMI, including 44 percent of households below 30 percent of HUD AMI. Out of rent-burdened households in that area, 88 percent have incomes below 50 percent of HUD AMI, including 65 percent below 30 percent of HUD AMI.

Yet these same neighborhoods may end up being rezoned with "option 3" under the mandatory inclusionary housing proposal, which would require 30 percent of apartments be affordable, but allow the affordable apartments to be targeted to households making up to 120 percent of HUD AMI, or $93,000 a year for a family of three. Even if this option is removed, as it should be, the affordable apartments set at 60 or 80 percent of HUD AMI will still be out of reach for most neighborhood residents.

City housing officials have pointed out that they can build on the affordability levels in the inclusionary zoning requirements by adding subsidies such as Low Income Housing Tax Credits and low-interest loans. This is true and important, but once rezoned neighborhoods become more attractive to higher-income people, developers will become less willing to accept these additional subsidies and the lower rents that result. An inclusionary zoning policy for these neighborhoods must include provisions that ensure that developers continue to include housing that fits the needs of the community, even after it ceases to be economically necessary to do so.

Many of the city's low-income neighborhoods have opposed the mandatory inclusionary housing proposal that we are considering today, through their community boards, and they have done so because they lack confidence that rezoning-based redevelopment will meet their most pressing needs. The City Council ought to take this message seriously and amend the proposal so that it includes firm commitments to include housing that matches community needs, even if that requires the use of subsidies.

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FOR THE RECORD

PARTNERSHIP for New York City

TESTIMONY BEFORE THE ZONING AND FRANCHISES SUBCOMMITTEE OF THE NEW YORK CITY COUNCIL

On the Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) Text Amendments

Kathryn Wylde
President & CEO

Tuesday, February 9, 2016

The Partnership for New York City is an organization of business leaders and major employers. For the past 35 years, the Partnership has worked with government, labor and the nonprofit sector to address major challenges facing the city, including the recurring challenge of a shortage of affordable housing.

During the 1980s, the Partnership co-sponsored a program with the city and state that was the largest producer of new affordable housing on vacant land across the five boroughs. At that time, the affordable housing shortage was a result of the loss of hundreds of thousands of residential buildings to fire and abandonment and deterioration of neighborhoods that could not attract private investment. The city was emerging from a fiscal crisis and had virtually no capital budget to invest in housing. Despite these most challenging conditions, collectively, the city, state and federal governments, the banks and builders, community development organizations and nonprofit intermediaries, created city-wide, scalable programs that produced 500,000 new and rehabilitated affordable homes and apartments over the course of two decades.

Today, conditions are very different but the same type of massive, collaborative approach is required to meet the demand for affordable housing that neither government nor the private sector can accomplish on its own. We also need new tools to address challenges that make delivery of affordable housing so difficult: the high cost of land and construction and skyrocketing market values that put market rents and home prices far beyond the reach of most New Yorkers. The city no longer has an inventory of tax

foreclosed land and buildings to dedicate to affordable housing. Today, in order to launch a production program that matches the scale of need, the city has to rely on changing its zoning requirements, more flexible design and use of air rights, in order to accommodate greater density and to create value that can be leveraged for the public good. This cannot be accomplished in a timely fashion or at scale unless it is a citywide zoning policy. It cannot be done site by site or neighborhood by neighborhood if we want to see the ambitious development that is urgently needed to keep our city diverse and strong.

The Partnership does not agree with all the details of the zoning proposals before you. Municipal mandates are not popular with the business community. Nor do we agree with social engineering that requires affordable units be located within developments or districts that command the highest market rates and, consequently, deprive lower income communities of the subsidies needed to accommodate the weakest markets.

Despite these differences, the Partnership supports the zoning proposals before you and urges the City Council to move forward with its approval and to avoid amendments that reduce the city's flexibility and discretion in administering these new tools. The only solution to the affordability crisis in a city that is growing and prospering is MORE housing, which means greater height and density, reduced parking and set back requirements, and wide latitude to design and develop properties toward a single goal: maximum utilization of sites for housing to reach the lowest income households with minimum commitment of city-funded subsidies, which will always be inadequate to the needs. The zoning amendments are generally structured to achieve these goals and should be adopted quickly.

Thank you.

Real Possibilities in

New York City

AARP New York

Testimony of
Chris Widelo, Associate State Director
AARP New York

New York City Council
Subcommittee on Zoning and Franchises

Mandatory Inclusionary Housing (MIH)

February 9, 2016

City Hall
New York, New York

Contact: Chris Widelo (212) 407-3737 | cwidelo@aarp.org

INTRODUCTION

Good Morning, Chairman Richards and members of the Subcommittee on Zoning and Franchises. My name is Chris Widelo, and I am AARP's Associate State Director for New York City. AARP is a social mission organization with over 38 million members nationwide. On behalf of our 800,000 members age 50 and older in New York City and the volunteers that are joining me here today, I want to thank you for the opportunity to testify on Mandatory Inclusionary Housing (MIH)

Mandatory Inclusionary Housing

AARP New York supports Mayor de Blasio's affordable housing plan and as you may have read yesterday we have joined on to the United for Affordable NYC coalition. There is an urgent need for affordable housing in the 5 boroughs and we believe this plan is the best way for the City to create permanent, affordable housing, for middle and low income residents of the city.

Many older New Yorkers are having trouble paying their rent as their incomes are outpaced by the rising cost of housing across the city. A 2014 AARP survey of New York City voters aged 50+ shows that affordable housing is a major concern for 54% of respondents, far surpassing other community concerns like traffic, crime and personal safety or public transportation. In communities of color, this number is even higher – 59% of Black voters and 67% of Hispanic voters identify housing as a major concern.

Earlier this year, AARP commissioned another survey of NYC voters, this time expanding the survey pool to include the Gen X and Boomer generations. Again, affordability was cited as a top concern, with 62% of Boomers and Gen X respondents expressing anxiety over their ability to afford housing in the future. This continues to be a concern for communities of color, with over 70% of Boomer and Gen X African-Americans and Hispanics citing worry over their ability to pay their rent or mortgage in the coming years. These concerns have a potentially devastating effect for the City's population and economic growth, as 61% of Gen X and Boomer voters said they are

considering leaving New York State to retire somewhere else because of the lack of affordability.

Mandatory Inclusionary Housing is an important and powerful tool to ensure the creation of affordable housing for both middle and low income NYC residents. It requires developers to set aside affordable units and those units are permanent. This is important in ensuring that NYC maintains a healthy stock of affordable housing. MIH result in HPD being able to use their public funds to create greater affordability for lower income renters across the City.

Without MIH, developers will still create housing throughout this City and the units that they create will have no requirement of affordability. We need MIH to ensure a shared responsibility for creating housing that is affordable for low to moderate income individuals and families. We need to change the outlook NYC residents have about their ability to afford housing now and in the future. MIH is a powerful tool to achieve that goal.

As this plan moves forth, AARP New York believes it is crucial that each community have a voice and be invited to be engaged participants in the community zoning process. This will provide valuable insight into the needs of each neighborhood and the residents who live there.

Conclusion

Chairman Richards and members of the Committee, I thank you for the opportunity to speak today on this important proposal. It is our hope that MIH and ZQA are approved, as they are an important step to providing quality, affordable housing for the City's older residents.

Testimony of Colvin W. Grannum of the
Bedford Stuyvesant Restoration Corporation
City Council Subcommittee on Zoning and Franchises
Hearing on the Mandatory Inclusionary Program
February 9, 2016

Good morning Members of the City Council. My name is Colvin W. Grannum. I serve as President and Chief Executive Officer of Bedford Stuyvesant Restoration Corporation which is recognized as the nation's first community development corporation (CDC). Restoration is a comprehensive CDC providing a range of services including arts and culture, job training and placement, affordable housing, commercial real estate, and energy conservation. As a housing developer, Restoration has participated in the development of more than 2500 units of housing ranging from low-income rental to moderate-income homeownership. Over the past decade we have deepened our focus on human capital and promoting upward mobility for low- and moderate-income households by adopting evidence-based programs involving financial coaching, job training and placement, and income supports for workers.

I commend Mayor de Blasio and his administration for proposing a Mandatory Inclusionary Housing (MIH) initiative that pursues a vision of New York City intended to promote social and economic equity for low- and moderate-income New Yorkers through upward mobility. Achieving economic diversity in neighborhoods across the City is a key factor in whether all New Yorkers have a realistic opportunity for upward mobility.

I also commend the de Blasio administration for the quality of the demographic and real estate finance data developed in connection with the MIH proposal. The data describes the state of the City's housing market including recent and projected trends, related migration and displacement, the degree of economic diversity within neighborhoods and the financial feasibility of adding affordable housing units to market rate projects.

The situation facing communities in Central Brooklyn is urgent. In my personal and professional lives, I am most familiar with the northern and central Brooklyn communities of Fort Greene, Clinton Hill, Bedford Stuyvesant and Crown Heights. It's where I was born, grew up, and have worked for the past 20 years. Massive amounts of private and global investment is flooding these communities as measured by the high volume of transactions and the rapid growth in real estate prices and market rents. Barely a week goes by without some mention in the New York Times and other publications concerning the extraordinary rise of the real estate market in these communities. The pace of change is alarmingly rapid. The need for City intervention is now as the real estate market is already far ahead of City policy. Any additional delay will only exacerbate the severity of the displacement and feelings of vulnerability being experienced by local residents.

MIH would have greatly benefitted Fort Greene/Clinton Hill and Bedford Stuyvesant. It is unfortunate that MIH was not a part of the rezonings of Bedford-Stuyvesant, which occurred in 2007 and 2012. Since the rezonings in our community, close to 2,000 residential units have been built or are currently in construction. Of those, only 130 are affordable units, 45 of which are

permanently affordable with the rest subject to regulatory agreements expiring within 30 years. Had MIH been in place for these projects as it is currently proposed by the de Blasio administration, 13 times more units (590) would be permanently affordable.

Similarly, since the Fort Greene/Clinton Hill rezoning in 2007, 950 residential units have been built or are currently in construction. Of those, only 93 are affordable (71 permanently affordable). Had MIH been in place for these projects, four times more units (286) would be permanently affordable. These are just some examples from communities in north and central Brooklyn – there are dozens of other neighborhoods throughout the City where MIH would have helped create a significant number of affordable units for low- and moderate-income residents.

Housing and education integration (both economic and racial integration) are among the most sensitive (and perhaps volatile) issues in the nation and City, but they also hold the key to unlocking equity and reversing discrimination. MIH is an effective tool for advancing both objectives. In this regard, two points should be emphasized:

1. We need to create a truly mixed income City. The City of New York has a responsibility to undo the public and private sector policies and practices that have led to high levels of economic and racial segregation in housing and public education.
2. Public sector intervention in the housing market needs to happen quickly because market forces are already ahead of policy and accelerating at a rapid pace. Urgent action is required.

Along with lower income families, households with incomes from $40k-$90k are being shut out of the housing market. Even at $2300 per month, a two bedroom apartment is difficult to find. Studio apartments are renting for at least $1300. MIH would likely make a difference for these households – which include government employees, staff at Restoration and other nonprofits that have committed their careers to serving their neighbors.

Restoration is customizing a significant portion of its work by census tract. What is increasingly apparent is that economic segregation and income polarization is growing in communities like Fort Greene, Clinton Hill, Bedford Stuyvesant and Crown Heights particularly when examined at the census tract level. This because low- and moderate-income residents are being displaced from the low density, brownstone housing stock and the vast majority of new units are aimed at upper income residents. Low- and moderate-income residents continue to live in large numbers in the northern portions of these communities and other places where public housing and other publicly financed housing were concentrated decades ago.

The individual and societal costs of economic segregation are staggeringly high and difficult to reverse. The individual costs include human suffering as evidenced by high levels of frustration and anxiety among residents due to poor educational opportunities and outcomes, high poverty, high unemployment and low wages across generations. Societal costs are high as measured by public expenditures for:

- Mass incarceration, probation and parole;
- Policing;
- Public assistance to supplement for unemployment and low wages;
- Homelessness;
- Mental health care, for conditions such as anxiety, and drug and alcohol dependency; and
- Disproportionately high health care costs due to health disparities generated by environmental factors associated with poor neighborhoods.

In sum, going forward our City must transform high poverty census tracts into places of where residents thrive while simultaneously creating options for low- and moderate-income residents to live in low poverty census tracts where strong schools, jobs opportunities and social capital support upward mobility. This is the basic formula for creating equity through upward mobility. The City should intervene as promptly as possible to shape the housing market. Failure to do so, places the City in the position of not having sufficient say concerning the future composition of the City for decades to come, specifically who will live here and where.

Respectfully submitted,

Colvin W. Grannum

For the record.

New York City Council Subcommittee on Zoning and Franchises
Zoning for Quality and Affordability

February 9, 2016

My name is Paula Luria Caplan. As an urban planner, I wish to comment on an aspect of Zoning for Quality and Affordability that would re-set citywide policy on community facilities and its land use consequences. ZQA would create a new zoning definition, "Long Term Care Facility" that would subsume nursing homes, assisted living facilities, and Continuing Care Retirement Communities. Although CCRCs are actually apartment buildings, they would now be listed as community facility uses.

By reclassifying these senior housing types from Use Group 2 residences to Use Group 3 community facilities, ZQA would permit multi-unit dwellings even in R1 and R2 districts, at twice the Floor Area Ratio of single-family homes. Allowing CCRCs in such districts would change market dynamics, increasing scale inconsistent with their low-density character, effectively nullifying the purpose of R1 and R2 districts. In some higher density districts the community facility density bonus is even greater, with correspondingly more impact.

Existing multi-unit independent living buildings, which would now be defined as CCRCs, hold Use Group 2 residential certificates of occupancy. Notably, ZQA's redefinition of "nonprofit residence for the elderly" to "affordable independent residence for seniors" retains its Use Group 2 classification, recognizing that these are indeed residential uses.

Redefining independent living, multi-unit senior housing as community facilities with higher floor area allowances would incentivize developers to assemble sites unanticipated in the City Planning Department's studies, whether or not they are presently underutilized. With no income limits, they can charge full market rates. These measures could thus lead to unbridled institutional expansion irrespective of surrounding neighborhood character.

I urge you to modify the proposed definition of "Long Term Care Facilities" to retain the residential classification of multi-unit Continuing Care Retirement Communities, and not to reclassify them inappropriately as residential uses.

Thank you.

NEW YORK
HOUSINGCONFERENCE

Good afternoon. My name is Sydelle Knepper and I am the founder and CEO of SKA Marin, an affordable housing developer and Co-Chair of the New York Housing Conference. I am testifying in support of Mandatory Inclusionary Housing (MIH) on behalf of the New York Housing Conference (NYHC). I would like to thank the City Council for their past leadership in affordable housing legislation and programs and for the opportunity to testify today.

Since 1973, The New York Housing Conference, a nonprofit affordable housing policy and advocacy organization, has advanced its mission to support the development and preservation of decent and affordable housing for *all* New Yorkers through Federal, State and local policies and funding.

As this committee knows, New York City's successes in maintaining a thriving economy, cultural capital status and low crime have resulted in significant population growth, exacerbating critical housing needs - perhaps the most pressing needs we have seen in a generation. On any given night, more than 60,000 New Yorkers are homeless. While homelessness represents the extreme end of the spectrum of unmet housing needs, the overarching problem is pervasive. More than half of all households in New York devote more than 30% of their income for rent and more than 1.5 million families are severely rent burdened, paying more than 50% of their monthly income on housing. Affordability is by no means the only urgent housing problem. Too many of our residents continue to live in communities characterized by a concentration of poverty and a lack of adequate services.

Mandatory Inclusionary Housing is part of the solution to addressing these problems. MIH will leverage the private market to ensure that affordable housing will be created in any future rezoning that the City, a community, or a private developer proposes in a medium- or high-density district. These new units will be affordable to low and moderate- income New Yorkers. In low-income neighborhoods, MIH units will add income diversity. In high-income neighborhoods, MIH will create housing opportunities otherwise unaffordable to low and moderate income New Yorkers and will further fair housing goals.

Other features of MIH that are key and that we support include that:

MIH provides affordability options to match local housing needs. Having three program options will allow MIH to work even as neighborhoods may change.

The incomes served by the affordable housing must *average* to the specified AMI, with some lower and some higher. This flexibility allows projects to be tailored to better meet community needs.

The affordable housing will be required to remain permanently affordable. This is an enormous and lasting benefit to allow families and seniors to remain in their neighborhoods without worry.

While NYHC respects the calls for deeper affordability from many community organizations and elected officials, we recognize that there is an economic challenge to achieve deeper affordability with MIH. We also acknowledge the wide array of housing programs already offered by the City which will generate housing for extremely low-income households through capital subsidy and rental assistance programs.

Lastly, I would like to mention that NYHC supports the reauthorization of a tax abatement like 421a to complement MIH and make the program work even better.

I would also like to express full support for Zoning for Quality and Affordability as I am unable to testify again tomorrow. New York City needs this package of forward-looking zoning changes that will make more efficient use of sites. To highlight the following features beneficial to affordable housing production and preservation:

Zoning envelope changes to setback and coverage requirements will make it easier to build housing, especially affordable and senior housing. The proposed changes more easily allow for modern construction and less costly methods like block and plank.

'Better ground floor retail will be achieved by raising heights only five more feet. Doing this will provide more variety in the types of retail uses that a building can attract. Vibrant buildings maintain vibrant neighborhoods.

Elimination of parking requirements for affordable and senior housing in transit zones, located within a half-mile of subways, will reduce development costs and provide for additional housing units. In a one hundred unit affordable housing building, a parking requirement of twenty-five spaces, if provided underground, can cost an additional one million dollars.

ZQA will not prevent buildings from including parking as an additional amenity but parking should not be required when demand is minimal. With regard to seniors, only five percent of seniors living in affordable housing in transit zones own cars. Meanwhile, 200,000 seniors are on Section 202 housing for the elderly waitlists for an average of seven years, according to a recent LiveOn NY report, illustrating the need.

To frame ZQA's benefits in a given context, in my professional experience, consider our senior development, Riverway Apartments in Brownsville. The current zoning envelope only permitted seven floors; six full and a seventh half-floor. The remaining space on the seventh floor, which might have been eight additional apartments, includes an outdoor terrace. While in principle, this seems like a great amenity, our seniors prefer to use the ground floor outdoor u-shaped courtyard which offers sanctuary, a beautiful landscaped garden and fountain, and access to the community room and a senior center. Ironically, the garden courtyard is smaller than it might have been because we were required to provide seventeen parking spaces, most of which are not used. To overcome this challenge, we built many of these parking spaces with a paver that allows grass to grow through it. This increases the size of our landscaped area for seniors while still allowing us to meet the City's parking requirements.

As a City in desperate need of affordable housing, we must embrace this opportunity to make our zoning more efficient.

NYHC acknowledges the concerns expressed by communities, elected officials, and others during the public review process and we encourage more outreach by the Administration to work with stakeholders. New York City needs ZQA to allow our city to evolve and build better buildings, making stronger neighborhoods.

Almost forty years ago, the City Council led the way to a resurgent New York City by its passage of a law rescuing in rem housing from the revolving door of the Department of Real Estate to the Department of Housing Preservation and Development. The resulting wave of reclaimed housing and vacant lots led to the transformative rebuilding of neighborhoods. The passage of MIH and ZQA represents a significant opportunity to continue to foster the preservation and development of affordable housing in New York City for the benefit of its residents and neighborhoods.

Thank you.

Fifth Avenue Committee
Our Community. Our Future.

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FOR THE RECORD

My name is Dave Powell and I am the Director of Organizing at the Fifth Avenue Committee and at Neighbors Helping Neighbors, an organizational affiliate of the Fifth Avenue Committee.

Founded in 1978, Fifth Avenue Committee is active in the Brooklyn neighborhoods of Gowanus, Park Slope, Boerum Hill, Sunset Park and beyond. My colleague Jay Marcus will be testifying subsequently about the administration's Mandatory Inclusionary Housing proposal from the perspective of the affordable housing developer; I am here today as tenant organizer and advocate who along with my colleagues, fights to keep families in their homes through eviction prevention case work, tenant association organizing and policy activism.

As a member organization of the Association for Neighborhood and Housing Development (ANHD) and a CDC that is concerned not only with building truly affordable housing but also with combating displacement we support the MIH reforms suggested by ANHD, in particular:

- The addition of a "Deep Affordability" option of 30% affordable housing at 30% AMI;
- A requirement that all MIH options include a set-aside of 15% of units at the 30% AMI level;
- An elimination of the current 'Gentrification Option,' the 30% set aside at 120% AMI option.

At the current affordability levels, MIH misses the core of the housing crisis and even the core of NYC's population. Nearly a third of New Yorkers fall below 40% AMI, and of the more than 1.1 million households that are rent burdened, 83% or 938,000 are below 60% AMI. In many communities, the income levels required in the City's MIH proposal would further gentrification, rather than help provide the affordable housing that local residents need and that stabilizes communities.

Beyond tweaking the administration's proposal however, I am here to urge the Council and Mayor to consider that no MIH program will be effective without a robust and simultaneous eviction prevention strategy. Tactics within this strategy must include additional tenant protections that can be activated within the same zoning framework that the City seeks to alter with MIH, such as a citywide anti-harassment special district.

Additional funds are also needed to defend families in our community and across the city who are facing displacement. Like legal services, community-based tenant organizers and advocates play a critical role in keeping families out of the shelter system and keeping New Yorkers in New York. However I would be lying if I said that

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additional funding for advocacy and organizing is an adequate response to the displacement crisis that has firmly gripped New York City, particularly in light of proposed density bonuses for market-rate development.

Our community has witnessed first hand what up-zoning without tenant protections can do to a neighborhood; for an example of how NOT to re-zone an area, look no further than 4th Avenue in Park Slope/Gowanus and Boerum Hill in the wake of the 2003 and 2005 re-zonings. Both of these land use actions not only brought displacement through gentrification but also the demolition of sound, rent stabilized housing.

A prime example of this was the destruction of 150 -158 4th Avenue, five rent stabilized buildings that provided 40 units of deeply affordable housing to low- and moderate-income families in our community. The increase in density was too tempting for this unscrupulous landlord who viciously and persistently harassed every last tenant out of these buildings until they were empty in. By 2009 these buildings were demolished and today our community walks by a luxury development that receives a 421a tax break where 40 of our beloved neighbors once lived. Just down the block is 140 4th Avenue where only two families are left to resist the constructive eviction and harassment techniques of the landlord, as he recklessly slaps two additional floors onto this 8 unit building. Diagonally across the street is 78 St. Marks Place, another 8 unit building where 2 households bravely fight against a landlord who first harassed tenants out, but now has shifted gears and has applied to DHCR to demolish the building legally.

The danger and harassment endured by these 56 families – only 4 of whom are still in our community today – is a cautionary tale to other communities about the destructive forces that are unleashed by increased density without additional protections. A policy of Mandatory Inclusionary Housing would not have helped these families and it will not help families in other communities that are facing displacement pressures. It is up to this body and to the Mayor to ensure a policy framework that defends our city from the forces of international real estate speculation, whose predatory practices will unfortunately find fertile ground in any proposal that unleashes additional density for market-rate development without additional tenant protections.

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METALLIC LATHERS &
REINFORCING IRONWORKERS
UNION LOCAL 46
1322 Third Avenue (at East 76th Street) NY, NY 10021
Phone: ~~646-340-1425~~ | Website: www.ml46.org
212-737-0500

Mr. Chairman and City Council Members,

In a city as rich as ours, it is wrong for Mayor de Blasio's plan to move forward in its current form. Today we issue a call to your collective conscience as Council Members and urge you to vote no on Mandatory Inclusionary Housing, unless it is substantially improved. As it stands, no worker making $15 per hour could afford to live in the mayor's "affordable housing"

As it stands, the workers who build that housing will be victims of the wage theft and abuse which this Council has heard about and which is ubiquitous in the affordable housing industry. As it stands, those workers building this housing will have inadequate training, not the kind of training which keeps workers and the public safe.

The Mayor proposes letting for-profit developers get rich while gentrifying working class New Yorkers out of their neighborhoods and giving local residents short term, low wage jobs. I am incredulous that this is called a progressive plan, and I trust that this council will demand better for workers and the communities they live in.

John Skinner
President / Political Director
Metallic Lathers Reinforcing Ironworkers Local 46

Regional Plan Association

Regional Plan Association testimony before the New York City Council Subcommittee on Zoning and Franchises, on February 9, 2016, in support of the Zoning for Quality and Affordability and Mandatory Inclusionary Housing proposed text amendments

Good morning, my name is Pierina Ana Sanchez and I am the New York Director at Regional Plan Association, which aims to improve the New York metropolitan region's economic health, environmental sustainability and quality of life through research, planning and advocacy. I am here to testify in support of both Mandatory Inclusionary Housing and Zoning for Quality and Affordability and recommend improvements for the Council to consider.

Both proposals under consideration are critical to the goal of expanding New York City's supply of affordable housing while improving quality of life in neighborhoods throughout the five boroughs.

Our growing city needs to find ways to welcome new residents—the children of existing residents, a rapidly expanding senior population, immigrants who renew the city's vitality and young adults who are increasingly drawn to dynamic cities like New York. We can't address the city's large and growing need for affordable housing without revising outdated zoning guidelines or insuring that new construction includes housing for a wide range of incomes, and in a wide range of neighborhoods.

To put this imperative in regional context, we could see demand for nearly four million additional people who want to live in the New York metropolitan area by 2040. Because New York City will get a significant portion of this growth, housing pressures for families and individuals at different income levels will continue to grow if we don't increase housing production to meet demand. We believe these proposals also could provide a template for equitable development in areas throughout the region, helping relieve housing pressures in New York City while reviving stagnating suburban economies.

But building enough housing is only the start. Creating mixed-income neighborhoods with a high quality of life will require a range of actions, from preserving existing affordable housing and preventing harassment and displacement of existing residents to providing the necessary transit, schools, parks and other infrastructure.

The two proposals are important parts of this larger set of actions, and with further changes could be even stronger.

Mandatory Inclusionary Housing (MIH) presents an ambitious approach to private market participation in the supply of permanently affordable housing. If adopted, MIH would be the most rigorous inclusionary housing requirement in any major U.S. city. The challenge is how to shape a program that works in vastly different market contexts and that supports the larger policy goal of creating mixed-income neighborhoods across all parts of the city, both in currently underserved neighborhoods where mixed-income development will spur economic growth and investment, as well as in wealthier neighborhoods that already offer access to transit, quality schools, parks and other urban amenities.

It's important to recognize that MIH is only one tool to address the city's affordable housing needs, and can only work where there is a private market to support new development. But since MIH as a tool is designed to last beyond the current administration's housing initiatives, it is a major opportunity to address the city's most pressing and chronic housing needs over the longer term. The proposal would have an even greater impact if the following changes were made, with the goal of addressing the needs of the more than 40% of New York households earning less than 60% of the region's average median income:

New York
4 Irving Place, 7th Floor
New York, NY 10003
212.253.2727

New Jersey
179 Nassau Street, 3rd Floor
Princeton, NJ 08542
609.228.7080

Connecticut
Two Landmark Sq, Suite
108 Stamford, CT 06901
203.356.0390

www.rpa.org

- Clarify how it proposes to combine MIH requirements with existing affordable housing incentives including LIHTC and LIHTC-related exemptions to achieve deeper levels of affordability.
- Add additional options and flexibility to the three MIH options in the proposal to permit deeper levels of affordability and address a wider range of market conditions. This would help achieve a more equitable city with a wider variety of mixed-income, livable neighborhoods.
- Do more to encourage onsite rather than offsite affordable housing. While offsite housing in many cases is more economical to build, it comes at a cost. It is less likely to be close to transit, good schools and economic opportunities, and often is less well-maintained than units that are physically part of market-rate developments.
- Ensure fully economically integrated buildings, including equal access to common areas and amenities for all residents, should be a goal of the legislation.

Zoning for Quality and Affordability (ZQA) includes incremental, practical changes to outdated code that would help the city create new affordable housing and mixed-use development through more flexible design, modest height increases in limited situations and lower parking requirements in areas well-served by transit. Among its most positive features are policies that will make it easier to provide more affordable housing and affordable senior housing and care facilities, encourage more vibrant streets and quality retail space, and reduce parking requirements in areas with low car ownership levels. The amendments wouldn't prevent developers from putting in additional parking if the market demands it, but would lessen restrictions that overestimate need and substantially raise the cost of development.

While the changes included in ZQA are modest, the provision as a whole is complex. Among the changes that have been recommended, two warrant particular consideration:

- The text should make clear that the additional bulk allowed for senior housing would be made permanently affordable. This is consistent with the intent of the Mandatory Inclusionary Housing proposal and a basic tenet of the administration's housing policies.
- 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.

Finally, while not the subject of these citywide zoning amendments, it will be critical to simultaneously implement neighborhood and infrastructure improvements as new housing is created. Residents need to be able to travel to their jobs and schools, and transportation capacity will need to be increased. Children and adults need quality spaces in which to recreate and exercise, so access to quality parks and open space must be considered. Trash needs to be collected and streets cleaned, so the city should plan for sanitation infrastructure impacts as well. The $1 billion Neighborhood Development Fund that is to be used in conjunction with neighborhood rezonings is an important resource that will need to be allocated judiciously in consultation with community residents and leaders. However, an infrastructure strategy that matches the Mayor's ambitious housing strategy is likely to require even greater resources through the city's capital plan and budget.

We urge the City Council to amend and approve both zoning text amendments, which are vital to the city's larger goal of providing livable, affordable neighborhoods for its growing population. We applaud the foresight of both the Council and the administration in addressing affordable growth in a smart and sustainable way, and look forward to working to apply its lessons and principles to the region as a whole.

NYSAFAH

NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

Testimony before the New York City Council Subcommittee on Zoning and Franchises
Mandatory Inclusionary Housing – Application No. 20160051 ZRY
February 9th, 2016

My name is Jolie Milstein, President and CEO for the New York State Association for Affordable Housing (NYSAFAH). NYSAFAH is the statewide trade association for New York's affordable housing industry. Our 375 members are responsible for most of the housing built in New York State with federal, state, or local subsidies. Thank you Chair Richards and members of the Subcommittee on Zoning and Franchises for the opportunity to testify today on the Mandatory Inclusionary Housing (MIH) proposal. I am here today to express NYSAFAH's support for MIH, which will help serve New York City's critical need for affordable housing. I would like to note that NYSAFAH also strongly supports Zoning for Quality and Affordability (ZQA), which we will address at tomorrow's hearing.

New York City is facing a housing crisis. More than 55% of New York City's renter households are rent burdened – paying more than 30% of their household income to housing costs – with 30% paying over 50% to housing costs. The City's vacancy rate is at an emergency level. It is critical that the City use every tool at its disposal to address the need for more affordable housing that serves a range of income levels. In the face of a housing crisis, requiring affordable housing through mandatory inclusionary zoning is simply good policy and the proposal before the City Council today is the strongest in the nation.

MIH will ensure that affordable housing requirements are included in all future rezonings in neighborhoods and sites throughout New York City. This will guarantee that, going forward, affordable housing will be obligatory in new residential development – leveraging market rate development for the production of affordable housing. In strong markets this enables affordable housing to be built without subsidies, allowing limited housing resources to be directed to neighborhoods where affordable housing would not be feasible without these subsidies. As designed, MIH offers several options to address different market conditions to help ensure feasibility across New York City, which is critical to MIH's successful implementation.

In addition to harnessing the market to create affordable housing, MIH is important for creating economically diverse communities. MIH will ensure that affordable housing is developed in conjunction with new market rate housing, creating housing that serves a range of incomes. This

will both provide much-needed affordable housing for New York City's residents and help the City sustain economically diverse neighborhoods.

In closing, it is important to remember that MIH is simply one tool for the production of much-needed affordable housing in New York City – but its importance cannot be overstated. It complements the City's existing subsidy programs that serve a range of incomes by leveraging market rate development for affordable housing production. NYSAFAH supports the MIH proposal as a critical tool for addressing New York City's affordable housing crisis. We look forward to testifying tomorrow in support of Zoning for Quality and Affordability. Thank you for your consideration of NYSAFAH's comments.

Contact: Alexandra Hanson, Policy Director alexandra@nysafah.org (646) 473-1209

COMMUNITY BOARD # 5
CHAIR PUBLIC SAFETY
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VINCENT RIGGINS

Rezoning FEB 9, 2016

As a member of community board #5, chair of Public Safety Committee I found this plan completely inadequate for the upward mobility of the community and it's current residents. And "no" I do not accept the false narrative to focus on "rezoning area" only. Any upgrade in any part of ENY will generate a rise in property value, taxes and demand for infracture and other resources.

1. The floating income and family composition scale based on AMI alone displace immediately, single mothers who earn $45-$50K with one child or no children at all. Personal example: My two children played by the rules of what this society advocates, go to school get a college education and they would have a chance to succeed in life. Well they did that one graduated from The New School and the other from HBC Lincoln University (Penn). The HPD's formally to qualify for affordable housing need to be reworked.

2. Home owners in the north to south direction of the rezoning should be given the same tax abatement and low cost loans to add an additional floor to their current resident, all basement apt. should be made legal.

3. NYCHA should the first level of housing for transition from homeless, shelters to sustainable housing. The integration process should include workshop on being good neighbors and respect for property. The 100% affordable housing we have in the district are having sociability problem and rent payment issues.

4. There are thousands of city, state and federal workers that still reside in Mitchell Lama and NYCHA for whatever reason. They should be given incentives to move to the new opulent buildings. This will free up apartments for the transition from shelters and open up space for the homeless. This is also the population that can sustain upticks in rent and be able patronize the merchants. One "ask" that's consistent is for good affordable jobs, civil servants already have good union jobs with scheduled pay increases, so let's first maintain what we have and plan for inclusion.

5. The most successful form of MIH living in the country is on the south side of ENY: Spring Creek Tower (Starrett City) and the Nehemiah home owner program, why avoid a model that has worked?

6. We reject the narrative of the "Northside", "rezoning area", construction of new homes anywhere in ENY will affect property value for all of ENY. A holistic approach is favored.

7. Education: Our preference is for a CUNY campus right here in ENY, there are plenty of empty seats throughout the district and underutilized space for middle and elementary.

Thanks you for your consideration

All the Best

In Community

VINCENT RIGGINS
CHAIR Public SAFETY
Community Board #5
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February 9, 2016

Re: City Council Hearing - MIH

Chairman and Council Members:

My name is Alan Washington and I am the Director of Real Estate and Planning at the Downtown Brooklyn Partnership (DBP), a not-for-profit economic development organization. On behalf of DBP, I would like to thank the de Blasio Administration for its work on Mandatory Inclusionary Housing and the City Council for hosting this public hearing.

As the neighborhood development organization for Downtown Brooklyn, DBP works to foster the growth of the business, retail, cultural, educational, and residential components of our district. We are particularly keen on making sure the new residential growth occurring in Downtown Brooklyn is available to as many Community Board 2 residents as possible and as such we support programs that aim to preserve and create affordable housing.

Therefore, we believe the Mayor's proposed MIH program will take an important step towards creating a more equitable New York City. We strongly support the program and believe it will make our city a better place. The program is forward thinking and aggressive, specifically as it relates to permanent affordability across a wide range of income bands while at the same time recognizing the importance of partnering with the private real estate community to achieve ultimate success.

However, we fully recognize that there is some disagreement about the depth of AMI bands particularily as it relates to very low income neighborhoods. Moreover, sticter regulations relating to off site provisions might be needed to reach an equitable soluation. Nevertheless, MIH is just one tool that helps to address the affordable housing crisis and we urge the City Council to work quickly and efficiently with the administration to get any concerns with MIH resolved as soon as possible. We do not have the luxury of time and we cannont let the quest for perfection get in the way of the production of much needed affordable housing.

Recently, Downtown Brooklyn co-led an affordable housing seminar series in partnership with other not-for-profit and for-profit organizations to help educate our neighbors and spread the word about affordable housing opportunities in Downtown Brooklyn. We set out

DOWN TWN BRK LYN
Downtown Brooklyn Partnership
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to reach 650 local residents and ended up connecting with 3,500. While this is great news in terms of the success of the seminar series, the frank reality is that the most recent housing lottery in Downtown Brooklyn, which had 200 affordable homes, received over 89,000 applications. Clearly there is an immediate need for more affordable housing and we must act now.

We look forward to seeing MIH implemented soon and offer our support in the process.

Thank you again for the opportunity to speak today.

Sincerely,



Alan Washington
Director, Real Estate & Planning
Downtown Brooklyn Partnership

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GENERAL COUNSEL
Daniel J. Ratner

CHIEF FINANCIAL OFFICER &
DIRECTOR OF ADMINISTRATION
Michael Cooperman

*Acting

1199SEIU
United Healthcare Workers East

TESTIMONY OF GEORGE GRESHAM, PRESIDENT OF 1199 SEIU-UHE BEFORE THE NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES IN SUPPORT OF THE PROPOSALS FOR MANDATORY INCLUSIONARY HOUSING AND FOR ZONING FOR QUALITY AND AFFORDABILITY

February 9, 2016

Thank you Speaker Melissa Mark Viverito, Chairperson Donovan Richards, and members of the Subcommittee for Zoning and Franchises for giving me this opportunity to speak in support of these two very important proposals. 1199 SEIU-UHE represents 250,000 members living in the City of New York. Last year we conducted a survey which revealed that decent affordable housing ranks in the top three priority areas for our members.

The lack of affordable housing has a bourgeoning deleterious effect on society as a whole. It forces people to remain in substandard housing. Unable to find alternatives, families double and triple up creating overcrowding. It makes it difficult for the business community to recruit and retain a steady workforce. And, we know it is one of the leading root causes to homelessness.

As rents continue to rise and more and more units are deregulated by vacancy decontrol, renters have fewer options. When a unit becomes vacant, rental cost skyrockets making it prohibitive for the average working family. Our members, who are your constituents, can testify to the difficulties in finding affordable housing. In the case of healthcare workers and others in fields that provide round-the-clock service, lack of housing forces them to move further away from the city and even out of state, resulting in increased commuting time and costs. This presents a tremendous hardship, both financially and when required to report to work during emergency situations, like inclement weather.

Mandatory Inclusionary Housing will apply to future rezoning, with each district establishing priorities based on their needs while mandating affordable units. The Zoning for Quality and Affordability will better support housing creation, including senior housing. Unlike the Mitchell-Lama, the 421-a and the J-51 programs, these proposals will generate tens of thousands of permanent affordable housing units, part of a longer-term Housing New York strategy to find viable solutions toward addressing the City's housing crisis. It is incumbent upon this City Council to work with the Mayor to ensure positive outcomes in the quest to meet the needs and demands.

We need creative and innovative programs and ideas to generate development that is not just for luxury housing. In 2013, 364,000 applications were filed for 2,300 subsidized units that were selected by lottery. In 2014, that number jumped to 1.5 million applicants for 2,500 units. As fewer affordable units become available, people are becoming desperate evidenced by the number of families in shelters which just continues to increase. We have an opportunity here to be proactive and provide some relief. We can discuss AMIs and parking, but let's not forget the 1.5 million New Yorkers looking for affordable housing.

We, the members and officers of 1199, are very much interested in seeing the passage of these two proposals and urge you to vote yes.

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Testimony of Kyle Bragg
Secretary-Treasurer
Service Employees International Union Local 32BJ
New York City Council Land Use Committee
In Support of Mandatory Inclusionary Housing
February 9, 2016

Good afternoon Councilmembers,

My name is Kyle Bragg and I am the Secretary-Treasurer of the Service Employees International Union Local 32BJ. I am here on behalf of 32BJ President Hector Figueroa and the 75,000 32BJ members here in New York City in support of Mandatory Inclusionary Housing.

32BJ stands behind the Mayor's affordable housing proposals. Mandatory Inclusionary Housing sets a minimum and permanent base of affordable housing in new residential buildings that benefit from a rezoning.

As you will hear from 32BJ member, Mary Rosario, and airport worker, Delores Green, working New Yorkers are in desperate need of housing options across a variety of income bands. Mandatory Inclusionary Housing is one tool, among many, to help deliver this kind of housing.

Combined with subsidies to build deeper levels and higher percentages of affordable housing and strong tenant protection programs to ensure that new developments don't displace existing residents, MIH will go a long way to ensure that thousands of working people can continue to call this city home.

Thank you.

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Testimony of Delores Green
A Passenger Service Agent for American Airline's subcontractor Eulen at JFK airport
New York City Council Land Use Committee In Support of Mandatory Inclusionary Housing
February 9, 2016

Good morning, thank you for the opportunity to testify today. My name is Delores Green. I am an airport worker; I work as a passenger service agent for American Airline's subcontractor Eulen at JFK airport. I live in East New York with my son.

There is a major lack of affordable housing for working families in New York like mine. I make just $10.10 an hour. That equals just $21,000 before taxes and when I'm done paying rent, I barely have enough to buy food for my family. I am just one of 8,000 New York airport workers who are making poverty wages in our city. We are finding it harder and harder to afford to live in our own neighborhoods. Part of the solution is higher wages; the other part is housing prices that are affordable for our communities.

Mayor de Blasio's plans for Mandatory Inclusionary Housing will increase the amount of vital housing for hard-working people like me who are seeing our housing opportunities dwindle. This is so important. I have seen so many of my coworkers, friends and family leave my community because they can simply not afford to stay.

My coworkers and I are fighting for better pay and benefits but we need affordable housing now and we'll still need it even as our incomes go up because this is one of the most expensive cities in the world.

Working class people are the ones who keep our great city running and at the end of our hard day's work we don't want a city that is ultimately just for the rich. Diversity is what makes New York City great and this housing plan will help keep our city that way by ensuring working class people can continue to live here.

The Mayor's plan creates and preserves affordable housing that we need-- 200,000 affordable homes over a 10-year period.

That is a great first step, and now we need to keep going with Mayor de Blasio's plan to build and preserve this much needed affordable housing.

On behalf of the 8,000 low wage airport workers who represent just about every neighborhood in this city, I want to thank Mayor de Blasio for standing up for what is right. We will stand with the City until this plan is implemented. Thank you.

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Testimony of Mary Rosario
A Cleaner at Madison Square Garden
New York City Council Land Use Committee In Support of Mandatory Inclusionary Housing February 9, 2016

Good afternoon. Thank you for the opportunity to testify today. My name is Mary Rosario and I am a custodian at Madison Square Garden and a member of 32BJ for 10 years. I live in the Bronx and I'm a proud mom and grandma.

I am here to support Mayor de Blasio's plan for Mandatory Inclusionary Housing because it will provide vital housing for hard-working people like me who are seeing the housing stock for middle and working class families disappear.

I know many of my union brothers and sisters are struggling to keep up with the rising cost of living and many have had to move out of the city.

I'm worried that I'll have to move out of the city because my rent is so high. If I can't find an apartment I can afford, I will have to move in with my mother in Connecticut and commute to my job in Manhattan.

I have applied for affordable housing multiple times but I have been told that I make too much money to be eligible.

That's why we need Mandatory Inclusionary Housing to create affordable housing that I will be eligible for along with many other union workers in the city.

This city is my home. I was born and raised here. My grandson was born in Brooklyn. I've worked hard here and I've contributed so much to my community. I don't want to get priced out of my home. And I don't think New York City should just be the home of the very wealthy.

The City has already produced more than 40,000 of these affordable homes for 100,000 New Yorkers in the last two years and Mayor de Blasio's plan will create and preserve 200,000 affordable homes that we desperately need.

That is a great first step, and now we need to keep going with Mayor de Blasio's plan to build and preserve this much needed affordable housing.

URBAN JUSTICE CENTER

COMMUNITY DEVELOPMENT PROJECT

TESTIMONY OF ADRIEN A. WEIBGEN BEFORE THE NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES ON MANDATORY INCLUSIONARY HOUSING (MIH)

February 9, 2016

Thank you for the opportunity to testify today. My name is Adrien Weibgen, and I am a Staff Attorney at the Community Development Project of the Urban Justice Center, or "CDP." CDP's mission is to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities. We partner with community organizations to win legal cases, publish community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical and transactional assistance in support of their work towards social justice. As part of its work around neighborhood change, CDP works with its partners to advance policies that promote responsible, equitable development throughout the city.

CDP supports the City's efforts to adopt a new Mandatory Inclusionary Housing policy to require developers to build permanently affordable housing as part of new construction in rezoned communities and on sites where a developer seeks added density. CDP has long advocated for a Mandatory Inclusionary Housing policy in New York City, and we feel strongly that developers who receive additional building rights must be required to set aside permanently affordable housing in exchange.

However, CDP has three significant concerns about the current draft of the policy and the way it interacts with the City's rezoning plans. First, the City's plan to adopt MIH while upzoning only low-income communities of color creates a huge risk of displacement. Though the City may view these issues as separate, they are deeply intertwined, and the City must adopt new strategies to combat the displacement that new development is likely to trigger. Second, for MIH to create more opportunities for low-income people, the City must commit to upzoning wealthy, high-opportunity neighborhoods, not only poor and working-class communities. Third, the City should create additional MIH options that will guarantee that a significant share of new affordable housing is accessible to New Yorkers with incomes below 30% AMI. The income levels of the current MIH options skew far too high, and far beyond the income levels of the communities currently slated for rezonings.

Prevent Displacement

MIH can produce affordable housing only if developers build, and to produce significant amounts of affordable housing with MIH, the City plans to upzone up to 15 neighborhoods. But dramatically upzoning low-income communities creates a huge risk of displacement, because allowing far more building and bringing new resources to communities is likely to make these areas more attractive to wealthier residents, changing the housing market in a way that places low-income tenants at risk. Residents of communities like East New York and the South Bronx are not opposed to development per se, but they are rightly concerned that they will not be around to benefit from the changes that are coming. As rents in the community rise, landlords of rent-regulated buildings will have a huge incentive to harass and displace long-time, low-income tenants in an effort to move these

apartments out of stabilization. Tenants of unregulated units can disappear even more easily if landlords double or triple their rents overnight.

MIH is only part of this puzzle, but the City should not act as though MIH and upzonings exist in a vacuum when MIH fundamentally depends on creating added density – density that will increase the risk of displacement in many communities. The City must adopt strategies to combat the displacement of both rent-regulated and unregulated tenants. One solution is citywide zoning text or legislation that would require landlords seeking to build or renovate to first obtain a Certification of No Harassment, a policy that currently exists in the Special Clinton District. Landlords who harass their rent-regulated tenants should not be able to access the permits they need to renovate or expand their buildings *unless* they agree to set aside part of their buildings as permanently affordable housing. Although the City's investment in anti-displacement legal services is meaningful and important, these services will never be enough if the payout for harassing out tenants remains so high. The City should adopt an anti-harassment policy to break the cycle of harassment and displacement and assure longtime tenants that neighborhood change will not come at their expense.

The City must also think creatively about how to combat displacement of tenants in unregulated homes, who are incredibly vulnerable to displacement from communities like East New York, where over 50,000 residents live in unregulated homes. It is more difficult to protect the rights of tenants whose rents can escalate at any time, but ensuring that most of the new housing that's built matches the needs and income levels of the current community is one way to stem the tide of rising rents and displacement. The City may be challenging to balance the desire to build with the need to protect current low-income tenants from displacement, but the City cannot simply ignore this problem and hope that the public forgets about it. MIH will only succeed at increasing housing opportunities for low-income people if the City develops meaningful strategies to prevent displacement.

Upzone Wealthy Communities

CDP also urges the City to commit to rezoning wealthy communities as part of its overall rollout of MIH and the rezonings. The City's MIH policy study provides significant evidence of the benefits of programs that permit low-income people to access housing in wealthier, better-resourced areas. According to the City's research, programs like these can increase adult employment rates, improve high school graduation rates, improve mental and physical health, and increase academic performance.[1] These findings are important and valuable, and they underscore the importance of creating affordable housing for low-income families in high-opportunity neighborhoods in the City. But so far, the City has named only low-income communities as target areas for rezonings – areas

[1] The programs cited by the City include "the nation's first mobility experiment … the court-ordered relocation of Chicago Public Housing Authority residents from racially segregated, high poverty neighborhoods to communities with a higher degree of racial and economic integration," a program found to increase adult employment rates and improve high school graduation rates; the HUD-sponsored Moving to Opportunity program, which "found that among households that moved to neighborhoods with lower poverty rates, adults had both physical and mental health improvements" and young girls had significant improvements in health and other outcomes, even years later; and a 2010 study of "the academic performance of students living in publicly-owned inclusionary housing units in Montgomery County, Maryland - one of the wealthiest counties in the nation and home to the country's largest and oldest inclusionary housing program," which found that students who attended the most advantaged schools far outperformed those who attended the least advantaged schools. *New York City Mandatory Inclusionary Housing: Promoting Economically Diverse Neighborhoods*, Dep't of City Planning, City of New York (Sept. 2015), p.48-49.

where the risk of displacement is greatest, opportunities are fewest, and the amount of subsidy required to make *any* development feasible is at its peak.

We urge the City to follow through on its own findings and commit to rezoning wealthier neighborhoods, including many of those in Manhattan and the inner-ring neighborhoods of Brooklyn and Queens, to ensure that MIH creates more opportunities for low-income families in well-resourced areas. The City's current choice to rezone only poor and working-class communities is indefensible, especially since the City's own economic studies show that developments in strong markets – unlike those in cooler markets – can sustain significant amounts of deeply affordable housing and remain financially viable without government subsidies. Because developers in wealthy areas can collect so much income from market-rate apartments, they can sustain more affordable units under MIH – and they should be pushed to do so. To get more bang for its buck, create a greater number of affordable units, and reap the full benefits of MIH, the City must rezone rich areas as well.

Create Deeply Affordable Options

Finally, we urge the City to create a deep affordability option within MIH, and to ensure that every MIH option requires a significant share of units accessible at very low income levels. Currently, none of the MIH options require housing at affordability levels below 60% AMI, even though 85% of New Yorkers making under 50% of AMI are rent-burdened, and there are "14 times more rent-burdened households at 50% AMI and under, than at 100% AMI and up."[2] New York City's housing crisis is greatest for those below 50% AMI, but the City failed to even study MIH options with affordability levels below 60% AMI.

The income levels of affordable housing should meet the needs of the people in greatest need, and this must be written into the MIH policy. Even though HPD subsidies will be needed to spur construction in some neighborhoods and will help to make rents more affordable than the MIH text requires, these subsidies will not last forever and will not provide permanent affordability. Subsidies are also voluntary, and landlords are less likely to take them as neighborhoods change and market rents increase. Having lower income levels written into the zoning text is the only way to guarantee that these apartments *always* remain deeply affordable. Specifically, CDP joins the Association for Neighborhood & Housing Development in calling for an MIH option that requires 30% of units to be affordable at 30% AMI, and a set aside of 15% of units at the 30% AMI level for all MIH options.

We also urge the City to study the viability of creating an additional MIH option that would require a higher share of units at this 30% AMI level, as research suggests that "strong" and "very strong" markets may be able to support developments where almost half of all units are affordable at these levels.[3] Creating this strong market option would maximize the benefits of MIH, dramatically increasing the share of apartments accessible to the New Yorkers who need them most.

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[2] "ANHD Analysis of NYC Inclusionary Zoning Proposal," ASS'N FOR NEIGHBORHOOD & HOUSING DEVELOPERS (July 31, 2015), http://www.anhd.org/?p=7038.

[3] "Mandatory Inclusionary Housing: Financial Feasibility and the Current City Proposal," ASS'N FOR NEIGHBORHOOD & HOUSING DEVELOPERS (Nov. 2015), http://www.anhd.org/wp-content/uploads/2015/11/MIH-White-Paper-11-12-2015.pdf?utm_source=Blog-MIH+position-12-8-15&utm_campaign=Blog-MIH+position-12-8-15&utm_medium=email.

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However this administration's MIH proposal misses a key opportunity to create a new and effective centerpiece housing program that both helps address the city's affordability crisis and creates inclusive communities.

ANHD has done extensive analysis of the City's previous voluntary Inclusionary Housing Program, voluntary R10 program, the City's own MIH Market and Financial Study, the City's MIH proposal, as well as the programmatic structure best practices, and lessons learned of inclusionary housing programs from across the nation. In addition, ANHD put-on a half-day Inclusionary Zoning policy convening that included local government officials and policy experts from Chicago, San Francisco, Oakland, and DC.

Based on our research and analysis, the affordability levels set by the Administration's MIH proposal are too high to meet the needs of the needs of NYC residents and neighborhoods.

The Administration's MIH proposal presents three options, with affordability level requirements ranging from 60% of Area Medium Income (AMI), or $1,200 for a 2-bedroom, up to 120% of AMI, or $2,500 for a 2-bedroom. **The Administration's MIH proposals affordability targets of primarily 60% Area Median Income (AMI) and above leave out nearly half on New Yorkers and are the levels already served by current housing programs.** Communities cannot be asked to accept the impact of major upzonings that generate high rent units without being guaranteed the benefit of needed truly affordable housing.

At these affordability levels, MIH misses the core of the housing crisis and even the core of NYC's population. **Nearly a third of New Yorkers fall below 40% AMI, and of the more than 1.1 million households that are rent burdened, 83% or 938,000 are below 60% AMI. In many communities, the income levels required in the City's MIH proposal would further gentrification, rather than help provide the affordable housing that local residents need and that stabilizes communities.**

ANHD deeply respects the community voices and feedback that have been expressed through the land use process and MIH must be mindful of respecting these voices and take these concerns into account. MIH must be more than a one-size-fits-all solution. The Administration's MIH proposal's three affordable housing options are insufficient to serve the diversity of populations, incomes, and neighborhoods. There are a variety of valid concerns that have been raised throughout this the land-use process and the Administration's final MIH policy needs to take into account this community feedback.

The Administration's MIH proposal and the Mayor's Housing plan do not have **mechanisms in place to proactively prevent the displacement and harassment of tenants**, or to proactively preserve communities' non-subsidized affordable units in the face of these rezonings.

Building market-rate housing, even if there is some affordable housing as part of the deal (including future potential MIH units), is not a neutral act. We know from hard experience that bringing in more market-rate housing increases displacement pressure in existing private market low-rent housing throughout the neighborhood. The number of NYC apartments with monthly rents below $1,000 fell by nearly 13 percent between 2011 and 2014. If rezonings ultimately lead to a net loss of affordable housing despite the construction of new affordable units, we will see the city's affordable housing crisis deepen further. **The City's increased housing production / rezoning strategy must be matched with an equally robust set of proactive and enforceable anti-displacement, anti-harassment, and preservation policies in order to ensure diverse and sustainable communities in our City.**

MIH can and should be an important new piece in our City's affordable housing toolbox, but it is only one tool. MIH alone will not create, let alone preserve, all the affordable housing needed for any neighborhood in the

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TESTIMONY OF BARIKA X WILLIAMS, BEFORE THE NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES REGARDING THE PROPOSED "MANDATORY INCLUSIONARY HOUSING" TEXT AMENDMENT

February 9, 2016

Good Morning. Thank you Chair Richards and to the members of the Subcommittee on Zoning and Franchises for the opportunity to testify.

My name is Barika Williams and I am the Deputy Director for the Association for Neighborhood and Housing Development (ANHD). ANHD is a membership organization of NYC- neighborhood based housing and economic development groups- CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have over 100 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units.

The de Blasio Administration's current MIH proposal misses the opportunity to create the guaranteed, truly affordable housing that many neighborhoods are demanding. The MIH proposal does not reflect or adequately serve the diverse range of incomes, populations or local communities or ensure that we are building sustainable inclusionary communities for all New Yorkers. **Therefore, absent substantial changes that would guarantee truly affordable housing that neighborhoods and the city overall needs, ANHD cannot support the Administration's Mandatory Inclusionary Housing (MIH) proposal.**

Having a well-designed mandatory affordable housing requirement is critical progress for fighting NYC's affordability crisis. ANHD has been the leading organization calling for a Mandatory Inclusionary Housing policy because we believe that the City needs a new baseline for how affordable housing gets built in all communities.

ANHD is calling on the City Council to revise the Administration's Mandatory Inclusionary Housing proposal and add additional options with deeper affordability levels to meet the full range of incomes and neighborhoods across the City.

- **Add a Deep Affordability option of 30% affordable housing at an average of 30% AMI.**
- **Require that all MIH options, regardless of average income level, set aside a band of 15% of units at the 30% AMI level.**
- **Eliminate the current 'Gentrification Option,' that sets aside 30% of units at 120% AMI.**
- **Increase the number of MIH options to 5, to serve the range of diverse neighborhood needs.**
- **Require that off-site MIH developments set aside an additional 10% affordable units above the on-site requirement.**

MIH can and should be a powerful affordable housing tool, and is one that ANHD and our groups have pushed for over a decade. We believe this type of policy presents an opportunity to put in place a "new normal" where every neighborhood and site that is upzoned will include guaranteed affordable housing that is permanently affordable and truly meets the needs of the local community.

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City. This is why it is key to make clear that MIH is starting point for what neighborhoods can ask for from developments, and not a finish line. **Community residents, housing groups, community boards, and local elected officials need to maintain the ability to ask for more affordable housing, using other housing policy tools outside of and in combination with MIH to meet the needs of local communities and the city as a whole.**

We also want to ensure that any MIH affordable units are protected, enforced, and monitored. **Therefore we believe that administering agent should be non-profit organizations who are not an affiliate of, an owner or managing agent of the project.** These HPD pre-qualified not-for-profit organizations are committed to ensuring the long-term compliance with the releasing and resale on affordable units because these are units that are a part of their communities and can provide homes to local neighborhood residents. We believe that HPD should be the secondary administering agent option only when a not-for-profit organization is unavailable or not fitting.

ANHD supports the MIH modification incorporated by the CPC which help ensure any developer's application to escape affordability requirements is absolutely necessary and proven as scrutinized by City specialists. The CPC modifications change how a developer can apply for a waiver from the MIH regulations. The modified MIH proposal now requires that any developer's application for a MIH wavier claiming "financial hardship" must also include a financial review by the Department of Housing Preservation and Development, which has staff with real-estate finance and underwriting expertise. This is in addition to the previously required review before the only the Board of Standards and Appeals which is primarily has an oversight and administrative review capacity. This change is important to ensure the efficacy of the MIH policy. However, the core of the Administration's MIH proposal must be improved.

Specifically ANHD is calling for the MIH proposal to be revised as follows:

1. **Add a Deep Affordability option of 30% affordable housing at 30% AMI.**
   One of the greatest concerns expressed by local residents, housing groups, and community boards is the level of affordability of potential affordable units. Communities are continually raising the question of whether units termed "affordable" will truly be affordable to local families or New York City residents more generally. **Yet, the City's MIH proposal fails to include any options targeting deep affordability**. More than 25% of New York City households make less than $25,000 annually, or less than 30% AMI. Any MIH program in our City must include at least one option designed to serve this sizeable part of the City's population.

   A **recent ANHD white paper** analyzing the City's own MIH Market and Financial Study found that there is significant room to require more and/or deeper affordability while maintaining financial feasibility. In some markets, a deeper affordability option is financially feasible without additional subsidy. Other markets would require additional subsidy, but in these areas the same is true for the options already proposed by the City. Furthermore, this option serves the policy goals of economically diversifying neighborhoods and providing a wider variety of housing opportunities for a wider variety of income levels.

2. **Require that all MIH options set aside 15% of units at the 30% AMI level.**
   The options proposed by the City require that affordable units serve an average of 60%, 80% or 120% of AMI. As presented, developers could build for a range of income bands, or target all units to the same AMI level. In order to ensure that MIH developments serve a range of New Yorkers, and to further the goal of economic integration, the City should require that all MIH options set aside 15% of units at the 30% AMI level.

   The City's own Market and Financial Study for MIH, which only studied 60%-90% AMI level scenarios, seemed to disregard how MIH might serve deeper affordability needs that make up the epicenter of our

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housing crisis. If we are to chip away at our housing crisis, it is critical that any MIH policy include a guaranteed commitment to provide housing for some of New York's highest need families by guaranteeing that 15% of any option be set aside for households at or below 30% AMI.

3. **Eliminate the current 'Gentrification Option,' the 30% set aside at 120% AMI option.**
One of the City's MIH options includes at 30% set aside at 120% AMI, for so-called 'Emerging Markets.' However, a 120% AMI option would give developers credit to "affordable housing" for households earning approximately $103,000 a year, or paying approximately $2,400 a month in rent for a 2-bedroom apartment. Let's be clear: that isn't affordable housing. Only the top 25 percent of city households can even afford 120% AMI rents. And less than 7% of households at these six figure levels are rent-burdened, in comparison to over 66% of households earning below $100,000. This MIH option moves away from creating mixed income neighborhoods and away from serving those who need housing the most.

4. **Increase the number of MIH options to 5, to address the range of diverse neighborhood needs.**
The City's current MIH proposal consists of only three MIH affordable housing options that would apply to the all residential lots that will be upzoned in the future across the myriad of neighborhoods in New York City. To ensure that the citywide program includes options that are appropriate for our wide range of community needs, more options should be created.

   The limited options provided leave communities with insufficient choices to apply to their local neighborhood context. Neighborhoods where the housing needs are at the lowest AMI levels are left without a viable option. Neighborhoods taking on sustainable 200%+ density increases and expecting that upzoning to be matched with an increased affordability are left without a viable option. **The current three MIH options fall short of providing options that serve the full range of city incomes, do not provide enough options that address local needs, and fail to leverage the most affordability from each upzoning.**

5. **Require that off-site MIH developments set aside an additional 10% affordable units.**
The City's current MIH proposal has the same requirements for on-site as for off-site affordable housing. This is a mistake, and puts New York City out of step with every other city where MIH has been an effective policy. On-site affordability has a greater social value than off-site affordability, even when off-site is required in the same Community Board or within 1/2 mile, because it fosters the most income integration, and because of the likely placement of the off-site affordable building in a higher poverty area where land costs are lower.

   For instance, in the recently proposed Brooklyn Heights Library development, the market-rate units are being built within a very short distance of several subway lines and zoned for P.S. 8, one of the City's most desirable public schools which received the highest "excellent" rating in four out of five categories on their latest quality review. The affordable component, while in the same Community Board, is two miles away, within walking distance of only one local subway line, and zoned for a public school which achieved solid but lower scores on its latest quality review. ANHD's white paper analyzing the City's Market and Financial Study for MIH found that in most cases under the current proposal, affordable housing will be built off-site. **ANHD's white paper and the City's own MIH Market and Financial Study confirm that the value in having an off-site option is its ability to generate more affordable units for the same cost.** Without requiring additional affordable units in order to build off-site, there is little value in having this option for the City, and it comes at a cost to the community.

Thank you again for the opportunity to testify.

CAAAV
ORGANIZING ASIAN COMMUNITIES

My name is Cathy Dang, Executive Director of CAAAV Organizing Asian Communities. CAAAV organizes low-income Asian immigrants for systemic and institutional change towards racial, gender, and economic justice. We organize low-income rent-stabilized tenants in Chinatown and Asian immigrant public housing residents at Queensbridge. On behalf of our deeply concerned members in both Chinatown and in Queensbridge, CAAAV would like to voice opposition to the Mandatory Inclusionary Housing (MIH) proposal passed by our City Planning Commission.

MIH is not the remedy to the affordable housing crisis in New York City. The truth is that the numbers used to determine affordability under the MIH plan would not help the individuals and families that really need housing. Amongst our 300 members in Chinatown and supporter base of 3,000, 100% of our membership have an annual household income of less than $35,000 a year. Under the MIH proposal, affordability is applied to families of four making 60% of AMI which would mean an annual household income of $51,780. Amongst our membership in Queensbridge and the 500+ residents in our base, over 70% of our members make less than $25,000 a year and 100% of our senior citizen membership make less than $10,000 a year.

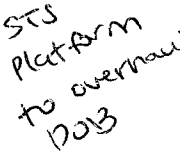
What all this means is that all these families, low-income, immigrant from communities of color that contribute to the economy and culture of New York City will be denied affordable housing when they are the most in need of affordable housing.

Nearly every community board in New York City has voted NO on the MIH proposal, yet the City Planning Commission attempts to still move it forward. With the current proposed income requirement structure, I implore the City Council to think about the implications of this proposal on New York City 50 years, 60 years, 80 years from now. The MIH proposal will forever change the fabricate of New York City and essentially make all of New York City a city for the middle-class and wealthy and making it nearly impossible for low-income and no-income people to survive.

We have been seeing in gentrifying neighborhoods, where retail stores and shops have changed to cater to the newer/wealthier residents who earn a greater income than long-time residents. If MIH is passed as is, we need to consider the changes to the retail stores, restaurants, markets, laundromats, etc. that will cater to the weather residents because they inevitably will do that. We see it happening now and long-time family-owned shops closing down.

In order to best provide affordable housing for New Yorkers, the City needs to **permanently** preserve the current affordable, public, and rent-stabilized housing stock. We need citywide

anti-displacement protections legislated through the City Council to ensure protections of tenants from being harassed and driven out of their homes. In Chinatown, we have lost more than 15,000 affordable housing units in 10 years. Anti-displacement protections can include ~~construction certification for landlords who have a history of harassment~~, extremely heavy fines to make business harder for current predatory landlords, creating a landlord watchlist that is thoroughly monitored by the City, or putting political pressure on our District Attorneys to hold predatory landlords accountable for white collar crime. CAAAV's alarmed membership would say that what we need, more than MIH, is a citywide anti-displacement legislation. We need realistic Area Median Income numbers that are attuned to the reality of the residents of NYC. We can't build our way out of the housing crisis with more units when we haven't even found measures to protect our current affordable housing - **we will only net/gain zero in the long-run.**



Text of speech before the Land Use Committee of the New York City Council

Good morning Honorable Chairman, and committee members. I Thank you for giving me the opportunity to speak to you.

My name is Nachman Carl Caller. I am a long time resident of the Boro Park community, where I have maintained a law practice for the last thirty years.

I have advocated for housing in our community for many years.

Approximately ten years ago, together with Rabbi David Niderman, I testified at a city council hearing and was instrumental in successfully saving the 421A tax abatement for 4 to 6 family buildings, which represent a large amount of the housing in our community.

Our community is in dire need of affordable housing and has been denied its fair share. During the Bloomberg administration, when the city built 160,000 units only 252 units were built in our community.

In 2014 I ran for the NY State Assembly. The cornerstone and driving force of my campaign was to bring more housing to our community. Although, I did not win the election, I believe that my campaign brought a lot of exposure to the housing crisis, and served to focus the community and elected officials on the search for solutions and opportunities to build affordable housing in our community.

The main barrier hindering access to affordable housing within our community is the policy model set forth by the city to create affordable housing. This model will not and cannot work in Boro Park, Williamsburg or many other areas in the city.

The fundamental principles of the policy are clearly set forth in a White Paper prepared by the NYU Furman Center dated March 26, 2015. The policy heavily relies on cross subsidizing affordable housing, meaning that developers will use

the profits from the rental of **market rate apartments** in a building to support the required percentage of affordable units.

However, this model relies on an assumed **market rate rent** of at least $3,200 per month for a 1 bedroom apartment in order to subsidize affordable units at 60% of AMI in the same building.

Our community is incapable of generating these kinds of market rate rents. Consequently, Boro Park can never qualify for Affordable Housing based on this model.

It is no secret that our community is in dire of housing. If you visit our neighborhood, you will find families with 6 or 7 children living in 2 bedroom apartments on the 6th floor of an apartment building. A walk through these buildings will reveal multitudes of little children spilling into the hallways which are filled with baby carriages and high chairs. Mothers, while juggling their overwhelming schedules must run down every morning to take the children to the bus stop. I have also heard of grandparents forced to share their beds with their grandchildren because there aren't enough beds.

Thankfully, the City Housing Mandatory Inclusion Housing Amendment contains certain provisions which offer a ray of hope for our community and for many other communities that cannot support the market rates which are needed to support affordable housing.

These Mandatory Housing provisions do not require that market rate housing units and the affordable housing be in the same building. This will allow developers to more properly shift the additional costs of the affordable housing requirement. However, these provisions still require the affordable units to be in the same community district or in an adjacent community district within 1/2 mile of each other.

There has been much discussion about this provision, its' benefits, pitfalls and viability.

I have formulated the following proposal which I believe will allow communities, such as ours, to receive the affordable housing they need while allowing the broader policy goals to flourish;

1. The Council should require that 15% of the affordable units be built in the same building project and the remaining 15% of the affordable units should be permitted to be off site. However, these offsite units shall not be limited to the same or adjacent community district. They shall be permitted anywhere in the city and the HPD shall choose these sites based on fair criteria.

2. In the alternative, developers shall contribute the the required cost basis to the affordable housing fund and the contribution shall be used for development of affordable housing. In this manner communities such as ours, which cannot support affordable housing projects on their own, can be allocated their fair share of units based upon its need.
   This formula would be the best of both worlds since it would require a substantial amount of onsite affordable units while providing a mechanism for supporting affordable housing in all areas of the city which desperately need affordable housing.
   This formula should also be applied to the 421A program so that the affordable requirement shall be satisfied in the same manner.
   There is no logical reason for differentiating between the benefits the developers get under the inclusionary program and the benefits they get under the 421A program.
3. With regard to the 421A program there is one other issue I would like to discuss;
   There has been much controversy with respect to this program and, as of now, the 421A program seems to be suspended.. If this is the case, I propose that the city should reinstate the 421B program which was promised to us by the previous speaker 10 years ago, which will provide limited benefits for new building. The cost to the city is minimal and it would greatly help new homeowners during the first few years of their home ownership when they are struggling to make ends meet.
   Regardless, this program should be reinstated for buildings with 10 units or less since the 421A program is not viable for such small buildings.

In conclusion, I appeal to the mayor, city planning and the city council to modify the property legislation to help provide our Boro Park community and many other communities, with affordable housing, which would not be available under the current proposals.

Thank you.

Nachman Carl Caller

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February 9, 2016

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Alexa Sewell
President, Settlement Housing Fund
Testimony in Support of NYC Planning Proposals for Mandatory Inclusionary Housing

Since our founding in 1969, Settlement Housing Fund has developed 57 projects with over 8,700 apartments. We currently own and operate around 1,700 units, with the largest concentration of our housing and programs in the Mt. Eden section of the southwest Bronx, in Crown Heights, Brooklyn and in the Two Bridges Redevelopment Area on the Lower East Side. Whenever possible we incorporate commercial and community space for neighborhood amenities and programs into our development plans, and we use some of our rent collections, and much of our fundraising, for community programs such as after school, college access, and job training.

It is the strong opinion of Settlement Housing Fund that the proposed Mandatory Inclusionary Housing (MIH) program is an important tool to creating and sustaining affordable housing in New York City. In particular we like the MIH proposal for three reasons:

1. It is not the only tool. MIH is one of many ways for the City and its development partners to achieve affordability. Settlement Housing Fund is committed to setting aside 30% of units in our developments for extremely –low income tenants – households earning around $26,000/ year. MIH will help us toward that end by allowing for income mixing, but also by creating an environment in which the private market is creating more units affordable to 60% and 80% AMI households. This allows for scarce City and State subsidies to be used to create more housing affordable to lower income New Yorkers.
2. It will instill some rationality into land prices. It is increasingly difficult for affordable developers to compete with market rate developers who are willing to pay speculative prices for land assuming they will be able to get higher and higher rents over time.
3. It is permanent! As a non-profit mission driven organization, Settlement Housing Fund is committed to keeping its affordable housing affordable over the long-term. We are the exception not the rule. With 421a, for example, as the affordability period burns off, market rate developers have an incentive to convert units to market rate.

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Much of the debate around MIH has centered on affordability levels as people seek to answer the question: "are we getting as much affordability as we can?" I share the opinion that affordable resources should be targeted to very and extremely low income New Yorkers. But in the vast majority of New York City's neighborhoods, the private market cannot create these units without subsidy. The housing markets aren't strong enough to cross subsidize rents affordable to households earning 30% of the AMI.

In the Bronx, our development New Settlement Apartments is right on the border of the Jerome Avenue rezoning area. We are looking to acquire parcels in the rezoning area, and in order to develop them as residential housing we absolutely will have to use the City programs to allow us to create truly mixed income affordable housing. If there were a requirement that non-subsidized developments create units at 30% AMI, for example, the building will not be economically viable. Here's the reality in the form of an example -- we are looking to develop a mixed income rental building, with incomes ranging from 30%AMI to 90% AMI, and we will be asking the City for around $20MM in City subsidy, and $20MM in tax exempt bonds to make the deal work.

Mandatory Inclusionary Housing is designed as one tool in the affordable housing tool box. It's an important one, but not the one that's going to solve the affordability crisis for families earning $25,000 a year. I hope we can vote yes on MIH and move on to talking about other policy and resource solutions for the low and extremely low income and homeless households in New York City.

Thank you for the opportunity to testify.

Remarks by: Daniel Marks Cohen, Vice President, Housing Partnership

The Housing Partnership serves as New York City's primary intermediary for the development of affordable housing. We assist in the development, retention and revitalization of affordable homeownership and rental housing, and our goal is to produce 5,000 units of affordable housing each year through a variety of new construction, rehabilitation and other housing programs. In our more than 30-year history, the Housing Partnership has assisted in the development of more than 50,000 affordable home ownership and rental units throughout the five boroughs and leveraged over $6 billion in private sector financing.

Councilman Brad Lander said it best this morning when he posted a notice that we cannot afford to miss another opportunity to guarantee affordable housing in New York City. We must not miss this chance to adopt a mandatory inclusionary housing policy. There are many criticisms of this program, some of them are valid, and I know that the City Council is hearing them today, both inside and outside this committee room. But the important point is that if the MIH program is passed, it will be the most robust mandatory affordable housing program in the nation, and as New York has led the way on many other initiatives so it is doing so now. For the first time ever the City will require developers to provide affordable housing, which shifts some of the burden off the public sector. It is the most ambitious inclusionary housing policy in the country; no other city has a program that requires more affordable units or reaches lower incomes than what has been proposed. To demand that developers serve even lower incomes would be the missed opportunity, because requiring too much would make MIH an unusable program and vulnerable to legal challenges.

This program is not perfect, few things in life are, but it does provide a template that will unlock more affordable housing development this city has seen in a generation. The Housing Partnership has worked with HPD over many years and MIH will be a powerful tool to help this city reach the ambitious goals of the Mayor's housing plan. Passing this initiative will change the conversation to ensure that affordable housing is always part of the process when a project is seeking a rezoning or other special consideration. By making it mandatory it establishes a foundation for the private sector creation of affordable housing as a part of the city's fabric rather than an option expediently forgotten when it is inconvenient.

Crain's reported today that in response to the criticism leveled at the program that the plan will produce apartments too expensive for the poor, the administration is considering a potential compromise to guarantee more low-income units by setting aside units for households even poorer than those making just 60% of the area median income, balanced by increasing the number of units for households above that 60% figure. I urge the city council to seize the moment and work with the administration to pass a plan that ensures more affordable housing but that also addresses the concerns raised by critics of the plan. But let's put this in perspective: no other city has a program that requires more affordable units or reaches lower incomes than what is being proposed today.

You may have heard claims that Mandatory Inclusionary Housing will unintentionally gentrify neighborhoods but we believe that MIH will help *prevent* displacement by ensuring that new buildings in rezoned areas will bring new affordable housing to the community where they currently have no such requirement. The policy puts developers on notice that they must provide affordable housing in rezoned neighborhoods. This changes what neighborhood residents can expect whenever their neighborhood is rezoned. Market forces will continue to push housing prices higher and contribute to changes in neighborhoods but if the MIH proposal is adopted it gives neighborhoods the strongest tools any city in the country has provided to shape future development to their needs.

Let's not let perfect be the enemy of good enough, for the 60,000 homeless people in this city, 25,000 of them children, we need to start require developers to construct more affordable housing immediately. A good plan that works is better than a perfect plan that does not exist. And this is a good plan.

For the Record

My name is Cher Carden. I am a concerned affordable housing rental tenant living in Chelsea who wants to encourage protection of existing affordable housing units and the end of outrageous harassment against tenants in gentrified buildings. I want to see that no one else goes through what I went through last year. The 23 unit building I live in was sold in February of 2014.
Immediately following the sale our new landlord commenced on a long list of unscrupulous behaviors.

1. Wrongful aggressive eviction procedures.
2. Removal of firewalls endangering tenants in case of fire.
3. Doors removed on front of the building allowing access to vagrants and criminals.
4. Removal of our mail boxes without notice and stopping mail delivery for weeks with loss of mail some of which has not been recovered.
5. Tenants suffered from persistent coughs and headaches from dust, debris, construction odor and jackhammering.
6. Our buzzer system was disabled for 4 months making it impossible to greet emergency personnel and visitors in our walk up building.
7. We had loss of heat, water, gas and electricity. Families with children fled to preserve their health and well being.

Within a few short months residents from 21 out of 23 apartments were displaced. Most of the tenants moved out of the building because of landlord intimidation and harassment. I watched as my friends whom I had lived in the building with for over 28 years moved out of the city because they could not afford to continue living here. They had no where to go. Some left their jobs and apartments all together because their experience of the city was unbearable and humiliating.

The conditions tenants are <u>ALREADY</u> going through across the city are forced to live in are intolerable and unreasonable. Rezoning in it's current proposal will bring more of this kind of egregious behavior by unscrupulous developers. It is one thing to pursue progress, but it should not be carried out in such a way that we expose our residents to dangerous living conditions or unfair

displacement. Progress without concern for the safety and affordability of existing tenants and neighbors should never be tolerated. I bring this up because we already have a serious problem with aggressive gentrification in the city and this will bring more of the same unless we institute a more reasonable plan for realistic affordable housing that keeps our diverse neighborhoods intact, offers our children from lower income communities the hope that there is a place here for them when they grow up. Now, children of lesser incomes see a city that no longer includes them. I have the privilege of being in an HBO documentary movie called "Class Divide" that shows the effects of aggressive gentrification as seen through the eyes of children from both privileged and poor neighborhoods. To see the truth from their perspective was eye opening to say the least. As adults, we argue about various aspects of rapid development but we are looking at things only from an adult perspective. We haven't looked at how our community's children are viewing the City as a place they can't see themselves affording as they mature. They watch their parents go outside the city to shop at the lesser expensive malls and grocery stores because the prices in their developing neighborhoods are too high for their budgets.

I request the Council vote no on Mayor DeBlasio's MIH Proposal and consider a more reasonable and real affordable housing plan proposed by the ~~Met Council on Housing~~ that would help to offer development without causing displacement or loss of existing affordable housing units. But instead offer affordable housing on realistic median incomes and offer union jobs so each community can participate in the developmental process.

The Real Affordability for All

F. T. R.

Far Rockaway

VS

City Hall

Rezoning and Franchising

Alexis Smallwood, Community Outreach Coordinator Rockaway Wildfire
57-07 Shore Front Parkway Apt 1708
Far Rockaway, NY 11692

I am Alexis Smallwood, I am a Community Outreach Coordinator with Rockaway Wildfire, am a single mother of an African American 10-year-old boy name Alexander Jones-Baker. My community will lose all of its nature green space to the housing crisis. We aren't in a crisis; all we have to do is revitalize the housing that already exists in Far Rockaway.

The only people that will benefit from rezoning and franchising will be the rich and will connected developers like L& M, Bluestone, and Benjamin Companies- Beachwood organization. I have proof that L&M hasn't done right by the money and tax breaks for Ocean Village. I have photos of the elevators always broken; the stairways are always dirty because L&M cut the staff, the laundry rooms never have water or hot water, we have issues with mouse and roach. L&M has allowed owners to occupy space selling expire food too resident in Arverne View for over 4 years now.

Hilco Real Estate will be having an auction to sale Metorplex on the Atlantic, which can be used for housing and sponsored through HPD or HUD with the chance to own your apartment. The City has until February 16, 2016 to bib on the property. This is a constant problem with land and banks in Far Rockaway. There are 54 one bedrooms and 72 two bedrooms. Right, my son and I need a two bedroom, he has a learning disability and the fact that we sleep in the same bed is affecting him. I have submitted all necessary documentation to HPD and was still denied.

We the people of Far Rockaway don't want any more housing because we are overcrowded, all of the abandoned homes just need to be revitalize and not sold to debt collectors or Real Estate companies like Hilco Real Estate. We know that franchising will bring gentrification to Far Rockaway; rezoning will also change the income of the neighborhood which will displace thousands of residents. The space behind; New York City Housing Authority Hammels Housing should be rezoned for Destinations Rockaway which; would be created by Rune Kongshaug, M. Arch, AIA, LEED AP. His goal is to build urban environments, using architecture as a catalyst for sustainable change and local production. If you would like to learn more about this wonderful man and his team please visit Produktifstudio.com

It is unconstitutional and degrading that we are being forced to pay taxes and have to wait for services that are imperative too our everyday living. Far Rockaway has inadequate transportation, an inadequate hospital that doesn't treat traumas, an inadequate ICU, and the schools are overcrowded with chapter schools. I've been living in Far Rockaway for 10 years I know the pain and the joys that have pledge this community. I wish we were being serviced like those that live on Governors Island. We need a STEM/ Medical Center with Housing for students. Far Rockaway should be rezone for Cultural Art and Agricultural studies.

I've been fighting for our freedom for 4 years alongside Rockaway Waterfront Alliance, Rockaway Wildfire and residents who feel that the government has abandoned us. Rockaway Wildfire request that the 81 acres be turned into a Community Land Trust for Far Rockaway; Rockaway Wildfire also requesting that the 81 acres of land be rezoned for amazement parks, a state of the art recreational center, economic space, and community space. The YMCA doesn't fit our needs, 89% of the child that live on the eastside of the peninsula haven't seen the inside of the YMCA.

Our community hasn't been able to start community garden because of the Mayor's housing plan. Our Community needs more community gardens however; we've been receiving push backs from the mayor's

office and HPD officials. We are fighting for future generations of Far Rockaway who want to learn about farming, growing food and running their own food markets. Developers are not in the business of making money, nor are they great at developing communities that breed health families; this is why we need all the land to be put in a Community Land Trust. I have attached photos of some of our living conditions. It's an unbearable eye sore that plagues our community with low-self-esteem.

We need rezoning and franchising to benefit business owners like Ms. Kay from K-Eminence Royal Lounge located at 2118 Cornaga Ave, Far Rockaway NY11691. Business owners like Ms. Kay are also homeowner; who are struggling to keep their businesses open. She needs to rezone in order to keep her doors open. Who's going to help her? The residents in the West and East of the Peninsula can't catch a break, however we can find money for city council members to get raises, fund wars, and get tax breaks to developers.

Respectfully yours,

Alexis Smallwood, Rockaway Wildfire, Community Outreach Coordinator















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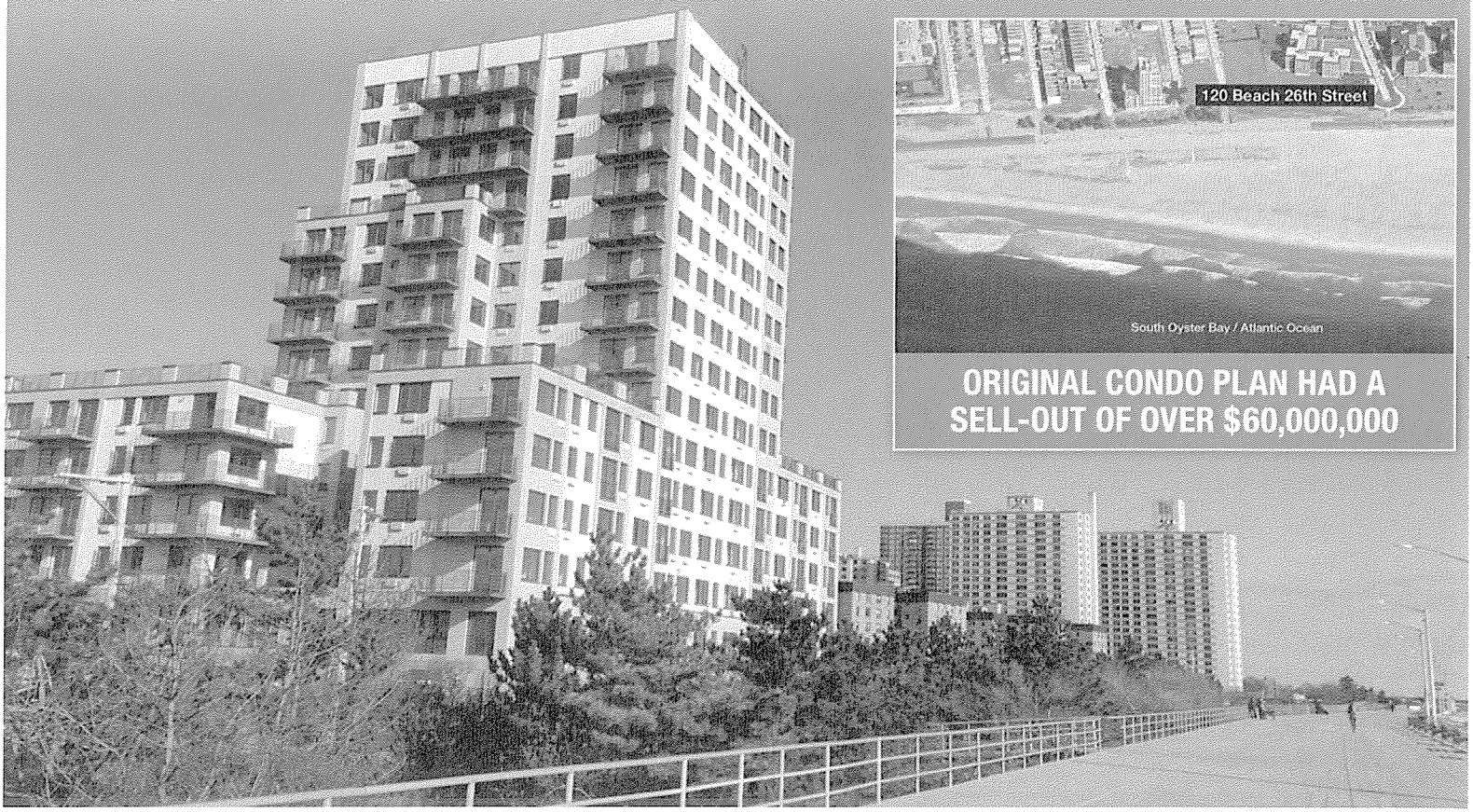

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Testimony for Hearing with Zoning & Land Use Sub Committee

Good morning Council Members of the Zoning Sub-Committee.

My name is Mr. John Medina and I am a member leader of Community Voices Heard. Currently the proposed Mandatory Inclusionary Housing Plan by Mayor DeBlasio does not meet the actual AMI (area median income) levels in the city's poorest communities. The neighborhoods targeted by the city for rezonings are all different and some communities, like East Harlem have very low-incomes, so this policy should have an extremely low-income option and it should reflect the neighborhoods AMIs. For example, East Harlem has extremely low income levels at 30% of AMI < $23,350 . Almost 40% of families are at 30% AMI. Also, over 50 % of East Harlem residents are rent burdened reflecting possible entry into Homeless shelters because most of the income earned is spent on rent to Landlords.

The MIH Plan should stipulate an option for 30% of units at 30% AMI and there should be an anti-harassment policy set in place. If developers want more density, MIH should have the FAAB (Floor Area Affordability Bonus) as a mandate to get us deeper affordability and require local hiring and good jobs.

I myself, an East Harlem resident for the past 12 years, had to fight off eviction proceedings commenced by my landlord because I live in a Rent Stabilized apartment which can be rented on the market for more money. Another CVH member is currently dealing with harassment through money offers, heavy construction in the building at all hours, and no heat or hot water to get him out of his rent-controlled apartment. The City Council desperately needs to amend the current proposal for MIH to reflect real affordability for residents.

I am pleading with this City Council today to please investigate carefully before approving the Mandatory Inclusionary Housing Plan which will only result in severe displacement of residents and create an increase in Homelessness beyond the Crisis we are facing.

I have served my country in the United States Army Honorably for twelve years and it breaks my heart to see hard working families become homeless due to Greed in America.

We, as a city, rely on luxury developers to provide a sliver of affordable housing while giving them 25-year tax abatements, or selling them plots of land for very little.

If you want to reform our incentive-based housing problem, start here with MIH.

Respectfully yours,
Mr. John Medina
Community Voices Heard

New York City (main office)	Westchester County	Orange County	Dutchess County
115 East 106th St., 3rd Floor	28 N Broadway, 2nd Floor	87 Ann St.	29 North Hamilton St., Suite L 17
New York, NY 10029	Yonkers, NY 10701	Newburgh, NY 12550	Poughkeepsie, NY 12601
Tel: 212-860-6001	Tel: 914-751-2641	Tel: 845-562-2020	Tel: 845-790-5945
Fax: 212-996-9481	Fax: 914-751-2642	Fax: 845-562-2030	Fax: 845-790-5946

www.CVHpower.org www.Facebook.com/CVHpower Twitter: @CVHpower

Christabel Gough
45 Tudor City Place, #1815
New York, NY 10017

Comments on the Mandatory Inclusionary Housing proposal
City Council, February 9, 2016

I would like to congratulate the Council on its no action position on the carriage horse proposal, and suggest that MIH has much in common with that initiative: the same source, perhaps a comparable political agenda, the same sloppy research and drafting, and the same failure to provide a real public benefit. Any genuine definition of affordable housing cannot be based on complex modifications of the Area Median Income, a clumsy bureaucratic tool. Affordable housing that deserves that name should be based on real data about real people living in the real neighborhood where the so called affordable project will be built. The census provides the population and income data that should be used. If modifications of MIH exceed the scope of City Planning's environmental review, a much needed new environmental review can be undertaken. The Council has the power and the Council should use it.

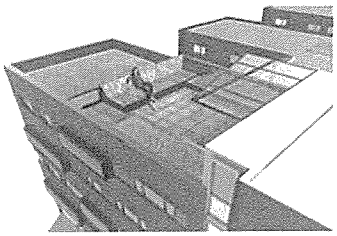


Whistler Athletes' Village Lodge by Britco Structures. Case study here.

FOR THE RECORD







The Modules at TempleTown. Click here for more info.
(Left) courtesy Sam Oberter Photography (right) courtesy ISA.



Chilliwack Social Housing by Britco Structures. Case study here.





FOR THE RECORD

Estimated Cost of Construction
for New Sensible Public Housing

Studios: Per single unit $60,000

One Bedroom: $75,000

Two Bedroom: $85,000

Three Bedroom: $95,000

Total Cost for one unit of all three: $230,000

With $800,000 reduced from Department for Homeless Services and One billion two hundred thousand in real estate taxes resulting from discontinuance of 421A per year = $ 2,000,000,000 available funding in the first year. Dedicated 1.2 billion would easily meet ongoing project costs described above and at the same time eliminate NYCHA's debt and protect existing housing projects.

Estimated one third as studios for singles; forty-five percent for one bedrooms and fifteen percent for two bedrooms and fifteen percent for three bedrooms cost/category would be :

$2 Billion x 25% =	$400,000,000	(studio costs)
$2 Billion x 45% =	$970,000,000	(one bedroom costs)
$2 Billion x 15% =	$315,000,000	(two bedroom costs)
$2 Billion x 15% =	$315,000,000	(three bedroom)

Therefore: @ $60,000/studio= 6,666 units @ one person/unit = 6,666 people

@ $75,000/I bedrm. = 12,933 units at 2.5 persons each = 32,332 people

@ $85,000/2bedrm. = 3,705 units at 3 persons each = 11,115 people

@ $95,000/3 bedrm. = 3,315 units at 4 persons each = 13,263 people

Total population served: 63,000 in 26,619 apartments. If on public lands no additional cost. Time frame, if well planned, is 18 months.

Remember with collecting 1.2 billion from property taxes each year, that are now abatements, there are abundant resources to build more new public housing as needed while easily maintaining the new built structures with the extra to sustain the old structures. Following the law of supply and demand the new housing units will drive down the cost for middle class families as well.

We can end the Tale of Two Cities

Never mind shelter – gimme housing

BE OUR GUEST

BY ARNOLD COHEN

The Department of Investigation's report this month on the squalid conditions in homeless shelters – rat infestations, rotten stairways, garbage in common areas – ave us all a peek into the dark ide of the right to shelter in New 'ork City.

That right, born from a lawsuit gainst both the city and state, 'as an important breakthrough ı the late 1970s, when so many eople suddenly appeared sleepıg on our doorsteps and streets, ı our parks and subways.

At the time, requiring governıent to provide emergency shel:r was the humane thing to do, esecially when the problem was ıought to be a short-term crisis ıat would soon be solved with a obust affordable housing effort.

History, of course, proved everyne wrong – and now, three decdes later, we have an ever-growıg, sprawling shelter system, 'hich warehouses almost 60,000 eople every night, of which more ıan 40%, or nearly 25,000, are oung children, desperately strugling with the loss of ome.

And, as the new reort starkly docuıents, these children re trapped with their ımilies in places that re just intolerable, in onditions that jeopardize their health nd safety.

While we should pplaud the de Blasio dministration for initiating the robe, the burden is now on the ıayor to use its findings to do ıore than try to fix an irreparably roken system, for which we have ıe pleasure of paying more than 1 billion every year.

We don't need to spend years nd millions of dollars building etter shelters. We need fewer shel:rs – and far more true housing.

I'm sure we'll hear a hue and ry from shelter providers that ıey've been underfunded. That laim, however, is no excuse for llowing New Yorkers who desrately seek shelter as the last refge from the street to live in such ıhumane circumstances.

A better course would be to imıediately revoke the contracts of ıese shelter providers (and stop oing business with those withut contracts) and find organizaons that appreciate the moral imerative of caring for the people they serve.

Today, our city's shelter program too often functions as a way for organizations to collect lucrative government contracts. Those providers, many of them nonprofits, have become a significant bloc in supporting a status quo that simply doesn't work for those who are homeless.

It's all terribly insidious, with organizations couching their interests in outmoded social services theory to perpetuate the belief that shelter is necessary because homeless people are supposedly not "housing ready."

There is another way: Help give homeless New Yorkers real places to live. Long-term.

Housing, not temporary shelter, is the critical first step to solving the problem. It's the place from which all other positive outcomes can flow. Research in the field has conclusively shown that housing is central, even for those who are struggling with mental health issues or drug and alcohol use.

Homeless families need places to stabilize their lives

In fact, permanent supportive housing for single adults in New York City has been documented to save more than $16,000 a year per person in shelter, health care and other attendant costs.

Ultimately, we need a shift in approach, by putting our energy in homelessness prevention, with housing affordability and economic stability the key indicators of success.

It is so much more preferable to allocate our dollars to create neighborhood-based support systems that help stabilize a family in housing rather than spend $36,000 a year to shelter an already evicted family.

This paradigm shift shouldn't be thought of as heretical to the right to shelter. For those who urgently require our help, there'll surely be an ongoing need for some shelters to deal with truly short-term emergency situations.

But it cannot supplant our responsibility to deliver real housing. The cost to the public fisc is too astronomical.

The human cost is incalculable.

Cohen is president and CEO of Partnership for the Homeless.

DAILY NEWS
Chairman & Publisher **Mortimer B. Zuckerman**
CEO **William D. Holiber**

FOR THE RECORD

HELP!!!

HELP!!!

HELP!!

HELP!

This is the cry of the 67,000 Homeless in our city shelters right now. Don't let it die out. There are adults, 22,000 children and their families (15,000) who don't want a shelter-they want a home.

How can you help? Join us in our petition drive to our local, state, and federal legislators.

People need new public housing, rebuilding the old, and rewriting rent stabilization laws that protect tenants and not enhance the pockets of greedy and negligent landlords.

Encourage your students to become part of our movement that will make a difference. Remember it was Mayor Fiorello LaGuardia who championed the cause that led to 350,000 New Yorkers to have a home in the "worst of times." How ironic – we are in the" best of times"

SHELTERS

NO!..HOUSING YES

FOR THE RECORD

Petition for Public Housing: HOMES FOR THE HOMELESS TO OUR LOCAL, STATE AND FEDERAL REPRESENTATIVES

Over 57,000 New Yorkers including 22,000 children are now in our shelters. Despite plans for affordable housing at the rate of 20% of new apartment (including condos and coops) it would take the construction of over 200,000 new housing units to meet this need. ***What we do need now is a new public housing program*** that will be immediate and responsible to help our neighbors who can't find a place to live. Join us by signing this petition. ***Completed Petitions should be mailed to Fiorello Homes for the Homeless Campaign , PO Box 4476 LIC, NY 11104 or if at LaGuardia CC / C Building Room 459 Prof. Frohnhoefer***

PRINT NAME	SIGNATURE	ZIP CODE
Petition Rep.	**Printed Name**	**Signature**

Get as many family, friends, and acquaintances to sign the Petition and make A new day for our homeless

Brothers and sisters.

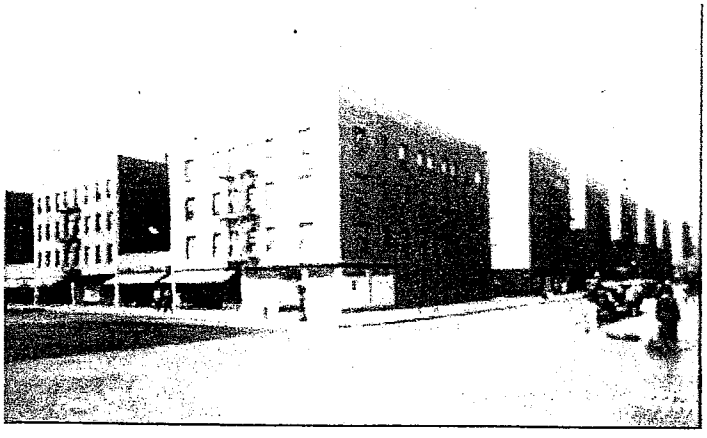
We can succeed. Reach out to

HOMES for the Homeless
Google us at Fiorello Homes for the Homeless.com
or email

GFrohnhoefer@lagcc.cuny.
Or mail petitions to us at
Our New Postal Box

Fiorello Homes for The Homeless Campaign
PO Box 4476
Sunnyside Station
Long Island City, NY 11104

Let's Go Build Liveable neighborhood housing like NYCHA'S FIRST HOUSES
With modern updates



ie view of the First Houses on September 4, 1936, across the intersection of Avenue A at 3rd Street

HELP!!!
HELP!!!

Get involved
Petition for a difference

This is the cry of the 67,000 Homeless in our city shelters right now. Don't let it die out. There are adults, 22,000 children and their families (15,000) who don't want a shelter-they want a home.

How can you help? Join us in our petition drive to our local, state, and federal legislators.

People need new public housing, rebuilding the old, and rewriting rent stabilization laws that protect tenants and not enhance the pockets of greedy and negligent landlords.

SHELTERS NO!..HOUSING YES

City of New York

COMMUNITY BOARD NO.9

Queens Borough Hall
120-55 Queens Boulevard, Room 310-A
Kew Gardens, NY 11424

(718) 286-2686
Fax (718) 286-2685
Meeting Hotline (718) 286-2689
Email: communitybd9@nyc.rr.com
Website: www.nyc.gov/queenscb9

Raj Rampershad, Chairperson * Lisa Gomes, District Manager * Melinda Katz, Borough President

November 18, 2015

Mayor Bill de Blasio
City Hall
New York, NY 10007

Carl Weisbrod, Chairman
New York City Planning Commission
22 Reade St.
New York, NY 10007-1216

Dear Mayor de Blasio and Mr. Weisbrod,

Queens Community Board 9 commends the initiative to address the crisis in affordable housing. Accordingly, we have carefully reviewed the City's proposals to achieve this: "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing (MIH). Unfortunately, the ZQA and MIH proposals are so seriously flawed that we must strongly oppose and reject them. Our reasons are detailed in the enclosed resolution, which was unanimously passed at our regular monthly meeting on November 10, 2015.

We have taken these proposals very seriously -- and rejected them. They claim to increase affordable housing. Yet, after learning of the recent Stuyvesant Town/Peter Cooper Village deal between the City and the Blackstone Group, we wonder whose interests are really being advanced. This deal, awarding the Blackstone Private Equity firm $571 million of tax payer and other funds, makes one wonder how serious this Administration is about providing affordable housing to ordinary New Yorkers. An opportunity to maintain and quickly create well-placed affordable housing seems to have been missed. Even Crain's Business magazine (October 26, 2015) calls it a raw deal for ordinary New Yorkers, who are paying $571 million to Blackstone, a private equity giant whose assets total $81 billion. Why waive the City's $77 million in mortgage recording taxes? Why call the $144 million coming through the Housing Development Corporation a "loan" to Blackstone when they need never repay it? And why give them 700,000 square feet of air rights valued modestly at $350 million? One can be reasonably certain those air rights will not be used to provide affordable housing. More than half a billion dollars is awarded to Blackstone in exchange for keeping 44% (some 5000 units) of Stuyvesant Town housing "affordable" and then only for 20 years -- a brief moment in the life of the city. And are these units truly affordable even in the short run? Moreover, as Crain's so aptly puts it: "Those enduring long commutes to Manhattan because they cannot afford to live there might well wonder why their tax dollars should help, for example, a family of three earning $128,000 to rent in the most expensive borough for $3,200 a month when lots of others would happily pay more." Why couldn't the City have worked with local and non-profit groups to plan permanent affordable housing, instead of the ZQA and MIH proposals which we believe will primarily benefit developers?

If enacted, the ZQH and MIH proposals would undo careful re-zonings in our community and many others. They would increase density with no provision for addressing the many concomitant increases in infrastructure. They would invite developers to purchase vulnerable properties to erect profitable housing, in return for a "blank check" to rezone these properties. These concerns, and many others, are detailed in the enclosed resolution. We know our concerns are shared by many other communities in Queens and throughout New York City. We urge you to take these concerns very seriously.

Sincerely,

Raj Rampershad
Chairman

Z:\Committees\Land Use Committee\CB9 ZQA-MIH-Resolutionm815.docx

Cc:

BP Melinda Katz
Comptroller Scott Stringer
Jessica Douglas Queens Borough Director CAU
CM Eric Ulrich
CM Elizabeth Crowley
CM Karen Koslowitz
CM Rory Lancman
CM Ruben Wills
CM Melissa Mark-Viverito
Assemblyman Michael Miller
Assemblyman Michael Simanowitz
Assemblyman Andrew Hevesi
Assemblyman David Weprin
Assemblyman Phillip Goldfeder
Assemblywoman Vivian Cook
Senator Joseph Addabbo, Jr.
Senator Leroy Comrie
Senator James Sanders, Jr.
Senator Michael Gianaris
Queens Community Boards
Woodhaven Residents Block Association
Richmond Hill Block Association
Kew Gardens Civic Association
Queens Civic Congress
Queens Chronicle
Leader Observer
Forum

Queens Community Board 9 (CB9)
Resolution on NYC Affordable Housing Proposals

Resolution

Queens Community Board 9 strongly opposes and rejects the proposed zoning text amendments re Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH).

Community Board 9's opposition is outlined below. We do not pretend to detail the text which covers hundreds of pages. What we read in these texts and understand from presentations is that little "affordable" housing will result from these amendments and most of such housing will only be affordable for what is the blink of an eye in the life of the city. We see the undoing of years of careful re-zonings done throughout Community Board 9, and an open door policy inviting developers to gain much while potentially destroying vibrant working communities.

The Proposals

The de Blasio administration has initiated a much-publicized "Housing New York" plan, proposing rezoning to promote affordable housing. The rezoning proposals are referred to as "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH). The following links provide more details on these proposals.

- Zoning for Quality and Affordability (ZQA)
- Mandatory Inclusionary Housing (MIH)

The NYC Department of City Planning (DCP) has been enlisted to promulgate these proposals and has dutifully and diligently done so. We appreciate the DCP's efforts to present and explain the zoning proposals, but we must be careful not to confuse the messenger with the message. In fact CB9 has serious concerns about the ZQA and MIH proposals.

CB9 Overview

We certainly recognize the dire need for affordable housing and strongly support reasonable initiatives to provide it. But it must be done in a way that preserves and protects the hard-won rezoning that has already been achieved, in CB9 and other low density communities throughout the city. We are especially concerned that the current proposals will encourage developers to increasing density at the expense of community character and without providing the increased infrastructure and services (police, schools, sanitation, etc.) dictated by increased density.

The proposals are complex, voluminous and sweeping. Further, the City Planning Commission (CPC) has "fast-tracked" them: the ULURP process formally began on September 21, 2015, and communities have only 60 days to respond. Proper evaluation of proposals of this magnitude and complexity requires many years, not a few weeks. In fact, CB9's recent contextual rezoning required several years of painstaking cooperation between the community and the Department of City Planning.

CB9 Recommendation

While CB9 supports any reasonable initiative to address the affordable housing crisis in New York City, we emphatically oppose the ZQA and MIH proposals as they now stand, for the reasons explained below.

We believe zoning and permitting could become meaningless under these proposals and that developers would be given more license to act as they pleased without realizing an increase in quality and affordability. Moreover, the effect will be detrimental to current community character and threatens to undo current re-zonings that were achieved after years of hard work and cooperation between communities and the DCP.

If the proposals as they now stand are implemented, they will serve to intensify the "Tale of Two Cities" on which our mayor's election campaign was based. We will be happy to support any affordable housing proposal in which ALL segments of New York City's economy, including developers, the real estate industry and the very wealthy, contribute fairly to providing affordable housing.

The remainder of this resolution itemizes our specific concerns with each of the above proposals.

Zoning for Quality and Affordability

- **Senior Housing and Affordable Housing**

  The proposal cites overall population growth and wage gaps as causes of the housing crisis. Yet, the bulk of the proposal focuses on senior housing which provides institutional care, ranging from nursing homes to assisted living. Institutional care that provides professional medical care – as in nursing homes – is extremely costly. While it is true that the "baby boom" segment of the population will tax social resources that provide health care, it is not at all clear how this health care need is synonymous with the need for affordable housing. While costly institutional care may provide a healthy revenue stream for institutional care owners, it is an unconvincing argument to claim that it is a way to provide affordable housing. Moreover, the national trend is moving away from institutional care, in favor of home-based medical care, because it is significantly less expensive; it is now understood that it is best to keep seniors in their homes as long as possible.

- **Space and the Elimination of Minimal Dwelling Unit Size**

  The CPC suggests eliminating minimal dwelling unit size in affordable senior housing. Thus the FAR allowed in a building could accommodate many more dwelling units, increasing population density. The zoning document describes significant increases in FAR in nearly every zone for "affordable" and "affordable senior housing." The document raises the possibility of mixed uses, both affordable and senior housing within the same market rate building. This kind of mix could be a good step in reducing isolation between seniors and the rest of the population. However, what will mixed use of such housing in a market rate building add or enable of the "new" FAR? And how much affordable housing is actually required? Nor is it clear whether or not more FAR is only for seniors. What happens when the senior leaves?

- **Parking**

  In the apparent belief that seniors don't drive cars and that low income people don't own cars, parking is either totally eliminated or reduced in what are referred to as "transit zones" -- within ten blocks of public transport, and construction would be permitted on current parking lots. Further, eliminating parking is permitted even outside the transit zone.

As for low income people not owning cars, public housing in NYC provides reasonably priced parking to its tenants - some $60 to $538 a YEAR, depending on whether it is reserved, not reserved, indoor or outdoor parking. At this cost it is hard to believe these spaces go begging, particularly since they are also open to non-residents. In fact, over 200 NYC Housing Authority developments offer parking (http://www.nychaparking.com/parking_maps.php), most of which have long waiting lists.

Community Board 9 does not lack for seniors nor for seniors with cars. What we greatly lack (especially with the closing of the Municipal Parking garage) is adequate parking. In areas close to mass transit ("transit zones"), parking is already limited as drivers from outside the area drive in and park to take advantage of the nearby mass transit. During the work day, one moves at one's peril out of a parking spot. Yet travelling in Queens without a car is an exercise in time consumed waiting for and changing buses. Queens, aside from Staten Island, has the least subway transit in the city. In CB9, street parking is a scarce commodity, as DCP is well aware.

In addition, parking at senior housing and long-term care facilities allows visitors to come without spending hours on buses, an effort which discourages visiting. Also, most workers are at the same disadvantage for mass transit, so must drive and park.

- **Building Heights**

Building heights are revised to accommodate new zoning definitions. Much has been made of the statement that DCP is only *tweaking* the zoning, that in most cases only one story would be added to a building. It's unclear how the increased FAR in the proposal results in just one additional story.

- **Removing Setbacks**

Mandated setbacks perform two functions in this city - ensuring light and air, and in very high density areas making the streetscape appear less overwhelmed by the heights permitted. We are opposed to easing mandated setbacks.

- **Reduce Side Yards and Rear Yards**

Not only does the proposal allow one to reduce the rear yard distances between adjacent structures, from 30 feet to 25 feet, the change would permit **construction** in rear yards, although not for housing use and not, supposedly, in B districts So what remains of the rear yard?

In addition, mixing affordable and senior housing creates a wide open door. For example, there are over 60 references to what one can or cannot do with and to rear yards. The present Zoning Resolution is convoluted and can lead a builder and architect into a labyrinth, but this proposal will only make this worse. We are opposed to reducing side and rear yards.

- **Odd Shaped Building Lots**

Greater flexibility for building on odd lots would simply reduce the need for the BSA (Board of Standards and Appeals), which some might agree with. If one buys a small lot and fills it, does this lead to encroaching on the light and air of adjacent buildings? By reducing the required distances in side lots and rear yards, these odd lots become usable as-of-right, but what effect does this have on adjacent structures? What are the controls?

- **Eliminate Certain Certificate and Special Permits**

  Today, certain certificates and special permits are required for certain types of long-term care facilities, e.g., nursing homes. The proposal suggests that these uses could thus become as-of-right, thus creating building and population density in areas now of low density given their zoning.

- **Affordable Housing and 421-a Tax Exemptions**

  Right now, according to the IBO (Independent Budget Office) the City loses **one billion dollars in tax revenue EVERY year** (http://ibo.nyc.ny.us/cgi-park2/?p=1045). The 421-a exemption has led to such travesties as reducing the property taxes on a $100 million Manhattan apartment to less than many NY state residents pay on houses costing less than $1 million. One billion dollars could go a long way to building non-profit or even regulated for-profit affordable housing.

Mandatory Inclusionary Housing

The inclusionary housing that now exists in the city is not mandated to provide a fixed mix of affordable units or even such units within the new building. The recent award by NY State HUD to RockRose of $270 million dollars to help erect a luxury apartment building in Long Island City mandates 20% of affordable housing for a term of 30 years. Such affordable Inclusionary Housing apartments have generally been made available through a lottery.

Mandatory Inclusionary Housing (MIH) would require through zoning actions that a share of new housing to be permanently affordable. A developer would submit a new Mandatory Affordable housing application to the City Planning Commission. The developer would commit to one of three options.

1. 25% affordable units at an average cost of 60% AMI* ($46,620)
2. 30% affordable units at an average cost of 80% AMI* ($62,160)
3. (Overlay**) 30% affordable units at an average cost of 120% AMI* ($93,240)

**AMI: Average Median Income. In New York City this is currently set at $77,700 for a family of four.*

AMI levels are averages, meaning a variety of income levels can exist in a given development.

***Overlay:* M*ust be applied along with one of the previous options.*

East New York is the first of at least 15 neighborhood rezonings proposed by the City for Mandatory Inclusionary Housing. Other areas under consideration are Jerome Avenue (Bronx), Bay Street (Staten Island), Flushing and Long Island City (Queens), and East Harlem (Manhattan), and at least nine more to come.

We believe the MIH proposal invites developers to seek out and purchase vulnerable properties in existing communities, in order to construct profitable housing in return for rezoning and providing a token number of "affordable" housing units.

PROJECT FIND

FIND Aid for the Aged, Inc.
160 West 71st Street, 2F, New York, NY 10023
t/212.874.0300 f/212.724.4163

I am the Executive Director of Project FIND, an elder services organization serving the west side and midtown areas of Manhattan since 1969. Our programs encompass three separate age restricted affordable housing residences with over 600 tenants as well as four senior centers that serve more than 750 individuals each day. From this perch we have witnessed the incredible unmet need for more affordable housing for an age cohort that is growing in leaps and bounds and whose ability to adapt to a rapidly changing housing market is highly constrained.

At our Hamilton House Residence at 141 West 73rd Street there are currently 656 applicants on the waitlist for the 8-10 studio apartments that become available annually, with the list growing in size by nearly 200 new applicants annually. A recent analysis of the wait lists for Hamilton and Hargrave Houses indicated that 40% of the applicants reported income below $15,000. At this income level the apartment would have to rent for less than $400 per month to meet standard affordability guidelines. City wide there are hundreds of thousands of single elderly and elderly households whose incomes are woefully insufficient and who would be destitute without the help of rental subsidies, affordable housing or a combination of both.

The magnitude of this problem led LIVE ON NY to form an Affordable Senior Housing Coalition in 2013 of which I am also a member. The Coalition identified the paucity of reasonably priced land as one of the primary hurdles to affordable housing development of any stripe. Without it, nothing can happen. One possible untouched source identified by LIVE ON NY is the underutilized parking facilities mandated by public funding and zoning requirements for senior housing, in particular Section 202 Housing funded by the US Department of Housing and Urban Development. Its recently released report "Paving the Way For New Senior Housing" analyzed 191 accessory parking lots in senior facilities to determine how many were of a sufficient size and were also underutilized as parking spaces by the tenants of the associated residence. In total the study identified over 39 accessory parking lots in senior facilities owned by not-for-profit organizations that met these strict criterion and if repurposed could generate at least 2,000 new units of affordable senior housing. In the borough of Manhattan, four accessory parking lots were identified, which could yield no less than 200 units.

None of these lots, however, can be repurposed without changes to the zoning guidelines contained in ZQA Part B of the NYC DCP proposal. I ask for the City Council's support of these changes.

It is also clear that private sector must play a significant role in the development of affordable housing given land values, scarcity and the insufficiency of public funding if the Mayor's goal to build over 100,000 new units is to be realized. But this powerful engine of new housing development cannot be harnessed independent of incentives, regulations and zoning changes that NYC DCP has also put forth.

The release of these zoning proposals has made manifests peoples' legitimate concerns about displacement, gentrification and the physical transformation of their neighborhoods. This is understandable and needs to be addressed by DCP to the extent that it can. But it would be unfortunate if the opportunity was blown entirely, because the status quo is a housing crisis without end.

Thank you,

David Gillcrist
Executive Director

From: Victoria McMahon [mailto:Pomme63@aol.com]
Sent: Wednesday, February 03, 2016 5:42 PM
Subject: TESTIMONY OPPOSING ZQA/MIH

Dear Councilmember:

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

Victoria McMahon
New York, NY 10014

From: Paula Goode [mailto:Pgoode@quetico.net]
Sent: Thursday, February 04, 2016 1:13 AM
Subject: TESTIMONY OPPOSING ZQA/MIH

Dear Councilmember:

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

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Paula Goode
Northfield, MN 55057

From: Shelli Milks [mailto:smmilks@yahoo.com]
Sent: Wednesday, February 03, 2016 10:53 PM
Subject: TESTIMONY OPPOSING ZQA/MIH

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Shelli Milks
Brooklyn, NY 11215

From: Valerie Zilbersher [mailto:vlasusa@aol.com]
Sent: Wednesday, February 03, 2016 8:24 PM
Subject: TESTIMONY OPPOSING ZQA/MIH

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Valerie Zilbersher
Brooklyn, NY 11215

From: John Sabini [jpsabini@ix.netcom.com]
Sent: Wednesday, February 03, 2016 9:34 PM
Subject: TESTIMONY OPPOSING ZQA/MIH

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John Sabini
New York, NY 10012

From: Jason Solá?rek [jason@solarek.org]
Sent: Wednesday, February 03, 2016 5:34 PM
Subject: MIH-ZQA TESTIMONY Zoning

Hi,
My name is Jason Solarek and I would like to voice my opposition to Quality & Affordability (ZQA) and Mandatory Inclusionary Housing (MIH) proposals.

I feel these proposal if approved would create larger buildings that create overcrowding, remove what little sunlight reaches some streets, and overall create a reduce the quality of life for existing residents.

Thank you,

Jason Solarek
NYC 10003

Dear Speaker Mark-Viverito

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Mary Vanderwoude
NEW YORK, NY 10011

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Paolo Alippi
New york, NY 10012

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Judy Washington Square Hotel
New York, NY 10011

I cannot attend the hearing scheduled on this legislation for 2/9/2016 but I did want an opportunity to share my views with you. First, I want to say that it seems right that the hearings are being held separately because everyone knows that the **ZQA has nothing to do with affordable housing.**

There have been thousands if not tens of thousands of words written and spoken in opposition to the Mayor's plan to incentivize the destruction of currently existing affordable housing and gifting developers with all they need to make even more millions at the cost of NYC taxpayers and the housing needs of working class and middle class residents.

It has been clear during the entire period of public discussion of this legislation that the only needs being considered by the CPC were those of developers. Alternatives for providing affordable housing and protecting currently available affordable housing have been ignored by the Administration and the CPC.

The CPC has suggested that there have been changes made to the MIH to guard against abuse of the ability of the BSA to modify, reduce or eliminate any mandatory inclusionary housing" obligations that may accrue based an a claim by a developer that enforcing those obligations would cause a "hardship" in the form of limiting the amount of profit the developer could make. However, you really should take a close look at those changes to 73-624. You won't find any language that requires the BSA to refuse to allow a developer to take advantage of the affordable housing bonus even when its obligations are not only modified or reduced but may even be to all intents and purposes eliminated. What you will find is a procedure that has been loaded up with complexity. I think it's pretty obvious that the complexity is unnecessary. If, in fact, the Administration is serious about not permitting the bonuses to benefit developers without the provision of the even the limited numbers of affordable units which forms its rationale for both the MIH and the ZQA, it would be simple enough to draft such language. But that didn't happen. I wonder why.

The Administration and the CPC claims that the BSA will only provide "waivers" in exceptional circumstances but we all know that the BSA rarely refuses to allow a developer a waiver.....it may take a while to maneuver around well reasoned public opposition but waives have become something that developers can rely upon. (Statistics relating to BSA issuance of waivers show that 98% of all waivers requested are granted.) In fact, I don't think it is too dramatic to say that developers often overpay for property because they are factoring in the waivers they know they will receive from the BSA. Don't be fooled.

The proposal, in my opinion, will provide a new point of negotiation for developers that will not end well for the City or the average citizen. The Mayor's proposal must be viewed in the context of the current trends in land use and the problems that exist in how land use proposals and development proposals are being reviewed as well as the current state of city services. The Administration is currently engaged in substantial up zonings in response not to community needs but to developer pressure. Very lucrative packages of air rights are being transferred to developers for little or no gains in affordable housing or other public benefit. Agencies are acting less and less like regulators and more and more like collaborators. As a result, the Planning Commission's assurances that the LPC and BSA protections will make sure that the expanding height and bulk now being proposed will be monitored and overseen by

the LPC, the BSA and the Planning Commission ring hollow. What is being created here is a new floor from which developers, their lobbyists and lawyers will negotiate with the City for even more. The "mandatory inclusionary housing program" is fraught with legal issues that may generate litigation and additional opportunities for developers and their lawyers to manipulate the City to provide even more in the way of support or cash. Well-resourced developers essentially make land use law while citizens have to rely on the City government to protect their interests, in my opinion, a highly unlikely occurrence in current atmosphere.

The bigger, taller incentivized buildings will not produce the promised affordable housing rather they will hurt small business and negatively impact neighborhood security and vitality. The Negative Declaration prepared by the City Planning Commission states that the purpose of the MIH program is “to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities”. I do not disagree that the MIH and the ZQA will create “substantial new housing opportunities”; however I disagree that these opportunities will, in substantial part, assist the poor, working or middle class is obtaining housing. What it is likely to do is give developers substantial incentives to demolish old buildings containing affordable housing and replace them with taller, less neighborhood-sensitive buildings that will blot out the sun and ultimately diminish the supply of affordable housing in certain high profit areas.

The City’s infrastructure is already stretched to the limit. Residents have also raised serious questions about the ability of the City and its neighborhoods to carry the burdens that will be created by increased construction of residential units in areas that are already bursting at the seams. 24/7 construction, hazardous job sites, lax enforcement of land use and building codes, packed subway cars, lax drain maintenance and street cleaning have been highlighted as some the quality of life issues this Administration just cannot seem to get right even with our current built environment.

Unfortunately, the Mayor seems less concerned about these issues than he is in ramming through a questionable plan to gift developers with more FAR and more opportunities to make millions while providing little in terms of guaranteed public benefits in the form of affordable housing or any thing else.
Neither the MIH nor the ZQA is the result of rational planning and as a result, should be rejected.

Thank you.

Susan Nial

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Susan Nial
New York, NY 10024

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Karin Knoblich
NEW YORK, NY 10014

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Anne Taylor Davis Millstein
New York, NY 10011

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Gloria Gardner
New York, NY 10011

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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Crystal Son
new york, NY 10018

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Marilyn Sachar
New York, NY 10003

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Farley Pennington
NY, NY 10014

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Bradford Roaman
New York, NY 10011

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Elizabeth Shelton
Brooklyn, NY 11232

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deborah friedman
nyc, NY 10003

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John Mauk Hilliard
New York, NY 10116

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Marie Sansone Taylor
Brown Harris Stevens
New York, NY 10011

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Steve & Nancy Gould
new york, NY 10014

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Virginia Stotz
New York, NY 10014

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Laurence Kardish
New York, NY 10014

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Patricia Dorfman
Sunnyside, NY 11104

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Diane Reinhardt
Brooklyn, NY 11210

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Manny Gomez
Woodside, NY 11377

Dear Councilmembers:

As you consider the Mayor's-City Planning (DCP) proposals for Zoning for Quality & Affordability and Mandatory Inclusionary Housing, you have heard from many who very knowledgeable about the flaws of the substance of the proposals. (Note, I say "proposal" rather than "plan" since it is not a carefully crafted plan, but more an attempt to embellish a resume and satisfy real estate-developers.) Below, I'd like to present two thoughts with different angles.

But first, I offer a comment on the process: I related my thoughts to DCP representatives at 6 or 7 forums, in different Brooklyn neighborhoods, going back to the March 23, 2015 "scoping hearing" at DCP (the hearing which attracted 2 rooms filled with opposing speakers and which Chair Weisbrod arrived 1 ½ hours late; then, with others, I could not get to the Dec. hearing). Community outreach seemingly evolved as an afterthought; and, the substance went into "fall back"/ "let's see what sticks" mode because of overwhelming opposition.

The two points I'd like to submit for your attention:

1) <u>Enforcing Regulations.</u>

I question proposing new zoning amendments—even with the very admirable goal of affordable housing-- while current zoning and building regulations are violated without real consequences. This is evidenced by the fact that there is **approaching $1 billion in unpaid (plus written off) Dept. of Buildings (DOB)/ Environmental Control Board (ECB) violations** (the last page of this letter contains excerpts from the ECB Records Access Officer in response to several questions I asked OATH via FOIL).

In response to a question on this during the April 10, 2015 Brian Lehrer WNYC radio show, Dep. Mayor Alicia Glen said: "To the extent that there are violations to zoning and building codes, clearly the City has a very robust program of monitoring it and making sure that people are complying with their Certificates of Occupancy and permits."

"Robust" …is that satirical?

The facts indicate that City agencies, notably DOB, DCP, and the Board of Standards and Appeals (BSA), are failing in assuring compliance with rules and the intent of permits. And, NYC's Finance Dept. is <u>worse than failing</u> in collecting fines. Anyone familiar with these agencies knows they are failing to stop and follow-up the illegal work and all the abuses that are occurring. **This may be why construction related tragedies continue,** and why (according to the Nov. 27,2015, front page, NY Times) even fines from the federal Occupational Safety and Health Administration (OSHA) are being ignored.

There are procedures that encourage very questionable practices at the land use agencies. Are you familiar with Post Approval Amendments (PAA), and "administrative corrections?" They are abused tools at DOB. I became aware of them during an Article 78 case in State Supreme Court for 1882 East 12 St., Brooklyn. In the case, and also at nearby 1610 Ave. S, the BSA essentially provided bandages for DOB mistakes (the NY Times did stories on both cases—for 1610, the Times sent an engineer who found a major defect). If the BSA fails to protect neighbors to cover the DOB's back, how can it be trusted with the new proposals?

In Brooklyn's Dyker Heights, and other neighborhoods in Brooklyn and Queens, issues with illegal conversions of one and two family houses are significant and threatening lives of occupants as well as the FDNY. I suggest you request from the Finance Dept. a list of those who owe, say, more than $20,000 in ECB/DOB fines, and you'll find at least two <u>single family</u> sites in my Southern Brooklyn Community Board #15 each owing over $200,000!

The point is that it seems ridiculous to provide more developer friendly giveaways, rules to potentially abuse. <u>Instead, immediately,</u> aggressively pursue the bad actors; stop the illegal work; collect the unpaid fines; clear up the violations, Stop Work Orders and graffiti covered plywood fences that have surrounded some blighted sites for over a decade. Please stop long-time residents from enduring further abuse and harassment emanating from non-enforcement. Help NYC's budget by collecting the unpaid hundreds of millions owed in DOB/ECB fines. I suggest doing this now, at budget time, before

you—and, even more so, future Council members-- have to consider what the City will do if the developers who are supposed to provide affordable housing don't.

2) <u>Define "Character of Neighborhood"</u>

Let me make a suggestion for a question about the ZQA-MIH Citywide Rezoning proposals. <u>Ask how *"Character of a Neighborhood"* is defined?</u>

A lengthy explanation…

Previous Mayor Bloomberg and City Planning Chair Burden, as well as current Mayor deBlasio and other electeds, often stated how important it is to preserve the *Character of Neighborhoods*…that neighborhoods are what make the boroughs unique and interesting. The City Environmental Quality Review (CEQR) Technical Manual has a chapter on *Character of a Neighborhood* that includes this sentence:

"Neighborhood character is an amalgam of various elements that give neighborhoods their distinct 'personality.' These elements may include a neighborhood's land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise."

During the past dozen years, I have spent numerous days at the Board of Standards and Appeals listening and speaking to applications for variances and special permits (under ZR73-622). A requirement for such applications is that they not alter the"character of the neighborhood." But, since the term is undefined and the BSA may apply subjectivity, that body has been bullied by land-use attorneys into accepting a one dimensional view of a block's character: *the streetscape*. Plus, those attorneys use conclusory statements as proof.

A few years ago, because we frequently testified that backyards were important to our blocks, the BSA's then vice-chair suggested that yards be considered in discussing 73-622 Special Permits in our community. The BSA's attorney at the time said "No" that it would be "arbitrary and capricious" to add a new dimension to decisions.

Imagine a person found guilty of a crime and sentenced to 25 years in prison. A couple of years later, a DNA test proves he is not guilty. He appears in court expecting to being freed. Instead, the judge declares that he will not consider "the newfangled scientific evidence," and sends the man back to prison. So too, the BSA attorney decided new evidence of a block's character not admissible. Isn't not accepting new findings actually arbitrary and capricious?

City Planning made a presentation at Community Bd. 15 last April regarding a resiliency-recovery text amendment. I asked the CP representative for the definition of "character of the neighborhood"…the one-word response: *height*. A human's personality isn't one dimensional. Is your personality simply your height?

Now, when City Planning made presentations at Comm. Bd.15 last spring and fall for the ZQA & MIH, I asked for the definition of *"character of a neighborhood*" (or "fabric"—since the proposal says it will "contribute to the fabric of neighborhoods"). The representative gave what essentially amounted to non-answers before I concluded, "So you have <u>no definition</u> of *neighborhood character* for this proposal! " Furthermore, I had similar exchanges with DCP reps at other hearings, including Brooklyn Borough Hall.

Indeed, back on Aug. 31, 2007, I had the following email exchange with City Planning's legal office:

>>> <Coachedj@aol.com> 08/31/07 5:42 PM >>>
But, **does City Planning have a definition of "character of neighborhood"?**

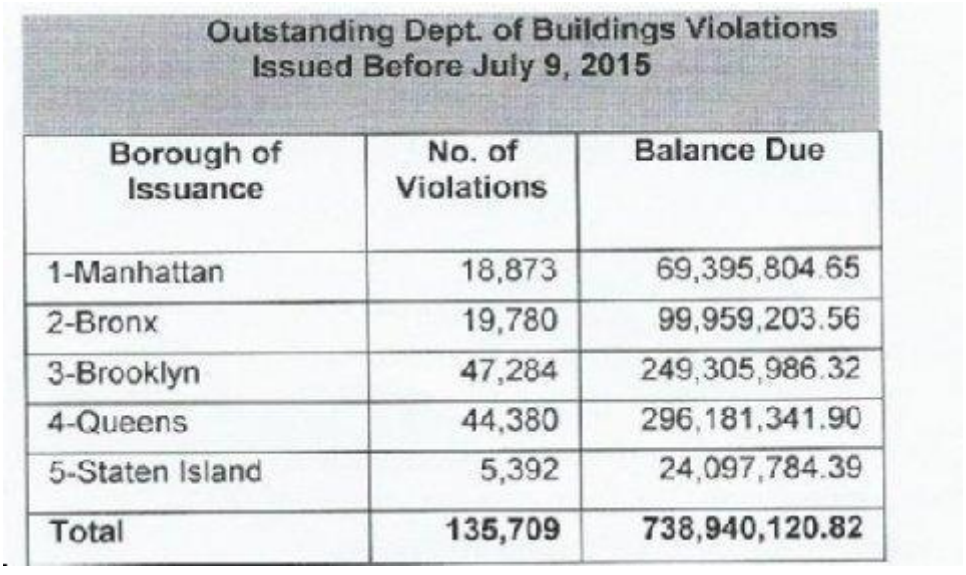
……..

It is not a defined term in the Zoning Resolution and the department does not otherwise maintain such definitions.
Wesley M. O'Brien, Esq.
Office of the Counsel
NYC Department of City Planning

In short, I submit that many building, land-use, zoning issues we might encounter—including for affordable housing-- could be better dealt with if there were an objective, comprehensive definition of *"character of a neighborhood."* Of course, it might mean that City Planning would actually have to begin with real public outreach—perhaps guided by each City Council member and involving visiting blocks and speaking to citizens and civic groups, not just community boards-- to arrive at substantial, thoughtful, community-based planning for blocks composing neighborhoods, rather than just rezoning.

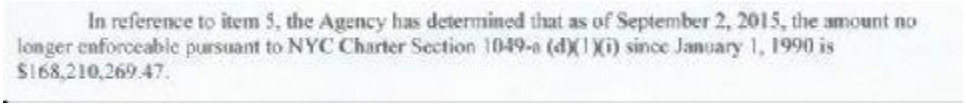
Thank you for your attention and patience in considering these thoughts.
Sincerely,
Ed Jaworski
President, Madison-Marine-Homecrest Civic Association
coachedj@aol.com





Outstanding Dept. of Buildings Violations Issued Before July 9, 2015

Borough of Issuance	No. of Violations	Balance Due
1-Manhattan	18,873	69,395,804.65
2-Bronx	19,780	99,959,203.56
3-Brooklyn	47,284	249,305,986.32
4-Queens	44,380	296,181,341.90
5-Staten Island	5,392	24,097,784.39
Total	**135,709**	**738,940,120.82**



In reference to item 5, the Agency has determined that as of September 2, 2015, the amount no longer enforceable pursuant to NYC Charter Section 1049-a (d)(1)(i) since January 1, 1990 is $168,210,269.47.

Dear Speaker Mark-Viverito

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Christa Percopo
nyc, NY 10017

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Janet Duran
New York, NY 10012

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Linda Mariano
Brooklyn, NY 11231

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Linda Day
New York, NY 10013

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Martha Gotwals
New York, NY 10011

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patricia papalia
new york, NY 10014

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sarah apfel
new york, NY 10003

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IRVING MINTZ
STATEN ISLAND, NY 10301

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T. F.
New York, NY 10016

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

Phyllis Eckhaus
New York, NY 10003

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Jean Reibman
New York, NY 10025

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Douglas Collura
New York, NY 10010

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Richard Mathews
New York, NY 10014

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

We have too much building going on already. We have lost whole neighborhoods to high rises, and destroy the little bit of New York we New Yorkers trying to preserve. Bigger is not better.

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penny luedtke
Luedtke Agency
ny, NY 10019

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sidney cholmar
new york, NY 10012

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Marc Levy
New York, NY 10014

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Marydene Davis
New York, NY 10003

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Anita Wortman
New York, NY 10011

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heide kahme
new york, NY 10003

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Connie Falcone
New York, NY 10003

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Lynn Rakos
Brooklyn, NY 11215

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Shirley Wright
New York, NY 10014

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Judith Laughren
NY, NY 10003

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Phyllis Cohl
New York, NY 10014

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Thomas Emmons
New York, NY 10029

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William McNally
New York, NY 10025

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Susan Meyer
New York, NY 10003

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Peter Petas
Provincetown, MA 02657

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Joanne Mantell
New York, NY 10003

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Jane Metelenis
New York, NY 10014

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Lee Greenfeld
Brooklyn, NY 11201

To Whom It May Concern: February 5, 2016

Re: MIH-ZOA

I am a very concerned resident of NYC.

To change the zoning to allow higher, denser buildings in place of smaller ones is sheer folly.

1. It would totally change the character of the neighborhoods we have fought so hard to preserve. Contextual zones and historic districts must be preserved. Existing Sliver Law regulations must be retained. Smaller buildings will just sell to big developers for the lump sum, instead of renting to lower income tenants. Improvements have steadily grown since the 1960s, and it is critical that they not be wiped out suddenly in one fell swoop. Don't go backward. Don't make it another corrupt sellout to big realtors.

2. Housing affordability is a matter everyone – politicians and residents – speak about all the time. The importance of retaining affordable housing, but passing these changes will mean tearing down not retaining affordable housing. What we see that is being offered as new affordable housing are Impossibly TINY units, at very high prices. Much higher rents and smaller units than the buildings that would be torn down. And where are the tenants to go in the many years it takes to build a new large building? It would be a <u>grave crisis</u> for the City. They say they want to have more affordable housing, but tear down the existing affordable housing. Quite a feat of doubletalk.

I hope you will vote against ZQA and MIH to preserve the character and affordability of NYC for those who are not big realtors or multi-millionaires.

Thank you.

Cora Rosevear
New York, New York 10019

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Susan Schindler
NY, NY 10003

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Patricia Bellucci
New York, NY 10009

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Michael Fisher
New York, NY 10014

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NORA KILLORAN
NEW YORK, NY 10014

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ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

Susan Rosengarten
New York, NY 10014

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

After this current Mayor has departed office and moved on, it will be left to NYC residents and taxpayers to bear the burden of contending with the long term and irreversibly damaging effects of ZQA/MIH city wide. If ZQA/MIH is not opposed, real estate developers will abuse this specious rezoning plan that largely favors their agenda. As the current rent stabilization housing stock dwindles and not permanently replaced, even more people will fall between the cracks and many would find it even more difficult to find and maintain so-called "affordable" housing in NYC.

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Selwyn Garraway
New York, NY 10006

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HILDA REGIER
New York, NY 10011

Dear Councilmembers:

The purported implementation of Senior Housing...Assisted Living Facilities...as a benefit from the Zoning for Quality and Affordability proposal is disingenuous. There's more to this than superficially understood...with all due respect to you.

Take the example of the March 2014 Prospect Park Residence in Park Slope from which 123 elders who had been promised to be able to "age in place" were evicted with 90 days notice. What needs to be understood is that the owner, Haysha Deitsch, a real estate developer-who masqueraded as a senior residence operator, applied for certification to the New York State agency-the Dept of Health for licensure. He did so in order to skirt New York City tenancy protections for the residents. He, under the imprimatur of the State, was able dispose of all his "tenants" en masse claiming "business reversals". In reality, he bought the building for $40,000,000 and sold it for $76,500,000...the DOH permitted it...30 days to allow predatory real estate greed to churn the ALF property...and the City could do nothing...the State allowed it! Buy/develop a building...advertise it as senior housing...get a DOH license as an Assisted Living Facility...sell it and dump the frightened residents... a scheme that has been ubiquitous.

Please do not enable those who game the system at the expense of the vulnerable and infirm. Demand that those who allege they are building long term care facilities unequivocally agree to maintain the nursing home/long term care facility with a minimum one year notice of closure irrespective of any DOH certification by the state which would permit them to evict in 30 days.

There is presently a Bill: A06390/S02472 which is in limbo in Albany to require a minimum one year notification for closure. Until or even IF that is ratified, the template for **bait and switch** is baked into the enabling of developers now possibly promulgated by the ZQA incentives. The complicity by New York City agencies to encourage amoral business ethics at the expense of old and debilitated people requires a serious review.

The ZQA may have honorable intentions but while it attempts to fix the shortage of senior dwellings, it will do more harm than good. It really mustn't be about quantity at the expense of quality...The history of nursing home abuse speaks for itself...especially in Brooklyn, where it is a Mafia-like template running amok.

It is just not good enough to pass the buck to Albany...nor to gift those whose bait and switch constructive fraud schemes are incentivized by our fellow city legislators and commissioners. You are our neighbors...you are, if you're blessed, going to age and will face this yourself!

Our conscience demands that we do better by those we love who are aging and targeted so cruelly.

Thank you.

Sandy Reiburn
Brooklyn, NY 11217

Dear Speaker Mark-Viverito

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Joe Dolice
New York, NY 10009

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Dorina Cragnotti
New York, NY 10014

We hear a lot about adding 20-30% affordable housing units but nothing about the much more critical effect of adding 50% as in East New York or 70-80% market rate housing to communities that are composed largely of low and moderate income families. What happens when you have a sudden influx of multiple projects that inject high-end housing units to an area? You have a recipe for instant gentrification and a recipe for harassment of rent-regulated tenants to push them out of what is now an upwardly spiraling rent district. At the same time there is the harassment of low-income homeowners to sell their properties to speculators. The plan is suppose to preserve affordable housing but how can it when we know that real estate speculators are buying up the low-income housing before the plan goes into effect.

What happens on the street to the long time merchants when landlords realize they have a new more affluent resident population in the area? There is no protection for them. As we have seen throughout many districts in the City, store rents double, triple, and more and well established businesses have to fold up and leave, making room for posher, trendier businesses-often national chains, box stores or bars. Often we see storefronts remain empty for months or years as landlords wait to fill their store with high-end merchants. This leads to the destruction of neighborhood character and towards a homogenous City. The constant talk of the 20-30% affordable housing strikes me as a diversionary tactic to distract the public from looking at what is really going on-bringing in a great majority of subsidized market rate housing.

As for the affordable income housing bands, none of them address the desperate needs of low income people and the ever increasing homeless population. There will be few units at the lowest band at 40% AMI which represents an income

of approximately $31,000. There will be more units in the middle bands of 60% and 80% AMI which represents incomes of approximately $46,000-62,000. But these will represent a handful of units in what will overwhelmingly be market or luxury units and again does not address the lowest income members of New York. Absurdly, affordable housing includes 120% AMI which represents an income of over $93,000. Our taxes would be subsidizing someone who can afford market rate housing. How is that a good plan?

In an area like East New York, where 35% of the people are listed as below 30% of AMI, having incomes between $0 and $23,000 the proposal is to have new development of 50% affordable and 50% market rate units built. But the affordability bands do not correspond with the current AMI of East New York residents. So even those units called affordable will add to the gentrification.

Ordinary people are subsidizing developers. Developers do not pay into new infrastructure to support their new buildings and because of 421A they pay no taxes. So who pays to develop the infrastructure that benefits these developers? The taxes of ordinary people go up and serve as a subsidy for the developers who profit with millions of dollars. This is an upward distribution of wealth from the poor and middle class.

What if developers paid their taxes and that money was used to subsidize the building of wholly affordable units at levels that reflect the incomes of the community where they are built. When not-for-profits build with government subsidies, where they are not motivated by profit, we see they are able to build at much lower AMI levels. If rich people paid their taxes and did not use government sanctioned tax programs

like 421A, government would have the money to provide decent subsidized housing that was truly affordable.

Another big concern is enforcement that units stay affordable forever, as promised. New York City has done a very poor job of enforcement up to now. There is no end of stories of how tenants have been mercilessly harassed to leave their apartments to make way for more affluent high-end apartment units in desirable neighborhoods. A thoroughly mapped out enforcement plan with real teeth must be part of any affordable housing plan or in a few years when the attention is off an area, landlords will start pushing those out of the so-called protected units. If there is any consequence to this, it most likely will be a small fine. The real estate industry is very focused and organized and will find a way to make millions off of the backs of the low and moderate-income residents.

Lucy Koteen
Brooklyn, NY 11238
Nov 4, 2015

http://citylimits.org/2015/12/17/op-ed-in-defense-of-a-human-scaled-new-york/

Op-Ed: In Defense of a Human-Scaled New York
By Lynn Ellsworth | December 17, 2015

New York City is in the throes of a grueling contest for our hearts and minds over two competing visions for its future. The two visions differ starkly about what kind of city we ought to build for ourselves and for our children. They also differ over whose voice should count the most in deciding: developers or city residents?

In the moneyed camp, we find Mayor de Blasio, his top appointees, and the lobby for big real estate known as the Real Estate Board of New York. Their vision for us is called "hyper-density" and is the same one that Bloomberg had for us. That means bristling, super-tall, towers everywhere, mostly via cheap modular construction imported from China and assembled by de-skilled construction unions. It is a vision right out of Disney's recent movie, Tomorrowland, and represented best by the corporate glass world emerging at Hudson Yards in Chelsea or the immense towers coming up along 57th street.

Immensity is part of the idea. Advocates of hyper-density even invoke the anarchic towers of Beijing, Shanghai, Dubai, and Singapore as examples of what we should copy here in New York. And in a grim boomerang of history, the notorious 1925 *Plan Voisin* for the destruction of historic Paris turns out to be explicit inspiration for New York's hyper-density advocates. The *Plan Voisin* was thankfully defeated in Paris, but unluckily for us it lives on in the two zoning proposals pushed by our mayor. These zoning proposals are coming up for a City Council vote in January.

Hyper-density is hostile to the past, to historic districts and landmarks, and rejoices in the proliferation of out-of-scale towers. Former head of New York City Planning Joe Rose described the out-of-scale tower problem as "a race to the top that does violence to our city." Hyper-density is also a short-term vision, for it treats sunlight, the air around us, and views of our parks and rivers as resources to be grabbed and privatized by developers. Ultimately, it is a vision of unfettered real

estate capital run amok, with the starchitecture design industry as handmaiden.

The process of building out the city in the hyper-density paradigm means we get stuck with a host of problems that we aren't accounting for. Economists classify them as externalities and market failures. Parks are seized. Current residents and small businesses are aggressively displaced. History, beauty, and civic culture are destroyed. This means that hyper -density is also a vision of democratic failure, of a government so captured by one interest group that the intelligent objections of resident New Yorkers get brushed aside because residents have no power, at least until the next election.

The competing vision is of a human-scaled city. The human-scale vision is being pushed by a coalition of 84 civic groups from all five boroughs. The late Jane Jacobs was its most famous modern advocate, but its roots go back millennia. In a human-scale New York, we build out the physical space of New York with beautiful, human-scale neighborhoods – the kind of places where people want to raise their children and grow old. It is, as the song goes, a vision about "the sunny side of the street." The human-scale city is the opposite of glass-deadened high-rises with corporatized streetscapes that we merely endure out of economic necessity, career convenience, and because literally, all the other options have been demolished.

The human-scale New York is something we once had and can have again in many parts of the city - if we decide we want it. And if we do, we will have to do some real planning, not just zoning. For in addition to figuring out where to put housing, human-scale planning calls for trains, streetcars, shuttle buses, bike lanes, parks, dog runs, libraries, markets, schools, streets, community centers, museums, small businesses and places of worship. And given how thoughtlessly we have already ruined some parts of the city, we must also ask: how do we share our dwindling sunlight and shrinking views towards trees, grass and rivers? Access to nature is a key component of a healthy and happy life. We can't just reserve such access for the rich who can retreat to penthouses and country homes for their air, light and for a glimpse of trees and grass. What about everyone else?

To be sure, we need to build, and sometimes up, but we need to plan at a neighborhood, regional, and citywide scale about where we build, at what density exactly, at what scale, where the transit goes, who does the building, with what pool of money. And yes, of course we need more affordable housing, but there are many options for to deal with the problem other than the mayor's beloved hyper-density.

If we want a human-scale city, what should we do? To start, New Yorkers need to tell their city councilmembers to accept the will of the city's community boards, the vast majority of whom have voted no last week on the Mayor's hyper-density zoning proposals. Instead, the city council should organize a public referendum that asks: which vision of our city do we want?

Lynn Ellsworth is the co-founder of New Yorkers for a Human-scale City, the Chair of Tribeca Trust, and the founder of Friends of Duane Park.

From: **Society for Clinton Hill**, Anne Bush, President
300 Dekalb Ave., Brooklyn, NY 11205
Email: amb9018@gmail.com and
Fort Greene Association, Richard Norton, Acting Chair
Box 170563, Brooklyn, NY 11217-0563
Email: denorville1066@msn.com

To Whom it May Concern:

Members of our respective organizations have been following the recent rezoning proposal designated "Zoning for Quality and Affordability" with respect to its potential effects on communities across New York City. Our members have read the material published by the NYC Department of City Planning; attended the NYC Department of City Planning presentation at Pratt Institute on September 28; and held a joint meeting addressing the issue on October 14, at which we hosted both Benjamin Dulchin of the Association of Neighborhood Housing Development and Simeon Bankoff of the Historic Districts Council.

We oppose this rezoning proposal on the following grounds:

1) if approved, it will grant benefits to developers City-wide without any mandatory requirement for affordable housing to be included in the larger buildings it permits, and without regard to neighborhood-specific restrictions implemented over many years at the request of, and subsequent to much labor contributed by, local groups like our own. This proposed legislation reads simply as a giveaway to developers; it may also incentivize them to acquire and raze smaller buildings currently occupied by tenants paying affordable rents, displacing them in favor of larger buildings catering to market rate tenants.

2) In the words of HDC's position paper on the subject, "it takes the context out of contextual zoning. It arbitrarily raises height limits and diminishes yard requirements across the city...not based in the actual built fabric of our city's neighborhoods. New York thrives because of the diversity of its neighborhoods, yet this proposal's approach will deal with each neighborhood as the same, with a one-size-fits-all approach....It should be prescribed that only units constructed for affordable or senior housing receive height bonuses, which would incentivize construction of the housing stock that is the genesis of this proposal and that the City so desperately needs. At this moment, the proposal incentivizes all development, without any guarantee that it will actually house New Yorkers who are rent-burdened...Bigger buildings do not equal lower rents; if that were the case, West 57th Street would be Manhattan's newest neighborhood for the middle class. There is also no explanation of how building higher will mandate construction of quality buildings."

3) With affordable housing non-mandatory in this proposed rezoning initiative, and no mechanism for insuring that it would produce "Quality" of any kind, the City is asking us to believe that height limits alone determine a developer's decision to opt to produce affordable housing. But developers are much more likely to take advantage of the increased height and density offered in this proposal by constructing market rate housing at a far greater profit.

This proposed zoning resolution, as drafted, guarantees neither quality nor affordability; it is simply guaranteed to enable developers to make more money. We therefore urge our elected representatives to resist the pressure from the real estate industry that produced this proposal. We further urge that all height increases for solely market rate housing in contextual zones, as well as for so-called "Quality" housing in non-contextual zones, be removed from this initiative in favor of a per-project evaluation

showing that such changes would actually, in each specific case, provide substantially more affordable housing - whether for seniors or others - in perpetuity.

Sincerely,

Anne Bush
President, Society For Clinton Hill

Richard Norton
Acting Chair, Fort Greene Association

City's Rezoning Plans Won't Improve Affordability or Quality

The Mayor's 'Zoning for Quality and Affordability' (ZQA) and 'Mandatory Inclusionary Housing' citywide rezoning initiatives, released jointly this fall, are finishing the first stage of public review at the city's 59 community boards. They're receiving a resounding thumbs down, by a 7-to-1 and 3-to-1 margin respectively. Why are measures aimed at increasing affordability and quality in new construction getting such a cold shoulder?

Perhaps because they would do little or none of either, and possibly more harm than good. The central tenet of ZQA is that if you increase the allowable height of new buildings, quality and affordability will improve.

For purely market-rate buildings, to which many of the proposed height limit increases would apply, this premise is almost laughable. The City's main contention is too many new buildings have 10- or 11-foot-tall ground floors instead of a more generous 13.5 feet, and new buildings should set back from the street to make room for planters in front. Neither is a concern I have heard a single New Yorker raise about new construction, but to achieve this, the City is willing to give developers an additional 5-20 feet in height for new buildings.

Never mind that many new buildings already have 13-foot-high ground floors, and sometimes more modestly-scaled ground floors are actually preferable. Or that setback buildings with planters make no sense on the large commercial streets where the new rules would often apply, and developers would get the extra height ZQA offers whether or not they set their building back and provide the planters anyway.

Such folly aside, the city's argument for raising height limits for 'affordable housing' is more insidious. In certain zoning districts, market-rate developments are now encouraged but not required to

set aside 20 percent of units as affordable housing by offering additional market rate square footage if they do. There are height limits for these and all other new developments, to ensure that they fit in with their surroundings.

But the City claims the height limits prevent developers from including the affordable units, leaving no way to cram in all the extra space for the affordable and additional market-rate units, at least not without cramped, substandard spaces.

However, the facts don't bear this out.

About 50 percent of the new developments in such zoning districts in our area, Greenwich Village and the East Village, include the affordable units and the generous dimensions the City says we want in new developments. At the same time, we've seen many developers who had ample room to add the affordable units within the current height limits, but simply chose not to. The height limits were not an impediment; within this voluntary program, these developers simply decided it wasn't worth their while.

Nevertheless, the Mayor is proposing to lift the height limits for such developments by 25 feet or more, or up to 31 percent, though there is little or no evidence that it will result in a single additional unit of affordable housing being built. What it will do is increase out-of-scale construction in residential neighborhoods, and eliminate hard-fought-for height limits which were often delicate compromises that took years to craft and achieve.

While ZQA would do little or nothing to help affordability, making the current voluntary affordable housing program mandatory clearly would.

Many people think Mandatory Inclusionary Housing (MIH), the companion to ZQA, will do that. But under the Mayor's plan, it won't.

MIH would require that new residential developments include 25-30% affordable units. But under the Mayor's plan, MIH would only be applied in areas where rezonings also allow a large increase in the allowable size of market-rate housing development.

But many areas of the city will probably never see MIH because such large increases in the allowable size of development, especially market-rate development, are just not tenable. This will likely include many of the more affluent parts of the city with the strongest real estate markets, which are most lacking in affordable housing, and where the city's own studies say new housing is most likely to be produced.

So why limit MIH only to areas where you're substantially increasing the size of development allowable?

The Mayor claims he's doing this because if the program is too onerous, developers just won't build at all.

But this argument does not seem credible. In strong real estate markets of the city, developers are opting into the affordable program about half the time, which shows they are willing to build under these conditions (and the other 50 percent probably would if required to). And clearly developers are making money when doing so, meeting the legal requirement for allowing a "reasonable return" which zoning must meet.

By contrast, linking MIH to large-scale increases in the allowable amount of market-rate development might undermine the supposed goal of increasing affordability, to say nothing of maintaining neighborhood character and livable communities.

Cases in point: the Williamsburg/Greenpoint waterfront and West Chelsea/Hudson Yards. These are the two areas of the city which have seen the largest production of affordable housing in recent years, through programs similar but not identical to MIH.

But the price for the affordable housing in those neighborhoods was the tsunami of large-scale, market-rate housing to which it was attached. This resulted from zoning changes significantly increasing the amount of market-rate housing which could be built, which the city says would also be a prerequisite for using MIH.

The result: two of the most rapidly gentrifying, unaffordable neighborhoods in New York, with a scale and sense of place more like Hong Kong or Miami than New York. While the percentage of affordable housing under MIH might be slightly different (in those

cases 27-28 percent was promised, as compared to MIH's commitment of 25-30 percent), the net effect would be pretty similar.

So why would the Mayor so aggressively pursue ZQA, which has little or no likelihood of increasing affordability, and choose to significantly diminish the effectiveness of MIH, which would?

It seems the Mayor is intent upon staying on the good side of the real estate industry, and thus far he has succeeded. As has been widely reported, industry players have been his biggest financial backers, and generous to the "Campaign for One New York," the nonprofit fund which supports the Mayor's 'affordable housing' and other initiatives. The Mayor seems to be trying to make his plans as palatable to big real estate as possible, regardless of how it affects the outcomes.

A further example: right now we are pushing the Mayor to rezone a 12-block area of Greenwich Village that allows 300-foot-tall towers, and guarantees they will be 100 percent luxury housing, hotels, or dorms. We want reasonable height limits for new development while keeping the allowable square footage the same, elimination of incentives for dorms and hotels, and incentives (or requirements, if the City agreed) for including affordable housing.

The administration's response: an adamant no. De Blasio wants to keep the existing luxury tower-only zoning. ZQA and MIH as proposed may please the Mayor's real estate backers, but won't accomplish their purported goals of increasing affordability and quality. Community Boards and groups across the city appear to be getting that. It remains to be seen if the City Council and others that will decide these measures' fate will as well.

Andrew Berman

Andrew Berman is Executive Director of Greenwich Village Society for Historic Preservation. On Twitter @GVSHP.

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Elide Manente
New York, NY 10011

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Kalia Doner
New york, NY 10024

Queens Preservation Council

204-05 43rd Avenue
Bayside, New York 11361

To: The Members of the NYC Council
FROM: Mitchell Grubler, Chair, Queens Preservation Council
RE: MIH and ZQA
DATE: February 4, 2016

The Queens Preservation Council urges you to vote "no" on MIH and ZQA for the following reasons:

- Both ZQA & MIH rely on a wholesale upzoning of the entire city, without consideration to borough, neighborhood, side street or wide street;
- Current height limits are not proven to impede developers' decisions to participate in inclusionary housing, so why raise them if it will still be **optional** in ZQA?
- There is no study or proposed solution to preserving existing affordable units – upzoning could incentivize demolition of these units;
- Senior housing will be a fraction of larger market rate residential and will not be permanent, but the heights will be;
- There is no provision for existing affordable housing to be preserved; it may be erased by new development;
- Housing will not be affordable to majority of residents of MIH zones, as explored in Comptroller Stringer's examination of East New York, and;
- There are no requirements for equal access, amenities or finishes in affordable housing (i.e. "poor doors" & "poor floors").

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Michele Hadlow
Brooklyn, NY 11201

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richard broad
New York, NY 10003

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rachel gellman
New York, NY 10012

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Elia Monte-brown
Ny, NY 10028

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New York, NY 10014

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Lucy Oakley
New York, NY 10040

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Gayle Lennon
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Terri Howell
NYC, NY 10014

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Joan Harris
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I understand a city must change but who gave these greedy developers who don't even have to face the canyons of NYC every day, the final say. Not the voters, maybe it's "our elected officials".

Julian Jarvis
NYC, NY 10009

Dear Speaker Mark-Viverito

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Peter Rippon
New York, NY 10014

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Sincerely, Bethany Menzies

Euan & Bethany Menzies
New York, NY 10014

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Alice Bosveld
New YOrk, NY 10009

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Rosemary Goldford
Ny, NY 10011

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lillian charity
new york, NY 10022

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Giorgio Bovenzi
New York, NY 10003

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Betsy Arvidson Hartigan
New York, NY 10014

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Carol Flamm Reingold
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New York, NY 10014

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Ms Terianda
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Sharon Smith
New York, NY 10014

Dear City Council Correspondence Office, I've written before to City Council members on the mayor's housing plan and am now registering my opinion with your division.

Like many New Yorkers, I've responded to the plan with disgust and anger. It will not create truly affordable housing for the people who need such housing; it will create some middle-income housing for a small group of people who can afford it and be allowed to move into the apartments, while creating a lot of luxury housing for the people who can afford that; it will create yet more architectural eyesores, with devastating economic and cultural consequences; and it will be yet another give-away to the real-estate lobby.

The argument, which I've read, that this is the best we can do under the current economic circumstances is itself evidence of poverty of thinking, if it is not just an excuse. Here we have poverty of thinking, combined with the push to build luxury housing, with the result of further immiseration.

Sincerely, Edgar Jackson, Jr.

New York, N.Y. 10003-5340

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Lionel J-M Delevingne
NYC, NY 10003

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New York, NY 10014

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That's the nice version filled with clear explanation. Here's the Reader's Digest version:

STOP KILLING THE GOOSE THAT LAID THE GOLDEN EGG.

DON'T PAVE PARADISE AND PUT UP A PARKING LOT.

or how about - IF YOU MAKE IT IMPOSSIBLE FOR NEW YORK TO BE NEW YORK ALL YOU GOT IS A MALL IN THE MIDWEST.

You want a vibrant city filled with artists, entrepreneurs, immigrants bringing to America amazing new life, mom&pop's????? THEN MAKE SURE THE CITY IS A PLACE WE CAN LIVE IN. And last time I checks 20% ???? of buildings WITH SEPARATE ENTRANCES/????? that ain't NEW YORK!!!

Thank you for letting me share.

Thank you.

Claire Moed
New York, NY 10003

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Janice Loeb
New York, NY 10014

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Teresa Uthurralt
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nancy english
new york, NY 10012

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BROOKLYN, NY 11230

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Amy Ellison & Trudy S. Reece
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Sally Young
New York, NY 10003

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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Our section of the West Village is not landmarked and is already being dwarfed by 12 story-plus buildings and threatened by even more at the St. John site. We need more -- not less -- protection. I strongly oppose ZQA/MIH

David Levy
New York, NY 10014

Dear Speaker Mark-Viverito

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Nicole Belmont
McNulty's
109 Christopher Street.
New York, NY 10014

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Frieda Bradlow
New York, NY 10014

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Dorene Internicola
New York, NY 10014

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Andrew Melvin
New York, NY 10003

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Vivian Weisner
New York, NY 10014

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david bergman
new york, NY 10014

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New York, NY 10014

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Bridget Fisher
Brooklyn, NY 11232

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Sherry A. Corday
New York, NY 10003

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AS A RESIDENT OF THE WEST VILLAGE, I AM ESPECIALLY ALARMED AT HOW THESE PROPOSALS WILL UNDERMINE CONTEXTUAL ZONING BY GRANTING ACROSS THE BOARD INCREASES IN HEIGHT, SLIVER BUILDINGS AND REAR YARD INCURSIONS.

Katherine Schoonover
New York, NY 10014

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Beth Conard
New York, NY 10014

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David Moody
New York, NY 10014

Dear Speaker Mark-Viverito

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Vicki & Robert Margolis
New York, NY 10011

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Ken Corday
New York, NY 10003

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Laurie Goldberger & Leslie Kogod
New York, NY 10003

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Tyler Cohen
New York, NY 10003

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Michael Certo
New York, NY 10003

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Andrew Wanner
New York, NY 10014

TESTIMONY TO THE NEW YORK CITY COUNICIL
SUBCOMMITTEE ON ZONING AND FRANCHISES
Public Hearing on Mandatory Inclusionary Housing

Date of Hearing:	*February 9, 2016*
Application No.:	*20160051 ZRY*
Name:	*David Tipson, Executive Director, New York Appleseed*
Address:	*c/o Shearman & Sterling LLP, 599 Lexington Avenue, New York, NY 10022*

My name is David Tipson. I am executive director of New York Appleseed, a nonprofit organization which has addressed the problem of school segregation in New York City for the last five years. I am testifying today in hope that the requirements for off-site housing within the mandatory inclusionary housing plan be amended so as not to exacerbate school segregation by race and socioeconomic status.

The New York City school system is the third most segregated in the nation. Mayor Bill de Blasio has emphasized repeatedly that one of the ways he intends to achieve more diversity in our schools is through his affordable housing programs.

When we look at the details of this Mandatory Inclusionary Housing plan, however, we do not see the kind of intentionality that is required if the plan is to promote diverse schools. This is especially apparent when we look at the requirements for off-site housing (Secs. 23-911 (definition of "Affordable housing fund") and 23-96(a)).

Although we expect that most affordable units created under Mandatory Inclusionary Housing would be on-site, Councilmember Brad Lander's 2013 analysis of the voluntary inclusionary housing program in operation since 2005 found that "In Brooklyn, about half of the units were created ... on a different site."[1]

Where we locate off-site units is important. As a March report by the Furman Center reminds us, "allowing off-site affordable units risks diluting the potential of inclusionary housing to promote economic diversity if it means developers will rarely build affordable housing in the most expensive neighborhoods. However, some of this risk can be mitigated by limiting where off-site units can be built."[2]

Regrettably, the Mandatory Inclusionary Housing plan simply reiterates the requirements that existed under the voluntary program. These requirements are in no way tied to the City's student-assignment policies for schools. Because the boundary lines for community planning districts are very different from those of community school districts, the current requirement that off-site housing be located within the same community planning district or within a half mile in no way guarantees that the off-site housing will be built in the same community *school* district.

Because demographics vary widely between community school districts, living on one side of a community-school-district line or the other means a completely different set of school options

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[1] Office of Council Member Brad Lander, *Inclusionary Zoning in New York City* (2013), p. 1.

[2] Josiah Madar for the NYU Furman Center, *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs* (2015) 33.

for the parents and students selecting schools.[3] School choice exists for both elementary and middle-school to varying degrees in every community school district, and, under the Chancellor's Regulation pertaining to student assignment, residents of a community school district receive priority to the schools in that district over students living out of the district. Although living in a diverse or high-performing community school district does not guarantee assignment to a diverse or high-performing school, a child's chances of attending a diverse and high-performing school are of course much higher when such schools are found in the district where the child lives.

In short, it is a wasted opportunity not to pay attention to the City's student-assignment priorities in the requirements for off-site units under Mandatory Inclusionary Housing. We respectfully recommend requiring off-site units to be in the same community *school* district as the market-rate units or in an adjacent community school district with a lower student poverty rate.

[3] See, for example, *The Schott Foundation for Public Education, A Rotting Apple: Education Redlining in New York City*, http://www.otlcampaign.org/sites/default/files/resources/redlining-full-report.pdf, finding "wide disparities in the opportunities to learn available to New York City students … between Community School Districts."

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Phil Desiere
New York, NY 10011

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Ellen Extract
New York, NY 10003

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Arthur Schoefer
155 Perry Street #7A
New York, NY 10014

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Suzanne Goodelman
New York, NY 10011

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Elisabeth Tiso
New York, NY 10014

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Jan Rudin
New York, NY 10014

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Roy Goodman
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Greg Juedes
new york, NY 10014

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els phillips
New York
new york, NY 10012

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new york, NY 10014

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Steve Farrugia
New York, NY 10014

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

I have lived in 10014 (the West Village) my whole life.
I understand change and how things work.

These changes both past and specifically proposed has impacted key rights and quality of life. An egress here and zoning change there and what we have all worked are lives to afford and live has become unbearable. Traffic, noise, service etc. all have been degraded.

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Thanks

Best,

MArk

Mark Ghuneim
NYC, NY 10014

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New York, NY 10003

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Tiffany Connolly
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Millicent Roth
New York, NY 10014

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Amir Zia
NYC, NY 10009

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Eileen Guilfoyle
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Judy Collischan
New York, NY 10009

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Doug Sherrod
New York, NY 10014

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jon verbalis
New York, NY 10014

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Mayra Ferrer
New York, NY 10014

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Pete Dorogoff
New York, NY 10003

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Jennifer Siedun
New York, NY 10014

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George Hackett
New York, NY 10014

Testimony by Andrea Kretchmer, Managing Director of POKO Partners

February 10, 2016 - 9:30AM – Council Chambers, City Hall
City Council of New York
The Subcommittee on Zoning and Franchises
Public Hearing on Zoning for Quality and Affordability – Application No. 20160049 ZRY

My name is Andrea Kretchmer, and I am the Managing Director of POKO Partners, a New York-based firm that specializes in community mixed-use development in urban and suburban areas, including affordable and mixed-income housing. Thank you for this opportunity to testify today in support of the ZQA and MIH text amendments.

Since 1993, POKO Partners has developed more than $750 million in property consisting of 800 residential units and 500,000 square feet of commercial space. We are proud of the role we have played in helping revitalize communities including Harlem, Jamaica, Queens, and Melrose in the Bronx and Brownsville, Brooklyn. We remain committed to helping address the housing crisis currently facing low- and middle-income New Yorkers.

We support ZQA and believe it will play a vital role in helping us help the administration reach its affordable housing goals. ZQA allows us and other developers to create buildings with better design that are more in line with the character of their neighborhoods.

New York City's current contextual zoning regulations were established in 1987. They desperately need to be updated. The addition of bay windows, the elimination of ground floor units and the alignment of new with old street walls are important details that substantially enhance buildings and meaningfully improve neighborhoods. All are possible under ZQA.

Current rules also prevent developers from using floor area that could be available for affordable units. Take for example the creation of unnecessary parking lots. Such spaces often go unused. That FAR should be dedicated to apartments. Developers need more tools and more flexibility to do our part for New York City's residents.

ZQA will modernize building envelope rules. The changes call for modestly increased height for new buildings. But, they limit the number of stories. The practical impact is more generous floor-to-floor heights. This means higher ceilings, which will provide more comfortable living environments for residents of all income levels.

The modest height increases also impact positively on community development. ZQA will still require setbacks to preserve scale, light and air, AND encourage more quality ground-floor retail.

I'm going to focus on the negative effects of parking, illustrating with two examples. In East New York, we can develop 180 affordable apartments on five contiguous privately owned lots. The A and C trains stop on the corner. Brooklyn and Queens buses stop on the next block. Costing $60,000 per space and gobbling thousands of essential square feet, the parking requirement shrinks the number of units, diverts subsidy and threatens the project's financial feasibility.

In Mott Haven, in the Bronx, we are partnering with a non-profit that owns their building, debt-free. A handful of buses cruise the nearby Grand Concourse. The 2, 4, and 5 trains stop two blocks away. In fact,

the train is so close that the property sits on top of an MTA subway tunnel. The ideal development scenario includes 30,000 sf of community facility and 60,000 sf of residential. There's simply no place to put the currently required 27 parked cars. Can't dig down because of the tunnel. And if you stack them up, the community facility is lost or shrunk to the point of uselessness. Alternatively, with fewer residential units, our non-profit partners can't support debt, operate the building, sustain their programs and continue to improve the quality of life for children and teens in the Bronx.

We can provide more quality, affordable housing for families and seniors, but only if costly, unneeded parking requirements are eliminated.

ZQA will help us further our mission of revitalizing communities and maximizing positive impacts on surrounding neighborhoods.

We look forward to continuing to do our part to promote neighborhood growth and make our city more affordable for all New Yorkers.

Thank you,
Andrea Kretchmer

POKO

Andrea Kretchmer
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(c) 917-747-8396
akretchmer@pokomgt.com
www.pokopartners.com

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Clyde Duane eMail
New York, NY 10009

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Richard Zuckerman & Linda Yowell
New York, NY 10014

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Andrea Barrett
New York, NY 10014

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Evelyn Simon
New York, NY 10009

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Jana Adler
NYC, NY 10014

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I am a 32 year resident of Greenwich Village and have watched my neighborhood lose much of its character during this time. Building more is not the answer. Cherishing what is special about this neighborhood is.
I have received chastising responses from city officials in response to letters to them, saying how appalled they are that I am not interested in affordable housing for my area. That infuriated me. I struggle mightily to live in my neighborhood on under $20,000 a year, so don't talk to me about affordability. The reason I am staying here is the neighborhood. If it gets built up and loses what character it has left, it will lose this longtime resident too.

Why don't you work on building affordable infrastructure? Where are all the people in these new buildings going to shop or get their dry cleaning done? Is it assumed all will be ordering online - doesn't sound very senior & afforfable-housing friendly to me! Are more police and fire going to be added?

New York is special because os neighborhoods. If every part of NYC looks like every other part, we have lost our city. We should work to preserve not to destroy these neighborhoods, especially an area as unique as the Village.

Anne Marie Paolucci
New York, NY 10014

Dear Speaker Mark-Viverito

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R Kurshan
New York, NY 10014

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David Langan & Constance Walsh
New York, NY 10014

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Vance Stevens
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Adrienne Ward
New York, NY 10003

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jack bankowsky
NYC, NY 10014

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Denise Schanck
New York, NY 10012

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Sandra Wapner
New York, NY 10003

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Marc Wallace
New York, NY 10014

Dear Speaker Mark-Viverito

As a long-time New York, and West Village, resident and voter - I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION. This rezoning is poorly thought, poorly planned and will have a long-term detrimental impact on the city and neighborhood.

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Marianne Stewart
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Lynne Luxton
New York, NY 10011

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Constance Christopher
New York, NY 10003

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Robert Stuart
New York, NY 10014

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Robin Males
New York, NY 10003

Dear Ms. Rosenthal,

I urge you to vote "No" tomorrow on ZQA and MIH. These two proposals, while apparently well-intentioned, have not been thoroughly thought through. "Yes" votes will result in opportunities for developers to move forward with plans to build structures which will change the character of our neighborhoods and city.

At the same time, I want to address the issue of short-term rentals, which is surely having an enormous impact on the availability of affordable housing locally. Not just AirB&B but also VRBO/Homeaway offer thousands of Manhattan rental units for exhorbitant nightly rates. Why are the rules against this kind of quasi-hotel rental not being enforced? Here is the VRBO/Homeaway page for New York City, which will show you that these are not "homes" that are being rented out by homeowners or permanent tenants but by huge retailers whose rental holdings often stretch beyond New York to locations around the world. You can click on "other units" to see similarly designed and furnished apartments from Hong Kong to London. https://www.vrbo.com/vacation-rentals/usa/new-york/new-york-city?from-date=2016-07-21&to-date=2016-07-30

A quick scan of available apartments will show that the argument that AirB&B rentals are being used to supplement income for low-income New Yorkers is a spurious one. These apartments, with their cookie-cutter modern decor and furnishings, are clearly owned and operated by large conglomerate realty groups which are making money by removing housing for true New Yorkers.

Surely it makes more sense to prosecute and eliminate these kinds of illegal rentals in order to protect and increase affordable housing *before* moving ahead with sweeping proposals to change building regulations which have the potential to drastically change the character of our city.

Please vote NO tomorrow and begin an investigation into illegal apartment rentals immediately.

Thank you for all that you are doing for our neighborhood!

Respectfully,
Margaret Sloan

Dear Speaker Mark-Viverito

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Joy Cytryn
New York, NY 10003

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Elaine Masci
new york, NY 10012

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Alfred Blitzer
New York, NY 10003

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Ken Golden
New York, NY 10014

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Karina Magruder
New York, NY 10014

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Anne Boster
New York, NY 10009

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Margaret Azzoni
NY, NY 10276

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Joan Hall
NY, NY 10014

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Jacomo Greco
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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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Rochelle Gurstein
new york, NY 10013

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John Doyle
New York, NY 10014

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Sandra Wapner
New York, NY 10003

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Heather campbell
NY, NY 10003

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Ruth Osborne
Mount Vernon Hotel Museum and Garden
421 East 61st Street
New York, NY 10065

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE APALLING 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

One plan for the entire city makes no sense at all. Do we really want a homogenized look to Greenwich Village, for example? Increased building heights can only add to the congestion on the neighborhood streets, which are narrow.

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Styra & Josef Eisinger
New York, NY 10014

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David Marcus
New York, NY 10011

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New York, NY 10014

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Matthew Marks
New York, NY 10014

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Vanessa Maruskin
New York, NY 10009

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martha cataldo
New York, NY 10012

Why are we building shoddy buildings and who are we building them for? No real New Yorkers can afford to live there. You are forcing the work force who might attend to the maintenance of these apartments out of the city.
And spoiling the light, and character of the neighborhoods.

Judith Prause
Creative Director

CHESNEY'S

O:(646)840-0609 F:646 840- 0602
e: judith@chesneys-usa.com | www.chesneys.com

D&D Building 979 Third Ave. Suite 1119 New York, NY 10022

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Nora Prentice
New York, NY 10025

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judith prause
n.y., NY 10003

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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David Sandman
New York, NY 10003

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Jeff Wengrofsky
New York, NY 10002

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Anne Wagley
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Dorothy Gingeras
NY, NY 10003

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Michael Stosser
Sutherland Asbill & Brennan LLP
1114 Avenue of the Americas, 40th Floor
New York, NY 10036

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Mary Elaine Monti
New York, NY 10011

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Martha Fishkin
New York, NY 10009

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Jim Byerley
New York, NY 10003

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION. I THINK THIS PLAN WILL BE ABSOLUTELY DISASTROUS FOR OUR CITY!!!!!! It is anti-democratic, disempowers local, neighborhood voices, does not provide adequate affordable housing (and does not even make perpetual what little it does provide), and undoes height-of-building agreements that were reached through the years with much hard work and good-faith compromise by affected parties. It also advocates a "one-size-fits-all" mentality that is absolutely INCOMPATIBLE with the public good. All our neighborhoods are NOT alike, and they should not all be treated the same way.

This zoning proposal is being put forward to allow developers to make money at the expense of the public good and against the wishes of ordinary New Yorkers who would have to live with the monster buildings and insane rents that would result.

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With ZQA, only the developers win. EVERYONE ELSE LOSES! If you care about ordinary New Yorkers, PLEASE VOTE AGAINST THIS PLAN!

And by the way, a better choice for providing more affordable housing would be for the city to fix up the housing stock it already owns and rent it out directly to New Yorkers instead of auctioning it off to bidders who usually buy the property only to make the maximum amount of money they can out of it.

Carmen Hendershott
New York, NY 10001

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Jack Barth
New York, NY 10013

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Crista Grauer
New York, NY 10012

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Dr. Robert Harey
New York, NY 10003

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Amy Harlib
New York, NY 10011

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Andra Mooney
New York, NY 10011

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A. S. Evans
New York, NY 10012

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Monica Rittersporn
New York, NY 10003

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Theresa Aiello
New York, NY 10009

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Genata Carol
NYC, NY 10009

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Francis Zuccarello
New York, NY 10011

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Melly Garcia
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Sherman Kane
Woodhaven, NY 11421

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mimi miller
NY, NY 10011

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Terry Brennan
New York, NY 10010

TESTIMONY OPPOSING ZQA/MIH

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Terence Brennan
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Courtney Adams
New York, NY 10003

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DAEMON ONEIL
NYC, NY 10005

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Deborah Lerner
Broojlyn, NY 11229

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Nancy Chen
New York, NY 10003

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Sarah Gallagher
New York, NY 10065

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julie rupprecht
New York,, NY 10014

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Helene Volat
New York, NY 10003

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Isabel Sole
New York, NY 10012

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PENELOPE ANDERSON
New York, NY 10011

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Richard Weigle
New York, NY 10019

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Maureen Hogan
Brooklyn, NY 11231

February 7, 2016

To Members of the City Council:

The proposed “Zoning for Quality and Affordability” (ZQA) text amendment before you is heavily flawed, and the Council is in an excellent position to strengthen this action and prevent damaging long term effects. ZQA will weaken zoning protections and allow height limits in contextual zones across New York City to be raised by 20-30%. I am deeply concerned about the disproportionate impacts the plan would have on New York’s distinctive contextually zoned neighborhoods. The proposal would topple our hard-won zoning protections and weaken our historic district regulations, with no serious study of how the changes would affect our neighborhoods' human scale and unique sense of place. If approved, ZQA would allow out-of-scale buildings without any guarantee of new affordable units, incentivize demolition of existing affordable housing, and push out small businesses. This is not the way to ensure affordability, architectural quality, or the quality of life in our city.

Without the requirement for affordable and senior units, ZQA would flood all neighborhoods with more 100% market-rate housing, accelerating gentrification. Even if affordable units were provided (as per the income levels in the proposed Mandatory Inclusionary Housing (MIH) plan), they would be out of reach for the majority of New Yorkers who need them the most (as explored in Comptroller Stringer’s report on East New York). Under ZQA as currently planned, these so-called affordable and senior units would not be permanent, but the increased heights would be. As a recent analysis from the Greenwich Village Society for Historic Preservation has shown, it is feasible to build Inclusionary Housing within height limits currently prescribed by contextual zoning.

In terms of ZQA’s preoccupation with design, I am skeptical about the premise that simply allowing more floor area will allow for so-called “better” or “interesting” buildings that recall historic models. First, the preponderance of buildings with textured and variegated facades built according to contextual regulations, and buildings with relatively “flat” facades built according to non-contextual regulations demonstrates that there is no correlation between contextual zones and “flatness” (see list provided at the end of this letter). Second, who is to say whether “flatness” or “texture” makes a building “better” in the first place? City planning should not be in the business of generating more Pritzker Prize winners, but rather in the business of protecting the health, safety and quality of life of communities and listening to their concerns. In any given neighborhood in Manhattan alone, there are historic buildings with “flat” facades that are pushed out to the lot line, which form coherent, place-making streetscapes. They can be found on West End Avenue, Park Avenue, 79th and 86th Streets, and 7th and 8th Avenues in the Garment District, not to mention locations in the outer-boroughs such as Atlantic Avenue in Brooklyn or the Grand Concourse in the Bronx. However, even with the “flat” facades built a century ago, architects at the time employed sensible design vocabulary and appropriate materials to give the buildings proportion and character. Architectural distinction does not derive solely from undulating surface planes, and it is the role of architects to work within the limitations

they are given – be they zoning or health and safety codes – to produce something creative despite the challenges. Developers are also not as preoccupied with "interesting" design as they are with the bottom line.

City Planning must go back to the drawing board, continue to meet with individual communities, and create a new plan that ensures any new affordable units are targeted to the Area Median Income band of the neighborhood in which they are built. Because the housing crisis is as dire as the current administration says, why isn't the administration demanding at least 50% permanently affordable units from developers in rezoned areas under MIH? Also, why isn't the administration demanding a mandatory percentage of permanently affordable units under ZQA in all new construction that falls within the height and bulk limits our neighborhoods have fought for years to secure? In addition, a new plan should encourage the creation and preservation of affordable units within existing buildings, so that our historic and contextually zoned neighborhoods can retain their socioeconomic diversity as well as their place-defining character. The Council has the responsibility and authority to improve this proposal to make it more effective.

Yours sincerely,

Max Yeston
M.S. in Historic Preservation and Urban Planning
Columbia University

List of buildings with textured and variegated facades built under contextual zoning regulations:

1 Sullivan Place, Brooklyn (under construction)

21 East 1st Street, Manhattan

79-89 Avenue D, Manhattan (under construction)

125 Court Street, Brooklyn

155 West 70th Street, Manhattan

180 West 20th Street, Manhattan

201 West 72nd Street, Manhattan

211 East 13th Street, Manhattan

222 Riverside Drive, Manhattan

225 Fourth Avenue, Brooklyn (under construction)

225 West 83rd Street, Manhattan

275 Fourth Avenue, Brooklyn (under construction)

279 Central Park West, Manhattan

353 Central Park West, Manhattan

360 Smith Street, Brooklyn

438 East 12th Street, Manhattan (under construction)

550 Fourth Avenue, Brooklyn (under construction)

613 Baltic Street, Brooklyn (under construction)

2073 Broadway, Manhattan

List of buildings with flat facades built under non-contextual zoning regulations:

60 West 66th Street, Manhattan

120 West 55th Street, Manhattan

130 West 67th Street, Manhattan

150 Amsterdam Avenue, Manhattan

160 West 66th Street, Manhattan

200 East 72nd Street, Manhattan

250 West 55th Street, Manhattan

888 Seventh Avenue, Manhattan

1166 Avenue of the Americas, Manhattan

1211 Avenue of the Americas, Manhattan

1221 Avenue of the Americas, Manhattan

1251 Avenue of the Americas, Manhattan

1230 Avenue of the Americas, Manhattan

1285 Avenue of the Americas, Manhattan

1345 Avenue of the Americas, Manhattan

1631 Broadway, Manhattan

1690 Broadway, Manhattan

2025 Broadway, Manhattan

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Max Yeston
M.S. in Historic Preservation and Urban Planning
Columbia University
max.yeston@gmail.com

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Robert Plutzker
New york, NY 10003

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Renee Lewis
New York, NY 10003

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Paul Rackow
New York, NY 10012

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Regina Joseph
NY, NY 10014

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Paul Piccone
New York, NY 10011

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david bergman
new york, NY 10014

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Merle Barash
Merle K. Barash Real Estate, Inc.
New York, NY 10014

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Cynthia Garnant
NY, NY 10003

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Ann McDermott
New York, NY 10028

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Stephen Mango
New York, NY 10012

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Shelley Seccombe
New YOrk, NY 10014

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Kathy Bierman
New York, NY 10011

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Sheila Strong
NY, NY 10007

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Mark Iannello
New York, NY 10012

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Nancy Linn
New York, NY 10002

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Paolo Alippi
New york, NY 10012

Dear Speaker Mark-Viverito

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Nick & Nancy Giampietro
Evanston, IL 60201

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adam Kimmel
NY, NY 10003

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Jim McGuane
New York, NY 10014

Dear Speaker Mark-Viverito

YOU CAN VOTE YOURSELVES RAISES ALL YOU WANT BUT IF YOU PASS THE CURRENT ZQA/MIH, I WILL BE ASKING FOR A REFUND!!!!! AND YOU WILL NOT GET MY VOTE WHEN YOU SEEK REELECTION OR HIGHER OFFICE!!!!

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Cynthia Menkes
New York, NY 10013

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James Walker
New York, NY 10014

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anthony gramm
Milerrton, NY 10014

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Don Meris
West Broadway
New York, NY 10007

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Marilyn Graman
New York, NY 10011

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Jeffrey Rabkin
Mew York, NY 10009

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Paul Bridgewater
NY, NY 10009

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This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

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ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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Regina Cherry
New York, NY 10012

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Alice Brody
New York, NY 10025

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Claire Martheleur
New York, NY 10003

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Lizbeth Marano
NEW YORK, NY 10013

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Judith Ivry
New York, NY 10003

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Tommy Shi
New York, NY 10003

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Kathleen McMillan
New York, NY 10003

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Katherine Slawinski
New York, NY 10003

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Ed Cosman
New York, NY 10012

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Constance Giamo
New York, NY 10009

Dear Speaker Mark-Viverito

Over the last 13+ years living in NYC, I have seen the detrimental effect of zoning laws that favor developers at the cost of the local community. In Fort Greene, in Long Island City, in Williamsburg. Please oppose the "Zoning for Quality and Affordability" plan to protect the neighborhood where my husband and I live, Greenwich Village.

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Janice Ahn
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Bruce Mann
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Ellen Abramowitz
New York, NY 10014

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Nicholas Christopher
New York, NY 10003

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Michelle Spinner
New York, NY 10011

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linda eMail
ny, NY 10003

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Wilma Muse
New York, NY 10011

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Lauren Helf
New York, NY 10009

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Alan Schwartz
New York, NY 10011

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Pamela Waters
New york, NY 06877

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NY, NY 10012

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vaughan tredwell
new york, NY 10003

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Barbara North
New York, NY 10012

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FRANCIS HARTIGAN
New York, NY 10014

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Margot Niederland
NY, NY 10002

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Amy Newman
New York, NY 10024

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Judy Staudenmaier
New York, NY 10003

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.
We have worked so very hard to keep this city livable. Please help us.

Jane Kendall
New York, NY 10014

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Risa Mickenberg
New York, NY 10014

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Martin Hutner
20 West 9th Street, Apt. 5
New York, NY 10011

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Edmund Dunn
New York, NC 10009

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Edgar Goss
New York, NY 10003

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Rida Wong
NY, NY 10003

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Katharine B. Wolpe
New York, NY 10003

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Phillip Block
New York New York, NY 10003

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Dick Button
NY, NY 10021

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This zoning change fails to take into account local conditions, goals, or desires, and eliminates the voices and opinions of local communities, their Councilmember, and their Borough President who, normally, would have over a local rezoning. It would also undo years of hard work and compromise by communities to achieve the height limits we current have. We paid the price of taking upzoning at that time! Worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. This is not true.

ZQA would grant 5-20 foot height increases for market rate developments without public benefit. It grants much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% so-called affordable developments under the pretense that height increases encourages developers to include the 20% affordable housing. No evidence supports this claim. If it were true, there would be fewer homeless families and individuals--also, fewer agencies seeking funds to keep people in their apartments.

ZQA would also grant generous bulk and height bonuses to developers for including only 20% for senior affordable housing, which many say would cost too much for the seniors who need it most and would not be permanently affordable.

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Valerie Heinonen
Mercy Investment Services, Inc.
New York, NY 10009

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Ed Grazda
NY, NY 10012

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Kathryn Gerhardt
New York, NY 10036

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Sue Veilleux
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PLEASE OPPOSE THIS PLAN!!!

Rob Mason
New York, NY 10003

Dear Speaker Mark-Viverito

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Virginia Kopecky Wallace
New York, NY 10014

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Peta Gordon
Brooklyn, NY 11215

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Amy Brenna
New York, NY 10003

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Rochelle Didier, M.D.
New York, NY 10012

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Teresa Harris
New York, NY 10024

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Harry Bubbins
Bronx, NY 10454

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Lawrence Grant
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Jennifer Marshall
New York, NY 10013

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joan kreiss
ny, NY 10013

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Laraine Kravitz
New york, NY 10003

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Adrian Smith
New York, NY 10024

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Lorraine Diehl
New York, NY 10028

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Judith Pucci
New York, NY 10014

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Jennifer Charles
New York, NY 10012

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Susan Paston
New York, NY 10011

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Jan Prager
New York, NY 10024

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Jamie Bryan
New York, NY 10011

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Christine Dugas
New York, NY 10014

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Hal Bromm
New York, NY 10007

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Karen Young
St Albans, NY 11412

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Mary Anne Toman
New York, NY 10003

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Barbara Goren
New Haven, CT 06511

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Antoinette Melillo
New York, NY 10011

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Joan Reibman
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David Hottenroth
New York, NY 10016

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Elisa Monte
New York, NY 10012

Dear Speaker Mark-Viverito

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Charlene Lichtenstein
New York, NY 10011

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Josefa Certo
New York, NY 10003

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Charles Schwartz
New York, NY 10012

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Judith Binus
New York, NY 10025

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Eileen Herman
New York, NY 10013

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Kirsten theodos
New york, NY 10003

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Rebecca & Bruce Bent II
New York, NY 10014

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Christine Hadlow
New York, NY 10009

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Simon Thoresen
New York, NY 10027

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Elizabeth Slater
New York, NY 10011

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Dianne Elkan
New York, NY 10028

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Jamie Johnson
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Leslie Kriesel
New York, NY 10014

Dear Speaker Mark-Viverito

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This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

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Jill Rapaport
New York, NY 10011

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robert giusti
new york, NY 10003

Dear Speaker Mark-Viverito

Please please fight for the voters and oppose this plan. It's not right that we are being ignored by those who are supposed to represent us.

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Cathleen Gorman
New York, NY 10011

NEW YORK
CITY BAR

February 9, 2016

Council Member Donovan Richards, Jr., Chairperson, Subcommittee on Zoning and Franchises
Council Member David G. Greenfield, Chairperson, Committee on Land Use
New York City Council
250 Broadway, 17th Floor
New York, New York 10007

Re: Mandatory Inclusionary Housing

Dear Council Members Richards and Greenfield:

The New York City Bar Association (the "City Bar"), through the Committees on Housing & Urban Development (the "HUD Committee"), Land Use Planning & Zoning (the "LUPZ Committee"), and Cooperative & Condominium Law (the "Co-Op/Condo Committee" and collectively, the "Committees"), is writing to express its views on the proposed Mandatory Inclusionary Housing ("MIH") text amendment currently pending before the City Council (the "Council").

The City Bar supports the concept of MIH as a method for creating permanently affordable housing where a rezoning by the City or a private property owner significantly increases the capacity for residential development and the value of land. However, certain aspects of the proposed amendment are or may become problematic, particularly in light of the recent expiration of the 421-a property tax exemption ("421-a"). This letter provides an overview of the City Bar's comments, questions, and concerns regarding the proposed amendment. Finally, the letter provides suggestions for possible revisions that, we believe, may make MIH more effective and better advance the City's policy goal of generating affordable housing while fostering economically diverse communities.

I. General Policy Comments:

A. In neighborhoods with strong demand for market-rate housing, MIH would be a vital method for ensuring the availability of apartments for individuals and families who could otherwise not afford to live in such neighborhoods.

B. In mixed-income neighborhoods, MIH would require new development to preserve the existing mixed-income character, adding new affordable housing for individuals and families on the lower end of the neighborhood's income spectrum.

C. In lower-income neighborhoods, the addition of MIH adds to the many tools in the City's affordable housing toolbox, giving private developers and the City more ways to generate affordable housing that is aimed at a wider range of income levels.

II. Suggestions to Strengthen and Clarify the MIH Proposal:

A. **421-a**: The City Bar recommends that the Council consider modifying the MIH text amendment and individual rezonings to reflect the absence of 421-a or clarify as to the nature of any possible future tax exemptions. Such modification should support affordable housing production by permitting more flexibility through changes to certain elements of MIH, such as the application of the workforce option, the proportion of market-rate floor area and unit percentage of market-rate units, the distribution, stacking, and/or proportionality requirements applicable to affordable units, and other relief from MIH and individual rezonings to be proposed by an applicants and/or by HPD.

B. **Existing Floor Area, Enlargements, and Casualty:**

1. The definition of "enlargement" under proposed Section 23-154(d)(3) of the Zoning Resolution of the City of New York ("ZR") should be clarified and looked at in the context of the definition of "enlargement" in ZR Section 23-90. For purposes of MIH, "enlargement" is currently defined as "#residential floor area# that is reconstructed, or #residential floor area# that is located within a #dwelling unit# where the layout has been changed."

2. As currently drafted, the text applies to renovations or alterations of existing residential units that are not increased or decreased in size, but are only reconfigured for better efficiency of space. This is most troublesome as many property owners may avoid making renovations and alterations to existing residential buildings, including renovations and alterations that may otherwise be beneficial to the public, to avoid the burden of meeting MIH requirements. While MIH requirements may be readily absorbable in areas that have been substantially upzoned for residential development, the cost basis of existing development rights may sometimes be unable to support MIH. Accordingly, applying MIH to reconfigurations of existing floor area could reduce investment in property.

3. The Council should ensure that the Department of City Planning evaluates the potential number of affordable units that could reasonably be produced pursuant to these enlargement provisions and the degree to which MIH could disincentivize renovations and alterations to existing buildings.

4. Additionally, as currently drafted, the MIH text would apply following a casualty to a building where the building is destroyed beyond 75% of floor

area, other than by voluntary demolition, and may only be reconstructed in accordance with currently applicable regulations. In such situations, would existing tenants or unit owners be displaced to accommodate rent-regulated tenants or unit owners? If a building is damaged or destroyed by any means, including demolition, the MIH requirements should not apply to the pre-existing amount of residential floor area or to the amount of floor area that was legally permitted to be converted to residential under rules in place prior to the adoption of MIH.

C. **Unit Threshold:** As proposed, small developments, enlargements, and conversions of less than 10 units or 12,500 square feet of residential floor area are exempt from MIH. However, applying MIH to more than 10 units or 12,500 square feet of residential floor area is impractical. Start-up developers may find it difficult to meet the requirements of MIH, discouraging the production of smaller buildings and the redevelopment of smaller sites. Additionally, it would be inefficient for the Department of Housing Preservation and Development ("HPD") to administer the program, as small numbers of units would be scattered across multiple buildings. Accordingly, the Council should consider modifications that increase the threshold above which MIH applies.

D. **Protection of Existing Tenants:** City investment and upzonings in connection with MIH may increase property values, which could impact existing residents in the affected neighborhoods. Accordingly, in MIH areas, existing anti-harassment laws such as Local Law 7 should be enforced, and if necessary, new measures implemented to limit displacement of rent-regulated tenants.

E. **Discretionary Approvals Unrelated to MIH:** MIH should not be applied to private applications seeking discretionary approvals of bulk modifications that advance other policy objectives, such as landmarks preservation, theater and other cultural uses, and transportation improvements. For City-sponsored projects, MIH-like requirements could be applied through the RFP process.

F. **City Planning Commission Authorizations:** MIH should not apply to City Planning Commission ("CPC") authorizations.

G. **Payment-in-Lieu and the Affordable Housing Fund:**

1. The payment-in-lieu provisions of MIH proposed under ZR Section 23-154(d)(3)(iv) should apply to projects larger than 25 new dwelling units and 25,000 square feet of new residential floor area, which would provide more flexibility for private developers, thereby increasing the production of affordable housing. Of course, expanding the payment-in-lieu option could result in the concentration of affordable housing in separate buildings, reducing the ability of MIH to foster economically diverse communities. Accordingly, the Council should carefully consider this trade-off.

2. The MIH text is unclear as to whether the "cost of construction" includes land costs and soft costs. Accordingly, the Council should ask for a modification that would clarify how the cost of construction is determined, and, specifically, whether the cost of construction will be discounted for the value of low income tax credits, real estate tax exemptions, bond financing, mortgage tax exemptions, grants, and other subsidies that might otherwise have been available to a developer had it chosen to build affordable units rather than pay into the affordable housing fund.

3. The payment-in-lieu section should provide either an objective appraisal standard or reference a specific third party's arbitration role to resolve disputes between developers and HPD over whether a payment-in-lieu reasonably reflects market construction costs.

4. The Council should clarify how and where the affordable housing fund would be utilized by the City to produce affordable housing. Developers and communities would appreciate clarification as to what MIH affordability options (and income bands) will be available in which locations.

H. **Hardship Waivers:** With respect to relief from hardship that may be granted by the Board of Standards and Appeals ("BSA") pursuant to the proposed ZR Section 73-624 special permit, we have several questions, comments, and concerns. As the special permit is essential to the administration of MIH, the final version of the text should be clarified to better guide administration of the special permit while recognizing that certain points should be left to regulation, as follows:

1. It is unclear how the special permit will work in practice. Will developers have to go to HPD first to ascertain whether sufficient subsidies will be made available to their project to avoid a hardship before they are permitted to seek relief from the BSA?

2. HPD is expected to advise BSA in determining whether to grant the special permit. If a developer and HPD disagree as to the strength of the market or sufficiency of subsidies to avoid a hardship, to what extent should, or could, BSA legally rely upon the expertise of HPD in such matters, as the developer would essentially be appealing a denial of subsidy by HPD? Clarification as to the extent of HPD's advisory role would assist in the administration of MIH.

3. How would developers and property owners establish that the findings and criteria necessary for the special permit have been met? What sort of financial modeling will be required? Will the analysis required in the variance context apply? As the issues and questions presented will likely

need to be analyzed quantitatively, an independent expert in affordable housing and construction finance will need to be employed by BSA to evaluate the merits of financial feasibility studies and reports submitted by applicants seeking relief pursuant to the special permit.

4. The Council should clarify that the proposed ZR Section 73-624 special permit does not preclude the issuance of a variance to MIH projects pursuant to ZR Section 72-21.

I. **Changing Market Conditions and Expiration of Subsidies:** The Council should consider adding a mechanism, such as a CPC certification or authorization or a BSA special permit, to alleviate financial hardship for building owners who have complied with MIH and may experience hardship due to changed market conditions or the expiration of temporary subsidy programs and/or tax exemptions or abatements.

1. The proposed BSA special permit, as drafted, applies only to new projects, and not to ones that were built in compliance with MIH, but falter later on.

2. There should be a mechanism to re-evaluate the financial health of a building over time to ensure that the number and affordability levels of affordable units, in combination with the market-rate units, produce enough funds for the building to be maintained in good repair.

3. These issues may be further exacerbated when temporary subsidies expire while units remain permanently affordable.

J. **Effective Date:** As various City agencies may need to enact rules and policies to fully implement MIH (and any corresponding tax exemptions programs), it may be beneficial to delay the effective date of MIH to allow for the agencies to clarify issues such as those surrounding the proposed ZR Section 73-624 special permit and the recently expired 421-a property tax exemption which, if extended, would need to be coordinated with the MIH program.

III. Conclusion:

In conclusion, we reiterate our support of using MIH to increase affordable housing production. As discussed in this letter, we believe that clarification of certain items, and revisions to the MIH text where appropriate, would increase the effectiveness and desirability of MIH, making MIH more successful in generating affordable housing and fostering economically diverse neighborhoods. Additionally, providing clear guidance as to MIH's criteria and procedures will make MIH easier to implement and administer, thereby allowing the program to operate more efficiently. While this letter is directed towards MIH, these comments are also applicable to the proposed East New York rezoning.

We note that the undersigned Committees and the City Bar take no position on, nor have extensively explored, the constitutional basis, or limitations under the New York State Urstadt law, of mandating affordable housing units as a condition of development under the Zoning Resolution, and the comments herein are limited to policies and technical requirements surrounding the proposed MIH program.

On behalf of the Committees, we thank you for your consideration of our comments.

Respectfully,

Daniel Weisz
Co-Chair, Committee on Housing & Urban Development

Ross Moskowitz
Chair, Committee on Land Use Planning & Zoning
Contact: rmoskowitz@stroock.com

Phyllis Weisberg
Chair, Committee on Cooperative & Condominium Law

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cc: Council Member, Inez D. Barron, District 42
Council Member, Andrew Cohen, District 11
Council Member, Inez E. Dickens, District 09
Council Member, Daniel R. Garodnick, District 04
Council Member, Vincent J. Gentile, District 43
Council Member, Ben Kallos, District 05
Council Member, Peter A. Koo, District 20
Council Member, Brad S. Lander, District 39
Council Member, Stephen T. Levin, District 33
Council Member, Darlene Mealy, District 41
Council Member, Rosie Mendez, District 02
Council Member, Annabel Palma, District 18
Council Member, Antonio Reynoso, District 34
Council Member, Ydanis A. Rodriguez, District 10
Council Member, Ritchie J. Torres, District 15
Council Member, Mark Treyger, District 47

Council Member, Jumaane D. Williams, District 45
Council Member, Ruben Wills, District 28
Vicki Been, Commissioner, New York City Department of Housing Preservation and Development
Louise Carroll, Assistant Commissioner, New York City Department of Housing Preservation and Development
Matthew Shafit, General Counsel, New York City Department of Housing Preservation and Development
Carl Weisbrod, Chairman, New York City Planning Commission
Anita Laremont, General Counsel, New York City Department of City Planning

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Mary Fran Loftus
New York, NY 10003

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Jonathan Liebson
Brooklyn, NY 11201

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Anne Mitcheltree
New York City, NY 10003

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Respectfully submitted,

Donna De Salvo

D. M. De Salvo
New York, NY 10003

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susan siskind
new york, NY 10065

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I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

It's a land grab sponsored by the Mayor who is hoping to enlist and enrich "Big Real Estate" in a highly flawed plan to improve the availability of affordable housing. Precedent says it won't work, and when DEVELOPERS like it, it's got to be worth more to them than it is to our neighborhood and the city. Why do we constantly have to fight the city's desire to over-crowd the Village neighborhood the way it has done nearly every other within reasonable proximity to Manhattan.

In a neighborhood where it nearly takes an act of congress to simply replace a window or paint a door, how is it that nearly every attempt by non-village residents to over-build requires even greater Herculean efforts and always threatens previously earned city assurances? And why does the Mayor want to negate decades of such hard fought compromises which allow the village to grow APPROPRIATELY? Why is he proposing a plan that has only the support of developers? This is not a NIMBY case. The plan is just lousy and disenfranchises neighborhood groups in the power to affect the development in their own neighborhoods. Please say no. Thanks.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

David Langan
New York, NY 10014

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Elisabeth Purcell
NY, NY 10012

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Bill Hastings
new york, NY 10023

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Ruth Osborne
New York, NY 10003

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Robin Males
New York, NY 10003

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Linda Myers
New York, NY 10014

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jim charlton
ny, NY 10003

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Lester Mantell
New York, NY 10003

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Marcia Salo
New York, NY 10013

Dear Speaker Mark-Viverito
Dear Councilmembers Chin, Mendez, and Johnson,

I strongly urge you to oppose the "Zoning forWuality and Affordability" plan as approved by the City Planning Commission.

I have to agree with GVSHP that this is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately,communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal realizing that none of this is true.

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Most of New Yorkers welcome housing affordability, but are weary of the terms of ZQA, and would like to count on your representing our concerns.

Respectfully,

Rita DeCassia
New York, NY 10044

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Laura Santos
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Caroline Schneider
NY, NY 10003

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Stephen UCATS
Local 3882
636 Broadway, Suite 606
New York, NY 10012

MY TESTIMONY-AFFORDABLE FOR WHO?

I'm I a 56 year old third generation East Harlem native. I've raised my family, have extended family here and it's likely I may retire here. I have survived the streets, substandard housing, and a building explosion diagonal from my building and living in cramped up conditions due to my ability to afford the new market rents. In the 80's I returned to NYC after finishing school to my mother's apartment. My starting salary was $13,000. My household was size was 2 and I was told I was over the income guidelines for a rent subsidized units. I then applied for public housing, ended up on a waiting list for years. Later to find out that if I used a public housing address, there was good chance I would never be called. 30 years later with no address change (this was my family's address) I never received notice. I've paid fees to low, moderate income units. Only to be called many years later and discover. I was still over guidelines only to be told, "I can send you to the Bronx".

I have attended workshops introducing affordable home ownership. Great information and opportunity, but my savings will never be enough to buffer me from financial hardship. My hesitation, a friend who lost her co-op on Madison Ave (East Harlem) after 3 years of unemployment. My fear? If I ever lose my income due to illness or just plain old retirement can I afford to keep my property? More so will I ever be able to stay in a place I consider home? I doubt it.

My net income pays taxes, pays for high medical deductibles, pays for college education, pays for rising cost. This rest is not enough to pay for market rate and continue my up keep.

In conclusion. I'm a grandmother now and to keep my family close. We all live in my one bedroom apartment. I look left and right and see a thriving neighborhood called Harlem of which I will never afford. How sad is that.

I'm one of many who are desperately looking for our elected officials to look beyond prioritizing the desires of profit moguls. lets consider families first.

thank you for your time.

MIH and ZQA Testimony

Michael Racioppo

Some, including myself, fantasize about the repeal of the law of supply and demand, in New York City when it comes to the paucity of supply of housing, and the burgeoning demand for it. Yet we are faced with its decree and ignoring it only hurts us as a city.

This is why, as a member of Brooklyn Community Board 6 who despite sharing the myriad concerns of my neighbors, I voted in favor of both of the mayors text amendments for “mandatory inclusionary housing" and "zoning for quality and affordability".

Yes, this will lead to more concentration and the multiple headaches that go along with it. Yes, it will sadly occasion some other NIMBY folks to speak in coded terms about "other" people. Overriding both legitimate and narrow minded concerns is the paramount interest of the city in maintaining affordable housing for those who have been the bedrock of our city and those who have come and will continue coming here and who will keep our city the beacon to the world.

Given the shortage of land, costs of construction and the demands for a greener earth all inexorably leads to more density in a city that already has its natives bemoaning the lack of elbow room. This is a problem that comes with success as the city draws talented, ambitious, and hardworking people from near and far while other places are left with aging populations.

The side effects of our only plausible near term course of action - building housing at ever- greater densities - are real and hopefully not deadly to our goal. The media like some prescription drug commercial scrolls through warnings of displacement of tenants, overcrowded schools, insufficient public transportation links, too many cars for perpetually inadequate roadways, inadequate sewers,

need to maintain adequate space for industry, and every other potential infrastructure and quality of life deficit. We must find ways to quell these fears.

This highlights the centrality of public space and parks to warding off these side effects and to the achievement of our housing goals, as well as, a democratized and fair city. Repeat after me, “quality of life”. The city had been doing, and must continue to do, all that it can to ensure that park space is expanded in creative ways and then maintained. This is not a luxury or vanity issue just pertinent to various wealthy park alliances. The provision of adequate space for recreation and repose is the safety valve for our pressurized environment.

Don't get me wrong, I love Brooklyn Bridge Park and Prospect Park, and recognize that they both do get substantial use from ordinary folks. I have been quite fortunate to grow up and live in close proximity to both these great parks, but great spaces cannot just be for those fortunate few who live nearby and can avail themselves of these amenities on a regular basis they must be dispersed throughout the city in an egalitarian spirit.

The sharing of years of expertise by the established park alliances with parks in Brownsville or East New York is a great step toward ensuring an improved quality of life. Of course, an infusion of federal funding wouldn't hurt either.

Mike Racioppo is an executive board member of Brooklyn’s Community board 6 and the executive director of the Gowanus Canal Community Development Corporation and has taught

Political Science at Brooklyn College for over 5 years.

Please look at the retirement and disability community when making your votes. HELP U§!

Harriett Smalls

DEFENDERS *of the* HISTORIC
UPPER EAST SIDE
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New York, NY 10021
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February 8, 2016

Council Speaker Melissa Mark-Viverito
Members of the New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito and Council Members:

RE: Zoning for Quality and Affordability

Although Defenders of the Historic Upper East Side is very much in favor of creating affordable housing and housing for senior citizens, we find that the current proposals – Zoning for Quality and Affordability and Mandatory Inclusionary Housing – will be very damaging to the built environment and to the quality of life in our community, and in the rest of the city. We also fear that they will lead to the loss of affordable housing because the bonuses are awarded simply for the construction of affordable units, not for a net increase in such units. In some, if not most, areas, soft sites contain more affordable housing than will be provided in the new buildings.

Like the entire city, the Upper East Side has lost a great deal of affordable housing. The Administration's first priority should be to save the affordable housing that we already have; new construction will never catch up if we continue to lose this housing at the current rate.

We believe that the Mandatory Inclusionary Housing proposal might be salvageable if sufficiently amended, but that Zoning for Quality and Affordability is too flawed and must be withdrawn. Details of our specific concerns follow.

ZONING FOR QUALITY AND AFFORDABILITY

THE "SLIVER" LAW – ZR 23-692

The "Sliver Law" was enacted in 1983 in response to the universal outrage that greeted these eyesores in the early 1980's. It remains necessary to this day and the dramatic change proposed in Zoning for Quality and Affordability – making buildings with affordable or senior housing exempt - would lead to irreparable damage to the character of the Upper East Side and other affected residential neighborhoods. It would also lead to the loss of the affordable housing that these narrow building now contain.

The changes in the height limits are:

- In R10 districts, the current height limit for a building less than 45 feet wide is 100 feet. Under ZQA, the height limit would be 235 feet.

- In R10A districts, the current height limit for a building less than 45 feet wide is 100 feet. Under ZQA, the height limit would be 235 feet.

- In R9X districts (Lexington Avenue), the current height limit for a building less than 45 feet wide is 75 feet. Under ZQA, the height limit would be 205 feet.

- In R8B districts, the current height limit for a building less than 45 feet wide is 60 feet. Under ZQA, the height limit would be 75 feet.

- In the Special Madison Avenue Preservation District, the current height limit for a building less than 45 feet wide is 80 feet. Under ZQA, the height limit would be 210 feet.

- In the Special Park Improvement District, the current height limit for a building less than 45 feet wide is 100 feet. Under ZQA, the height limit would be 210 feet.

There is little if any incentive to build affordable or senior housing on sites more than 45 feet wide. For example, the ZQA bonus on an R10 site allows the developer two additional FAR if the 20% of the building consists of affordable or senior housing. That is 2.4 FAR for affordable or senior housing and 9.6 FAR for market-rate housing; without the bonus, the developer can build 10 FAR of market-rate housing.

Exempting the sites from the "Sliver Law" creates an enormous incentive to demolish the narrow buildings, many, if not most, of which currently contain affordable housing. The gains in market-rate housing illustrate this point:

- In R10A districts, a building less than 45 feet wide can have 100 feet of market-rate housing. Under ZQA, it can have 188 feet.

- In R9X districts (Lexington Avenue), a building less than 45 feet wide can have 75 feet of market-rate housing. Under ZQA, it can have 164 feet.

- In R8B districts, a building less than 45 feet wide can have 60 feet of market-rate housing. Under ZQA, there is no change; it can also have 60 feet.

- In the Special Madison Avenue Preservation District, a building less than 45 feet wide can have 80 feet of market-rate housing. Under ZQA, it can have 168 feet.

- In the Special Park Improvement District, a building less than 45 feet wide can have 100 feet of market-rate housing. Under ZQA, it can have 168 feet.

- In R10 districts, a building less than 45 feet wide can have 100 feet of market-rate housing. Under ZQA, it can have 188 feet.

This pointless and destructive provision of ZQA should be deleted.

CONTEXTUAL ZONES

The height limits in Contextual zones are already generous and exceed the heights of buildings whose configurations they are intended to replicate. For example, the prewar apartment buildings upon which R10A is modeled average 160 to 180 feet in height; the R10A limit is 210 feet. ZQA proposes to add 5 to 25 (IH, etc.) feet, which will bring new buildings totally out of context with their neighborhoods.

The first 5 feet on R10A is intended to accommodate a taller ground floor. 210 feet can easily accommodate this increase; if there is a need for flexibility for the higher ground floor, it can be achieved by creating an option to increase the base height by 5 feet.

The effect on R9X is sufficiently damaging that it will be addressed separately.

LEXINGTON AVENUE – R9X

If Lexington Avenue were only one foot narrower, it would qualify as a "narrow street." ZQA proposes to increase the building height by 15 and 45 (IH, etc.) feet. The current height limit is 160 feet, which is the maximum of what is appropriate on such a narrow avenue; the proposed 205 feet would seriously impair its character.

AFFORDABLE HOUSING LOSS AND INCREASE

The current systems of giving bonuses for building affordable housing is self-defeating because the existence of affordable housing on the development sites is not taken into consideration. This leads to, and has led to in the past, the net loss of affordable housing – and large giveaways to developers. Any bonus should be awarded for a net increase in affordable housing.

AFFORDABLE HOUSING INCENTIVES

ZQA states correctly that the changes will not lead to an increase if market-rate housing. In fact, there usually will be a small decrease in market rate housing. It seems unlikely that any developer would go to the expense of building a larger building if he gets nothing, or less than nothing, in return.

The only exception is if he builds a "Sliver" – a destructive and widely-reviled building form.

MANDATORY INCLUSIONARY HOUSING

SPOT ZONING

It appears that that this proposal could lead to cases of unfortunate spot zoning at the request of a developer.

Defenders of the Historic Upper East Side asks that you reject the proposed "Zoning for Quality and Affordability."

With best regards,

Sincerely,

Elizabeth Ashby
Co-Chairman

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

Marilyn Bai
New York, NY 10014

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Pamela Wolf
New York, NY 10014

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Sue Marantz
New York, NY 10003

I support MIH. We need to protect the existing communities Quality of Life.

Neighborhoods overcrowding.
The new development with rents or pricing way above affordable for families and income.
The new development is taxing our existing water, sewer, gas and other utilities.
Our streets are being damaged by heavy construction equipment traffic.
Existing buildings being damaged by construction next to them or historic buildings being demolished.

Larry Wong
Astoria, NY

Dear Speaker Mark-Viverito

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Stop making local residents the victims of realtor greed and the destruction of the beauty and livability of our neighborhoods!

Terese Coe
New York, NY 10012

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Karen Lewitz
New York, NY 10003

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Roger Scholl
New York, NY 10014

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Leeor Sabbah
New York, NY 10014

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Sharon Novak
New York, NY 10014

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ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

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Robert Williams
New York, NY 10014

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Rita C. Chu
New York, NY 10065

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The 'one-size-fits-all' citywide zoning change does not take into account the neighborhoods that it will have a negative impact upon.

It takes away the input..the leverage that local communities, their Councilmembers and their Borough President.

The Mayor's proposal strips the individual communities of years of hard work to achieve the height limits and compromises the integrity of the individual communities.

Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

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Each situation must be evaluated individually.
Building height cannot be calculated by straight percentages. The Village has lower heights and different requirements than Midtown than Harlem than Coney Island.

The former Bowlmor building on University Place between 12th and 13th Streets will be more than double the surrounding buildings...and unnecessarily. Tall and skinny is not the architecture of THE VILLAGE!

This one size fits all - ZQA - will help developers displace the current residents (some elderly, some young families) with no where to go. They will be replaced by 'affordable' housing that is so out of range which will exclude the long time residents...the neighborhoods.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller.

I URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' plan.

Sincerely,

Judith Monaco-Callet
former Resident Chair of the Bleecker Area Merchants' and Residents' Association

Judith Monaco-Callet
New York, NY 10012

Daniel McCalla, President
Linda Eskenas, Vice President Staten Isl.
Preservation League of Staten Island
Howard Yourow, Vice President, Bronx
Judith Guttman, Vice President Queens
Parkway Village Historical Society
Ed Jaworski, Vice President Brooklyn
Madison Marine Park Civic Association
Lew Greenstein, Treasurer
Duffied Street Block Association
Patricia Sherwoord Recording Secretary
Parkway Village Historical Society

Directors
James Trent, President Foundation
Queens County Farm Museum
Queens Civic Association
Steve Lavine
Steven Kaye
South Canarsie Civic Association
Mitchell Gruber
Queens Preservation Council
Joy Chatel in Memorium
Friends of 227 Duffied Street
Joseph Hellman in Memorium
Douglaston Civic Association

Members
Steve Barrison, President
Bay Improvement Group
Henry Euler
Auburndale Improvement Associaton
Mary Mattner
Carroll Gardens Association

FOUR BOROUGH NEIGHBORHOOD PRESERVATION ALLIANCE CORPORATION

Councilmen Donovan Richards
Subcommittee on Zoning and Franchises
250 Broadway
New York, NY 10007

February 9th 2016

Dear Chairmen Richards

My name is Daniel McCalla, President of the Four Borough Neighborhood Preservation Alliance Corporation. I am writing to testify in opposition to the Zoning for Housing Application.

The Zoning for Housing proposal implies New York City should not be affordable to everyone.

A) Upon approval Land Prices will escalate on vacant lots, unless a crime wave breaks out.
B) The Speculation of what can be built alone will increase the value of land.
C) Luxury apartments, condominiums will be a real estate developer's choice to make a profit. The model of small percent of low income housing to be set aside is not profitable

For more than a decade up-zoning applications, were accompanied by building using tax exempt subsidies. This proposal unforeseen consequence will make subsidies necessary because if builders don't pay the taxes.

A) The Tax burden will be placed on homeowners, and the homeowners will put the burden on the renter.
B) Homeowners in New York City are already house rich and cash poor.
C) Residents in outer borough neighborhoods are already angry especially African-Americans of being pushed out of the neighborhoods they grew up in.

Conclusion

The zoning applications is the final nail in the coffin of Affordabity.

FOUR BOROUGH NEIGHBORHOOD PRESERVATION ALLIANCE CORPORATION

The Increasing of Floor Area Ratios Citywide will push back New York City to the days before zoning. The best example is the City of Houston Texas, or Beijing China.

A) There will be a mad dash for developers to grab every vacant lot to build luxury housing.
B) My fictional neighbor Jeffery can buy enough homes demolish them to increase his (FAR) and probably build a 20 story luxury apartment complex with a subsidy next to a one family home.

The Bottom Line is Developers have to make a profit, Low Income Housing Non Profits will be obsolete competing to purchase the land.

Contextual zoning application approved citywide by the City Council during the past decades will be ineffective.

A) Downzoning was necessary because the 1961 Zoning Resolution was developed at a time when New York City was underpopulated.
B) B) When communities worked with Department of City Planning officials, and Local elected officials to start contextual zoning applications.
C) Developers would work into the night to get enough foundations in,
D) Then apply for a hardship with the Board of Standard and Appeals. Creating Spot Zoning which use to be illegal.

New York City and New York State need to address reform in the Housing Lotteries, that native New Yorkers can't make a dent in because of policies of favoritism.

The Zoning application also proposes smaller floor area for Seniors in proposed New Senior Housing. Apparently the new trend in architecture Is too build smaller and smaller apartments. Why is the City copying the failed European housing model?

A) Tourist already flock to New York City because shopping is cheaper here that the high tax rates of their countries.
B) The Philosophy is you don't need to entertain guest in a living room when you have New York City as Your Living Room. Apparently this Ivan Drago housing philosophy is popular.

FOUR BOROUGH NEIGHBORHOOD PRESERVATON ALLIANCE CORPORATION

The Housing Court System also need a tremendous overhaul because families on public assistance can possibly get help over other candidates. Why should a family be on Public Assistance be favored over a family or couple without children, when homeowners have to sell property or are trying to rip off tenants? The Cities homeless crisis is out of control why pour more gasoline on it. There is no quick fix when the numbers can't be tracked accurately.

Why is this Relevant to the application? This is relevant because when you change so-called outdated zoning definition and pass the zoning application The Zoning becomes AS-OF RIGHT.
Plan examiners work will become either complicated or simpler. The Chaos begins because the Department of Buildings interprets the Zoning Resolution completely different from City Planning.

The Board of Standards and Appeals is basically a Court where Lawyers request adjournment after adjournments. Communities seeking to curtail bad behavior will run out of money arguing zoning variances. The applicant does not even have to prove they did not create their own financial hardship. When a Zoning application is not vetted promises will be broken. Past Council members have stated they wanted promises in writing. Why should a contract be honored, when dishonesty becomes the cost of doing business?

Policies have consequence and the working class and low income will be left out as the losers. In closing I urge the Committee and the City Council to vote down
The application.

Sincerely,

Daniel McCalla
President,
Four Borough Neighborhood Preservation Alliance Corporation

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vera scholl
new york, NY 10014

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A. Alice Blohm
New York, NY 10011

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Elisabeth Tiso
New york, NY 10014

TEXT OF TESTIMONY
OF
NACHMAN C. CALLER ESQ.
BEFORE THE NEW YORK CITY COUNCIL LAND USE COMMITTEE
February 9, 2016

Good afternoon Honorable Chair, and committee members. Thank you for giving me the opportunity to speak.

My name is Nachman C. Caller. I am a long time resident of the Boro Park community, where I have maintained a law practice for the last thirty years.

I have advocated for housing in our community for many years.

Approximately ten years ago, together with Rabbi David Niderman, I testified at a City Council hearing and was instrumental in successfully saving the 421A tax abatement vis-à-vis 4 to 6 family buildings, which represent a large amount of the housing in our community.

Our community is in dire need of affordable housing and has been denied its fair share. During the Bloomberg administration, when the city built 160,000 units only 252 units were built in our community.

In 2014 I ran for the NY State Assembly. The cornerstone and driving force of my campaign was to bring more housing to our community.

The main barrier hindering access to affordable housing within our community is the policy model set forth by the city to create affordable housing. This model will not and cannot work in Boro Park, Williamsburg or many other areas in the city.

The fundamental principles of the policy are clearly set forth in a White Paper prepared by the NYU Furman Center dated March 26, 2015. The policy heavily relies on cross subsidizing affordable housing, meaning that developers will use the profits from the rental of **market rate apartments** in a building to support the required percentage of affordable units.

However, this model relies on an assumed **market rate rent** of at least $3,200 for a 1 bedroom apartment in order to subsidize affordable units at 60% of AMI in the same building.

Our community is incapable of generating these kinds of market rate rents. Consequently, Boro Park can never qualify for Affordable Housing based on this model.

It is no secret that our community is in dire of housing. If you visit our neighborhood, you will find families with 6 or 7 children living in 2 bedroom apartments on the 6th floor of an apartment building. A walk through these buildings will reveal multitudes of little children spilling into the hallways which are filled with baby carriages and high chairs. Mothers, while juggling their overwhelming schedules must run down every morning to take the children to the bus stop. I have also heard of grandparents forced to share their beds with their grandchildren because there aren't enough beds.

Thankfully, the City Housing Mandatory Inclusion Housing Amendment contains certain provisions which offer a ray of hope for our community and for many other communities that cannot support the market rates which are needed to support affordable housing.

These Mandatory Housing provisions do not require that market rate housing units and the affordable housing be in the same building. This will allow developers to more properly shift the additional costs of the affordable housing requirement. However, these provisions still require

the affordable units to be in the same community district or in an adjacent community district within 1/2 mile of each other.
There has been much discussion about this provision, it's benefits, pitfalls and viability.
I have formulated the following proposal which I believe will allow communities, such as ours, to receive the affordable housing they need while allowing the broader policy goals to flourish;

1. The Council should require that 15% of the affordable units required to be built under the law be built in the same building project and the remaining 15% of the affordable units should be permitted to be off site. However, these offsite units shall not be limited to the same or adjacent community district. They shall be permitted anywhere in the city and the HPD shall choose these sites based on fair criteria.

2. In the alternative, developers shall contribute the entire this required cost of the affordable units to the affordable housing fund and the contribution shall be used for development of affordable housing. In this manner communities such as ours, which cannot support affordable housing projects on their own, can be allocated their fair share of units based upon its need.
   This formula would be the best of both worlds since it would require a substantial amount of onsite affordable units while providing a mechanism for supporting affordable housing in all areas of the city which desperately need affordable housing.
   This formula should also be applied to the 421A program so that the affordable requirement shall be satisfied in the same manner.
   There is no logical reason for differentiating between the benefits the developers get under the inclusionary program and the benefits they get under the 421A program.
3. In regards to the 421A program there is one other issue I would like to discuss;
   There has been much controversy with respect to this program and, as of now, the 421A program is no longer in effect. If this is the case, I propose that the city should reinstate the 421B program which was promised to us by the previous speaker of the City Council 10 years ago, which will provide limited benefits for new building. The cost to the city is minimal and it would greatly help new homeowners during the first few years of their home ownership when they are struggling to make ends meet.
   Regardless, this program should be reinstated for buildings with 10 units or less since the 421A program is not viable for such small buildings.

In conclusion, I appeal to the mayor, city planning and the city council to modify the property legislation to help provide our Boro Park community and many other communities, with affordable housing, which would not be available under the current proposals.

Thank you.

Nachman C. Caller
carlcaller@nccaller.com

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Harriet Stella
New York, NY 10014

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Clora Kelly
New York, NY 10011

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Jonathan Bell
New York, NY 10014

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KATE BOSTOCK
new york, NY 10014

Dear Speaker Mark-Viverito

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Paula Kaplan
New York, NY 10014

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Karin Batten
New York, NY 10014

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Bunny Gabel
NY, NY 10014

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Laura Sewell
New York, NY 10009

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Edward Butler
New York, NY 10021

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liz garfield
new york, NY 10009

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Sylvia Stein
New York, NY 10014

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Joseph N. DiMarco
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Brooklyn, NY 11215

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Howard Alan Zipser

Emeriti
Peter D. Salins
Marian Sameth

February 10th, 2016

Council Member David Greenfield
Chair, Committee on Land Use
250 Broadway
New York, NY 10007

Dear Chair Greenfield:

RE: Support for the *Zoning for Quality and Affordability* text change
City Council of New York Subcommittee on Zoning and Franchises
Public Hearing on Zoning for Quality and Affordability
Application No. 20160049 ZRY

I am writing on behalf of Citizens Housing & Planning Council (CHPC) to state our full support for the proposed *Zoning for Quality and Affordability* text change by the Department of City Planning, which is currently under public review.

Formed in 1937, CHPC is the oldest non-partisan civic organization focused on housing and urban planning in New York City. Our mission is to conduct research that helps us to better understand the housing and neighborhood needs of New York City - and to use this knowledge to shape practical policies that will contribute to the continual improvement of the city.

Because of this mission, we pay close attention to the impact of policy on the development of affordable housing. In recent years, we heard from many people in the affordable housing field that there were some parts of the Zoning Resolution, written decades ago, that had not kept up with the realities of residential construction today. As a result, it had become difficult to build well-designed apartments that would ease the extreme housing demand evidenced throughout the city.

We undertook a case study to examine this issue called the The Building Envelope Conundrum. We studied seventeen recent affordable housing developments that were in *contextual districts* and we found that eight out of the seventeen buildings were unable to provide the number of apartments that were allowed to be built because of the rules

dictating the outer dimensions of a new building in *contextual districts* in the Zoning Resolution.

In investigating this issue, we found that there were many aspects of housing design, development and construction today that had changed, but the rules setting a new building's external dimensions had not. For example, the rules assumed that apartments would have only eight foot ceilings. However, current design standards now call for higher ceilings, and modern fire safety requirements, such as sprinkler systems, must be accommodated between floors. Raising the ceiling height without changing the height of a new building makes it difficult or impossible to fit all of the permitted apartments into a new building – and it compromises their quality as well as the quality of the ground floor spaces.

In light of our findings, we offer our full support for the Department of City Planning for the updates to the zoning resolution that form the Zoning for Quality and Affordability text amendment.

It is crucial for our city - that has limited land, huge demand for housing and rapidly rising prices - that housing development, and our goals for residential buildings, are not constrained by this technical issue. It is an act of good government to make sure that regulations keep up with emerging needs.

We understand that this text change is highly complex because the Zoning Resolution has become more and more detailed. We also understand that it might be controversial to discuss allowing some additional height, however modest, to new buildings.

However, the Zoning for Quality and Affordability text amendment maintains the core principles of *contextual zoning* - maximum floor area limits, and controls on the shape and size of a new building are still in place. A limit on the number of stories that a new building has been added. The changes are moderate and pragmatic. Historic Districts and Landmarks are unaffected.

However, these changes will:

- Make it easier to build the number of apartments permitted for that site;
- Allow buildings to accommodate the affordable housing required in the new Inclusionary Housing program;
- Facilitate new apartments to have appropriate ceiling heights and more efficient layouts, which will directly benefit those who will live there;
- Offer buildings more design variation to better reflect our historic and varied cityscape;

- Encourage developers to provide good quality retail corridors on the ground floor of residential buildings, which will directly benefit neighborhoods;
- Reduce the cost of construction of new buildings – thereby reducing rents - by facilitating new and efficient methods of construction such block and plank construction and modular construction;
- Open up more development sites for affordable housing on irregularly shaped lots, where it is currently impossible to apply the 1980s dimensions designed for a rectangular site.

In addition, while we also recognize that the reduction of parking requirements may raise concerns for neighborhoods, CHPC is in favor of the reduced parking requirements for new low income affordable and affordable senior apartments – housing that is urgently needed across the city. The text is worded carefully to make sure that the reductions are only for sites that have adequate access to transit and for low income populations that have demonstrated low car ownership levels. At CHPC, we would actually like to see the parking reductions in transit zones extended even further in a city with the best and most affordable public transportation in the world.

New York is projected to see dramatic increases in its elderly population by over 40% by 2030. Therefore, we also support the proposed amendments that will encourage the development of affordable senior housing.

We congratulate the Department of City Planning on these proposed amendments and are excited to support their efforts.

If you have any further questions about our testimony and/or the studies that we have undertaken please do not hesitate to contact us.

Sincerely,



Jerilyn Perine
Executive Director
jperine@chpcny.org
(212) 286 9211 ext. 119

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Oral Testimony
of Sarah Watson, Deputy Director at
Citizens Housing & Planning Council, for the
City Council of New York Subcommittee on Zoning and Franchises Public Hearing on
Zoning for Quality and Affordability – Application No. 20160049 ZRY
February 10, 2016

My name is Sarah Watson and I'm the Deputy Director of Citizens Housing & Planning Council.

I am here to testify in favor of the ZQA text amendment.

I am the co-author of the Building Envelope Conundrum study that studied the building envelope issues that this text change seeks to address.

We had heard from many housing practitioners on our board that in recent years they were facing the difficult scenario of designing and developing residential buildings with **less apartments** that the floor area rules in zoning actually permits because of the rules that set the three dimensions of a new building. At a time when affordable housing is so desperately needed they were very worried about this.

We wanted test this issue so we did a case study of 17 recent projects that included affordable housing. We found that 8 out of the 17 projects were unable to build all of their permitted floor area because their maximum dimensions were hit first. Out of these 8 projects, over 56,000 sq ft of potential new apartments went unbuilt that would have been allowed under the current floor area rules in zoning.

To try to find out why this was happening today we looked back at the original assumptions made when the permitted dimensions for new buildings were originally drawn up in the 1980s.

We found that the basic answer is that a lot has changed for residential construction since then and the assumptions no longer hold:

- The dimensions were based on regular, rectangular lots – of which we have less and less.

- They were based on construction material used then, like poured in place concrete rather than newer systems today.

- The height limits were based on lower floor to floor heights for apartments than we accept today.

- And they did not take into account how much we would rely on floor area bonuses and deductions as key public policy tool, especially for the development of additional affordable housing.

Because of our findings, we are strongly in favor of the reform of the building envelope dimensions as part of this text change.

We believe the envelope changes to some building heights, courts, setbacks, rear yards and lot coverage will open up irregular shaped lots for development.

They will facilitate newer cost-effective construction systems such as modular construction and block and plank construction which favors different dimensions of a building.

They will allow us to prioritize the quality of apartments with higher ceilings and more efficient layouts that are not being squeezed into an outdated envelope.

And these changes – especially the height increases – will allow there to be space for floor area bonuses and deductions – so that they can actually have value as incentives.

Finally, in addition to our envelope study, our Making Room project has shown us how extensive the single population is and there's a serious lack of safe legal options for them. Therefore we are also fully in support of the changes proposed to take out a minimum unit size from zoning. And the change to the density calculations to allow there to be more of a range of unit sizes in a building – and more small units for singles.

To summarize, we are strongly in favor of this text change because it is crucial to update regulations to keep up with changing values and needs of the city - at a time when we face a desperate need for more affordable housing.

PRATT CENTER
FOR COMMUNITY DEVELOPMENT

Mandatory Inclusionary Housing Policy: considerations for creating a truly inclusive city

Testimony to City Council, Subcommittee on Zoning and Franchises
Elena Conte, Director of Policy
February 9, 2016

Chair Richards, Council Members, thank you for the opportunity to testify today on the critical issue of a Mandatory Inclusionary Housing (MIH) proposal. More than a decade ago, Pratt Center, alongside its community-based partners, began advocating for a mandatory inclusionary zoning program in New York City. Then as now, a confluence of factors are conspiring to cause housing prices to sky-rocket and rates of homelessness to soar, necessitating multiple strategies to ensure that our city offers all its people neighborhoods of opportunity and the basic human right of decent housing. We commend the Administration for advancing the conversation to this point, and hope that it will continue so that substantial changes can be incorporated before the City Council takes its vote. MIH has a significant role to play in creating those mixed neighborhoods of opportunity – in the short-term horizon of envisioned rezonings, and in the long term as a policy that must serve the city for decades to come.

To create inclusive neighborhoods where lower income residents have equal access to opportunity requires both the diversification of wealthier neighborhoods and the assurance that lower income residents can stay in the neighborhoods they have shaped and advocated for and where their social networks provide essential support, but that are now being targeted for redevelopment.

A Mandatory Inclusionary Housing policy should advance both these visions of inclusion.

Unfortunately, as has been highlighted by many of our community-based partners, and even after the positive changes made by the Planning Commission, the current proposal does not do enough to support either of these visions of inclusion. It falls short of capturing the value of strong-market neighborhoods to create deeply affordable housing and it does not guarantee that new subsidized housing in weaker-market neighborhoods will provide existing residents with an opportunity to live there.

The MIH proposal could be modified to better contribute to these goals while still taking into account the realities of housing development and legal constraints. The following changes to the proposal would be significant in better aligning it with the goal of inclusivity:

Creation of

- an expanded menu of affordability options for neighborhoods; among those options inclusion of a tier that creates affordability at 30% of Area Median Income (AMI);

Elimination of

- any option that solely creates units that exclude households earning less than 80% of AMI (~$55,300 for a family of two)

There is no denying that in seeking to craft a MIH policy, the Administration is charged with navigating a complex set of factors to strike a balance that will facilitate the creation of new affordable units, facilitate development under a range of conditions and withstand legal challenge. Nevertheless, in attempting to strike that balance, it appears as though certain viable scenarios were not fully considered.

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Specifically, the study commissioned by the City and conducted by Bay Area Economics did not look at scenarios that create housing at affordability levels lower than 60% of AMI. Scholarly literature[1] supports the assertion that in strong markets, the depth of affordability of any given non-market unit has significantly less impact on a developer's bottom line than the overall percentage of non-market rate units. In other words, creating an option for deeper affordability is entirely feasible and in strong market (wealthy) neighborhoods, would result in the creation of these units even without subsidy. Such an option should clearly be added to the existing offerings.

In weighing the various factors that are relevant in creating MIH policy, it is essential to remember that policy made today will be in effect for decades to come and must be effective beyond the term of this mayoral administration. While no one knows for sure what the future will bring, over the long term it is reasonable to assume that the market will get stronger, and that rents in unsubsidized/unregulated units will continue to climb. In the future, more and more neighborhoods will be able to sustain more residential development without subsidy. Because there is great need citywide for housing that is affordable at levels of 40%, 30%, and 20% of AMI, and existing programs are limited in their ability to finance those units, any opportunity to create units at those levels should be seized. It would be a major oversight and missed opportunity not to lock in an option that that accomplishes the broadest and deepest affordability to create the greatest possible public benefit.

Finally, we strongly recommend that the City Council and the Administration act swiftly to make clear the strategies it will implement for preventing displacement in lower income and rapidly gentrifying neighborhoods, whether they are slated for a rezoning action or not.

Family by family and neighborhood-wide among the 40% of New Yorkers who will not be eligible for the housing currently proposed under MIH, people are experiencing rapidly escalating rents and landlord harassment that forces them to move to away from the communities that they have called home and/or places them on the brink of homelessness. We echo their call for a set of preservation and anti-displacement policies that address the depth and breadth of the issue, and that are backed by as much political effort, creative thinking, and commitment of funding as this initiative.

There are many ideas on the table -- tax lien reform, requiring certificates of no-harassment, reducing barriers to renting new units, right to counsel, increasing the preservation options within MIH, developing an Accessory Dwelling Unit pilot, to name just a few. Many of these have been proposed and developed by community-based, grassroots efforts, are feasible and would have impact.

This hearing was scheduled with a scant two week notice, making it difficult for the public – especially those in the boroughs who have the most at stake in the formation of the policy – to participate. We strongly urge the Council to maximize the time between now and its eventual vote to exercise its direct powers and power of negotiation to arrive at a package that harnesses the thought-leadership of communities and addresses the key concerns about depth of affordability and preservation that low-income New Yorkers have raised throughout this process.

We look forward to working with you and the Departments of City Planning and Housing Preservation, and the Mayor's Office to craft those strategies alongside a MIH program that maximizes the public benefit it can deliver now and into the future. A public policy opportunity like this will not come around again any time soon and we must ensure that we maximize the value that can be created. Thank you.

NOTE: This testimony was prepared by the Pratt Center for Community Development. It does not necessarily reflect the official position of Pratt Institute.

[1] NYU Furman Center (March 2015) "Creating Affordable Housing Out of Thin Air: The Economics of Mandatory Inclusionary Zoning in New York City" Research Brief

National Trust for Historic Preservation
Save the past. Enrich the future.

February 9, 2016

Council Member David G. Greenfield
250 Broadway, 17th Floor
New York, NY 10007

Re: Proposed Changes to New York City's Zoning Law

Dear Council Member Greenfield:

I want to express the concern of the National Trust for Historic Preservation around two recently proposed city-wide zoning changes in New York City—"Zoning for Qualify and Affordability" and "Mandatory Inclusionary Housing." Chartered by Congress in 1949, the National Trust is headquartered in Washington, D.C., with field offices across the country – including New York City – and has over 800,000 members and supporters.

Our concern is that neither proposal to change the city's zoning code appears to have taken into account the adverse effects the proposed changes would have on New York City's historic districts. In particular, both proposals seem to be based on the false assumption that historic preservation contributes to unaffordable housing. That simply is not the case.

Historic preservation is designed to protect places that are valued by communities and that maintain our sense of place and identity as individuals and as a nation. While most historic preservation takes place as a voluntary activity, this work is also supported by laws and designations that protect historic resources so that current and future generations can appreciate and enjoy them. Local preservation efforts have saved iconic places like Grand Central Terminal in New York City as well as a wide range of historic districts with buildings and landscapes that tell the story of all Americans and provide opportunities for economic growth to a wide variety of our nation's citizens. As the Supreme Court of the United States has recognized, historic preservation ordinances are enacted

David J. Brown | Executive Vice President & Chief Preservation Officer

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to protect the interests of the community as a whole, not just those of a few individuals. (Penn Central Transport. Co. v. City of New York, 438 U.S. 104, 132 (1978).)

For decades, historic districts all over the country and throughout New York City have used their older buildings and streetscapes as assets for community revitalization, providing for a greater diversity of income and cultural background in neighborhoods, while increasing property values and job opportunities. More and more cities – after looking at the data and considering alternatives – are following the lead of the City of Los Angeles, which has made adaptive reuse of older buildings a key component of increasing affordable housing and office space in a way that conserves community character and scale. Research has shown repeatedly that rehabilitation of older buildings and neighborhoods produces higher-paying jobs than new construction while the economic benefits remain in the local economy.

Historic districts also increase heritage tourism, an important factor in New York's tourism economy. The economic benefits of heritage tourism are unparalleled. According to the World Bank report, *The Economics of Uniqueness*, "[heritage-related projects] contribute to urban livability, attracting talent, and providing an enabling environment for job creation."

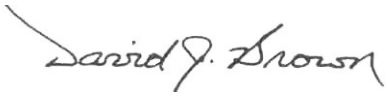
Notwithstanding the positive benefits of historic preservation, "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH) as currently drafted would jeopardize New York's historic resources. Among other things, ZQA ignores decades of local planning with no guarantee of making housing more affordable. Instead, it makes possible out-of-scale market rate development in neighborhoods that have worked hard to obtain City-approved height limits. And although we support the concept of MIH generally as a way of insuring that new housing will be affordable by people of low or moderate incomes, the current plan will likely produce apartments that are still too expensive for those residents who need affordable housing the most.

As you evaluate these proposals, we urge you to consider the balanced report commissioned by the New York Landmarks Conservancy, which demonstrates that historic preservation and affordable housing are not mutually exclusive. We concur with the Conservancy's recommendations, which suggest eliminating

contextual zones and historic districts from ZQA to protect their existing integrity; disallowing encroachment in rear yards to protect light, air, and open space; and retaining the existing Sliver Law regulations that prohibit tall narrow buildings on side streets. In regards to the MIH, it should not use the New York Metropolitan Area average for purposes of measuring affordability. As noted by many housing advocates, this average is too high. Rather, it would make more sense to consider affordability based on incomes for each borough, neighborhood, or census block. As the Friends for the Upper East Side have pointed out in their study, new construction under the proposed plans could actually result in fewer affordable housing units through a pattern of "tear down and rebuild" development.

For all of these reasons, we urge you to oppose ZQA and MIH as currently drafted. The National Trust stands ready to assist you and your colleagues to ensure the protection of historic resources and local communities throughout New York City.

Sincerely,



David J. Brown

cc: Council Member Inez Barron
Council Member Joe Borrelli
Council Member Margaret Chin

Greenwich
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TESTIMONY OF THE GREENWICH VILLAGE SOCIETY FOR HISTORIC PRESERVATION BEFORE THE NEW YORK CITY COUNCIL REGARDING *MANDATORY AFFORDABLE HOUSING* PROPOSAL

February 9, 2016

Requiring a percentage of affordable housing in new developments, as MIH proposes, could be reasonably assumed to help affordability in New York City.

But the Mayor has insisted that MIH would only be applied if also very significantly increasing the amount of market rate or luxury housing which would be allowed, which would have the exact opposite effect.

This is essentially applying the Williamsburg/Greenpoint and West Chelsea/Hudson Yards model to the entire city. Those neighborhoods were rezoned in 2005 to allow significantly increased market rate development in exchange for affordable housing creation. In the past ten years, these two neighborhoods have produced far and away the most new affordable housing units in the city through the inclusionary zoning program. But the tsunami of market-rate housing which was the price to pay for it has made these two neighborhoods physically and scoio-economically unrecognizable. They look more like Hong Kong or Miami than New York City, and they are among the least affordable, most rapidly gentrifying parts of the city – a process greatly accelerated by the vast increase in the amount of allowable market-rate residential development from the rezonings. And while MIH would produce a slightly higher proportion of affordable housing than in these areas (25-30% as opposed to 25% in West Chelsea/ Hudson Yards and 20% in Williamsburg/Greenpoint – see attached City Planning data for Community Board #4, Manhattan and Community Board #1, Brooklyn), the overall effect would nevertheless be largely the same.

Tying MIH exclusively to large-scale upzonings and significantly increasing the allowable amount of market rate housing also means that it will almost undoubtedly will not be applied in many parts of the city. Areas of the city with housing markets strong enough to support MIH without government subsidy and without requiring large scale increases in the size of development are found largely in medium to high density districts in Manhattan and Brooklyn. Arguably these communities in some ways need affordable housing most. In most cases, however, these are also communities which value maintaining a human scale and character, and would strongly oppose large-scale upzonings, though they would likely welcome new affordable housing. This MIH policy needlessly puts these two important public policy goals in opposition.

The de Blasio administration has made clear that they won't consider turning the many voluntary 'Inclusionary Housing' districts already mapped in many of these areas into mandatory ones. And when we proposed rezoning the University Place/Broadway corridor of our neighborhood to allow modest increases in the size of new

development for including affordable housing, the de Blasio administration rejected it, saying that only a large-scale upzoning would be considered. They preferred instead to keep in place the existing zoning which guarantees that only luxury condos will be built in this area.

The administration claims such enormous increases in the allowable amount of market rate housing are necessary to make the production of the required affordable housing economically feasible, and to insulate against legal challenges. But these are false claims. Reports and analysis by the Furman Center at NYU and the Association for Neighborhood and Housing Development both point out that in many parts of the city, affordable housing could be produced as a mandatory component of new developments without the need to increase the allowable size of development. And clearly the legal requirement that inclusionary zoning allow property owners to make a "reasonable return" on their investment would not necessitate massive upzonings in many parts of the city. This is evidenced by the fact that many developers in existing inclusionary zones choose to participate in the affordable housing program right now, with just the modest bulk increases they currently receive in return.

In fact, this policy of tying MIH to massive increases in the allowable amount of market-rate housing seems to be driven more by the administration's desire to maintain favor with the real estate industry and not damage their profits than by any real concern about affordability. Rather than asking the real estate industry to bear its fair share of the burden, the administration wants communities to needlessly sacrifice their light, air, scale and character in exchange for affordable housing, and in the end to accept a program which will have the overall effect of making their communities less affordable.

I urge the Council to instead be guided by a clear evaluation of what will really address affordability, rather than a desire not to offend developers. Allow communities to maintain their scale and character, and do not make affordable housing requirements or new rezonings dependent upon large and damaging increases in the allowable amount of market-rate development, as currently contemplated for MIH.

Thank you.

From Department of City Planning Website: http://www.nyc.gov/html/dcp/html/ih_production/index.shtml

Inclusionary Housing Designated Areas
Total Housing Units Created in New Buildings and IH Affordable Units Produced Through July 2013

Community District	Number of Units in Buildings Issued NB Permits Within Designated Area	Total affordable units produced through IH	% of total units permitted
BK 1*	6825	996	14.6%
BK 2	99	0	0.0%
BK 3	321	90	28.0%
BK 6	0	0	n/a
BK 7	97	6	6.2%
BK 13	0	0	n/a
BK 14	0	0	n/a
Brooklyn total	**7342**	**1092**	**14.9%**
BX 1	201	40	19.9%
BX 3	0	0	n/a
BX 4			n/a
BX 6	5	0	0.0%
BX 7	0	0	n/a
Bronx total	**206**	**40**	**19.4%**
MN 1	19	0	0.0%
MN 2	0	0	n/a
MN 3	461	89	19.3%
MN 4	6055	1470	24.3%
MN 6	0	0	n/a
MN 7	616	127	20.6%
MN 9-10-11**	191	37	19.4%
Manhattan total	**7342**	**1723**	**23.5%**
QN 1	81	0	0.0%
QN 2	157	0	0.0%
QN 12	182	33	18.1%
Queens total	**420**	**33**	**7.9%**
NYC total	**15310**	**2888**	**18.9%**

*In upland areas of the 2005 Greenpoint-Williamsburg rezoning, some areas zoned R6B or R6 are only eligible for a much smaller bonus, which provides a limited incentive for a smaller share of affordable units. Excluding these areas, Brooklyn CD 1 had permits for **6,309** total units in new buildings, and Inclusionary Housing affordable units represent **15.8%** of this total.

** The 125th Street rezoning (adopted in 2011) included portions of Manhattan CDs 9, 10, and 11.

L. E. S. P. I.

LESPI-NYC.ORG

February 5, 2016

Hon. Rosie Mendez
New York City Council
237 First Ave, Suite 504
New York, NY 10003

re: NYC DCP's Proposed "Zoning for Quality and Affordability"

Dear Council Member Mendez:

Lower East Side Preservation Initiative is writing to request that you vote against the NYC Department of City Planning's proposed "Zoning for Quality and Affordability." Our concerns focus on the city's historic neighborhoods, some but not all of which are NYC historic districts, particularly within the traditional Lower East Side which extends from East 14th Street to south of Chinatown.

Our primary objection to this proposal is that, despite modifications to the plan, the rezoning treats the city with too broad a brush. Certain areas of the city may be suitable for this kind of upzoning. But many areas are not, including those where:

- Their special character is defined by low rise buildings, where light and open space predominate. This includes many historic neighborhoods both landmarked and not landmarked, such as the historic East Village.

- The area has been built to a density where light and air have become limited, and severe wind tunnel effects have become more commonplace. Much of Manhattan as well as certain neighborhoods of Brooklyn and Queens fall within this group.

- Increased development pressure will result in further loss of the area's existing low and moderate income residents and small businesses, which contribute significantly to neighborhood character and are often its "heart and soul." A lot of new development results in the loss of these groups, and this has been endemic in the East Village.

Although we are very supportive of income diversity and affordable housing for New Yorkers, we believe that this proposal's broad brush approach to zoning disempowers communities, and relies on one-size-fits-all solutions which will necessarily show poor results.

We respectfully request that you oppose the proposed "Zoning for Quality and Affordability." We believe potential rezonings should be handled on a community-by-community basis. Thank you.

Sincerely,

Richard D. Moses
President

cc: Hon. Melissa Mark-Viverito, NY City Council



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Testimony Jerilyn Perine Executive Director
Citizens Housing & Planning Council,
City Council of New York Subcommittee on Zoning and Franchises Public Hearing on Zoning for Quality and Affordability – Application No. 20160049 ZRY
February 10, 2016

My name is Jerilyn Perine and I am the Executive Director of the Citizens Housing & Planning Council, the oldest civic and educational organization that focuses on concerns of the City's housing stock. Prior to this position I served in NYC government for 28 years – including as the Commissioner of the Department of Housing Preservation and Development between 2000 and 2004.

Thank you for the opportunity to testify in support of ZQA on behalf of CHPC.

My colleague Sarah Watson will be speaking about our study of the Building Envelope rules and the need for reform.

You will also hear the testimony of our Board President Mark Ginsberg which will address some of the more critical technical and design issues that the new text seeks to address.

I want to talk about just one thing.

Whether we *plan* for it or not our population is growing.
Whether we *like* it our not our population is growing and will likely hit 9 million people by 2040.

As crime remains low, as our city's cultural and social life become more vibrant and diverse, as our economy remains strong, we will continue to attract those with aspirations and ambitions from all over the world and across all incomes.

And we are retaining more of our own population – NY'ers born here – from the young to the elderly – and for all the same reasons.

Of course this growth has impacted our historically tight housing market. The result? Those with the financial means – have housing choices in NYC never before imagined – from old tenements in neighborhoods now sporting exuberant street life – to newly constructed high rises in areas once off limits as old industrial areas.

But for those with less income the choices are virtually non existent– they are losing out more and more in the competition for our City's scarcest commodity – a vacant affordable apartment.

So now nearly a quarter of our households share their apartment with either extended family members or unrelated single adults in order to put a roof over their heads. More than a quarter million people live in illegal spaces that are often unsafe and nearly always lacking legal tenant protections; nearly 60,000 of our fellow New Yorkers are living in homeless shelters and thousands more are on the streets.

At the same time our construction costs are higher than anywhere in the U.S. Even worse the cost of housing is outpacing the cost of construction as transaction and regulatory burdens further squeeze supply and push prices up.

The Mayor has smartly created a housing strategy to both use the City's financial resources to directly subsidize housing – both new and existing – to reach below market households and has looked for ways to improve housing regulations to help reduce the cost of development and increase the supply of affordable housing.

ZQA is an important part of that strategy with a bundle of changes that will update rules from 1987 so that the already permitted FAR can yield the amount of housing that was intended.

It will encourage affordable housing for the elderly and families earning 80% of median or less; it will reduce in some cases parking requirements that increase costs and decrease affordable housing; it will allow for more efficient construction techniques like modular construction; and by allowing flexibility in the building envelope it will be possible to improve the interior design of apartments and the exterior designs of buildings.

Or we could do nothing new and stand by as the number of New Yorkers who are severely rent burdened or overcrowded continues unabated – and as our City becomes essentially unattainable to all but the wealthy or simply those lucky enough to have gotten here first.

NYU Furman Center

Advancing research and debate on housing, neighborhoods, and urban policy

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Overview of NYU Furman Center Research Relevant to Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) Text Amendment Proposals

Mark A. Willis
Senior Policy Fellow
New York University's Furman Center for Real Estate and Urban Policy

Written Testimony Submitted to the New York City Council
Subcommittee on Zoning and Franchises
Tuesday, February 9, 2016

Chairman Richards and all the members of the Subcommittee, I am Mark Willis, the Senior Policy Fellow at the Furman Center for Real Estate and Urban Policy at New York University. The Furman Center is a joint research center of the NYU School of Law and the University's Robert F. Wagner School of Public Service. Our work at the NYU Furman Center is devoted to examining the public policy aspects of land use, real estate development, and housing.

I would like to share some NYU Furman Center research findings relevant to the two zoning proposals now under consideration: the Mandatory Inclusionary Housing program (MIH) and Zoning for Quality and Affordability (ZQA). I have attached to my testimony two policy briefs that contain the relevant findings: *Creating Affordable Housing Out of Thin Air: the Economics of Mandatory Inclusionary Zoning in New York City*, which was released earlier this year; and *Minimum Parking Requirements and Housing Affordability in New York City*, which was released in 2011.

These policy briefs consider how mandatory inclusionary zoning and parking requirements might affect the production of housing—and affordable housing more specifically—in New York City. The demand to live in the City has never been stronger from households at all income levels, but the supply of new housing is not keeping up. The resulting shortage is contributing to the upward pressure on rents and home prices. In 2014, for example, 55 percent of renter households in New York City paid 30 percent or more of their income on rent, and a full 30 percent of renters in the City paid more than 50 percent of their income towards rent.[1]

Mandatory Inclusionary Zoning

Inclusionary zoning is a tool for generating affordable housing in conjunction with market-rate development. The research we have conducted at the Furman Center provides a financial context to understand how mandatory inclusionary can create affordable units by harnessing market-rate development without dampening the rate of investment in new residential buildings. We appreciate that the City Council must also consider legal parameters, planning principles, and community input.

The goal of inclusionary zoning is to have market-rate units "cross-subsidize" the development of affordable units.[2] With such a program, affordable units are automatically created—as long as market-rate development continues—without the need for any direct expenditure of City subsidy dollars.

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[1] NYU Furman Center, U.S. Census, American Community Survey (2014).

[2] NYU Furman Center (March 2015). *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs*. New York, NY. Retrieved from http://furmancenter.org/files/NYUFurmanCenter_InclusionaryZoningNYC_March2015.pdf. See also *Creating Affordable Housing Out of Thin Air: the Economics of Mandatory Inclusionary Zoning in New York City*, New York, NY. Retrieved from http://furmancenter.org/files/NYUFurmanCenter_CreatingAffHousing_March2015.pdf.

With its proposal, the City seeks to create a template for implementing mandatory inclusionary zoning where rezonings create substantial additional residential zoning capacity. Because the City contains a range of market types, designing such a program that can work city-wide is admittedly complex. If the City wants to encourage continued development of both market-rate and affordable units, it must consider how its policy may influence the choices that developers and landowners make. For our analysis, we looked to see how increased density could be used to subsidize affordable units without dampening supply. Based on assumptions of construction and operating costs and the existence of property tax exemption under 421-a, we found that:

- In neighborhoods where rents are high enough to support new mid- or high-rise development, additional density alone can create a cross-subsidy that both supports the creation of some affordable units while still allowing developers to earn what we understand to be a commonly expected return. The higher the rents, the higher the percentage of the added units that can be required to be affordable without diminishing the developer's overall return.
- In much of the City, however, rents are not high enough to spur mid- or high-rise development in the first place even if land were free. Adding additional density alone will not spur development in these neighborhoods and so development in these areas will need to be subsidized.

In summary, combining increased density with mandatory inclusionary zoning can work to support the building of both market-rate development and affordable housing without the need for any additional government subsidy. The challenge is to do it so as not to suppress development.

Parking Requirements and Housing Affordability

The second area of research I want to share is our work on the effects of parking requirements on the affordable housing that the City can develop. Providing parking facilities increases overall construction costs and so, in effect, increases the cost of each unit built. Our research found that the City's parking requirements can cause developers to build more parking spaces than if they were simply meeting demand.[3] Reducing parking requirements for affordable units near transit, as ZQA proposes, could better align the number of spaces provided with the need for parking. The resulting reduction in the cost of building affordable units would allow the City to stretch its subsidy dollars further and support the production of more affordable housing or target lower income households.

[3] NYU Furman Center (2011). *Minimum Parking Requirements and Housing Affordability in New York City* (p. 11). New York, NY. Retrieved from http://furmancenter.org/files/publications/furman_parking_requirements_policy_brief_3_21_12_final_2.pdf.

NYU Furman Center

Housing for an Inclusive New York:
Affordable Housing Strategies for a High-Cost City

First in a series of five policy briefs by the NYU Furman Center

1

RESEARCH BRIEF | MARCH 2015

Creating Affordable Housing Out of Thin Air:

The Economics of Mandatory Inclusionary Zoning in New York City

In May 2014, New York City's new mayor released an ambitious housing agenda that set forth a multi-pronged, ten-year plan to build or preserve 200,000 units of affordable housing. One of the most talked-about initiatives in the plan was encapsulated in its statement, "In future re-zonings that unlock substantial new housing capacity, the city must require, not simply encourage, the production of affordable housing in order to ensure balanced growth, fair housing opportunity, and diverse neighborhoods." In other words, the city intends to combine upzoning with mandatory inclusionary zoning in order to increase the supply of affordable housing and promote economic diversity.[1]

1 City of New York. (2014). Housing New York: A Five-Borough, Ten-Year Plan (p. 7). New York, NY. Retrieved from http://www.nyc.gov/html/housing/assets/downloads/pdf/housing_plan.pdf.



Inclusionary zoning—using land use regulation to link development of market-rate housing units to the creation of affordable units—is an appealing policy because it shifts some or all of the direct cost of building and operating affordable housing from the government to market-rate development, particularly when that development benefits from government investments and policy changes. The policy only works, however, if the market-rate units produce enough income to make the entire development, including the affordable units, financially attractive. In other words, the market-rate units need to "cross-subsidize" affordable units that charge below-market rents.

While the city has had a voluntary inclusionary zoning program (the Inclusionary Housing Program) since 1987, there are a number of open questions about how a mandatory program would operate and what effect it might have on the city's housing market.

Under a voluntary inclusionary zoning policy, where a developer receives a density bonus for participating, a developer elects to participate if the benefit obtained from the bonus outweighs the cost of rent-restricting the required number of affordable units.

If an inclusionary policy is mandatory, however, it means developers can only escape the cost of providing affordable housing by electing not to develop at all. Developers will continue building new housing after the adoption of a mandatory program only if they are willing to absorb this cost by accepting a lower financial return, or if they are able to make up for this cost elsewhere, by bidding less for land or construction services, or increasing revenue by being able to build additional market-rate units. And while a mandatory program has the potential to generate more affordable units, unlike a voluntary program, a mandatory program runs the risk of suppressing some development altogether if the affordability requirement is too strict, and land owners and developers do not adjust to the changed economics.[2]

Voluntary Inclusionary Zoning In NYC

The city's existing Inclusionary Housing Program is voluntary and allows developers to build bigger buildings in certain parts of the city in exchange for providing affordable residential units, either in their building or in another building in the same community district or within a half mile in an adjacent community district. The affordable units produced pursuant to this program must be affordable for the life of the additional building area that is built using the zoning bonus. This linkage creates units that are essentially permanently affordable, given the presumed long lifespan of newly built market-rate housing. According to data from the city's Department of Housing Preservation and Development, this program has helped create almost 7,000 affordable units since its adoption in 1987.

This brief describes the economic potential of a mandatory inclusionary zoning program to require the development of affordable units without public subsidy and identifies some of the possible challenges local governments will face in designing it, especially in a large city like New York with such a diverse set of local markets.[3] In light of the statement in the city's housing plan, we focus in particular on the potential of additional zoning density to cross-subsidize affordable

2 Over the longer run, developers (and land owners) may well be able to adapt as necessary to changes in policies and economic conditions, even if unable to do so immediately following a policy change.

3 This brief only presents an economic analysis of the potential for mandatory inclusionary zoning tied to new zoning density. It does not address any possible legal issues that might arise from the imposition of any particular policy.

housing without relying on land prices to adjust or developers to accept lower financial returns. To better understand this potential, we constructed financial models of residential development in New York City using estimates of current market and affordable rents, construction and operating costs, and the financial returns developers need to earn in order to pursue a building project.[6] The models also allow us to explore the interaction among property tax incentives currently available to developers (namely the 421-a tax exemption), additional zoning density added through an upzoning, and different affordable housing requirements.

The 421-a Tax Exemption

The 421-a tax exemption offers property tax relief to developers and owners of rental and condominium buildings with at least four units in New York City. In Manhattan[4] and many neighborhoods in the other boroughs closest to Manhattan—defined in the law as the "Geographic Exclusion Area" or "GEA"— a developer can qualify for the exemption only if she provides 20 percent of her units as on-site affordable housing (affordable at 60 percent of area median income if no other government subsidies are used).[5] Outside of the GEA, developers qualify for the same exemption if they provide 20 percent of their units as affordable, but even fully market-rate buildings automatically qualify for a less-generous exemption.

Given the property tax burdens facing multifamily residential properties in the city (especially the higher burdens facing rental buildings),[7] the 421-a exemption offers significant savings to market-rate landlords and condominium and cooperative owners. During the exemption period, a building's property tax burden is based only on the pre-development value of the property, unless the value of the exemption is capped (see below). For developers providing affordable units, the exemption lasts either 20 or 25 years (including a phase-out period) after construction is complete, depending on the location, and there is no cap on the exemption's value. Outside of the GEA, for developers who do not provide affordable units, the exemption lasts for 15 years (including a phase-out period), and the value of the exemption is capped. The 421-a exemption is set to expire in June 2015 if the state legislature does not renew it.

4 As a result of restrictions imposed by New York City Council, the 421-a property tax exemption is not generally available in the parts of Manhattan that are zoned for very high-density commercial development (with commercial floor area ratio equal to 15), which are located in the Midtown and Downtown commercial districts. However, legislation enacted by the New York state government in 2013 specifically made five development sites in these parts of Manhattan eligible for the 421-a exemption.

5 If the project uses certain other types of government subsidy, the affordable units can serve households earning up to 120 percent of AMI, but for buildings with 25 or more units, the average affordability level of the affordable units cannot exceed 90 percent of AMI. Developers inside the GEA can also qualify for less-generous exemptions by purchasing certificates generated before 2008 from affordable housing developers under a now-defunct off-site affordable housing option.

6 The assumptions we use in our models are based on information compiled from interviews with residential developers and other industry experts active in New York City. Those interviewed identified a range of costs and rents, within which we selected specific estimates to use in our models. A full list of these assumptions is included in Appendix A of our full report, *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs*.

7 For an overview of New York City's property tax system, see *Distribution of the Burden of New York City's Property Tax* in *State of New York City's Housing and Neighborhoods 2011* (pp. 7-28). New York City: Furman Center for Real Estate and Urban Policy.

As we discuss below, we find that a mandatory inclusionary zoning program tied to increased zoning density in high-rent neighborhoods has the potential to spur the development of affordable units. In many neighborhoods with lower rents, however, adding zoning density will be unlikely to produce new affordable housing, at least not without additional subsidy. We also note the significant impact that the 421-a property tax exemption has on the ability of market rate rental units to support the creation of affordable units.

While the city will need to consider many other issues that are unrelated to the economics of the program—such as how much additional density should be added in different locations, given existing infrastructure and transportation constraints, the possible effects of additional development on current residents, and legal issues—our analysis estimates the potential of inclusionary zoning tied to upzonings to produce affordable units in different neighborhoods and highlights some of the economic constraints and trade-offs between policy options the city faces as it crafts its new program. For a longer discussion of our findings and for the assumptions we make in the modeling, please see our full report, *Inclusionary Housing Policy in New York City: Assessing New Opportunities, Constraints, and Trade-offs*, available at *http://furmancenter.org/files/NYUFurmanCenter_InclusionaryZoningNYC_March2015.pdf*.

In neighborhoods with high rents, mandatory inclusionary zoning with an increase in density can encourage the development of more affordable housing without any additional subsidy.

The additional density that an upzoning adds to a neighborhood can be extremely valuable to developers if, as a result, they are able to build more market-rate apartments. In many cases, this value can offset the cost of providing affordable housing, creating new opportunities for mandatory inclusionary zoning to help generate affordable units without direct subsidy.[8]

Development costs and the value of additional zoning density

In order for additional zoning density to have value that can cross-subsidize affordable units, the revenue from additional floor area, net of operating costs, must, at the very least, provide a sufficient financial return on the construction costs a developer would have to incur to build that floor area. More fundamentally, rents must be high enough to generate a sufficient return on the development costs for the whole project to justify construction of any building in the first place. Because high-rise and mid-rise construction in New York is extremely expensive, it requires high rents to generate this return. Given the wide range of market rents in New York City neighborhoods, this means additional zoning density will be extremely valuable to developers in some areas, but may have little or no value in others.

8 To be clear, even without an upzoning, mandatory inclusionary zoning can, in many cases, lead to the development of affordable units without direct subsidies, if rents are sufficient to justify the development costs. However, without an upzoning (or some other new benefit), the cost of providing units at below-market rents would need to be made up entirely through reductions in land prices or construction costs or by the developer accepting a lower financial return. Without opining on how this might affect the new construction pipeline, our analysis focuses only on the capacity of additional zoning density to cross-subsidize additional affordable units without affecting land values or developers accepting lower financial returns.

Table 1: Current market rent (per rentable square foot per year) required to generate minimum financial return, by building type, affordable set-aside, and property tax status

	100% Market-Rate Building		20% Affordable* Building
	A	B	C
	Full Property Taxes	No Property Taxes	No Property Taxes
High-rise construction***	$61 ($3,600 for a 1BR unit**)	$39 ($2,400 for a 1BR unit**)	$45 ($2,700 for a 1BR unit**)
Mid-rise construction	$54 ($3,200 for a 1BR unit**)	$33 ($2,000 for a 1BR unit**)	$38 ($2,300 for a 1BR unit**)

Affordable to households earning 60 percent of AMI, **Approximate rent for a one-bedroom unit of 720 square feet, * Outside of Manhattan*

Table 1 estimates just how high rents must be for a developer to incur the "hard" and "soft" construction costs for different types of rental buildings,[9] based on our assumptions about construction and operating costs and necessary developer returns. These estimates do not take into account the additional cost of acquiring the land, which can vary widely between neighborhoods and from site to site. In fact, the minimum rents shown in Table 1 would not allow for the developer to incur any cost for land and still achieve her minimum financial return on a mid- or high-rise project, so rents would have to be even higher than those in Table 1 for a developer to undertake a project in the first place, with or without any added zoning density.

The estimates in Table 1 also represent the rents needed for added density to generate an acceptable financial return on its required construction costs. Our model assumes that the construction costs for adding additional apartments to a potential project are the same as the construction costs for all the other apartments (meaning, for example, that building the 201st unit of a high-rise costs the same as building each of the first 200 units). Where rents are below these levels, adding more units to a potential development (which requires no additional land costs) would not generate an attractive return, so no amount of additional zoning density is likely to spur development or have any capacity to cross-subsidize affordable housing, given current rents and construction and operating costs.

As Table 1 shows, our model estimates that rents must exceed $61 per rentable square foot per year for a high-rise project subject to the city's full property tax to provide a sufficient financial return on its construction costs. For fully taxed, mid-rise development, rents need to be at least $54 per rentable square foot per year. These rents roughly translate to one-bedroom apartments with monthly rents of $3,600 and $3,200, respectively, which require two-person households to have incomes of 220 and 190 percent of the New York City metropolitan area median income (AMI) using typical affordability guidelines.[10] In each case, rents would need to be even higher to also provide a return on land costs.

9 Our financial models only analyze the capacity of upzonings to produce affordable housing in rental buildings. Condominium projects are an important segment of the market, especially in some of the city's most expensive neighborhoods, but we have focused on rentals because they make up the great majority of all new multifamily development in New York City. The economics of a condominium development are different in a number of ways from those of rental development, making it impossible to extrapolate from the models described here the ability of condominium developments to cross-subsidize affordable units.

10 In 2014, the median income for a two-person household in the New York City area (which, as defined by federal guidelines, includes New York City and Putnam, Rockland, and Westchester counties) was $67,200.

By reducing annual operating costs, a property tax exemption significantly lowers these rent thresholds, as can be seen by comparing columns A and B in Table 1. As column B shows, for high-rise development that owes no property taxes to generate an attractive financial return on the construction costs, rents must be higher than $39 per rentable square foot per year (roughly $2,400 for a one-bedroom apartment). For mid-rise developments, rents must be higher than $33 (roughly $2,000 for a one-bedroom apartment). These rents would be affordable to two-person households earning 140 and 120 percent of AMI, respectively. Again, however, these rents do not take into account land costs; so the rents represent only a lower bound of what would be needed to justify the purchase of a site for development.

Inside the 421-a GEA, in order for development to qualify for tax exemption, 20 percent of the units must be made affordable to households earning 60 percent of AMI. So for rental projects that participate in the 421a program in Manhattan and some of the most expensive neighborhoods of the other boroughs, 20 percent of any additional zoning density added to a rental development already needs to be affordable even without a new mandatory inclusionary zoning program. Column C of Table 1 shows that this affordable housing requirement increases the threshold market rent by $6 for high-rise construction, to $45 per rentable square foot per year, and by $5 for mid-rise construction, to $38. These roughly translate to monthly rents of $2,700 and $2,300 for a one-bedroom apartment, which would be affordable to two-person households earning 160 and 140 percent of AMI, respectively.

Additional density in high-rent neighborhoods

Where market rents safely exceed the minimum rent thresholds in Table 1, rental revenue from new development will be enough to provide a minimum financial return on the required construction costs and, in many cases, the cost of buying a vacant or underused development site. Recent development activity and lease data provided by Miller Samuel Real Estate Appraisers & Consultants make clear that prime New York City neighborhoods have such rents, including not only Manhattan (excluding the northernmost neighborhoods), but also much of northern Brooklyn, and parts of western Queens.

How Our Model Approaches the Developer's Return on Investment

Our model assumes that developers need to earn a minimum financial return in order to undertake a potential rental project. There are many alternative measures of financial return, but our analysis focuses on one common metric: the stabilized net operating income yield (NOI yield). This measure is equal to total rental revenue, less operating costs, in the first year the building is fully occupied, divided by the total development costs, including "hard" and "soft" construction costs and the amount paid for land. However, when we model the return generated by incremental density made possible by an upzoning, these costs only include the additional construction costs, because no additional land acquisition is required. We assume in our models that developers require an NOI yield of at least 5.25-5.75 percent depending on the building type and location. So as long as additional density generates this financial return, it will not negatively affect the viability of the overall project. We of course cannot say with certainty that developers will not choose to build at a lower NOI yield. But if a new inclusionary zoning policy pushes the projected yield below this threshold, there is a risk that developers may simply postpone developing the site with the expectation that market conditions will improve or policies will change over time.

Table 2: Analyzed Market Types

Very Strong, inside the GEA	$80 per rentable square foot (1BR: $4,800/mo)*	Manhattan Core (below 110th St.)
Strong, inside the GEA	$60 per rentable square foot (1BR: $3,600/mo)*	Williamsburg Upland
Moderate, inside the GEA	$44 per rentable square foot (1BR: $2,700/mo)*	Astoria
Moderate-low, inside the GEA	$37 per rentable square foot (1BR: $2,280/mo)*	Bedford-Stuyvesant
Moderate-low, outside the GEA	$37 per rentable square foot (1BR: $2,280/mo)*	Bedford-Stuyvesant, Flushing, other relatively strong markets outside the GEA

**Approximate monthly rent for a one-bedroom apartment of 720 square feet*

In these neighborhoods, upzonings will almost certainly be able to create new opportunities to use zoning to increase affordable housing without direct subsidies. If market rents are high enough to provide an attractive return on construction costs and the cost of buying a development site under current zoning, then allowing developers to build even more apartments without acquiring additional land means that some of the revenue from the additional density can be used to cross-subsidize affordable housing within the project, without affecting developers' financial returns or how much they can afford to pay for the land. Of the six neighborhoods the city has announced will be subject to a new mandatory inclusionary zoning program, at least two (East Harlem and Long Island City) appear to have rents high enough for there to be the potential for additional density to cross-subsidize additional affordable units.

To better understand the potential of additional density in high-rent neighborhoods to cross-subsidize affordable housing, we analyzed development in the five market types listed in Table 2, which are based on specific city neighborhoods, but not meant to be fully representative of all high-rent parts of the city[11] and which may or may not be studied by the city for upzoning.

For each of these market types, we estimated the "on-site cross-subsidy potential" of additional mid-rise and high-rise floor area that an upzoning would generate, given these estimates of market rents. This is the percentage of the additional floor area (not the entire project) that, given market rents and construction and operating costs, can be made affordable to households of a given income and still produce the minimum financial return our model assumes developers require in order to build. In other words, the development of these affordable units can be fully cross-subsidized by the market-rate portion of the additional density. As long as a development project would have generated a sufficient financial return on development costs without the upzoning, we estimate that building additional density with this percentage of affordable units would also be financially feasible. Because all of the revenue from the additional floor area made possible by the upzoning would be needed to provide the minimum return on the additional construction costs and to cross-subsidize additional affordable housing, the added density would not allow the developer to earn a higher rate of return on her investment or pay any more to buy the development site.[12]

The on-site cross-subsidy potential varies quite a bit across different combinations of construction type and market type and between fully taxed

11 Our estimates of current market monthly rent per rentable square foot are based on the Miller Samuel lease data and interviews with New York City developers.

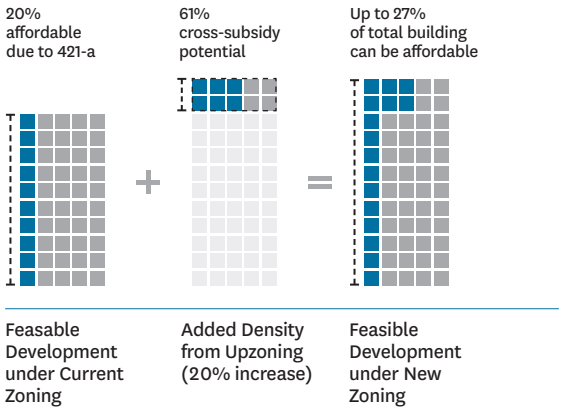
12 In cases where an existing building proves too valuable to tear down despite high rents, the city may wish to encourage redevelopment by granting additional zoning density without requiring as much additional affordable housing. Assuming market rents in the neighborhood exceed those in Table 1, this would allow the developer and landowner to capture some of the value created by the additional density, making site acquisition, demolition, and development more likely.

and tax-exempt developments. (The cross-subsidy potential also depends on the level of affordability the units serve, as discussed below, but for this part of the analysis we assume affordability to households earning 60 percent of AMI.) For high-rise development subject to the full property tax, the on-site cross-subsidy potential in our very strong market type is large enough that the city could require that 28 percent of the *additional* units be affordable to households earning 60 percent of AMI. With the 421-a property tax exemption, the cross-subsidy potential at this affordability level would be a much higher 61 percent (of which 20 percentage points would be required for the building to qualify for the exemption under current law, because this market type is inside the GEA).

In our strong market type, the on-site cross-subsidy potential of fully taxed additional density is only eight percent for high-rise development and 19 percent for mid-rise development, which has significantly lower construction costs. With 421-a property tax exemption, the cross-subsidy potential is again much higher: 52 percent for high-rise and 62 percent for mid-rise development (in each case, 20 percentage points of which would be required by 421-a).

With lower market rents, the cross-subsidy potential is only 36 percent in our moderate market and 15 percent in our moderate-low market, for mid-rise projects with the 421-a property tax exemption. For development inside the GEA, this 15 percent cross-subsidy potential in the moderate-low market is too low even to maintain the 20 percent set-aside required to qualify for the exemption under the current 421-a law, so development is unlikely with or without additional density. Added density would not generate any cross subsidy at all for projects in the moderate and moderate-low markets if subject to the full property tax.

Figure 1: Potential affordable set-aside* for high-rise development site with property tax exemption in very strong market after 20 percent upzoning



Affordable at 60 percent of AMI

The potential for higher affordable set-asides

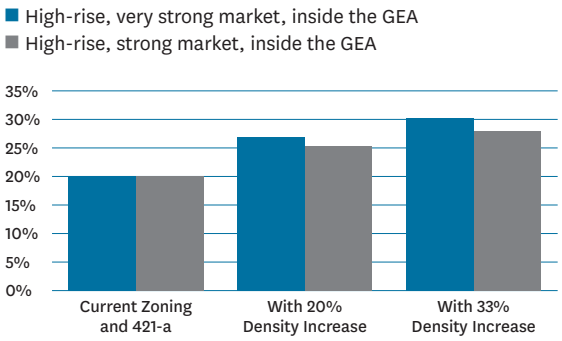
Because the cross-subsidy potential we estimate applies only to additional density, translating this percentage to an affordable set-aside for an entire building depends on the magnitude of an upzoning. For example, we can consider a potential high-rise building project with 421-a property tax exemption in our very strong market that would currently be considered financially feasible, meaning that it would generate a sufficient financial return on the costs of construction and buying land. Because this market type is inside the GEA, the project would need to be 20 percent affordable to households earning 60 percent of AMI to qualify for the property tax exemption under the current law (assuming it does not use other types of government subsidy). Now we assume the site is upzoned by 20 percent. The cross-subsidy potential for additional density added to high-rise construction in the very strong market type is 61 percent, meaning that percentage of the additional density can be affordable without decreasing the developer's financial return or the amount she can afford to pay for the site. As Figure 1 helps to illustrate, because the building is bigger, 20 percent of the incremental units (2 units here) would need to be affordable so that

the overall project continues to comply with the requirements of 421-a. An additional 41 percent of the incremental units (4 units here) can also be made affordable because of the 61 percent cross-subsidy potential. The now-larger building will have a total of 16 affordable units, which is 27 percent of the building overall.

Figures 2 and 3 translates the on-site cross-subsidy potential of different market types to high-rise and mid-rise projects under various upzoning scenarios, assuming the continued availability of a 421-a property tax exemption and, in each case, affordability to households earning 60 percent of AMI.[13] For example, if upzoned by 33 percent,[14] high-rise projects in very strong market neighborhoods inside the GEA, that would currently generate a sufficient financial return, could have their set-asides increased from 20 percent (required by 421-a) to 30 percent. High-rise projects in our strong market type, which has a lower cross-subsidy potential, could have their affordable set-aside requirement increased to 25 or 28 percent depending whether the upzoning increased the zoning density by 20 or 33 percent, respectively.[15]

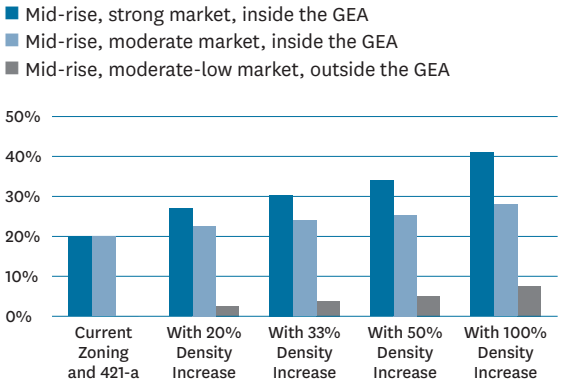
Land in zoning districts that currently permit mid-rise projects can generally be upzoned more than land where high-rise development is already permitted; so, the upzoning scenarios shown in Figure 3 cover a wider range of density increases, from 20 percent to 100 percent (a doubling of density).[16] For a mid-rise development site, the cross-subsidy potential in our strong market would allow the affordable set-side to be increased from 20 percent (required by 421-a) to 34 percent, if the density were upzoned by 50 percent, and to more than 40 percent, if the zoning density were doubled.

Figure 2: High-rise Buildings: Potential affordable set-aside* with property tax exemption, by density increase and market type



Affordable at 60 percent of AMI

Figure 3: Mid-rise Building: Potential affordable set-aside* with property tax exemption, by density increase and market type



Affordable at 60 percent of AMI

13 When the upzoning also incorporates a change in the allowable use, say from manufacturing to residential, the proportion of units required to be affordable could be higher than we estimate here, because of the increased value of the base density resulting from the new allowable use. This requirement should be applied without reducing the amount a developer could have afforded to pay for the site to develop it under the prior zoning.

14 For example, upzoning land currently zoned as R6A to a R7A zone would increase its permitted floor area ratio from 3.0 to 4.0, a 33 percent increase.

15 Because high-rise development is generally possible only in zoning districts that already permit very high density, upzonings are unlikely to increase the size of a potential high-rise by much more than 33 percent, if that much. In fact, state law currently prohibits residential development from exceeding a "floor area ratio" (FAR) of 12 for the zoning lot, and many high-rise projects are built in zoning districts with a maximum residential FAR of 10.

16 Of course, an upzoning can only add so much floor area to a mid-rise project before it becomes a high-rise. For zoning districts that are upzoned so much that the most likely development type changes from mid-rise to high-rise, the per-foot cost of construction for the entire building would substantially increase. This extra cost means not all of the value from the additional zoning density would be available to cross-subsidize affordable housing; so, a mandatory inclusionary policy could not require as much affordable housing as suggested by Figure 4 unless land costs dropped or developers accepted a lower financial return.

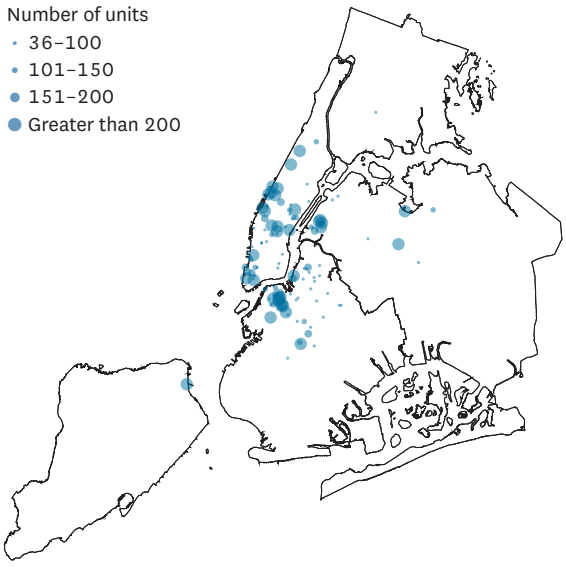
With lower on-site cross-subsidy potential, the increases in the affordable set-aside that upzonings could support in our moderate and moderate-low market types are much smaller.

In our moderate-low market type, if located outside the GEA, no affordable housing would be required to qualify for property tax exemption under current 421-a rules, and the on-site cross-subsidy potential for affordability at 60 percent of AMI is relatively low. As a result, as Figure 3 shows, even if the zoning density were doubled, we estimate that the additional density would only support an affordable set-aside of up to eight percent of the whole building without affecting the financial feasibility of the project.

In lower rent markets, mandatory inclusionary zoning is not likely to result in more affordable units, even with an increase in density, unless complemented with subsidy.

Large sections of New York City do not have sufficient market strength for high-density mixed-income development to be viable without other forms of subsidy, even if already eligible for the generous 421-a property tax exemption. In many parts of the city, even fully market-rate mid-rise or high-rise buildings are not currently being built because rents are below the thresholds identified in column B of Table 1. In these areas, which likely include at least two of the six neighborhoods the city has indicated will be subject to a new mandatory policy (East New York in Brooklyn and the Jerome Avenue Corridor in the Bronx), no amount of additional zoning density is likely to spur new development without additional subsidy, even if there are no new affordable housing requirements. Adopting mandatory inclusionary zoning in these neighborhoods would neither encourage developers to produce affordable units (without other forms of subsidy) nor inhibit market-rate development for those property types which would likely

Figure 4: Location of multifamily market-rate development currently under construction (as of January 2015)



Source: Reis

be financially infeasible even without the policy as long as current rent levels and construction and operating costs apply.

Recent leasing data do not provide much guidance about which neighborhoods clearly fall below the market rent thresholds in Table 1. However, the current development pipeline provides some insight about developer expectations for rents in relation to construction costs and the additional expense of site acquisition. Figure 4 shows the location of market-rate multifamily development projects, including those that have used 421-a, that are currently under construction as of mid-January 2015, based on data provided by Reis (a real estate industry data provider). The map shows that current construction activity is heavily concentrated in Manhattan and the neighborhoods of Brooklyn and Queens closest to Manhattan. Only a small number of projects are located in other neighborhoods, including Flushing, Queens and central Brooklyn, suggesting that, even where zoning permits, few developers have expected market rents or unit sales prices outside of these areas to be high

enough to generate a satisfactory return on multifamily development. In much of the city, upzonings may make sense for long-term planning purposes and to accommodate larger subsidized buildings, but they do not appear to hold much potential for cross-subsidizing affordable units because even fully market-rate buildings are not currently being built in these areas.

Additionally, there are some neighborhoods in which mandatory inclusionary zoning may inhibit market-rate development by increasing the threshold rent at which developers will choose to build. Table 1 shows that a 20 percent affordable set-aside at 60 percent of AMI increases the threshold rent for property tax exempt development by six dollars per rentable square foot for high-rise construction and five dollars for mid-rise construction. A larger set-aside or deeper affordability requirements would raise the thresholds even more. In neighborhoods with market rents in this range, developers may now seek to build fully market-rate developments, but they may opt not to build if they are required to include a significant component of affordable housing at, say, 60 percent of AMI.

In neighborhoods where rents are too low to allow for a cross-subsidy of units serving low-income households, policymakers could reduce the risk of suppressing development by adopting a mandatory policy with different requirements from those in high-rent areas. For example, a mandatory inclusionary program could require that the affordable units be aimed at moderate- or middle-income households, which require relatively little cross-subsidy in neighborhoods with moderate market rents, significantly lowering the range of rents where such a policy might stifle development. Such an approach would not serve the low-income households that have the greatest challenge finding housing, but may still promote economic diversity and could create permanently affordable units in neighborhoods that might see rents rise in the future. Alternatively, the city could choose to supplement a program with a reliable source of direct subsidy to make sure it does not stifle development while rents are still too low to provide an internal cross subsidy. The city could require a minimum affordable set-aside and offer subsidy to new development until the point at which it deems rents are high enough for market-rate units to fully cross subsidize the income-restricted units.

The economics of mandatory inclusionary zoning will change as rents, operating costs, and construction costs shift over time.

The cross-subsidy potential we estimated above for additional density in different market types reflects a specific set of assumptions regarding construction costs, operating costs, and rents at a single point in time. As these factors shift relative to one another, the value of additional zoning density and its capacity to cross-subsidize affordable units will change. This poses a significant challenge for policymakers designing a policy intended to be in place over time.

If rents rise more rapidly than construction and operating costs over time, developers and landowners will be able to reap greater profits than were possible when the city adopted a mandatory inclusionary zoning program and set its affordable housing requirements. For example, a neighborhood may be similar to our moderate market type when upzoned by 50 percent, in which case, assuming the availability of the 421-a property tax exemption, we estimate it could be made subject to a new mandatory inclusionary zoning policy with a 25 percent set-aside affordable to households earning 60 percent of AMI (see Figure 3). However, if rents subsequently rise, the neighborhood may become more analogous to our strong market type. Under these circumstances, for any sites not already developed, the higher rental income would not translate into any additional affordable units beyond the 25

percent set-aside, even though the cross-subsidy potential of the added density would now be substantially higher. Instead, the higher rents would result in higher land costs or developer returns.

Declining rents or increasing construction costs could have the opposite effect, reducing the cross-subsidy potential of additional density. In this case, developers would still have to meet the higher set-aside requirement, even as the value of the additional density dropped, leading to a reduction in developer returns or the amount they are willing to pay for land. In more extreme cases, a change in the market could transform marginal development projects into ones that no longer allow for minimum financial returns even if land prices fall, thereby stifling development.

If the city wishes to ensure that a new mandatory policy will not exacerbate the possible effects of ordinary fluctuations in the market, it could consider building in flexibility measures. For example, one of the city's options is to permit waivers to a policy where developers are able to establish that projected market rents are insufficient to cross-subsidize the affordable units that would ordinarily be required, and still provide a commercially reasonably financial return. This would make it easier for the city to set relatively strong affordability requirements because it would retain the ability to grant relief based on market conditions. One downside of this approach is the uncertainty it could introduce, possibly discouraging investment when development relies on the outcome of a discretionary decision to grant a waiver. Another downside is the risk that the decision to grant waivers becomes politicized or that waivers become routine, potentially making it difficult for the city officials to impose a policy's full affordable housing requirement even where justified.

Policymakers must also consider how to address markets where rents rise relative to construction and operating costs after the adoption of an inclusionary zoning policy. One approach might be a policy mechanism that automatically adjusts inclusionary zoning requirements (e.g., the incomes served by the affordable units or the size of the set-aside) as the potential for market rate units to cross-subsidize affordable units increases. Such mechanisms, however, require a reliable barometer of market strength and development and operating costs, and can be difficult to design with all the possible factors and outcomes in mind. Such a mechanism could also be subject to political pressures. In neighborhoods where markets are too weak for there to be the potential for cross-subsidy when a policy is adopted, but where subsequent rent increases result in capacity for market-rate development to cross-subsidize affordable units, the city should ensure that the availability of any supplemental subsidy declines.

Table 3: Present value* of foregone revenue from rent-restricting 1,000 rentable square feet of floor area at 60 percent of AMI, by market type

	60% AMI
Very strong market	
With 20 year property tax exemption	$1,189,984
Strong market	
With 25 year property tax exemption	$806,369
Moderate market	
With 25 year property tax exemption	$428,149
Moderate-low market (outside the GEA)	
With 15 year property tax exemption	$330,678

**See footnote 17*

A Program Can Use the Cross-Subsidy Generated by Additional Density In Different Ways.

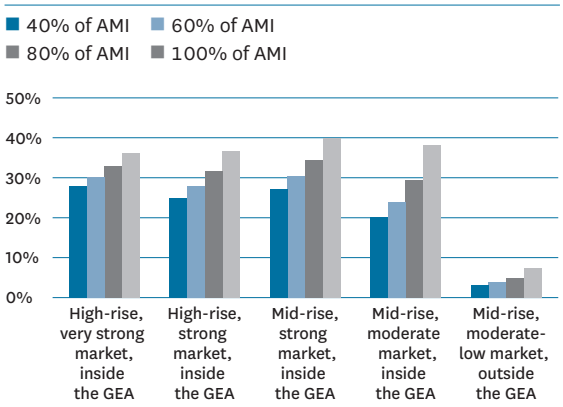
Where additional density has the capacity to cross-subsidize new affordable units, policymakers must make a number of choices as they craft a mandatory inclusionary zoning policy. While the choices will be guided by the underlying goals of the policy set by the city, the economics of development can provide some insight into some of these choices.

On-site vs. off-site vs. fee-in-lieu of payment

When a developer agrees to provide affordable housing by charging a below-market rent for a unit, she gives up the difference between the market rent and the restricted rent, which can be a significant sum depending on market strength. In Table 3, we estimate the present value[17] of the foregone revenue resulting from rent-restricting 1,000 rentable square feet of floor area with property tax exemption in different market types to be affordable to households earning 60 percent of AMI. For a new building in our very strong market type, the cost to a developer of rent-restricting 1,000 square feet to be affordable to households earning 60 percent of AMI is about $1.2 million for a building with a 421-a property tax exemption.

A developer participating in an inclusionary zoning program requiring this type of rent-restriction may be just as willing (or perhaps more willing) to comply with the requirement by providing $1.2 million in direct subsidy for off-site affordable units or by writing a $1.2 million check to an affordable housing fund for the city. The latter two options may be appealing to the city because they could potentially generate a greater number of affordable units if built in a neighborhood with lower rents and land values. Moreover, having a program that offers multiple means of compliance may increase the number of projects that are able to meet the requirements and be financially feasible to develop.

Figure 5: Potential affordable set-aside for property tax-exempt development following a 33 percent zoning increase, by construction and market type and by level of affordability.



This type of decision, however, raises complicated trade-offs policymakers must weigh between the value of on-site affordable units versus units provided in fully affordable buildings or in mixed-income housing in neighborhoods with lower rents.

While allowing off-site options for compliance may result in a greater number of affordable units generated, there are a number of reasons why the city might prefer to have units on-site. For example, on-site affordable units ensure that low- and moderate-income tenants have access to the same neighborhood amenities as market-rate tenants of new buildings, which may include high-quality schools, public safety, and proximity to employment opportunities. Including affordable units in mixed-income buildings may also help ensure the long-term sustainability of those units, because the income from the market-rate units provides a stronger incentive for the landlord to maintain and operate the building as a whole. These goals may be harder to achieve if affordable units are in a different building, even if it is within half a mile or within the same community district.

17 We calculate these values by discounting the future foregone revenue, assuming three percent annual rent escalation, using the unleveraged internal rate of return that we estimate such a project in these markets would generate. See the appendix to our full report for additional information.

Depth of affordability

In designing its policy, the city will need to determine the level of affordability to require. There are a number of factors that might influence this decision. But, one lesson our analysis highlights is that requiring a unit to be affordable at any level far below market has a much larger effect on a project's financial return than the exact level of affordability it must provide. As a result, in strong and very strong market neighborhoods, requiring deeper affordability does not drastically change the amount of affordable housing that can be cross-subsidized with additional zoning density.

Figure 5 shows, for different construction and market types (all with property tax exemption), how the total share of affordable units that can be required after a 33 percent increase in zoning density changes as the level of required affordability changes. For a high-rise in our very strong market type, deepening the affordability of rent-restricted units from 60 to 40 percent of AMI would require decreasing the affordable set-aside only slightly, from 30 percent to 28 percent, in order to make up for the lost revenue. Even in our strong market type, the decrease in the set-aside for both high-rise and mid-rise development would be only three percentage points.

Length of affordability

In theory, because permanent affordability is more onerous than long-term affordability, such a requirement may mean making a trade-off with some other goal, like maximizing the number of affordable units. However, our analysis suggests that requiring permanent affordability (which is already required by the existing Inclusionary Housing Program) would not significantly affect the development market. At the time a development project is being planned and underwritten, whether a subset of units will generate below-market rental income for 35 years or for an indefinite period is unlikely to sway the investment decisions of most developers. Not only would the present value of any such revenue differences so far in the future be small, but typical valuation methods used by developers may not take the difference into account at all. Accordingly, a policy that requires units to remain permanently affordable is unlikely to inhibit residential development.

There are, however, important concerns about the long-term financial sustainability of permanently affordable units for the city to consider, especially for off-site units. As buildings age, they may require building system replacements and other costly capital investment. If there is no ongoing cross-subsidy from market-rate units, stand-alone affordable housing may look to public subsidies instead.

Conclusion

The city faces many hard policy choices as it designs its mandatory inclusionary zoning program, many unrelated to the economic potential of additional zoning density. Our analysis does not dictate exactly how the city should make these choices, but it does highlight some of the constraints and trade-offs it faces. In many neighborhoods, including some that the city has already targeted for the new program, market rents are too low to justify new mid- and high-rise construction, so additional density would offer no immediate value to developers that could be used to cross-subsidize affordable units. In these areas, inclusionary

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zoning will need to rely on direct city subsidy for the time being if it is to generate any new units at all regardless of the income level they serve.

Where high rents make additional density valuable, there is capacity to cross-subsidize new affordable units without direct subsidy, but the development of a workable inclusionary zoning policy will be complex. The amount of affordable housing the city could require without dampening the rate of new construction or relying on developers to accept lower financial returns or landowners to be willing to sell at lower prices will vary widely depending on a neighborhood's market rent, the magnitude of the upzoning, and, to a lesser extent, on the level of affordability required in the rent-restricted units. Where developers must provide the required affordable housing, and whether they can instead pay a fee directly to the city, also bears heavily on the number of affordable units a mandatory inclusionary zoning policy has the potential to generate, but raises other difficult issues.

Our analysis also highlights the importance of 421-a to the city's new inclusionary zoning policy. The availability of property tax exemption greatly increases the value of additional zoning density and its potential to cross-subsidize affordable units. If subject to the higher property tax burden than would otherwise apply, developers will require much higher rents in order to go forward with rental development, even if fully market rate.

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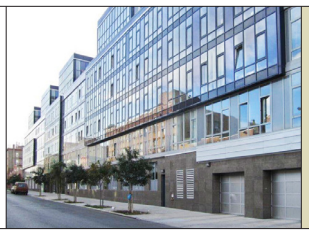

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POLICY BRIEF

Searching for the Right Spot: Minimum Parking Requirements and Housing Affordability in New York City

Increasingly, local governments are trying to meet the parking needs of their residents and visitors more efficiently, and in ways that are more consistent with broader sustainability, transportation, and land use goals. Concerns about traffic congestion, housing affordability, and anticipated population growth have even prompted some policy analysts and policymakers to reexamine the well-entrenched practice of mandating a minimum number of parking spaces that developers must include in residential developments.

The City of New York has announced that it too is rethinking its parking policies. While New York's residents have much lower car ownership rates than the residents of most cities in the United States, parking nevertheless is a source of considerable controversy, especially in discussions over new residential and commercial development. To inform the policy debate that will surely erupt over any changes that the city might propose to the existing parking requirements, NYU's Furman Center analyzed the current provisions of the city's Zoning Resolution that require developers to provide off-street parking spaces for most new housing development outside of Manhattan's central business district and parts of Long Island City in Queens.

In this policy brief, the Institute for Affordable Housing Policy uses that research to explore what the regulations require in different parts of New York City, and assess how the requirements relate to rail transit accessibility. We also examine the amount of parking developers actually built in recent years to determine whether and how the regulations affect developers' decisions about what to build. Throughout the brief, we explore the effect that the parking requirements may have on housing affordability. Finally, we highlight a series of parking policy initiatives underway in New York and elsewhere that attempt to reconcile the tension between sustainable development, the affordability of housing, and local-level parking pressures.

Why Does the Government Require Developers to Provide Parking?

The City of New York, like many local governments, manages a large supply of public parking, including free and metered spots on city roads and municipal garages. In 1950, in response to growing competition for these spaces, the city began requiring that new residential development include off-street parking. The city's 1961 Zoning Resolution (which, although amended countless times, remains in effect today) increased these requirements. Assessing how well the existing parking system manages supply and demand is a challenging task, in part because the exact number of on-street and off-street parking spaces is currently unknown by city policymakers or researchers.

Those who argue that the city need not mandate off-street parking assert that developers will respond to market demand by providing the efficient number of off-street parking spaces. If potential tenants or homebuyers want parking, they will rent or buy in those buildings that provide off-street parking, and developers will respond to the demand by providing parking in their new buildings.

Proponents of parking requirements for residential development argue, however, that they are necessary to prevent new housing developments from imposing costs on the surrounding neighborhoods. Many car owners in New York choose to rent or buy homes in buildings that offer little or no parking, because they know they can park in commercial lots and garages or for free on neighborhood streets. Because residents have these options, developers may not find it profitable to build parking for every car that they expect their residents to own.

Key Findings

Developers are required to provide, on average, 43 new off-street parking spaces for every 100 new housing units constructed in New York City. Average requirements differ widely across boroughs, from five spaces in Manhattan (most of which is exempt) to 122 spaces in Staten Island.

Land near train stations is generally subject to lower minimum parking requirements per residential unit than lots further away, but developments near transit are sometimes required to build large numbers of spaces due to higher density zoning. Zoning lots within a half mile walk of a rail station entrance require, on average, 29 new off-street parking spaces for every 100 new housing units, compared to 72 spaces for those further than a half mile from a rail station entrance. Because the lots closer to train stations are often zoned for higher density outside of the Manhattan Core, the per unit requirements compel developers to build large numbers of parking spaces very close to train stations.

Automatic parking requirement waivers are widely used. Over two-thirds of the recent residential developments we studied were exempted from parking requirements because of their building or lot size. Only 17 percent of these developments built any parking at all. In some cases, developers may build multiple small buildings on adjacent lots instead of a single larger building to avoid the parking requirements.

Building patterns suggest that developers would build fewer parking spaces without the requirements. Of over 300 recent housing developments in our sample that were subject to a requirement, 77 percent built at or close to the parking requirement. Small (5-9 unit) developments subject to parking requirements built an average of five spaces –exactly the average mandate. Developers of small buildings for which the requirement was waived, on the other hand, built, on average, just half of a parking space.

As a result, proponents argue, if developers aren't required to building enough parking, some of the new residents a development brings to the neighborhood will compete with existing residents for the limited supply of publicly-provided parking. Increased competition for public parking frustrates existing neighborhood residents who then must spend additional time searching for a spot. Of course, the current users of existing free parking spaces have no more "right" to those publicly-provided spaces than the newcomers. But the competition over the spaces can impair air quality and increase traffic congestion in the neighborhood as more cars "cruise" for parking on a regular basis.

Proponents also argue that competition over parking will reduce the quality of life in the city and make it harder for the city to retain middle-income families. Car ownership in New York City is closely correlated with household income: less than a quarter of the city's households earning at or less than the city's median income own a car, compared to 62 percent of households with incomes that are 150 percent of median income or above.[1] If those relatively higher income residents were to leave the city in part because they are unable to find convenient and inexpensive parking, the city would suffer negative fiscal impacts. Additionally, regional air quality could suffer from shifting commuters from the five boroughs to suburban counties, where they are more likely to drive to work.

Finally, some argue that parking requirements help smooth the approval process for new projects that require rezonings or other discretionary action by the city because they set clear expectations for developers and neighborhood residents about appropriate levels of parking for new projects.

PlaNYC 2030

In April 2007, New York City Mayor Michael Bloomberg released PlaNYC 2030, a long term sustainability plan to "prepare the city for one million more residents, strengthen our economy, combat climate change, and enhance the quality of life for all New Yorkers." The plan set ambitious targets for reducing greenhouse gas emissions and outlined 127 sustainability strategies to be implemented across 25 agencies. In 2011, PlaNYC 2030 was updated, both to mark the city's progress, and to announce new initiatives to improve and expand sustainable transportation infrastructure and options, reduce congestion on roads, bridges, and airports, and maintain and improve the physical conditions of the city's roads and transit system. The updated plan includes commitments to promote car-sharing, pilot technology, and pricing-based mechanisms to reduce congestion, and modify parking regulations to balance the needs of neighborhoods. The updated plan also announced that the Department of City Planning will study whether parking minimums applicable to affordable housing are "unnecessarily adding to the construction cost of some categories of housing."

More information about PlaNYC2030 is available at http://www.nyc.gov/html/planyc2030

1 U.S. Census Bureau. (2010). *American Community Survey, Units with Cars*. Retrieved from http://www.census.gov/acs/www/

NYC's Current Parking Requirements

The minimum parking requirement for any given site is set by the Zoning Resolution according to the specific zoning district the site is in and the use of the site (e.g., residential, retail, or medical office). Owners of buildings that were developed before the parking requirements were enacted do not have to meet them (provided they do not substantially renovate the property), but owners of all other buildings have to comply, both when initially developing the building and on an ongoing basis. Our analysis focuses on areas in residential zoning districts and only on residential uses within those districts.[2] Residential zoning districts range from lower density districts, like those in Ditmas Park, Brooklyn (CD 14), which allow only detached and semi-detached single family homes or low-rise multi-family homes, to higher density districts, like those in the recently-rezoned areas of Williamsburg, Brooklyn (CD 1), which permit large multi-family buildings. Low density districts (including districts R1-R5A in the Zoning Resolution), generally require at least one new parking space for every new unit constructed, while high density neighborhoods (R5-R10) require between 40 and 85 new parking spots for every 100 units constructed.

2 Some residential zoning districts permit limited non-residential development.

A significant exception to the city's parking requirements is that most residential development in Manhattan south of 110th Street on the West Side, and 96th Street on the East Side, is exempt.[3] In response to air quality concerns, the city lifted the requirements in this "Manhattan Core" in 1982 and instead imposed a cap on the number of spaces developers were permitted to build. More recently, the city also exempted much of Long Island City, Queens from the basic minimum parking requirements.

In addition, throughout the city, the Zoning Resolution allows full and partial exemptions from the parking requirements for some residential developments in certain zoning districts, which can reduce the effective parking requirement developers face.[4] "Quality Housing"—an optional set of regulations available in some zoning districts to encourage development consistent with neighborhood character—allows developers to build fewer parking spots in high density areas than the regulations would otherwise require. Further, developers receive an automatic waiver (an as-of-right exemption) in

3 Residential Development, New York City Zoning Resolution Text, Section §13-12. (2011).

4 Developers can also apply to the city's Board of Standards and Appeals for variances, which allow exemptions from or reductions of parking requirements due to hardships related to unique characteristics of the site. Variance applications require extensive evidence of hardship, so are of limited use to developers hoping to reduce parking requirements. New York City Department of City Planning. (2011). *New York City Zoning Handbook*.



Ditmas Park, Brooklyn

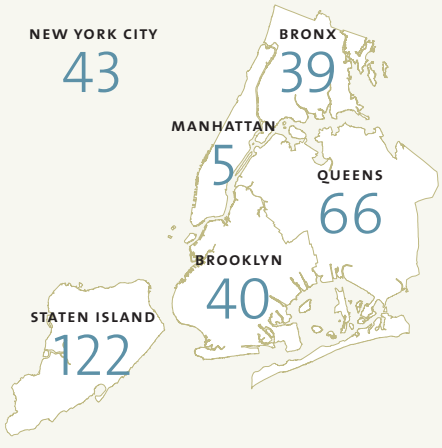


Williamsburg, Brooklyn

some districts if a lot is smaller than 10,000-15,000 square feet, depending on the zoning district, or particularly narrow. Additionally, in many medium and high density zoning districts, any building that would require fewer than five or 15 total spaces, depending on the district, receives an automatic waiver. These waivers may encourage developers to construct several buildings next to one another, rather than a single larger building that would not qualify for the waiver. Finally, in most zoning districts, public housing and certain other types of subsidized housing for the poor or elderly are subject to reduced parking requirements.[5]

Based on an analysis of the Zoning Resolution and individual lot characteristics, we estimate the effective minimum parking requirements faced by potential developers for each lot in New York City.[6] As Figure A shows, after accounting for automatic waivers available to developers of small or narrow lots, we find that the effective parking requirements mandate that developers must build an average of 43 new off-street parking spaces for every 100 new housing units across the city.

Figure A: Average Effective Required Parking Spaces per 100 units (by Borough), 2004–2010



5 Nominally, the Zoning Resolution still requires some types of subsidized housing developments to provide new parking in the Manhattan Core, despite the elimination of requirements for other housing types. However, because of changes to affordable housing programs and other waiver provisions, these requirements are now largely moot with respect to new projects.

6 See Appendix for methodology.

Development Spotlight: Liberty Avenue Apartments

Dunn Development Corp., an affordable housing developer, partnered with Cypress Hills Local Development Corporation to assemble privately- and publicly-owned parcels of vacant land in East New York. Using public and private financing and Low Income Housing Tax Credits, they built a 43-unit residence for people with very low incomes (approximately $22,000-$44,000 for a family of three).

Despite a survey of potential residents that found only 30 percent of them owned or had access to a car, the city's regulations required the developers to build 18 spaces on the site, adding construction and maintenance costs and reducing outdoor garden and recreation space in the rear of the building. To partially recoup costs associated with the development of the parking, the property owners charge residents $40 a month for a parking spot. More than six months after the property opened in November 2010, only nine spots had been rented.



Source: Martin Dunn, President, Dunn Development Corporation. (personal communication, May 6, 2011).

This analysis uses existing lot configurations, and doesn't account for the possibility that developers may avoid the minimum requirements by subdividing larger lots. Nor does it account for the possibility that developers might build subsidized housing that is subject to reduced requirements.

The requirements vary considerably by borough. The average requirement for new construction in Manhattan is quite low—just five parking spaces per 100 new housing units. This is because of the broad exemption from parking requirements for market rate housing in the eight community districts that make up the Manhattan Core.

In contrast, Staten Island, which is largely designated as a "Lower Density Growth Management Area" that includes higher minimum parking requirements, has the highest effective requirement in the city, at 122 off-street parking spaces for every 100 new housing units.[7] Queens, with more moderate density and no Lower Density Growth Management Areas, has an average effective minimum requirement of 66 parking spaces per 100 units built.

Potential Disadvantages of Minimum Parking Requirements

Environmentalists, developers, neighborhood preservation advocates, and others argue that minimum parking requirements may have negative consequences for the city that outweigh their benefits, including increased construction costs, reduced housing supply, unattractive streetscapes, and the environmental and health consequences of increased car ownership.

7 Lower Density Growth Management Areas have requirements over and above those designated by the Zoning Resolution for the amount and location of parking, street set-backs, the location and width of curb cuts, building bulk, and lot size. Retrieved from http://www.nyc.gov/html/dcp/html/zone/zh_ztools_ldgma.shtml

Housing Costs

Parking facilities are costly to build, with underground garages costing up to $50,000 per spot, according to a local developer.[8] Surface parking lots, while cheaper to construct, require additional land area and may come at the expense of green or open space and permeable surfaces for rainwater absorption. Developers pay these parking construction costs upfront, but any portion not recouped through parking fees paid by residents with cars might be passed on to all residents through higher sales prices or rents.[9]

Additionally, developers may reconfigure zoning lots to smaller sizes or unusual shapes to avoid parking requirements, and may then be unable to build the same number of housing units on the reconfigured lot than they would be allowed on the original lot. Many lots cannot accommodate underground parking due to subway lines, soil conditions, or subsurface water conditions. Builders on those lots are forced to build above-ground parking structures or, if the lot is large enough, surface lots. This may reduce the size or number of housing units that developers can build by forcing them to devote scarce land or permitted building area to parking (although the Zoning Resolution does make some allowances for above-ground parking[10]). Parking requirements for new developments may make some projects unprofitable, so that builders pass them up entirely. These factors, in turn, may increase housing costs for all neighborhood residents by constricting the local supply of housing below what the market would otherwise provide. The impact of upward pressure on

8 Alan Bell, Principal and Co-Founder, Hudson Companies, Inc. (Personal Communication, April 8, 2011).

9 Under certain market conditions, the developer might be able to pass the costs back to the prior owner of the land, by offering less for the land.

10 Notably, the Zoning Resolution does not count space used for parking in medium or high density districts towards the maximum permitted development size if the space occupied by parking is less than 23 feet above street level. Irregular lot configuration, land quality, or underground conditions can prevent developers from building underground parking or make it difficult to accommodate parking within 23 feet of street level. There are no additional variances in the maximum permitted development size to account for these constraints. Residential Development, New York City Zoning Resolution Text, Section §13-12. (2011).

prices is borne by all residents, and is regressive, because low-income households pay a larger portion of their incomes towards housing. Further, those low-income households also are considerably less likely than others to own cars, but share in the burden of the higher prices caused by parking requirements.

Neighborhood Aesthetics

Because underground parking garages are so expensive to build, parking requirements often result in street level lots, which generally make the neighborhood less desirable. Street-level parking lots often are unattractive, and may be—or may be perceived to be—dangerous. In addition, they displace street-level retail or other uses that are more interesting for those walking on the street and have greater potential for community economic development.



Encouraging Car Ownership and Use

In the five decades since the Zoning Resolution was adopted, the share of New York City households who report commuting to work each day by car increased from 19 percent to 29 percent. While many factors explain that increase, parking requirements may encourage more car ownership if they force developers to build more spaces than residents in the new building would otherwise demand. Any excess parking, which developers will make available to residents for whatever price they can get, effectively reduces the cost of car ownership for residents, which will encourage car ownership.

A New York City Department of City Planning study of off-street parking concluded that parking requirements are not a primary determinant of car ownership patterns.[11] Other research in the New York metropolitan area found, however, that free and readily available on-street parking increases car ownership by nearly nine percent.[12] Further, research indicates that increasing the costs of parking by 10 percent reduces the likelihood of owning a car by between four and 10 percent.[13]

Increased car ownership imposes health and traffic congestion costs on all New Yorkers. With 1.8 million registered cars in New York City[14] (which likely is a conservative estimate of car ownership because some residents register their cars outside the city), we have nearly 6,100 vehicles per square mile, higher than Los Angeles (4,300) and Houston (1,900).[15] Higher concentrations of cars are associated with higher levels of lung cancer, among other respiratory illness.[16]

11 New York City Department of City Planning. (2009). *Residential Parking Study: Automobile Ownership Rates and Off-Street Parking Requirements in Portions of New York City: Manhattan CDs 9-12, the Bronx, Queens and Brooklyn*. Retrieved from http://www.nyc.gov/html/dcp/html/transportation/td_parking.shtml

12 Guo, Z. (2011). *Minimum On-Street Parking Requirements and Household Car Ownership Decisions*. (Working Paper).

13 Litman, T. (2011). *Parking Requirement Impacts on Housing Affordability*. Retrieved from http://www.vtpi.org/park-hou.pdf

14 There are 1,767,091 standard series vehicles registered in NYC. New York State Department of Motor Vehicles. (2011). *Vehicle Registrations in Force* (2010). Retrieved from http://www.nysdmv.com/Statistics/regin10.htm

15 U.S. Census Bureau. (2010). *American Community Survey, Vehicles Available by Household Size for New York City, Houston, and Los Angeles*. Retrieved from http://www.census.gov/acs/www/

16 See, for example: Chen, F., Jackson, H. & Bina, W.F. (2009). Lung adenocarcinoma incidence rates and their relation to motor vehicle density. *Cancer Epidemiology Biomarkers and Prevention*, 18(3), 760-764.; Krzyzanowski, M., Kuna-Dibbert, B. & Schneider, J. (2005). *Health effects of transport-related air pollution*. World Health Organization.

Parking Requirements and Transit Accessibility

New York City's extensive public transit system makes it possible for 56 percent of its households to forego owning a car, and 71 percent of workers to commute to work without driving.[17] Nearly half of New York City residences are within a 10 minute walk to a subway or rail station entrance.

In neighborhoods where public transit is very accessible, households are less likely to own cars. In 2010, 40 percent of households in census tracts within 10 minutes of a train station reported owning one or more vehicles, compared to 65 percent of households in neighborhoods more than a half mile from a train station entrance.[18]

The potential impacts that minimum parking requirements may have on environmental quality may be mitigated or avoided if the requirements correctly predict the number of occupants of a residential development who would own a car regardless of the availability of onsite parking. Similarly, if parking requirements accurately meet demand, the effect they have on the cost of housing will be offset by the benefits of providing parking the residents desire. One strategy for matching requirements to likely existing demand is to vary requirements according to a development's proximity to public transit, ensuring that buildings with easy access to subways are not mandated to devote space to parking for residents who are less likely to own cars.

New York City's parking requirements, however, are determined by zoning designations and are not directly tied to proximity to transit, so they may not be responsive to the differential likelihood of owning a car. To assess that possibility, we compare parking requirements for lots within a half mile of a train station to lots that are further away.

Table 1. Effective Parking Requirements per Unit and Proximity to Transit (Average Spaces per 100 Units)

	All Lots	Within 1/2 Mile of Subway/ Commuter Rail	Beyond 1/2 Mile of Subway/ Commuter Rail
Bronx	39	34	51
Brooklyn	40	34	61
Manhattan	5	5	3
Queens	66	54	78
Staten Island	122	131	120
New York City	43	29	72

We find that effective parking requirements (accounting for automatic waivers) are generally lower for lots that are closer to transit than lots that are further away, as Table 1 illustrates. Developers are required to build, on average, 29 new off-street parking spaces for every 100 new housing units within a half mile walk of a rail station entrance, compared to 72 spaces per 100 units in areas further than a half mile walk from a rail station entrance. This analysis accounts for automatic waivers available in some zoning districts for small lots or buildings, as discussed above, but doesn't account for any future developer actions to avoid the minimums, such as subdividing lots.

This finding, on its face, suggests that minimum parking requirements are somewhat responsive to transit accessibility. However, the required number of parking spaces for a given lot size can sometimes be especially high near transit stations. This is because lots near stations are often zoned for relatively high building density, which is only partly offset in the Zoning Resolution by lower per-unit parking requirements.

17 U.S. Census Bureau. (2010). American Community Survey, Units with Cars. Retrieved from http://www.census.gov/acs/www/

18 We measure proximity to Metropolitan Transit Authority subway station entrances and train stations served by Metro-North Railroad, Long Island Railroad, Staten Island Railway, and PATH trains.

For example, 157 Myrtle Avenue in Downtown Brooklyn, which was built in 2008, has 631 residential units. To meet the minimum parking requirement (in this case, 40 spaces per 100 units), the developer had to fit 252 parking spaces onto a site less than one acre in size. The developer had to incur this large expense, which may not be fully recouped through parking fees paid by car-owning residents, even though the project is within walking distance of 10 subway lines and is approximately 25 minutes from midtown Manhattan by subway. As of October 2011, only half of the building's parking spaces had been leased.[19]

Developer Response to Minimum Parking Requirements

To understand whether minimum parking requirements are a net benefit or detriment to residents and neighborhoods, we must first determine whether the minimum standards have any impact on developer behavior at all. If developers consistently build more than the minimum requirement, then the regulations have little effect on the supply of parking or on building patterns generally. If developers generally build exactly the minimum required, either the minimum requirements are set to perfectly match market demand, or the requirements are forcing developers to build more off-street parking than they believe is necessary to meet market demand.

Simply knowing that parking requirements change developer behavior doesn't determine whether parking requirements help or harm neighborhoods. But, if the requirements do not affect builder behavior at all, then there is no cause to worry about potential harms from the minimum requirements.

Table 2. Developer Response to Minimum Parking Requirements, 2000-2010

	Number of Developments	% of Total	% of Total (no waiver)
Under or Equal to Requirement	206	21%	65%
In excess <25%	39	4%	12%
In excess >=25%	72	7%	23%
Requirement waived	686	68%	–
Total	**1,003**	**100%**	**100%**

We identified 1,003 market-rate residential developments built between 2000 and 2008 in the Bronx, Brooklyn, Queens, and Staten Island, that contained at least five units, but no commercial or industrial uses. These buildings range in size from five to 111 units and were located in a wide variety of neighborhood types, from relatively dense areas well-served by public transit to lower density areas without convenient access to transit. Using building permits and certificates of occupancy, we compared the number of parking spaces actually built to the minimum requirements to which the development was subject. (For more on our methodology, see Appendix on page 14.)

As Table 2 shows above, two-thirds (68%) of the new developments were able to waive out of parking requirements entirely because of the size of the lot or building. Of the 317 developments with a parking requirement, 77 percent built at or close to the exact number of spots required by the Zoning Resolution.[20]

19 Smerd, J. (2011, October 2). Glut of parking spaces in city. *Crain's New York Business*. Retrieved from http://www.crainsnewyork.com/article/20111002/REAL_ESTATE/310029977

20 The median number of additional spaces for developments that exceeded the requirement by less than 25 percent was one spot.

In total, the minimum parking requirements mandated 3,600 parking spaces, and developers built 4,100. The additional spaces were largely driven by the 23 percent of developments that built at least 25 percent more spaces than the regulations required. These 72 developments, with an average of 22 units per building, built 663 more spaces than the Zoning Resolution required. The developments that exceeded their parking requirements tended to be larger, on average, than the developments that did not exceed their requirements, but were not concentrated in any particular community, as shown in Map 1.

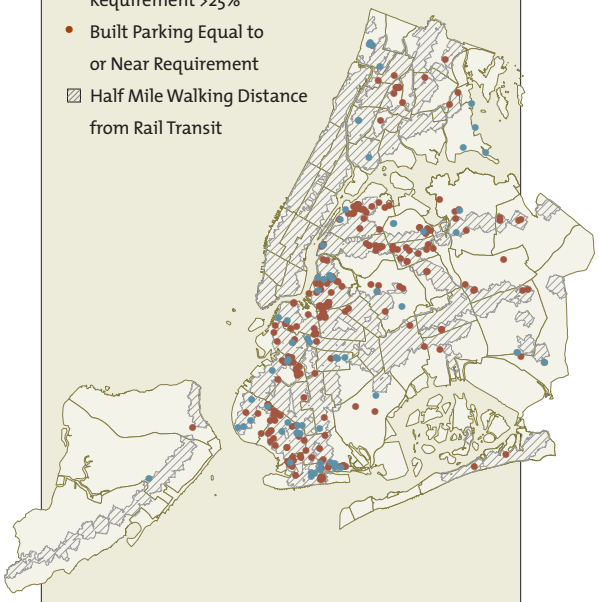
More than two-thirds (68%) of the residential projects we examined qualified for automatic waivers and faced no effective minimum parking requirement because of the size of building or lot. Map 2 illustrates the location of these developments. Developments with waived parking requirements included an average of eight housing units, and the vast majority (83%) provided no parking at all.

Our analysis shows that some developers did build more parking than required. As noted, 23 percent of developments with an effective requirement above zero exceeded the required minimum by more than 25 percent (represented by the blue dots on Map 1). Seventeen percent of developments that were eligible for automatic waivers nevertheless provided at least some parking (represented by the blue dots on Map 2). This finding indicates that perceived demand would likely cause some developers to build parking even if the parking requirements did not exist.

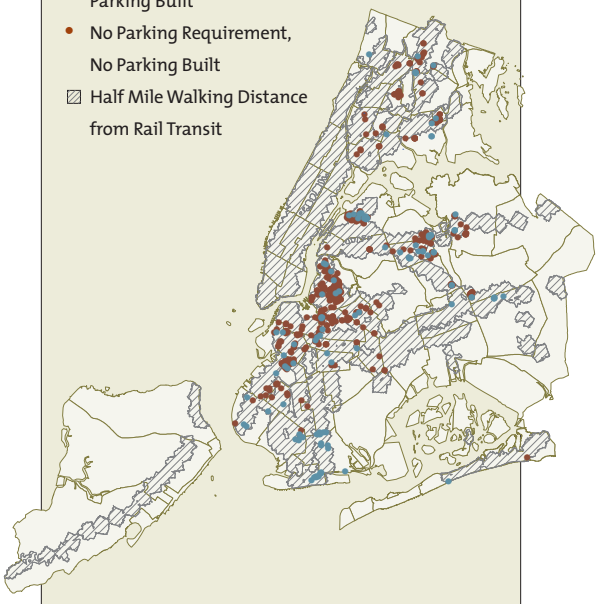
If we examine only the recent developments with between five and 14 units (which, of the developments we analyzed, were the most likely to be eligible for automatic waivers), we

Maps 1 and 2: Parking Built in Developments With 5 or More Units by Proximity to Public Transportation, 2000–2008 (Excluding Manhattan)

Map 1: Residential Buildings with Effective Parking Requirements (No Waiver)



Map 2: Residential Buildings With Waived Parking Requirement

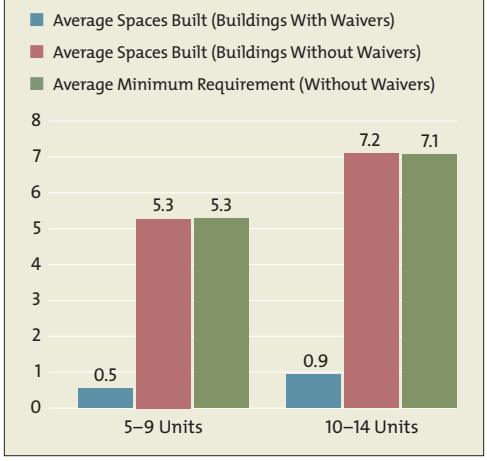


see the clearest effect of the parking requirements on developers' decisions to include parking. As Figure B illustrates, the average five- to nine-unit development built during this time period included just 0.5 total parking spaces if the development qualified for an automatic waiver, compared to 5.3 spaces if the project did not qualify (which exactly met the average requirement for these projects). In 10- to 14-unit buildings, developers still built less than one parking space on average if the requirement was waived, and built about seven spots, almost exactly the average number required, if the lot did not qualify for a waiver. While neighborhood demand, lot configuration, and transit access may be different for the lots that received automatic waivers, any such differences are unlikely to explain the rather stark contrast between how much parking developers built when subject to the requirement versus when the requirements were waived. Moreover, Maps 1 and 2 showed that lots with and without waivers are often located in the same neighborhoods and have similar proximity to transit.

Overall, the data suggest that parking requirements cause developers to build more parking spaces than they otherwise would based on what they believe their prospective tenants or buyers demand. This may imply that the requirements are causing developers to supply an inefficiently large number of parking spaces, which likely increases the cost of the units to renters or buyers. It may also be that the market is demanding too few spaces, as discussed above. Because residents of new buildings can use existing on-street spaces, and don't bear the full costs their additional competition for those spaces cause, they may be unwilling to pay for off-street parking.

Additionally, our findings show considerable variation in the effective requirements due to waivers. This variation occurs even within the same neighborhood, and has very little to do with proximity to public

Figure B. Average Parking Spaces Built for Small Buildings Compared to Requirements, 2000-2008



transportation. Both those findings should raise red flags about whether the minimum requirements are set at the efficient level. The prevalence of waivers also raises questions about whether the current system is creating perverse incentives for developers to subdivide lots and build multiple smaller buildings in order to legally reduce their parking requirements. Such measures to work around the parking requirements are unlikely to be efficient.

Moving Forward: Implications for New York City's Parking Policy

Our analysis shows that most residential developments with five or more units completed in recent years were exempt from minimum parking requirements because of automatic waivers for small lots and buildings. For a vast majority of these new buildings, the developer provided no off-street parking at all. However, many recent developments, especially larger ones, were required to include parking spaces. In most of these cases the developer provided close to the absolute minimum required, suggesting that

the requirements force developers to spend more on parking than the housing market alone would compel them to. While outside the scope of our analysis, this additional expenditure may be adding to New York's high housing costs. Further, to the extent that the minimum requirements result in more parking spaces than is efficient, the requirements also may encourage car ownership, to the detriment of the environment and the quality of life New Yorkers enjoy. To reduce the potential for these negative unintended consequences, policymakers could pursue a number of different strategies.

The most straightforward type of reform would be a general reduction or elimination of the requirements in more of the city. In a recent study, the Department of City Planning analyzed the Manhattan Core where, 30 years ago, minimum requirements were generally replaced with limits on parking construction. The study found that the revised regulations "have proven to be compatible with a growing, successful Manhattan Core" and reported that the area has met its clean air goals.[21] Other jurisdictions, too, have reduced minimum parking requirements significantly in recent years or imposed maximum parking requirements to reduce incentives for car ownership. San Francisco, for example, has eliminated minimum parking requirements in much of the city and imposed limits on the construction of new spaces in several neighborhoods.[22]

The New York City Department of City Planning could tailor parking requirements to better fit unique neighborhood parking conditions. Parking requirements might explicitly take transit proximity into account (for example, by providing automatic waivers for buildings within walking distance of rail or subway) or make adjustments according to neighborhood parking analyses that compare expected demand for parking to the total existing stock of on- and off-street spaces. In Milwaukee, Wisconsin, for example, minimum parking requirements are automatically reduced within a certain distance of transit stations.[23] In Portland, Oregon, minimum parking requirements do not apply to buildings within 500 feet of transit that provides services at least once every 20 minutes.[24] These transit overlay zones supersede any underlying zoning requirements. Full waivers for buildings close to transit would avoid high concentrations of parking spaces in dense, transit-rich areas.

Alternatively, the city could allow developers to make payments to a community transit fund in lieu of creating new parking, which could mitigate the effects of the increased traffic in the neighborhoods, and perhaps make it more likely that newcomers will use public transportation. Payments to the community transit fund could be used to improve mass transit, build bike lanes, widen sidewalks, or pursue more comprehensive parking planning. City officials in Vancouver, for example, have proposed mechanisms to allow payment-in-lieu for residential parking: if developers pay instead of building more parking, collected funds would be used for sustainable transportation initiatives.[25]

A more targeted change that could have significant impacts on the development of affordable housing would be to further reduce or eliminate the minimum parking requirement for these types of projects specifically. The Department of City Planning signaled an interest in reconsidering

21 New York City Department of City Planning. (2011). Manhattan Core Public Parking Study. Retrieved from http://www.nyc.gov/html/dcp/html/mn_core/index.shtml

22 Weinberger, R., Kaehny, J. & Rufo, M. (2010). U.S. Parking Policies: An Overview of Management Strategies. Retrieved from Institute for Transportation and Development Policy website: http://www.itdp.org/documents/ITDP_US_Parking_Report.pdf

23 U.S. Environmental Protection Agency, Development, Community, and Environment Division. (2006). Parking Spaces/Community Places: Finding the Balance through Smart Growth. Retrieved from http://www.epa.gov/smartgrowth/pdf/EPAParkingSpaces06.pdf

24 Parking and Loading, 33 Portland City Code §266. (2011).

25 Memon, W. (2009). City of Vancouver Parking By-Law—A Recital of Sustainable Parking Policies. City of Vancouver. Retrieved from www.citevancouver.org/quad/presentations/City%20of%20Vancouver%20Parking%20Presentation-Wali%20Memon%20-ITE%20Quad%20.pdf

the costs and benefits of minimum parking requirements for affordable housing in its 2011 update to PlanNYC.

Another proposal recommended by New York City residential developers is to allow garages in residential buildings, which are currently restricted to use by building residents, to serve as commercial garages. This makes it more likely that developers will recoup their costs for creating parking, rather than passing them on indirectly to renters and home buyers who do not own cars. Opening residential parking to non-residents would also allow partnerships with local businesses looking to provide customer parking, or increase the off-street parking supply for other neighborhood residents. The Department of City Planning's recent Manhattan Core Parking Study confirms that commercial garages are an important source of parking for nearby residents.[26] For communities far from the Manhattan Core, garages could facilitate transit use through park-and-rides.

Any reductions of the minimum parking requirements, though, are likely to create a greater demand for equitable management of public on-street parking. New York City is currently considering, and other cities already have in place, a residential parking permit system that gives exclusive or primary access to on street parking to neighborhood residents. Residential parking permits are particularly popular in neighborhoods with high evening demand for commercial parking—like entertainment venues. But well-designed programs can also appease residents who are concerned about competition from new neighbors by limiting the total number of permits through the use of a local cap, and giving priority to existing residents over new ones. Although often overlooked, such programs also have the potential to place a monetary value on parking, which can help ease competition by encouraging some residents to rethink their car use and changing the cost-benefit calculation between on- and off-street parking.

Car owners are not a majority in New York City, but they are the primary beneficiaries of free on-street parking and the minimum requirements for new off-street parking intended to preserve access to that free resource. The likely costs associated with this system, however, are borne by everyone—traffic congestion, higher environmental impacts, and possibly higher housing costs. While new residential construction can impose costs on existing car owners by increasing competition for free publicly-provided and maintained on-street parking, an oversupply of new parking can also facilitate car ownership and impose burdens on all residents. Our research cannot compare these different costs, but does make clear that the city's parking requirements are relatively blunt instruments, and that more parking spaces exist today than would have been built without the requirements. We welcome the city's commitment to reconsider its parking policies, and look forward to the debate over these issues.

26 New York City Department of City Planning. (2011). Manhattan Core Public Parking Study. Retrieved from http://www.nyc.gov/html/dcp/html/mn_core/index.shtml

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Appendix: Data and Methodology

Our analysis examines minimum parking requirements for every physical parcel of land in the city. We focus on residentially-zoned lots and determine, for each lot, how much parking the Zoning Resolution mandates for residential development on the lot, given its zoning district.

To estimate the parking requirement applicable to each lot, we use data from the New York City Real Property Assessment Database (RPAD), a proprietary dataset maintained by the New York City Department of Finance that contains detailed information about each lot, including the applicable zoning district, size of the lot, and other lot details. We add to the database the per-unit parking requirements specified by the Zoning Resolution for each lot's zoning district and flag lots that meet the lot size waiver criteria. To identify lots that would qualify for a waiver based on the number of spaces that the requirements would otherwise specify, we begin with an estimate of the total amount of building area each lot is zoned to accommodate, which was generated by the Furman Center for related work. We then divide this total square footage by the borough-specific average gross square feet per unit for recently developed residential projects (calculated using RPAD data) and multiply the resulting unit count by the parking requirement that applies to the lot.

Because of data limitations, we do not account for other types of waivers, however, such as those for "infill" housing. Nor do we account for the reductions available to different types of affordable housing discussed above, which are based not on lot characteristics, but on the type of a particular development. However, because the reductions for affordable housing are calculated as a percentage of the applicable requirement for market rate housing, the relative differences in the requirements across different geographies or groups of lots we explore below will generally hold true for affordable housing as well.

Finally, we augment the database with information derived from Geographic Information Systems (GIS) analysis to determine which lots were within a half-mile walk of a New York City subway entrance or a Staten Island Railway, Long Island Railroad, PATH Trains, or Metro-North Railroad station.

All estimates of average parking requirements for groups of lots (citywide, borough, within and beyond a half mile walking distance from rail transit, and other geographic areas) are aggregations of lot-level data. To calculate the average required parking ratio for groups of lots (e.g., lots near transit, etc.), we weight each lot by the maximum allowable building area. Our measure, accordingly, is the average required parking ratio (i.e., spaces per residential unit) for a square foot of allowable building area in that geography or group of lots. We use allowable building area for our weight instead of lot area to account for the fact that individual lots have widely varying development potential based on their zoning district

Our developer response analysis builds on data contained in the New York City Building Information System (BIS). Using this data, we identify 2,204 residential developments with five or more units that were approved for occupancy (i.e. construction was completed) between 2000 and 2008. We limit our analysis to developments in the Bronx, Brooklyn, and Queens where parking requirements apply and where there is significant land area in zoning districts with high enough density to permit new construction with five or more units. We then remove 1201 developments that included commercial or industrial use, were public housing or other income-restricted housing, homeless

shelters or supportive housing, or were missing critical information such as location. For the remaining 1,003 projects, we identify the project's zoning district, estimated parking requirements, and actual parking spaces built based on the certificate of occupancy data from the BIS website. We flagged properties eligible for automatic waivers. We confirmed our findings using the New York City Department of Information Technology and Telecommunications New York City map, ACRIS records, and the Digital Tax Map and made adjustments for lots with different lot areas, residential unit counts, or zoning designation than what was listed in their certificates of occupancy. This analysis does not account for variances approved by the Board of Standards and Appeals.



THE FURMAN CENTER FOR REAL ESTATE AND URBAN POLICY is a joint research center of the New York University School of Law and the Robert F. Wagner Graduate School of Public Service. Since its founding in 1995, the Furman Center has become a leading academic research center dedicated to the public policy aspects of land use, real estate development and housing. More information about the Furman Center, and its Institute for Affordable Housing Policy can be found at www.furmancenter.org.

LANDMARK WEST!

THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

Testimony of LANDMARK WEST!
Before the New York City Council
Subcommittee on Zoning and Franchises
Re: Zoning for Quality and Affordability / Mandatory Inclusionary Housing
February 10, 2016

LANDMARK WEST! is an award-winning non-profit working since 1985 to achieve landmark status for individual buildings and historic districts on the Upper West Side and to protect them from insensitive change and demolition.

LW! supports the goal of affordable housing for all New Yorkers. But it's time to call out the fact that the Emperor has no clothes. Mayor de Blasio's affordable housing "plan" is no plan at all. It is a smokescreen for developer giveaways. Please do not allow yourselves to become enablers of such dangerous public policy.

If we believed that the so-called "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH) proposals would result in meaningful progress towards providing housing opportunities for those who need it most, we would make every effort to advance changes to mitigate the very real, very destructive impacts these proposals would have on our city's neighborhoods. Those impacts include out-of-scale development overshadowing traditional human-scale blocks, driving out small businesses, and overturning long-established, hard-won, proven effective zoning tenets such as the Sliver Law, contextual zoning tailored to specific communities, and preserving light and air on midblocks and in rear yards.

The sad reality is that ZQA and MIH will not deliver on real affordability. Believing that they will is, at best, wishful thinking; at worst, it is buying into a developer's vision of New York in which nothing matters but the bottom line. Consider both the substance and process of these proposals. ZQA and MIH were introduced simultaneously, as though they were somehow interdependent, when in fact they are wholly separate ideas. ZQA, which does nothing more than enable developers to exploit every square foot of allowable floor area on a site—to maximize profit—turned "Progressive" by association with MIH. Yet, while MIH contains gaping developer "hardship" and other loopholes that undermine its "inclusionary" premise, ZQA does not guarantee a single unit of permanent affordable housing. Where is the public benefit that would justify such sweeping changes to our city's zoning?

That is <u>the</u> key question for any government regulation. But the idea of legitimate public purpose has been totally railroaded by this rushed, opaque, un-kosher process. Bear in mind that we are not in ULURP, only in a ULURP-like process. Both proposals have been in an almost constant state of flux since they were introduced. They have been subjected to a fast-and-loose "environmental review" that fails to consider how specific neighborhoods would be impacted. LW! worked with recognized zoning experts from the firm BFJ Planning, who stated, "A single project would be subjected to more far-ranging public review than what has been billed by the Administration as the most ambitious plan in the nation."

Over, please

Zoning is but one planning tool intended to manage development and protect the public interest. ZQA and MIH reinforce the dangerous idea that so-called “development rights” created by zoning trump all other public rights—for example, a child’s right to walk down a street that is not plunged in shadows or to be educated in a classroom that is not overcrowded as the result of heedless densification. This is the collateral damage of zoning without planning. This is what happens when we put our city up for sale.

Edward R. Murrow said, “A nation of sheep will beget a government of wolves.” We are not sheep, and neither should you be. Please do the right thing and disapprove these proposals.

Mr. Alaster Williams
Testimony before the New York City Council,
Subcommittee on Zoning and Franchises

Public Hearing on Mandatory Inclusionary Housing (Application No. 20160051ZRY)
City Council Chambers, New York, NY
February 9th, 2016

Mr. Alaster Williams
Testimony before the New York City Council,
Subcommittee on Zoning and Franchises

Public Hearing on Mandatory Inclusionary Housing (Application No. 20160051ZRY)
City Council Chambers, New York, NY
February 9th, 2016

My name is Al Williams, I am a native of Brooklyn, and currently struggling to find housing for myself and my partner in the current housing market. I am also a leader at Picture the Homeless.

I lost my residence due to 'Superstorm Sandy" in 2012. My partner, Charmel Lucas, and I were renting a room in the Coney Island section of Brooklyn at the time of the storm. Over the next year we resided in various hotels located throughout Manhattan that were paid for by monies provided to the city of New York by FEMA. It is estimated that **5,944** individuals and families were housed temporarily in hotel rooms under this program. In my case I estimate that approximately $110,000 was spent to temporarily house my partner and I only to find out that we did not qualify for any of the assistance programs that were being offered to Sandy victims.

In October of 2013, we were told that the Transitional Sheltering Assistance program would be soon ending and that we should make preparations to find our way on our own. With no alternative we entered into our current nightmare which is being sheltered by DHS. We have been provided no help by any of the facilities we have been sheltered in over the last 26 months.

This experience of being excluded from the city's affordable housing programs has been replayed for us again as we learned about the mayor's new Mandatory Inclusionary Housing initiative.

How can the mayor's Mandatory Inclusionary Housing program help me and mine? The current affordable housing being constructed throughout our city does not take into account those of us who are unable to afford these units, or even meet the qualifications to apply for them. Verifiable prior addresses? How does living in a shelter exhibit financial responsibility? If someone is making $15 an hour, that's about $31,000 dollars an hour—after taxes, and taking family size into account, how much disposable income does that person have for rent? The units provided in this plan are not attainable to most working-class New Yorkers.

Even if units are being built at this income level, there are nowhere near enough to meet the need. According to DNAinfo, there are on average 843 applications for every unit of affordable housing offered on NYC Housing Connect. That means that 842-odd people are excluded by this so-called "inclusionary" plan.

Meanwhile, the city is overlooking resources that could be used to provide truly affordable housing. Why are NYCHA units still sitting vacant? Why are buildings and land throughout the city being warehoused? This could provide housing for hundreds if not thousands of low income people. We at Picture the Homeless have submitted a

proposal to the Mayor and his administration for the Gaining Ground Pilot Project, that addresses the concerns of the low and extremely-low income population of the city. We would like to see the Mayor and his advisors take a hard look at our program, and to incorporate it into his affordable housing programs.

I lost my residence through no fault of my own but now I find myself homeless and adrift in this city of mine.

Mrs. Arvernetta Henry
Testimony before the New York City Council,
Subcommittee on Zoning and Franchises

Public Hearing on Mandatory Inclusionary Housing (Application No. 20160051ZRY)
City Council Chambers, New York, NY
February 9th, 2016

My name is Mrs. Arvernetta Henry. I am a former public school teacher of over 20 years, and a proud UFT member. I am also currently homeless, and a leader with Picture the Homeless.

I am here to speak on behalf of those New Yorkers living on fixed incomes and struggling to find housing that we can afford in this ever-more-expensive city.

As I review the mayor's housing plan it appears that it does not account for the demographic of *my* people in the age range of 55 and up as well as people of low-income, and those that are disabled.

The plan also does not provide housing for the over 50,000 people who are in the shelter system, like myself. DHS claims that they have housed 22,000 people this year, but the number of people in the system remains at an all-time high. It's a revolving door, and a waste of money.

My income comes from retirement and social security and amounts to under $10,000 a year. This means that I can't even get a decent room, let alone an apartment. I am one of the many New Yorkers who is excluded from this administration's "inclusionary" housing plan—I will not benefit from the so-called affordable housing this plan provides.

This is my home. I don't want to leave New York City, I don't want to move to another state. I've served this city for my whole life, and at the same time I can't get any assistance. It's unfair for all of us that have paid into the system that now we are excluded from our right to decent housing.

I want to be able to have at least a one bedroom apartment that will be permanently affordable to my income. I mean, really affordable rent, so that I can afford such "luxuries" as food, bills, and maybe even a little bit of leisure funds. Because at the present time, I have to eat in soup kitchens because my full social security check goes to housing costs. And it's *expensive* to live in shelter.

Mayor DeBlasio, you promised that you would help those of us on a fixed income. I pay taxes, I've worked for the city for years, but I'm over 65 now and I did prepare—but I still don't have enough to make ends meet.

There are alternative housing models—like community land trusts and mutual housing associations--that could provide truly affordable and permanently affordable housing for people on fixed incomes. Picture the Homeless has outlined these models in the Gaining Ground Pilot Project, and I hope that the Mayor and his administration will pay attention. Instead of investing billions of dollars into shelters, let's put that money into truly affordable apartments. Mayor DeBlasio, take the time and do your research. New York City has had truly affordable housing subsidy programs and we can do it again.

Thanks you.

Mrs. Arvernetta Henry

South Bronx Overall Economic
Development Corporation
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www.sobro.org

TESTIMONY OF

SOUTH BRONX OVERALL ECONOMIC DEVELOPMENT CORPORATION (SoBRO)

Michael C. Brady, Director of Special Projects and Governmental Relations

before the

New York City Council Sub-Committee on Zoning and Franchises

Zoning for Quality and Affordability Text Amendment

Chair Richards and members of the City Council good to see you two days in a row. Thank you for the opportunity to testify in favor of text amendments to Zoning for Quality and Affordability (ZQA) on behalf of the South Bronx Overall Economic Corporation (SoBRO).

This administration has created a housing strategy to utilize the City's financial resources to directly subsidize housing – both new and existing – to reach below market households and has sought ways to improve housing regulations to help reduce the cost of development and increase the supply of affordable housing. This strategy takes into account strong markets, and also State and Federal subsidies which are often in flux. ZQA is an important tool in the affordable housing tool box which will update zoning rules from 1987 so that the already permitted FAR can yield the amount of housing that was intended.

The amendments also adapt zoning to meet the rise of new technology and environmental standards; allowing for more efficient construction techniques like modular construction. Additionally, the amendments allow flexibility in the building envelope to improve the interior design of apartments and the exterior designs of buildings.\

The current contextual zoning envelope burdens modern day development. In trying to use all of the FAR with no excess envelope, developers are squeezing in spaces and creating buildings that are the zoning envelope diagrams, restricting the design, apartment quality and the developers ability to create an urban design that responds to the site's context.

ZQA will modernize zoning and allow the design higher quality buildings that better fit in the context of New York:

- Currently the rear yard setback pushes building to the front of a zoning lot. That, coupled with setbacks being measured from the street line, forces architects and developers to design flat buildings without significant articulation, typically at the property line. The proposed text, by modifying these provisions, will create up to a ten-foot play in a sixty-foot deep floor plate, allowing for greater variation of the façade.

- Outer-court dimensions again discourage variation in the street wall and rear yards. They also discourage the traditional building entrance of the 1920's to the 50's through a landscaped court, since under current regulations the courtyard has to be so wide as to be impracticable. Finally, older buildings often had

articulation at the back of the building, a saw-tooth design, to create more window area and efficient plans for deep lots. These saw-tooth buildings are extremely limited under current regulations, requiring the court to be as wide as it is deep. Under the new regulations architects will be able to do what was done in older apartment buildings, while maintaining the 30' distance between windows to provide light, air and fire safety.

- Under current height regulations and limited envelope, developments are encouraged to make apartments with a minimum floor to floor height of 8'-9" to pack as many floors as possible in the envelope to use all of the floor area. This creates units that feel dark and cramped and are harder to run required sprinkler lines and energy-efficient mechanical systems. Additionally, it encourages creating commercial space with low ceilings, which are not attractive to many commercial uses and run counter to our economic development principles. The proposed regulations, with the addition of floor limits and in most cases small increases in height, will create more commodious units and better commercial space.

Our experience has led to the understanding that parking requirements for affordable housing are cost prohibitive. It is also harder for new developments to promote good urban design.

- Frequently parking is located on the ground floor for cost reasons. This prevents commercial and other uses, which contribute to lively activity, to be located at street level. This runs counter to not only our economic development strategy, but the strategies developed by famed urbanist Jane Jacobs.
- Typically parking is underutilized in affordable housing; and is either unoccupied or used by staff.

By loosening the envelope and reducing the parking requirements through ZQA, in a number of small ways architects and developers will be able to create better buildings, with greater variation in design that will be better able to fit in with their context.

Planning New York City is the art of balancing many concerns in a city with limited space. With our affordable housing crisis continuing unabated, and our senior population projected to increase 36% by 2030, the ZQA proposal strikes the balance our city will need in the upcoming decades.

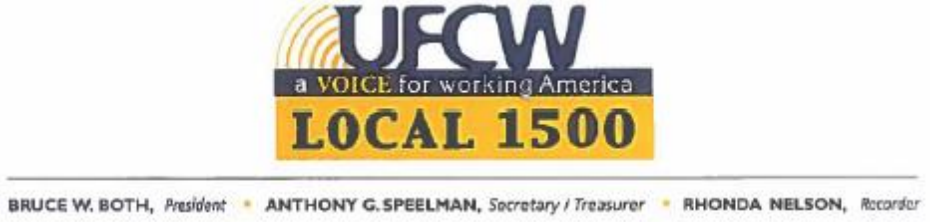
Most importantly, this proposal fits with SoBRO's economic development strategy in which zoning changes should, in all cases, specifically encourage affordable housing development or other community benefits. Communities of all types from across the City, have made it clear that more luxury housing is not a community benefit – and we are heartened that the City has recognized this, and modified its original ZQA proposal to better encourage Inclusionary Housing, Affordable Housing, and Senior Housing instead of unrestricted market rate housing. It should also be noted that there are a variety of valid concerns that have been raised throughout the land-use process and the final ZQA policy needs to factor in community feedback and make reasonable adjustments where necessary.

ZQA is only one piece of a larger puzzle in addressing our affordability crisis. The City must also put in place better support for community-based nonprofits developers, the Mandatory Inclusionary Housing policy discussed yesterday, and a citywide plan to prevent displacement and harassment to create balance communities.

Thank you for the opportunity to speak on behalf of SoBRO and the Bronx community we serve.

UFCW
a VOICE for working America
LOCAL 1500

BRUCE W. BOTH, *President* • ANTHONY G. SPEELMAN, *Secretary / Treasurer* • RHONDA NELSON, *Recorder*



To: City Council Subcommittee on Zoning and Franchises

From: UFCW Local 1500, as a member of Walmart-Free NYC

Re: Hearing on Mandatory Inclusionary Housing Text Amendment

Date: February 9, 2016

Good morning. Thank you for giving me the opportunity today to provide testimony on the mayor's Mandatory Inclusionary Housing Text Amendment. My name is Brendan Sexton the Political Coordinator for UFCW 1500, NY's largest grocery worker Union. We represent more than 21,000 supermarket wokers all over NY including; Stop & Shop, Fairway, Keyfoods, ShopRite, Dagastino's and others. We have historically always been involved in the communities our members work and live in. These rezonongs will impact our members in numerous ways, and would like to see their concerns addressed. We have been a coaltion partner with Walmart-Free NYC since its founding, ensuring that the low road model of retail that WalMart perfected does not infiltrate further into the greatest city in the world.

The Mayor's plan will shape the future of neighborhoods all across the city in such diverese neighborhoods in the Boros of Brooklyn, Queens, The Bronx, and Staten Island. The rezoning will either reduce inequality or further create two cities.

We are here to testify that the housing plan needs a jobs plan that will ensure to reduce income inequality. The rezonings will consisit of ground floor retail. This is prime breeding ground for low road retailers to sink the intentions of fighting income inequality. The permanent retail jobs that will be created, have yet to be addressed. What will be the quality of these jobs? Jobs that will be left as a legacy to this ambitious plan.

While it's true the administration has announced an intention for targeted local hire to support local development in the rezonings, we must insist that local hire is insufficient if it amounts to hiring for low-wage jobs with erratic schedules and no benefits. People working those jobs won't be able to pay their rent or sustain their families.

Low road retailers that emmulate WalMart's attack on workers and dragging down communities will open up in the new developments, unless the future employers are held to a high road jobs plan that is incorporated into the rezonings.

We need to get the retail part right on the first try. If retailers are paying poverty wages with no benefits and intimidation, then afforadable housing would still be unafforadable. This rezoned communities should have high road retailers that have local hire, job training, stable schedules, living wages with benefits, and the right to organize without intimidation.

Without a guarantee to high road retail, communties will remain vulnerable to low road employers. These WalMart type employers would further divide and create two cities. We need to be on the fore front of stopping exploitive practices from low road retailers and hold up high road retailers to truly begin to end income inequality.

City Hall has the tools and the power to implement a high-road retail agenda as part of this plan. We hope you will use your influence in this process to urge that meaningful efforts are made to get us there. The time for bold leadership is now.

Feb 9, 2016

My name is Alice Kinlock and I am here on behalf of UFCW Local 2013. I am a proud retail worker in Brooklyn for the past 26 years.

But today I am here to express my concerns about the mayor's rezoning.

Our local union is part of the Walmart-Free NYC coaltion. We are here to make sure that bad employers like Walmart—and all their copycats—do not benefit from this change.

We have an affordable housing crisis in New York City. I myself have faced an eviction notice.

But I am one of the lucky few. I just moved into a new affordable building in Eastchester, in the Bronx.

I don't make much working in retail, but now I can afford the rent. I am blessed.

I want to make sure that other people can benefit the same way I did.

If we are going to spend billions of dollars to build housing, we have to make sure that people like me who work in retail see the benefit.

Right now, there is no plan. We know if we let giant retail corporations set the rules, we all lose.

We know their recipe. Bad wages, bad jobs, and gentrification.

That's why the city needs High Road Retail. We should set high standards when developers look to take subsidies from our city.

We need a jobs plan and a housing plan—they go side by side.

That means good working conditions, good wages, good schedules, and a union.

We can't wake up in 10 years and miss this opportunity.

The time for bold leadership is now.

To: City Council Subcommittee on Zoning and Franchises
From: Walmart-Free NYC
Re: Hearing on Mandatory Inclusionary Housing Text Amendment
Date: February 9, 2016

Thank you for giving me the opportunity today to provide testimony on the mayor's Mandatory Inclusionary Housing Text Amendment. My name is Audrey Sasson, and I am the Director of Walmart-Free NYC, a coalition of community, labor and faith groups committed to supporting economic development that benefits workers and communities alike.

From East New York to the South Bronx and beyond, the mayor's plan to rezone neighborhoods across the five boroughs will shape the future of our city for years to come. The rezoning process could either reduce inequality or deepen it.

We are here today to state clearly and for the record that the housing plan needs an integrated jobs plan that will aid in ending income inequality and addressing the affordability crisis that so many New Yorkers are facing.

Part of the plan for implementing Mandatory Inclusionary Housing will be to anchor the affordable housing in developments with ground-floor retail. And yet, the quality of the permanent jobs created in those very retail establishments – establishments that will serve to, literally, hold up the housing stock – have yet to be considered or addresssed in any meaningful way.

While it's true the administration has announced an intention to advance targeted local hire to support local development in the rezonings, we must insist that local hire is insufficient if it amounts to hiring for low-wage jobs with erratic schedules and no benefits. People working those jobs won't be able to pay their rent or sustain their families.

Poverty-wage retailers that use Walmart's playbook of disrespecting workers and dragging down communities will come into new developments unless a plan for high road retail jobs is incorporated into the mayor's housing and rezoning efforts.

Simply put, affordability and jobs are intricately connected – workers are tenants and tenants are workers. Without a good retail jobs plan, housing won't be affordable, period – no matter how 'affordable' the administation claims it is.

Consider that retail is one of the fastest-growing sectors of our city's economy. We need to get it right. Our communities deserve high road retail jobs that include local hire, job training, stable schedules, living wages with benefits, and the right to organize without fear of retaliation.

Without a plan in place to incentivize, if not guarantee, high road retail standards in these developments, communities will remain vulnerable to low-road employers following Walmart's lead, who will in turn exacerbate the struggles that so many New Yorkers are already experiencing.

City Hall has the tools and the power to implement a high-road retail agenda as part of this plan. We hope you will use your influence in this process to urge that meaningful efforts are made to get us there. The time for bold leadership is now.

Les LaRue
234 E. 116th Street, #3
New York, NY 10029

Testimony for 2/9/16 City Council Hearing on Mandatory Inclusionary Housing

My name is Les LaRue and I'm an East Harlem resident and member of Community Voices Heard (CVH). I've lived in East Harlem for almost 11 years. I love my neighborhood and hope to remain for my life, I think. I moved to my present home from the East Village, where I'd lived for 15 years until developers bought my building. I didn't have knowledge of my rights or access to legal guidance, and so offered no resistance to being abruptly displaced and frightened for my well-being. I found my way to East Harlem and am grateful, in hindsight. My circumstance today is more stable and informed, but my past experience gives me empathy. I understand the fears and insecurities faced by people of modest means who clash with the plans of the wealthy. My hope for the MIH plan is that it be driven by an authentic desire to safeguard the security of those fortunate enough to have places we call home, and that it provide truly affordable housing to those in need, based on an honest AMI that reflects the truth of our neighborhood. CVH proposes eliminating the 30% at 120% AMI ($103,000 per year); adding an option for developers to build 30% at 30% AMI ($25,900 per year) and below; and adding FAAB (Floor Area Affordability Bonus), a density bonus that will require deeper affordability and local hiring.

It is my understanding that affordability levels appropriate to low income neighborhoods will be reached through adding additional subsidies on top of mandatory inclusionary housing. What are those subsidies and how will the city ensure that there is enough money budgeted in them to avoid displacement in low income rezoned neighborhoods? What can you tell us about the exact levels of affordability that will be reached?

The Administration has often lauded that MIH will create "permanent affordability." Are the subsidies you plan to use permanent? Traditionally, these subsidies are voluntary and temporary, usually at maximum a term of 30 years. What will you do to ensure permanent affordability for those New Yorkers not covered by this plan? Do you think we should have permanent affordability for New Yorkers making 30% of AMI or below?

I'm writing this testimony on the same evening that HOPE 2016 is taking place. I've seen photos online of the Mayor interacting with New Yorkers who live on the street. As well as counting these New Yorkers who are freezing and despairing on a winter night, we need a plan that also includes them and gives them homes.

Dear Speaker Mark-Viverito

I STRONGLY URGE YOU TO OPPOSE THE 'ZONING FOR QUALITY AND AFFORDABILITY' PLAN APPROVED BY THE CITY PLANNING COMMISSION.

This is a one-size-fits-all citywide zoning change that fails to take into account local conditions, goals, or desires, limits the tools in our zoning tool box, and eliminates the leverage that local communities, their Councilmember, and their Borough President would normally have over a local rezoning (as opposed to a citywide zoning text amendment such as this). It would also undo years of hard work and compromise by communities to achieve the height limits they current have, the price for which was often accepting upzonings along with them. Perhaps worse, it purports to increase the quality and affordability of new developments with minimal impact upon neighborhood character. Unfortunately, none of this is true.

That's why communities and community boards across the city have rejected the 'Zoning for Quality & Affordability' proposal.

ZQA would grant 5-20 foot height increases for market rate developments without any public benefit. It would grant much greater height increases (up to 25-50 feet and as much as 31%) for 80% market rate/20% 'affordable' developments under the pretense that such height increases would encourage more developers to include the 20% affordable housing. But there is no evidence to support this claim and much evidence to contradict it.

ZQA would also allow previously prohibited 'sliver' buildings and rear yard incursions under circumstances where they are not currently allowed. It would also grant very generous bulk and height bonuses to developers for including just 20% 'senior affordable housing' which many say would be unaffordable to the seniors who need it most and would only be required to remain senior affordable housing for 30 years.

ZQA would not make our city's housing better or more affordable. It would only make it bigger and taller. I urge you to oppose the 'Zoning for Quality and Affordability' plan.

The Mandatory Inclusionary Housing (MIH) proposal would also, as proposed, potentially do more harm than good. The Mayor has said MIH would only be applied in cases where there is a significant increase in the amount of allowable market rate development. This means affordable housing will only be mandatory if and when a huge amount of new market rate housing will also be created. This is exactly what was done in areas of the city like West Chelsea/Hudson Yards and Williamsburg/Greenpoint. While some affordable housing was built, the flood of market rate housing pushed up prices and made these neighborhoods overall exponentially less affordable. And the scale and sense of place of these areas was totally destroyed.

Gilda Pervin
New York, NY 10013

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Christina Amoia
New york, NY 10014

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Suzy Mattar
New york, NY 10014

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Elizabeth Cox
New York, NY 10014

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Lisa Talarico
New York, NY 10014

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Katherine Lyon
New York, NY 10014

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Chris Cox
New York, NY 10014

Hello,

I was unable to attend the City Council hearing on the nineth of February, therefore I am submitting my opinion here:
That fifty percent of all new affordable housing be set aside
for those make less than or equal to fifty percent of the AMI.

Otherwise the result will be a massive dislocation rent controlled tenants and increase in
the homeless population. Don't court catastrophe for New York City!

Thank you.

Sincerely,

Nikki Leger

Dear Speaker Mark-Viverito

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Mimi Slater
New York, NY 10014

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James Carmichael
New York, NY 10014

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Jill Carmichael
New York, NY 10014

Daniel McCalla, President
Linda Eskenas, Vice President Staten Isl.
Preservation League of Staten Island
Howard Yourow, Vice President, Bronx
Judith Guttman, Vice President Queens
Parkway Village Historical Society
Ed Jaworski, Vice President Brooklyn
Madison Marine Park Civic Association
Lew Greenstein, Treasurer
Duffied Street Block Association
Patricia Sherwoord Recording Secretary
Parkway Village Historical Society

Directors
James Trent, President Foundation
Queens County Farm Museum
Queens Civic Association
Steve Lavine
Steven Kaye
South Canarsie Civic Association
Mitchell Gruber
Queens Preservation Council
Joy Chatel in Memorium
Friends of 227 Duffied Street
Joseph Hellman in Memorium
Douglaston Civic Association

Members
Steve Barrison, President
Bay Improvement Group
Henry Euler
Auburndale Improvement Associaton
Mary Mattner
Carroll Gardens Association

FOUR BOROUGH NEIGHBORHOOD PRESERVATION ALLIANCE CORPORATION

c/o
Neighborhood Preservation Ceneter
232 East 11th Street
New York, NY 10003

Councilmen Donovan Richards
Subcommittee on Zoning and Franchises
250 Broadway
New York, NY 10007

February 9th 2016

Dear Chairmen Richards

My name is Daniel McCalla, President of the Four Borough Neighborhood Preservation Alliance Corporation. I am writing to testify in opposition to the Zoning for Housing Application.

The Zoning for Housing proposal implies New York City should not be affordable to everyone.

A) Upon approval Land Prices will escalate on vacant lots, unless a crime wave breaks out.
B) The Speculation of what can be built alone will increase the value of land.
C) Luxury apartments, condominiums will be a real estate developer's choice to make a profit. The model of small percent of low income housing to be set aside is not profitable

For more than a decade up-zoning applications, were accompanied by building using tax exempt subsidies. This proposal unforeseen consequence will make subsidies necessary because if builders don't pay the taxes.

A) The Tax burden will be placed on homeowners, and the homeowners will put the burden on the renter.
B) Homeowners in New York City are already house rich and cash poor.
C) Residents in outer borough neighborhoods are already angry especially African-Americans of being pushed out of the neighborhoods they grew up in.

Conclusion

The zoning applications is the final nail in the coffin of Affordabity.

FOUR BOROUGH NEIGHBORHOOD PRESERVATION ALLIANCE CORPORATION

The Increasing of Floor Area Ratios Citywide will push back New York City to the days before zoning. The best example is the City of Houston Texas, or Beijing China.

A) There will be a mad dash for developers to grab every vacant lot to build luxury housing.
B) My fictional neighbor Jeffery can buy enough homes demolish them to increase his (FAR) and probably build a 20 story luxury apartment complex with a subsidy next to a one family home.

The Bottom Line is Developers have to make a profit, Low Income Housing Non Profits will be obsolete competing to purchase the land.

Contextual zoning application approved citywide by the City Council during the past decades will be ineffective.

A) Downzoning was necessary because the 1961 Zoning Resolution was developed at a time when New York City was underpopulated.
B) B) When communities worked with Department of City Planning officials, and Local elected officials to start contextual zoning applications.
C) Developers would work into the night to get enough foundations in,
D) Then apply for a hardship with the Board of Standard and Appeals. Creating Spot Zoning which use to be illegal.

New York City and New York State need to address reform in the Housing Lotteries, that native New Yorkers can't make a dent in because of policies of favoritism.

The Zoning application also proposes smaller floor area for Seniors in proposed New Senior Housing. Apparently the new trend in architecture Is too build smaller and smaller apartments. Why is the City copying the failed European housing model?

A) Tourist already flock to New York City because shopping is cheaper here that the high tax rates of their countries.
B) The Philosophy is you don't need to entertain guest in a living room

when you have New York City as Your Living Room. Apparently this Ivan Drago housing philosophy is popular.

FOUR BOROUGH NEIGHBORHOOD PRESERVATON ALLIANCE CORPORATION

The Housing Court System also need a tremendous overhaul because families on public assistance can possibly get help over other candidates. Why should a family be on Public Assistance be favored over a family or couple without children, when homeowners have to sell property or are trying to rip off tenants? The Cities homeless crisis is out of control why pour more gasoline on it. There is no quick fix when the numbers can't be tracked accurately.

Why is this Relevant to the application? This is relevant because when you change so-called outdated zoning definition and pass the zoning application The Zoning becomes AS-OF RIGHT.
Plan examiners work will become either complicated or simpler. The Chaos begins because the Department of Buildings interprets the Zoning Resolution completely different from City Planning.

The Board of Standards and Appeals is basically a Court where Lawyers request adjournment after adjournments. Communities seeking to curtail bad behavior will run out of money arguing zoning variances. The applicant does not even have to prove they did not create their own financial hardship. When a Zoning application is not vetted promises will be broken. Past Council members have stated they wanted promises in writing. Why should a contract be honored, when dishonesty becomes the cost of doing business?

Policies have consequence and the working class and low income will be left out as the losers. In closing I urge the Committee and the City Council to vote down
The application.

Sincerely,

Daniel McCalla
President,
Four Borough Neighborhood Preservation Alliance Corporation

Dear Speaker Mark-Viverito

Dear Councilmembers,

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While I can understand that, on the surface, this would seem to further your political aspirations. However, please consider that communities and community boards are strongly against this proposal and these are our constituents.

Kind regards,

William Harrison
New York, NY 10014

Dear Speaker Mark-Viverito

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Delphine Ahl
New York, NY 10011

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Richita Anderson
New York, NY 10014

Movement for Justice in El Barrio
232 East 11th Street
New York, NY 10003

City Council of New York
The Subcommittee on Zoning and Franchises
Council Chambers, City Hall

February 11, 2016

Dear Members of the Subcommittee on Zoning and Franchises,

According to the hearing protocols for the February 9th Public Hearing on Mandatory Inclusionary Housing – Application No. 20160051 ZRY, and the February 10th Public Hearing on Zoning for Quality and Affordability – Application No. 20160049 ZRY, the City Council is accepting written testimony on the proposals until February 16, 2016. Thus we, Movement for Justice in El Barrio, are hereby submitting this attached testimony for official review.

Subject: Public Hearings on Mandatory Inclusionary Housing – Application No. 20160051 ZRY, and on Zoning for Quality and Affordability – Application No. 20160049 ZRY.

Date of Hearings: 2/9/16 & 2/10/16

Comments: We are members of Movement for Justice in El Barrio, a community-based organization of East Harlem tenants fighting against displacement and to safeguard dignified living conditions and preserve affordable housing in our beloved community of El Barrio.

We have organized community consultations where East Harlem community members have come together since the beginning of 2015 to learn about the rezoning plan and to develop our own position and proposal. The result of these consultations is a clear position opposing the rezoning plan and specifically the rezoning amendments, Mandatory Inclusionary Housing and Zoning for Quality and Affordability because of the negative impacts they will have on our community, and the development of a plan of our own.

We are opposed to this rezoning plan where 70-75% of all new units will be market-rate, luxury housing. The thousands of market-rate, luxury apartments created in the community if the proposed rezoning plan goes through will lead to displacement of long term low-income tenants. These new luxury units and their market rate rents and higher income residents will put pressure on long term low-income tenants and small local businesses that contribute to the fabric and culture of El Barrio. Low-income tenants and small businesses will be priced out of their homes

and communities. It has happened before in East Harlem and elsewhere in the City and it will happen again.

The units set aside as "affordable" are not within reach for current East Harlem residents. In the plan, for the 25-30% of units set aside as "affordable," the average incomes range from $46,620 to $62,150 for a family of three – well above $33,600, the East Harlem area median income (AMI) for a family of four. These units designated as "affordable" are not for current East Harlem residents, but will, like the luxury units cater to newer, wealthier residents.

In addition, as an organization of community residents that includes immigrants and tenants living in rent-stabilized housing, we also do not endorse the so-called "East Harlem Neighborhood Plan" which does not reflect the make-up of our community nor the position of the majority of community members. That position is clear opposition to the mayor's rezoning plan.

We submit to the City Council as a response to these rezoning amendments our enclosed report, "Rezoned East Harlem = Loss of Affordable Housing: A 10-Point plan for the De Blasio Administration to preserve rent-stabilized housing." As residents of East Harlem, we are concerned that the rezoning that the Mayor has planned for our neighborhood, as laid out in Housing New York: A 5-Borough, 10-Year Plan and Mandatory Inclusionary Housing, will cause displacement of long-term low-income residents from their rent-stabilized homes in our community, as described above. It is within this context that we believe it is of utmost importance that our 10-Points to preserve rent-stabilized housing be implemented. When enacted, the East Harlem community-generated recommendations will help to reverse the trend toward displacement of low-income immigrant and people of color communities.

Please accept this community-generated letter and the 10-point Plan as our written response as regards the MIH and ZQA amendments under review at the public hearings on February 9 and Feburary 10, 2016.

Organization: Movement for Justice in El Barrio
Address: 232 East 11th Street, New York, NY 10003

Sincerely,
Movement for Justice in El Barrio

Enclosure: "Rezoned East Harlem = Loss of Affordable Housing: A 10-point plan for the De Blasio Administration to preserve rent stabilized housing"



REZONED EAST HARLEM = LOSS OF AFFORDABLE HOUSING

A **10**-point plan for the De Blasio Administration to preserve rent stabilized housing.

REZONING IN EAST HARLEM

As part of his "Housing NY: A Five-Borough, Ten-Year Plan," Mayor De Blasio is planning to rezone East Harlem. Throughout the spring, summer and early fall of 2015, Movemen for Justice in El Barrio organized broad community consultations in East Harlem through a series of community-wide meetings and workshops to understand, analyze and discuss this planned rezoning of East Harlem.

A primary concern raised through this community consultation process has been the likely displacement of long-tim low-income community residents as a result of rezoning. Community members came out clearly against a rezoning plan where 70-75% of all new units will be market-rate, luxury housing. This, community residents argue, would be more aptly named a Luxury Housing Plan, not an Affordable Housing Plan. The thousands of market-rate, luxury apartments created in our community if the proposed rezoning plan goes through will lead to displacement of long term low-income tenants. These new luxury units and their market rate rents and higher income residents will put pressure on long term low-income tenants and small local businesses that contribute to the fabric and culture of El Barrio. Low-income tenants and small businesses will be priced out of their homes and communities.

In addition, the units set aside as "affordable" are not within reach for the current residents of East Harlem. In the plan, for the 25-30% of units set aside as "affordable," the average income eligibility level ranges from $46,620 to $62,150 for a family of three – well above $33,600 the East Harlem AMI for a family of four. Residents argue that these units designated as

"affordable" are not for current East Harlem residents, but will, like the luxury units cater to newer, wealthier residents.

For these reasons and more, area residents are opposed to Mayor De Blasio's Housing New York: A Five-Borough, Ten-Year Plan, and his Mandatory Inclusionary Housing.

Community residents are deeply concerned about the potential loss of rent-stabilized housing and have developed a plan to preserve existing affordable housing.

THE PRESERVATION OF RENT-STABILIZED HOUSING

Community members in East Harlem have developed a 10-point plan for the preservation of rent-stabilized housing in East Harlem and beyond. When enacted, the community-generated recommendations below will make systemic change in the enforcement of the housing code, reversing the trend toward displacement of low-income immigrant and people of color communities.

These across-the-board changes are needed at Mayor De Blasio's Department of Housing Preservation and Development (HPD) and will lead to actual preservation of thousands of units at risk of loss of affordability.

DISPLACEMENT IN LOW-INCOME, PEOPLE OF COLOR, IMMIGRANT COMMUNITIES

Low-income, people of color and immigrant residents across the City find that inaction on the part of HPD leads to displacement and a weakening of their communities.

When tenants live with housing violations for years on end, many are finally driven out, paving the way for landlords to

raise rents and ultimately remove units from the rolls of rent-stabilized apartments, thereby decreasing the availability of affordable, quality housing to New York's poor and working class residents.

Many community residents decided to make a systematic study to document their lived experiences by surveying residents across East Harlem (also known as El Barrio) about their interactions with HPD and to hold HPD accountable to its mission, and to use the results to develop community-driven recommendations for systemic change at HPD. The data show that HPD fails in its mission on multiple levels: educating the public about their role, providing adequate inspection, responding to the most hazardous maintenance issues, enforcing the housing code and protecting tenants from abusive and negligent landlords. (The findings of this study are available upon request).

Mayor De Blasio must act and preserve rent-stabilized housing by implementing these ten recommendations which directly address HPD's failures. These community-developed recommendations for systemic change, once implemented, will stem the tide of displacement in communities threatened with unfair rezoning and its resulting displacement.

RECOMMENDATIONS

We call on Mayor De Blasio to take strong action in favor of preserving rent-regulated housing. While the Mayor's "Housing New York" plan claims that "rent-stabilized apartments are a critical component of the City's affordable housing stock," the City's low income residents need a community-driven plan that will indeed preserve rent-stabilized housing units. Here we have a ten point community-generated plan to preserve affordable housing in East Harlem and citywide. Based on surveys, one-on-one conversations with hundreds of residents, group discussions, and community meetings, we have developed these recommendations for real, lasting changes at Mayor De Blasio's agency tasked with preservation, the Department of Housing Preservation and Development, HPD. These are changes that the residents of New York City's low-income, people of color and immigrant communities need and deserve.

1. Provide true, independent citywide oversight of HPD's performance. It is of the highest importance that enforcement mechanisms are put into place to ensure HPD's execution of these recommendations and their regular duties.

- Create an Independent Citywide HPD Oversight Commission with the power to investigate HPD, in order to ensure that HPD carries out these recommendations as well as their responsibilities to enforce the maintenance code and improve the quality of affordable housing.
- Community based housing and tenants' rights organizations will have input on the selection of the Independent Citywide HPD Oversight Commission members.

- Have HPD make regular reports to the Independent Citywide HPD Oversight Commission regarding their execution of these recommendations, housing code enforcement and the improvement of the quality of affordable housing.
- Establish a citywide hotline where tenants can lodge complaints with the Independent Citywide HPD Oversight Commission about problems with HPD.

2. Mount a citywide public education initiative about HPD's responsibility to safeguard quality, affordable housing.

- Publicize the 311 hotline and HPD's role in addressing housing maintenance issues using public service advertisements across all five boroughs, including on subways, buses, bus shelters, inside subway stations, newspaper ads, TV commercials, commercials on taxi TVs, billboards, radio spots, in hospitals and other readily visible public locations.
- HPD should have community outreach workers distribute multi-lingual, easy-to-understand literature about their role in addressing housing maintenance issues in El Barrio and similar neighborhoods in all 5 boroughs. Materials should publicize the 311 hotline where tenants lodge complaints regarding housing code violations.
- Consolidate all information about HPD on one web location and publicize this webpage in HPD Public Education Initiative materials and advertisements.

3. Establish an administrative tribunal to assess and collect fines for code violations, and/or grant inspectors the power to write citations against owners which must be paid immediately upon finding violations left unrepaired during a reinspection.

4. Fulfill the responsibility of the Emergency Repair Program.

- HPD must make all emergency repairs not completed by the landlord in the designated amount of time and bill the landlord.
- Mount a special public education promotion during heat and hot water season advertising the ERP's role and budget for addressing heat and hot water violations, and publicizing the 311 hotline where tenants can lodge their heat and hot water complaints. Utilize public service advertisements across all five boroughs including print, television and radio commercials and posters in readily visible public locations.
- Hire community outreach workers to carry out this special public education promotion and publicize the ERP's role for addressing heat and hot water violations and the 311 hotline in low income neighborhoods in all 5 boroughs.

5. Improve the quality of language-access for tenants receiving inspections.

- Inspectors must carry violation notifications in all available languages with them at all times.
- Printed violation reports which are mailed to tenants must be provided in the tenant's primary language.

6. Improve response to emergency violations.

- Landlords must be required to make repairs within 24 hours for emergency violations (except lead-based paint and window guards). Inspectors must be dispatched immediately and must notify landlords immediately in person, by phone or by email.

- Dispatch inspectors in less than 24 hours in cases of lack of heat or hot water.
- Promptly fine owners when heat or hot water is not restored within 24 hours.
- Assign special emergency inspectors.

7. Establish an East Harlem-HPD Housing Justice Program that can serve as a Pilot Program to be replicated in other similar areas with sub-standard housing at risk of worsening housing conditions and displacement.

- Establish an East Harlem HPD Oversight Team composed of members of local tenants' associations to review HPD's performance in East Harlem. (See Recommendation 8).
- Establish an East Harlem HPD liaison who will take complaints lodged collectively by tenants' associations.
- Community outreach workers who carry out the HPD Public Education Initiative in East Harlem will report to the East Harlem HPD Oversight Team so the Team can measure the overall effectiveness of the program.

8. Establish community-based oversight of HPD's performance in East Harlem.

- Create the aforementioned East Harlem HPD Oversight Team composed of members of local tenants' associations to review HPD's performance in East Harlem.
- The East Harlem HPD Oversight Team will oversee HPD's performance in terms of: i) Housing code enforcement in East Harlem and ii) The implementation and effectiveness of the HPD Public Education Initiative.

• The East Harlem HPD Oversight Team will review for approval all materials that HPD provides to tenants as part of the HPD Public Education Initiative. • HPD will provide written reports to the East Harlem HPD Oversight Team on housing complaints, inspections and code enforcement in East Harlem every 6 months.

9. Improve the inspection process.

• Provide inspections 24 hours a day, 7 days a week.

• Increase the number of HPD inspectors.

• Give inspection appointments with date and time to everyone who lodges a maintenance complaint so that residents suffering in poor housing conditions can make arrangements so that their apartments can be inspected.

• Inspectors to provide all tenants with a written result of the inspection in the language that the tenant can understand signed as proof of inspection with the date and time of the inspection.

• For non-emergency complaints, send tenants written notification of inspections with exact time and date at least 24 hours prior to the inspection.

10. Improve HPD follow up on unresolved violations.

• Guarantee HPD call-backs to tenants to find out if violations have been repaired.

Movement for Justice in El Barrio
212-561-0555

New York City Council
Public Hearings on
Mandatory Inclusionary Housing & Zoning for Quality and Affordability Proposals
February 9 and February 10, 2016

Testimony of William Stein FAIA

My name is William Stein. I am a principal of Dattner Architects, a NYC architectural firm, a member of the American Institute of Architects New York Chapter, the New York State Association for Affordable Housing and a board member of the Citizens Housing and Planning Council. My testimony is in support of the Mandatory Inclusionary Housing and Zoning for Quality and Affordability text amendment proposals.

I believe that these proposals will promote the development of urgently needed affordable and senior housing in ways that are responsive to neighborhoods and result in better buildings. I support the provisions of these proposals, including:

- Modest adjustments to building height (with restrictions on number of stories) to enable use of the permitted floor area, resulting in more affordable apartments, and to encourage more generous ground floors for retail uses or apartments raised above the sidewalk.
- A variety of measures, including modest height increases, to promote permanently affordable family and senior housing. Flexibility in building envelopes will make it easier to utilize inclusionary housing, and flexibility at the base of buildings promotes better buildings, streetscapes, and communities.
- Making parking optional for affordable housing in a “transit zone” where car ownership is low to enable more efficient use of limited sites, to reduce construction costs for affordable housing, and to allow existing affordable senior housing to repurpose underused parking lots – for example, to provide open space for residents, or more senior housing.
- Carefully considered changes to street wall and setback requirements which, along with the height and other bulk adjustments, will encourage more contextual buildings and offer more design flexibility, so that buildings fit better into their neighborhoods and create more lively streetscapes.

In addition to the substantive changes that encourage affordable and senior housing, the amendments rationalize many provisions of the Zoning Resolution, making this complex document easier to use by professionals, regulators and the public.

I believe that the core principles of these proposals are critical to maintaining and improving a diverse, livable and sustainable city.

URBAN JUSTICE CENTER | COMMUNITY DEVELOPMENT PROJECT

TESTIMONY OF ADRIEN A. WEIBGEN BEFORE THE NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES ON MANDATORY INCLUSIONARY HOUSING (MIH)

February 9, 2016

Thank you for the opportunity to testify today. My name is Adrien Weibgen, and I am a Staff Attorney at the Community Development Project of the Urban Justice Center, or "CDP." CDP's mission is to strengthen the impact of grassroots organizations in New York City's low-income and other excluded communities. We partner with community organizations to win legal cases, publish community-driven research reports, assist with the formation of new organizations and cooperatives, and provide technical and transactional assistance in support of their work towards social justice. As part of its work around neighborhood change, CDP works with its partners to advance policies that promote responsible, equitable development throughout the city.

CDP supports the City's efforts to adopt a new Mandatory Inclusionary Housing policy to require developers to build permanently affordable housing as part of new construction in rezoned communities and on sites where a developer seeks added density. CDP has long advocated for a Mandatory Inclusionary Housing policy in New York City, and we feel strongly that developers who receive additional building rights must be required to set aside permanently affordable housing in exchange.

However, CDP has three significant concerns about the current draft of the policy and the way it interacts with the City's rezoning plans. First, the City's plan to adopt MIH while upzoning only low-income communities of color creates a huge risk of displacement. Though the City may view these issues as separate, they are deeply intertwined, and the City must adopt new strategies to combat the displacement that new development is likely to trigger. Second, for MIH to create more opportunities for low-income people, the City must commit to upzoning wealthy, high-opportunity neighborhoods, not only poor and working-class communities. To maximize the benefits of MIH and achieve the economic diversity the City claims is at the heart of the policy, the City must rezone wealthy communities, as well. Third, the City should create additional MIH options that will guarantee that a significant share of new affordable housing is accessible to New Yorkers with incomes below 30% AMI. Housing at this level should not just be an *option* that *could* happen through averaging within the Options thus far proposed by the City; it *must* be part of *every* MIH Option, including a new "deep affordability" Option, consisting of 30% of all units at 30% AMI. The income levels of the current MIH options skew far too high, and far beyond the income levels of the communities currently slated for rezonings.

Prevent Displacement

MIH can produce affordable housing only if developers build, and to produce significant amounts of affordable housing with MIH, the City plans to upzone up to 15 neighborhoods. But dramatically upzoning low-income communities creates a huge risk of displacement, because allowing far more building and bringing new resources to communities is likely to make these areas more attractive to wealthier residents, changing the housing market in a way that places low-income tenants at risk. Residents of communities like East New York and the South Bronx do not fear

change; they fear they will not be around to benefit from the changes that are coming. As rents in the community rise, landlords of rent-regulated buildings will have a huge incentive to harass and displace long-time, low-income tenants in an effort to move these apartments out of stabilization. Tenants of unregulated units can disappear even more easily if landlords double or triple their rents overnight.

MIH is only part of this puzzle, but the City should not act as though MIH and upzonings exist in a vacuum when MIH fundamentally depends on creating added density – density that will add fuel to the fire of gentrification and increase the risk of displacement in many communities. The City must adopt strategies to combat the displacement of both rent-regulated and unregulated tenants. One solution is citywide zoning text or legislation that would require landlords seeking to build or renovate to first obtain a Certification of No Harassment, a policy that currently exists in the Special Clinton District. The policy helps to *prevent* displacement by putting a high price on harassment. It also *creates* affordable housing by requiring landlords who harass their rent-regulated tenants to set aside part of their buildings as permanently affordable housing as a condition of receiving the permits they need to renovate or expand their buildings. Although the City's investment in anti-displacement legal services is meaningful and important, these services will never be enough if the payout for harassing out tenants remains so high. The City should adopt an anti-harassment policy to break the cycle of harassment and displacement and assure longtime tenants that neighborhood change will not come at their expense.

The City must also think creatively about how to combat displacement of tenants in unregulated homes, who are incredibly vulnerable to displacement from communities like East New York, where over 50,000 residents live in unregulated homes. It is more difficult to protect the rights of tenants whose rents can escalate at any time, but ensuring that most of the new housing that's built matches the needs and income levels of the current community is one way to stem the tide of rising rents and displacement. The City may find it challenging to balance the desire to build with the need to protect current low-income tenants from displacement, but the City cannot simply ignore the displacement problem and hope that the public forgets about it. MIH will only succeed at increasing housing opportunities for low-income people if the City develops meaningful strategies to prevent displacement.

Upzone Wealthy Communities

CDP also urges the City to commit to rezoning wealthy communities as part of its overall rollout of MIH and the rezonings. The City's MIH policy study provides significant evidence of the benefits of programs that permit low-income people to access housing in wealthier, better-resourced areas. According to the City's research, programs like these can increase adult employment rates, improve high school graduation rates, improve mental and physical health, and increase academic performance.[1] These findings are important and valuable, and they underscore the importance of

[1] The programs cited by the City include "the nation's first mobility experiment … the court-ordered relocation of Chicago Public Housing Authority residents from racially segregated, high poverty neighborhoods to communities with a higher degree of racial and economic integration," a program found to increase adult employment rates and improve high school graduation rates; the HUD-sponsored Moving to Opportunity program, which "found that among households that moved to neighborhoods with lower poverty rates, adults had both physical and mental health improvements" and young girls had significant improvements in health and other outcomes, even years later; and a 2010 study of "the academic performance of students living in publicly-owned inclusionary housing units in Montgomery County, Maryland - one of the wealthiest counties in the nation and home to the country's largest and oldest inclusionary housing program," which found that students who attended the most advantaged schools far

creating affordable housing for low-income families in high-opportunity neighborhoods in the City. But so far, the City has named only low-income communities as target areas for rezonings – areas where the risk of displacement is greatest, opportunities are fewest, and the amount of subsidy required to make *any* development feasible is at its peak.

We urge the City to follow through on its own findings and commit to rezoning wealthier neighborhoods, including some of those in Manhattan and the inner-ring neighborhoods of Brooklyn and Queens, to ensure that MIH creates more opportunities for low-income families in well-resourced areas. The City's current choice to rezone only poor and working-class communities is indefensible, especially since the City's own economic studies show that developments in strong markets – unlike those in cooler markets – can sustain significant amounts of deeply affordable housing and remain financially viable without government subsidies. Because developers in wealthy areas can collect so much income from market-rate apartments, they can sustain more affordable units under MIH – and they should be pushed to do so. Rezoning wealthier areas is not only about creating more affordable units at less cost to the City – though that is, of course, what the MIH policy should aim to achieve. Rezoning wealthy areas will *also* serve to advance the City's goal of economic diversity in *every* community – not only poor and working-class areas. To get more bang for its buck, create a greater number of affordable units, and reap the full benefits of the economic diversity the City has promised through MIH, the City must rezone rich areas as well.

Create Deeply Affordable Options

Finally, we urge the City to create a deep affordability option within MIH, and to ensure that every MIH option requires a significant share of units accessible at very low income levels. Currently, none of the MIH options require housing at affordability levels below 60% AMI, even though 85% of New Yorkers making under 50% of AMI are rent-burdened, and there are "14 times more rent-burdened households at 50% AMI and under, than at 100% AMI and up."[2] New York City's housing crisis is greatest for those below 50% AMI, but the City failed to even study MIH options with affordability levels below 60% AMI.

The income levels of affordable housing should meet the needs of the people in greatest need, and this must be written into the MIH policy. Even though HPD subsidies will be needed to spur construction in some neighborhoods and will help to make rents more affordable than the MIH text requires, these subsidies will not last forever and will not provide permanent affordability. Subsidies are also voluntary, and landlords are less likely to take them as neighborhoods change and market rents increase. Having lower income levels written into the zoning text is the only way to guarantee that these apartments *always* remain deeply affordable. CDP joins the Association for Neighborhood & Housing Development in calling for a set aside of 15% of units at the 30% AMI level for all MIH options, and a new MIH "deep affordability" option that requires 30% of units to be affordable at 30% AMI.

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outperformed those who attended the least advantaged schools. *New York City Mandatory Inclusionary Housing: Promoting Economically Diverse Neighborhoods*, Dep't of City Planning, City of New York (Sept. 2015), p.48-49.

[2] "ANHD Analysis of NYC Inclusionary Zoning Proposal," ASS'N FOR NEIGHBORHOOD & HOUSING DEVELOPERS (July 31, 2015), http://www.anhd.org/?p=7038.

Although this new Option would not be feasible without subsidy in every neighborhood, that is no reason not to adopt it. First, "strong" and "very strong" markets would be able to support developments with significantly more and/or deeper affordability than any of the Options the City has thus far proposed, without additional subsidy.[3] Second, the City has *already* proposed a range of Options that will not work without subsidy in every community, and the deep affordability Option is no different. This Option will simply increase the flexibility of the program and give the City an important additional tool to create permanently and deeply affordable housing in some areas. Finally, the City has committed to providing significant amounts of subsidy in the communities that have been identified for rezonings. Within that context, the logic that a deep affordability Option should not be adopted because it would require subsidy in some areas does not hold.

In closing, many of the groups who represent and are part of low-income and working-class communities of color in this City have come out in opposition to the MIH plan as proposed. The Administration's approach so far has been to dismiss these concerns and suggest that these communities simply do not understand what the City is trying to accomplish with MIH. This position insults the intelligence and expertise of the people who stand to be most affected by these plans, whose objections are rooted in the fact that the current proposal – however progressive and well-intentioned – fails to meet the needs of the New Yorkers most in need of affordable housing. We urge the Council to continue listening to community members and working with them to improve the MIH proposal, including through the creation of both a deep affordability Option and a set-aside of at least 15% of all housing at 30% AMI for all MIH Options. We believe that if we work together, we can craft an improved MIH plan that will help make New York the truly equitable city all of us are fighting for.

[3] "Mandatory Inclusionary Housing: Financial Feasibility and the Current City Proposal," ASS'N FOR NEIGHBORHOOD & HOUSING DEVELOPERS (Nov. 2015), http://www.anhd.org/wp-content/uploads/2015/11/MIH-White-Paper-11-12-2015.pdf?utm_source=Blog-MIH+position-12-8-15&utm_campaign=Blog-MIH+position-12-8-15&utm_medium=email.

Capalino+Company
Government & Community Relations Strategists

NEW YORK CITY COUNCIL

SUBCOMMITTEE ON ZONING AND FRANCHISES

FEBRUARY 9, 2015

Testimony of

Richard Barth

Senior Advisor for Land Use and Housing Strategies

Chair Richards and members of the Subcommittee on Zoning and Franchises, I am pleased to appear before you in support of the proposed text amendments for Mandatory Inclusionary Housing, and Zoning for Quality and Affordability. My testimony focuses on the MIH text amendment.

For the past year I have served as a Senior Advisor on Housing and Land Use strategies at Capalino+Company with a focus on assisting both the for-profit and not-for-profit sectors in conceiving and implementing mixed-income and affordable housing projects. Previously, I served in several capacities at the Department of City Planning, including Executive Director for 12 years. In combination with my City Planning public sector experience and background, this more recent experience has given me additional perspective on the zoning proposals now before you.

During my tenure at City Planning, I was involved in many of the inclusionary housing initiatives, ranging from those incorporated into Greenpoint/Williamsburg and Hudson Yards, to the inclusionary program that was incorporated into many of the subsequent areawide rezonings. While at City Planning, we had always sought to make the use of the incentive-based inclusionary program as compelling as possible.

Nevertheless, despite the program's success, developments have proceeded without using he bonus and without an affordable housing component. There have been any number of reasons

for this, which include: the size of the development; the ability to build profitably in some cases without the bonus floor area; instances where achieving the permitted FAR was difficult in light of envelope constraints; and sometimes, an unwillingness on the part of developer or particularly small builder to spend the additional time and resources necessary to maximize the bonus floor area.

Conditions in the City have changed dramatically in recent years as the population has grown past 8.3 million, and we are projected to reach 9 million people over the next few decades. A mandatory inclusionary housing program is essential to help ensure that as market rate housing is developed, affordable housing for a range of incomes will also be built and preserved.

Issues raised throughout the public review process have ranged from household income targets to the amount of affordable housing that should be required. As you weigh these concerns, ask that you consider several principles and components of the proposal that I believe will help ensure its success:

- First and foremost, the program must provide regulatory predictability rather than negotiations on a project-by-project basis. Developers and stakeholders will benefit from the predictability – both in terms of amount of floor area devoted to affordable housing, with clear rules for target AMIs and how the affordable housing is to be provided.
- Average AMIs proposed in the plan allow for flexibility to achieve a range of household income. This is important.
- In the end, the options must work under a variety of physical and economic conditions as well as with available subsidy programs. The City's options are based on extensive economic analysis.
- The payment in lieu option is important, as evidenced by the difficulty of, and resistance by, the smaller developers in particular to participate in the current inclusionary program.
- Continuing to allow off-site preservation, and affordable housing in separate buildings while mandating a common entrance in mixed-buildings will be important to ensure development flexibility where needed.

- And finally, in ZQA, the relaxed building envelopes required to accommodate the increased inclusionary FAR are important. The tightness of the envelopes was one of the reasons that the full FAR bonus has not always been utilized. As a result, affordable housing was not maximized.

In summary, I urge you to support this important text amendment and to help ensure that it is a success.

I thank you for the opportunity to testify.

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL ON THE PROPOSED ZONING TEXT AMENDMENT TO CREATE MANDATORY INCLUSIONARY HOUSING

February 9, 2016

My name is Marika Dias and I am the Director of the Anti-Displacement Project at Legal Services NYC (LSNYC), as part of which I also oversee our citywide tenant protection work in NYC neighborhoods that are currently slated for rezoning.[1]. LSNYC has a rich history of fighting poverty and seeking racial, social and economic justice for low-income New Yorkers. For over 45 years, we have challenged systemic injustice and helped clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. Our neighborhood-based offices across the five boroughs service over 80,000 New Yorkers every year. With approximately 400 staff city wide, we have a team of over 100 attorneys and support staff providing a comprehensive range of housing legal services to low-income tenants across the city.

The current Administration has shown great concern for the creation and preservation of affordable housing and homelessness prevention, in particular through free legal services interventions. LSNYC applauds the Administration's efforts in this regard, particularly in the absence of support from the federal and state governments.

[1] This testimony may also be presented by Luis Henriquez, Deputy Director of the Housing Unit at Brooklyn Legal Services, depending on what time we are called to testify.

I am here to today to testify about one such initiative: the proposed zoning text amendment that would create a Mandatory Inclusionary Housing program in neighborhoods being rezoned. Primarily, the proposal creates a requirement that, where there is the development of new housing in rezoned areas, the housing must include a percentage of affordable housing – either 25% of housing at 60% of AMI (leaving 75% to be market rate housing) or 30% of housing at 80% of AMI (leaving 70% to be market rate housing) . From our perspective, the key question is whether said affordable units are within the reach of low-income residents currently living in the neighborhoods that will be rezoned under the Mayor's housing plan. If they are not, the City's program as a whole has the potential of doing more harm than good, specifically to the extent that it will accelerate the gentrification process while failing to protect existing low-income residents.

We believe there are two main issues with the MIH program as currently proposed. First, the percentages for affordable housing mandated under the program are not sufficient to meet the demand in the communities that will likely see significant displacement resulting from the rezoning process itself. In East New York, for instance, the proposed rezoning has already resulted in the increase of property values, which primarily affects unregulated tenants but has an impact as well in the eventual deregulation of rent stabilized housing. Rents in the neighborhood are likely to continue increasing once the construction of thousands of new market rate units becomes a reality.

Second, as it stands the MIH program defines affordability based on citywide AMI levels. However, median incomes in some of the City's poorer neighborhoods, neighborhoods where the majority of our clients live, are significantly lower. Again taking East New York as an example, the citywide AMI for a family of three is $46,620, whereas the AMI in East New York for that family size is $34,512.[2] Furthermore, in East New York, one third of families earn less than 30% of AMI and over half of East New York families are earning less than 50% of the city AMI.[3] Not surprisingly, East New York 61% of families are rent burdened or severely rent burdened (meaning they spend more than 30%, and in many cases more than 50%, of their income on rent).[4] So, by design, many East New Yorkers and, in fact, those East New Yorkers who need it most, do not stand to benefit from the MIH program as currently proposed. In East New York, almost 73% of families are below 80% of AMI, which is one of the thresholds available to developers for the creation of 30% of affordable housing.[5] Recently, the Office of the City Comptroller published a report that, in essence, concludes that in East New York the rezoning plan stands to produce far more market rate housing than affordable housing, and even the latter will remain out of reach of at least half of the area's low-income residents.[6] Considering the magnitude of the non-rent regulated housing stock in East New York, tenants forced out of their

[2] See the Department of Housing and Preservation and Development's *East New York Snapshot*, July 10, 2015, available at http://www1.nyc.gov/assets/hpd/downloads/pdf/community/East-New-York-Snapshot.pdf
[3] Ibid
[4] Ibid
[5] Ibid
[6] See New York City Comptroller Scott M. Stringer, *Mandatory Inclusionary Housing and The East New York Rezoning: An Analysis*, December 2, 2015, available at http://comptroller.nyc.gov/wp-content/uploads/documents/Mandatory_Inclusionary_Housing_and_the_East_New_York_Rezoning.pdf

apartments will not be able to re-rent in the same neighborhood and will ultimately be displaced - in many instances being forced to move out of New York City altogether.

This is of great concern to our organization. In the past year, LSNYC and other legal services providers have received unprecedented City funding to dramatically increase our provision of tenant protection services in the neighborhoods proposed for rezoning. We have already had an impact on thousands of low-income area residents, both through individual representation in housing court and through strategic building-wide litigation and advocacy work. Unfortunately, our impact in these communities cannot extend to saving apartments for unregulated tenants who are lawfully taken to court once their leases expire. And legal services alone cannot counteract market forces that price out low-income tenants and make it impossible for them to find affordable housing in their current neighborhoods when they are displaced or need differently sized housing. For this reason, we share the Comptroller's view that any MIH initiative should result in the creation of affordable housing that is (1) sufficient in number to offset all potential displacement of low-income tenants from neighborhoods facing rezoning, and (2) within the economic reach of these families based on neighborhood-specific AMI levels.

As an organization fighting day in and day out for low-income tenants living in neighborhoods slated for rezoning, we share the Administration's objective of promoting and preserving affordable housing in these neighborhoods and citywide. We are deeply concerned, however, that this goal will not be realized based on the current MIH proposal. Moreover, we fear that the

unintended - yet wholly foreseeable - result will be to heighten the wave of gentrification already overwhelming so many of our neighborhoods. We grapple with the consequences of gentrification every day in our work and hope that the City Council will bear our comments in mind when considering the current MIH proposal.

Should the City Council have any questions regarding our testimony or require any additional information, please contact Marika Dias, Director, Anti-Displacement Project, Legal Services NYC on (646) 442-3588 or via mdias@ls-nyc.org.

Capalino+Company
Government & Community Relations Strategists

TESTIMONY
CITY COUNCIL
Subcommittee on Zoning and Franchises
FEBRUARY 9, 2016

Claire H. Altman
Director of Affordable and Supportive Housing Services Development
Capalino+Company

Good morning, Chairman Richards and Members of the Committee:
I am focusing my statement today on the text changes in the Zoning for Quality and Affordability proposal that affect the range of senior housing options. I serve as the Director of Affordable and Supportive Housing Development at Capalino+Company where we assist not-for-profit and for-profit housing organizations in developing affordable housing. As a not-for-profit affordable housing developer and manager for 30+ years and before that a pioneer in the field of accessible transportation for the elderly and disabled, I have firsthand experience in how important it is to reduce regulatory barriers to creating affordable, accessible, high quality housing for NYC's large and growing senior population.

City Planning's proposals have some key features that, taken together, will greatly reduce the red tape and provide incentives for housing developers who want to build affordable senior housing. Some of the most important of these "reforms" are:

- Creating a zoning definition of "affordable independent residence for seniors" to allow a wider range of not for profit and for profit organizations to provide affordable senior housing
- Redefining "shared" facilities within senior housing complexes
- Creating a new term "long term care facility" to apply to assisted living residences and nursing homes and continuing care retirement communities
- Permitting long term care facilities in R3-R10 districts as of right

- Increasing the FAR (floor area ratio) for affordable independent and long term care residences for seniors by 20% over what is currently permitted for other residences Reducing restrictions on mixing affordable independent residences for seniors with other community facility uses on the same zoning lot
- Reducing minimum unit sizes to less than 400 square feet, and finally
- Reducing parking requirements for newly developed senior housing and for existing senior housing.

When taken in their entirety, these individual changes reduce barriers and add incentives for developing much needed senior housing and care facilities in New York City.

These proposed Zoning for Quality and Affordability text changes represent a coordinated set of text amendments that would help developers, both for profit and not-for-profit, achieve the goal of creating a sufficient supply of safe, affordable, attractive senior housing and care facilities. For too long, NYC's housing and zoning regulations have inhibited the development of more creative solutions as we see in Scandinavia and Europe where shared housing models especially for seniors are becoming the norm. In addition, new models have emerged that foster inter-generational housing that supports both families with young children and seniors. We need for our zoning regulations to mirror the way people want to live, not to have artificial barriers to people living in communities that foster independence, but provide for supports when people need them.

The current set of regulations and zoning rules foster building settings in which we move seniors to different environments as their needs change – which is disruptive and isolating and as a result creates more dependence than is necessary. With these new proposals, we have an opportunity to replace some of the heavy reliance on facility based services with housing settings that foster human support networks which help people live as independently as possible.

The proposed ZQA text amendments represent landmark reforms in the zoning texts that will greatly reduce barriers to and increase incentives for developing senior housing and care facilities that fit the 21st century needs of seniors. Many seniors are living well longer and want to live in affordable urban settings because of the many services and amenities available. The proposed ZQA text changes are also important to younger New Yorkers as it is also critically

important to the families of seniors who want their parents and grandparents to be close to them.

I urge support of these very common sense proposals that will go a considerable distance in facilitating the development of the full spectrum of senior housing across New York City – we owe it to New Yorkers to take these important steps to making NYC a more livable city for seniors and by extension to all New Yorkers.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. MIH Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alicia Glenn

Address: _____

I represent: NYC HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. MIH Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alicia Glenn

Address: _____

I represent: NYC Dep. Mayor

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Carl Weisbrod

Address: _____

I represent: NYC DCP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Josette Amato

Address: _____

I represent: WEPS

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Joan P Dubnau

Address: 800 Riverside Dr

I represent: FENA

Address: _____

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Emanuel Zbeda

Address: 345 West 98th St. Apt 6P

I represent: District 5 NYCYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 2016005 Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: JOLIE MILSTEIN

Address: 242 W 36th ST 6J

I represent: NYSAFAH

Address: SAME

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Mary Rosario

Address:

I represent: 32 BJ

Address:

35

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THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2-9-16

(PLEASE PRINT)

Name: Rachel Meltzer

Address:

I represent: The New School

Address:

Please complete this card and return to the Sergeant-at-Arms

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: ~~AR Bernard~~ Raymond Blanchette

Address: _____

I represent: AR Bernard

Address: _____

22

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: ~~Daniel Mills~~ Raymond Blanchette

Address: _____

I represent: The NYC Housing Partnership

Address: _____

23

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Jolie Millstein Raymond Blanchette

Address: _____

I represent: NYSAFAH

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Alex Schwartz

Address:

I represent: The New School

Address:

25

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2-9-16

(PLEASE PRINT)

Name: Ted Houghton

Address:

I represent: Gateway

Address:

26

25

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date:

(PLEASE PRINT)

Name: Dolores Green

Address:

I represent: 32BJ

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. MIH Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Hon. Gale Brewer

Address: Manhattan Borough President

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ESTELLA VASQUEZ

Address: _____

I represent: 1199 - SEIU

Address: _____

211

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2-9-16

(PLEASE PRINT)

Name: Kathy Wylde

Address: _____

I represent: Partnership for NYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Alexa Sewell

Address:

I represent: Settlement Housing Fund

Address:

MN
12

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date:

(PLEASE PRINT)

Name: Kyle Bragg

Address:

I represent: 32BJ

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: Feb 9, 2016

(PLEASE PRINT)

Name: Stephen Cooper

Address: 321 Beach 46 St Edgemere NY 11691

I represent: Frank Ave Civic of Edgemere

Address: President of organization / Edgemere Far Rockaway

Please complete this card and return to the Sergeant-at-Arms

13

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Sydelle Knepper

Address:

I represent: NY Housing Conference

Address:

14 14

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: David Karnovsky

Address:

I represent: Fried Frank

Address:

15

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Dawanna Williams

Address:

I represent: Bebar Development

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Madeline Mendez

Address: _____

I represent: CASA

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Maritza Silva-Farrell

Address: _____

I represent: Real Affordability For All

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Jose Lopez

Address: _____

I represent: Make the Road NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

5

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Adam Weinstein

Address: _____

I represent: phipps

Address: _____

4

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Elizabeth Strojan

Address: _____

I represent: Enterprise

Address: _____

2

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Chris Wedelo

Address: _____

I represent: AARP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

1

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Colvin Grannum

Address: _____

I represent: Bedford Stuyvesant Restoration Corp.

Address: _____

114

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Strojan

Address: _____

I represent: _____

Address: _____

115

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: IRVING POY FOR QUEENS

Address: BOROUGH PRESIDENT

I represent: MELINDA KATZ

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

153

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Julius Tajiddin

Address: Harlem, NYC

I represent: Preserve Harlem's Legacy

Address: Harlem, NYC

THE COUNCIL
THE CITY OF NEW YORK

154

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 154

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Henry Euler

Address: 204-05 43 Avenue, Bayside 11361

I represent: Auburndale Improvement Assn.

Address: PO Box 580331, Station A
Flushing NY 11358

THE COUNCIL
THE CITY OF NEW YORK

155

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 157

☐ in favor ☑ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: AHRAM KIM

Address: 13849 BARCLAY AVE #5H FLUSHING, NY 11355

I represent: [redacted]

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

1161

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: [illegible]

Address: _____

I represent: WE THE PEOPLE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

1562

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: CARA CRUMP

Address: 44-78 23rd St. LIC, NYC 11101

I represent: East Village Community Coalition

Address: 143 Ave B 10009

THE COUNCIL
THE CITY OF NEW YORK

1163

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: CHEA CARDEN

Address: 224 W. 21 #13

I represent: ~~NAG~~ Met Council on Housing

Address: _____

Please complete this card and return to the Sergeant-at-Arms

85

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Asenhat Gomez

Address:

I represent: Friends of Hope Ballfield

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 02/09/16

(PLEASE PRINT)

Name: Terry Frohnhoefer

Address: 78-14 67th Rd. Middle Village

I represent: Fiorello Homes for the Homeless

Address: P.O. Box 476 Sunnyside Station

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Michelle Neugbauer

Address: 625 Jamaica Ave B'klyn NY 11208

I represent: Cypress Hills Local Development Corp

Address: 625 Jamaica Ave B'klyn NY 11208

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. M11 Res. No. _____

☐ in favor ☒ in opposition

Date: 2-9-2016

(PLEASE PRINT)

Name: Jei Forey 2/9/2016

Address: Coalition to Protect Chinatown &

I represent: ~~[illegible]~~ LES

Address: 345 Grand St. NY NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. M11 Res. No. _____

☐ in favor ☐ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: Luis Henriquez or Marika Diaz

Address: _____

I represent: Legal Services New York City

Address: 105 Court St, Brooklyn NY 11201

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Patricia Malicha

Address: 310 Windsor Pl Bklyn

I represent: Citizens for the Preservation of

Address: Windsor Terrace

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: Tues., Feb. 9

(PLEASE PRINT)

Name: Monica Fonzelli

Address: 578 16 St. BKlyn. NY 11218

I represent: Citizens for the Preservation of Windsor Terrace

Address: Same

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: VERONICA CULLEN

Address: 56 BAY RIDGE. PKWY BKlyn

I represent: CPWT

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Tiffany Lee

Address: 118 Post Ave. Apt 4A Newyork, NY 10034

I represent: Centro Alegocia de Fey Justicia

Address: 511 W. 164th St. NY. NY.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/11e

(PLEASE PRINT)

Name: Ava Farkas

Address: _____

I represent: Met Council on Housing

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/11e

(PLEASE PRINT)

Name: Maya Bhardwaj

Address: _____

I represent: Faith in New York

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9

(PLEASE PRINT)

Name: Alan Berger

Address: 190 Lincoln Rd

I represent: Concerned Citizens for Community

Address: Prospect Lefferts Gardens Board Planning

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/

(PLEASE PRINT)

Name: Suwen Cheong

Address: 79 Fenimore Brooklyn, NY

I represent: Concerned Citizens for Community Based Planning

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 9 February 2016

(PLEASE PRINT)

Name: Eileen Herweck

Address: 366 Broadway

I represent: Tobacco Trust

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 1/7/16

(PLEASE PRINT)

Name: Jenny Goldstein

Address: 121 Madison Ave #4B

I represent: Myself

Address: Same as above.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 2/2/2016

(PLEASE PRINT)

Name: Claudette Brady

Address: 182 Hancock St

I represent: Bedford Stuyvesant Society for Historic Preservation

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 1/9/16

(PLEASE PRINT)

Name: Amanda Champion

Address: 373 DeWitt Ave 3D 11207

I represent:

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: Feb 8

(PLEASE PRINT)

Name: Lynn Ellsworth

Address: 165 Duane St

I represent: New Yorkers for a Human-Scale City

Address:

Please complete this card and return to the Sergeant-at-Arms

88

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: James Rodriguez

Address:

I represent: GOLES

Address: 173 Avenue B

89

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9

(PLEASE PRINT)

Name: MARY CROSBY

Address: 101 W 23 ST.

I represent: MET COUNCIL ON HOUSING

Address:

90

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date:

(PLEASE PRINT)

Name: Beverly Parbau

Address: 2 EAST 127th ST

I represent:

Address: ~~2 EAST~~

Please complete this card and return to the Sergeant-at-Arms

101

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ALAN WASHINGTON

Address: _____

I represent: Downtown Brooklyn Partnership

Address: _____

106

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: feb 9, 2016

(PLEASE PRINT)

Name: victoria hillstrom

Address: 385 greenwich aka 71 no. moore

I represent: loft tenants

Address: _____

108

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: Pablo Estupiñan

Address: 751 DeKalb Avenue, Brooklyn NY

I represent: the Bronx CASA

Address: 35 Marcy Place BX 10452

Please complete this card and return to the Sergeant-at-Arms

107

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9

(PLEASE PRINT)

Name: AVA FARKAS

Address: DIRECTOR

I represent: MET COUNCIL ON HOUSING

Address:

109

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2-9-2016

(PLEASE PRINT)

Name: Madeline Mendez

Address: 1185 Grand concourse

I represent: My neighborhood bronx

Address:

110

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: Christopher Smith

Address: 337 East 112st Apt#6C

I represent:

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

1/64

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 1/64

☐ in favor ☑ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Estevan Hembhard

Address: Post Ave. New York, NY 10034.

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

1/53 1/64 1/65

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16 1/64

(PLEASE PRINT)

Name: Paula Luria Caplan

Address: 767 W. 231 St Bronx

I represent: myself

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

171

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 1/9/17

(PLEASE PRINT)

Name: Pablo Diaz

Address: 301 W 48th St NYC NY 10036

I represent: West Side Neighborhood Alliance

Address: 777 10th Ave NYC NY 10019

Please complete this card and return to the Sergeant-at-Arms

111

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alex Rodriguez

Address: _____

I represent: New York resident. HTC.

Address: _____

113

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Michael Brady - SOBRO

Address: 555 Bergen Ave - Bronx

I represent: SOBRO

Address: "

172

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: KATHERINE O'SULLIVAN

Address: 1825 Riverside Drive #6A

I represent: Moving Forward Unidos

Address: _____

Please complete this card and return to the Sergeant-at-Arms

173

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Deborah Howard

Address: 1000 Dean St BK 11238

I represent: IMPACCT Brooklyn

Address: 1000 Dean St BK 11238

174

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2-9-2016

(PLEASE PRINT)

Name: JEAN COMPAS

Address: 269 E. 4th ST NYNY 10009

I represent: NYCC

Address: _____

127

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTABEL GOUGH

Address: 45 TUDOR CITY PLACE #645 NYNY 10017

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

128

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Josette Amato

Address: 508 W End Ave, NY NY 10024

I represent: West End Preservation Society

Address: 514 W End Ave, 15B, NY NY 10024

175

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Keith Brooks

Address: 50 Broadway, 10004

I represent: _____

Address: _____

103

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CLIFTON STANLEY DIAZ, Pres

Address: 177-20 133 Av APT 2D

I represent: ROCHDALE VILLAGE CIVIC ASSOCIATION

Address: _____

Please complete this card and return to the Sergeant-at-Arms

104

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/20/6

(PLEASE PRINT)

Name: Regina Cafewood

Address: 171 Mosel Avenue

I represent: Local #6

Address: 44st 8th Ave

105

THE COUNCIL
THE CITY OF NEW YORK

6 ft

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9

(PLEASE PRINT)

Name: Roberta Corbett

Address: [illegible]

I represent: GA

Address: 35 Lavey Place

76

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Judy Montanez

Address: Lopez

I represent: Make the Road NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

77

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Duke Maria

Address: _____

I represent: Make the Road NY

Address: Make the Road NY

60

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Lo van der Valk

Address: _____

I represent: Carnegie Hill Neighbors

Address: 170 E. 91st St. NY NY 10128

87

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: VINCENT RIGGINS

Address: _____

I represent: Community Board #5

Address: _____

Please complete this card and return to the Sergeant-at-Arms

86

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: PATRICK PURCELL

Address: 266 W. 37th St. 11th Fl

I represent: GREATER NY LABCET

Address: SAME

117

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth CAPUTO

Address: 250 W 87

I represent: CB 7 - CHAIRMAN

Address: _____

118

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Peggy Cowley

Address: _____

I represent: Community Board 7 Manhattan

Address: 250 West 87th Street

Please complete this card and return to the Sergeant-at-Arms

119

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: MEL WYMORE

Address: 120 W 70

I represent: CB7

Address: 250 W 87

120

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: MARK DILLER

Address: 250 W 87

I represent: COMMUNITY BOARD 7/M

Address: 250 W 87

65

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: BARIKA WILLIAMS

Address: _____

I represent: ANHD.

Address: 55 BROAD STREET, NT, NY

Please complete this card and return to the Sergeant-at-Arms

69

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Thormon Rene

Address: 86-14 Woodhaven Blvd

I represent: Queens Community Bd 9

Address:

98

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Alexis Smallwood

Address: 57-07 Shore Front Parkway

I represent: _____

Address: 57-07 Shore Front

50

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Jean Sasine

Address:

I represent: New York Communities for Change

Address:

Please complete this card and return to the Sergeant-at-Arms

68

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Anthony Ley

Address: _____

I represent: Local 78

Address: _____

67

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Wilhelm Ronda

Address: 851 Grand Concourse

I represent: Bronx Borough President's Office

Address: 851 Grand Concourse

Please complete this card and return to the Sergeant-at-Arms

66

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Catalowski

Address: 400 Cross Rd Unit A-11

I represent: Local 78

Address: 11-17 43rd Ave, LIC, NY

Please complete this card and return to the Sergeant-at-Arms

40

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Pearl Burch

Address: 220 2nd Ave 4B

I represent: Community Voices Heard

Address:

57

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Juanita Surita

Address: 115 E 106th St

I represent: Community Voices Heard

Address:

64

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: Pierina Ana Sanchez

Address: 4 Irving Place, NY NY

I represent: Regional Plan Association.

Address: 4 Irving Place, NY NY.

Please complete this card and return to the Sergeant-at-Arms

63

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Mary Rocakio

Address: _____

I represent: 32BJ

Address: _____

62

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Delores Green

Address: _____

I represent: 32BJ

Address: _____

61

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Kyle Bragg

Address: _____

I represent: 32BJ

Address: _____

Please complete this card and return to the Sergeant-at-Arms

36

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2.9.16

(PLEASE PRINT)

Name: [illegible]

Address: [illegible]

I represent: [illegible]

Address: [illegible]

37

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Pat Purcell

Address: 266 W 37th Street

I represent: GMHC Lecet

Address: _____

38

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/09/16

(PLEASE PRINT)

Name: Peter Myette

Address: 47 W 94 ST NYC 10025

I represent: Community Voices Heard

Address: E 106 St. NY NY 10029

Please complete this card and return to the Sergeant-at-Arms

39

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/09/16

(PLEASE PRINT)

Name: Etan Mettes Calera

Address: 4175 WE 996 ST S HY 3, 10025

I represent: Community Voices Heard, D

Address: E 106 St. NY NY 10029

56

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Millie Valentin

Address: 1591 PARK AVE 10 6

I represent: CVH

Address: E. 106 St.

30

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Lovette Fine

Address: _____

I represent: New York Communities for Change

Address: _____

Please complete this card and return to the Sergeant-at-Arms

46

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Rachel Rivera

Address: _____

I represent: NYCC

Address: _____

47

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: Fine

(PLEASE PRINT)

Name: Jean Crawford York Comm

Address: _____

I represent: NYCC

Address: _____

48

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: JOAN SKINNER

Address: 1322 3RD AVE

I represent: IRONWORKERS LOCAL 46

Address: _____

Please complete this card and return to the Sergeant-at-Arms

17

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Adrian Westhagen

Address: _____

I represent: Urban Justice Center

Address: _____

16

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Barbara Williams

Address: 50 Broad Street

I represent: ANHD

Address: _____

18

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Cathy Dang

Address: _____

I represent: CAAAV

Address: _____

Please complete this card and return to the Sergeant-at-Arms

49

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: John Hlavos

Address: 37-21 80 Street

I represent: Local 78.

Address: _____

19

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Lucia Gomez

Address: 11-17 43rd Ave, LIC

I represent: Laborers Local 78

Address: _____

20

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/10

(PLEASE PRINT)

Name: STEVE CHESLER

Address: 980 MANHATTAN AVE. #3 11222

I represent: FRIENDS OF BUSHWICK INLET PARK

Address: GREENPOINT/WILLIAMSBURG

Please complete this card and return to the Sergeant-at-Arms

9

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Jennifer ~~Gray~~ Gray-Brumskine

Address: 171 Wellington Ct Staten Island

I represent: _____

Address: _____

10

THE COUNCIL
THE CITY OF NEW YORK

Dulce Rivera

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Dulce Maria Rivera

Address: _____

I represent: Make the Road

Address: _____

27

THE COUNCIL
THE CITY OF NEW YORK

Jose Lopez

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Jose Lopez

Address: Staten Island

I represent: Make the Road

Address: _____

Please complete this card and return to the Sergeant-at-Arms

28

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Judy Montanez

Address: Staten Island

I represent: Make the Road

Address: _____

29

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Dolores Stallworth

Address: _____

I represent: New York Communities for Change

Address: _____

6

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Kayla S Rivera

Address: _____

I represent: Coalition for Community Advancement

Address: _____

Please complete this card and return to the Sergeant-at-Arms

7

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Jens Rasmussen

Address: 252 Green St #3

I represent: Friends of Bushwick Inlet Park

Address: _____

8 2

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 2/9/2016

(PLEASE PRINT)

Name: John Medina

Address: _____

I represent: (RAFA)

Address: 1695 LEXINGTON AVE

26

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Jonathon Westin

Address: _____

I represent: New York communities for clean

Address: _____

Please complete this card and return to the Sergeant-at-Arms

71

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Estela Vazquez

Address: 602.10 78t #2 NY 10029

I represent: 1199 SEIU

Address: 310 W 43rd Street NY 10036

73

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Elder James Richmond

Address: _____

I represent: _____

Address: _____

74

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Carlo Scissura 2/9/16

Address: _____

I represent: Brooklyn Chamber

Address: _____

Please complete this card and return to the Sergeant-at-Arms

75

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Clifton Stanley Diaz

Address: Brooklyn Chamber

I represent: Rochdale Village Civic Assc.

Address: _____

91

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Tobar Pdtosky~~ Anthony Barnes

Address: Clifton Stanley Diaz

I represent: NYCHA Breukelen Houses

Address: Rochdale Village Civic

93

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Erma Campbell

Address: _____

I represent: Haven Plaza TA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

94

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Toba Potosky

Address: _____

I represent: Ladman Towers

Address: 101 Clark

72

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Michael Brady

Address: _____

I represent: SoBRO

Address: _____

112

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Taylor Rothbell

Address: 308 West 30th St, New York NY 10001

I represent: Hotel Trades Council

Address: _____

Please complete this card and return to the Sergeant-at-Arms

92

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Mike Raciappo

Address: _____

I represent: CB6 Brooklyn

Address: _____

70

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: NACHMAN C CALLER

Address: 1547 57th Brooklyn

I represent: Boro Park Community

Address: 1547 57th St

81

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Elizabeth Strojan

Address: Enterprise Community Partners

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

82

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rafael Cestero

Address: President,

I represent: Community Preservation Corp (CPC)

Address: _____

83

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Michael~~ Paimaan Lodhi

Address: _____

I represent: Real Estate Board of NY

Address: _____

95

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Chris Widelo / Leo Asen

Address: 780 3rd Ave New York, NY 10017

I represent: AARP-NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

841

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Simeon Bankoff

Address: HDC

I represent: 232 E 11 St

Address:

99

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ■ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Lassalle

Address: _____

I represent: Manhattan Community Board 10

Address: _____

166

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Carl Johnson

Address: _____

I represent: Plumbers Local 1 (NYC)

Address: 50-02 5th St LIC NY

Please complete this card and return to the Sergeant-at-Arms

100

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Berman

Address: GVSHP

I represent: 232 E 11 St NY NY

Address:

116

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Bettie J. Sanders

Address: 427 Herkimer St #6H

I represent: Bkly NY NAN + NY Community Servi

Address:

51

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: RICHARD BARTH

Address: Capkino 233 B'way #703

I represent: Myself

Address:

Please complete this card and return to the Sergeant-at-Arms

52

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 2/9/16

(PLEASE PRINT)

Name: Clarke H. Alma

Address: 233 B'way - Cogan Hoc & Co

I represent: Myself

Address: _____

53

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ~~☐~~ in opposition Alice Kin

Date: _____

(PLEASE PRINT)

Name: Audrey Sasson

Address: _____

I represent: Walmart-Free NYC

Address: _____

54

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Alice Kinlock

Address: _____

I represent: UFCW Local 2013

Address: _____

Please complete this card and return to the Sergeant-at-Arms

55

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Brendan Sexton

Address: _____

I represent: UFCW Local 1500

Address: _____

58

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Arvernetta Henry

Address: 104 E. 126th Street

I represent: Picture the Homeless

Address: See above

78

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Al Williams

Address: 104 E. 126th St.

I represent: Picture the Homeless

Address: See above

Please complete this card and return to the Sergeant-at-Arms

79

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: K. Samuels

Address: 104 E. 126th St

I represent: Picture The Homeless

Address: See above

Please complete this card and return to the Sergeant-at-Arms

80

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Dara Powell

Address: [illegible]

I represent: Fifth Ave Committee

Address: See above

Please complete this card and return to the Sergeant-at-Arms

96

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Nicole Bertran

Address: 71 West 23rd St

I represent: Construction Skills

Address: _____

Please complete this card and return to the Sergeant-at-Arms

97

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Kelly Saeli

Address: _____

I represent: NYC Helmets to Hardhats

Address: _____

Please complete this card and return to the Sergeant-at-Arms