

**Testimony of Vicki Been, Commissioner of the
Department of Housing Preservation and Development
City Council Subcommittee on Zoning and Franchises
Hearing
on the
Zoning for Quality and Affordability Proposal
February 10, 2016**

Good morning, Chair Richards, members of Subcommittee on Zoning and Franchises, all City Council members, and members of the public. I am Vicki Been, Commissioner of the City's Department of Housing Preservation and Development, and I am here to support the proposal, Zoning for Quality and Affordability that will bring New York City's zoning codes into the 21st Century.

Better known now as ZQA, this amendment is critical to help meet the affordable housing needs of New York City's wonderful seniors, and to remove inefficient regulatory barriers that make high quality affordable housing more difficult and more expensive to build.

Slide: Community Needs – More Senior Housing:

The population of city residents who are 65 years old and older is projected to increase by 40% between now and 2040. That means we will need to house over 400,000 additional seniors in the coming years. But we're not even meeting the needs of today's seniors: a recent survey estimated that more than 200,000 low-income seniors are currently on waiting lists for affordable housing citywide, with an average wait of seven years. And our seniors are more likely to be low income, to be rent burdened, and to live on a fixed income than other city residents. Most senior housing cannot be constructed without subsidies, but federal support for senior housing has all but dried up, so the City must make our dollars for senior housing produce as many homes as possible by reducing the barriers to affordable senior housing our outdated zoning resolution imposes.

Slide: Outdated Zoning Limits Senior Housing:

Our zoning code works against itself. While it recognizes that affordable senior housing is an important need, it hasn't allowed a way to fit that housing into a well-designed building. Today's codes make it

impossible to build a building that accommodates both accessibility requirements and other special features, such as the common space necessary for the elderly to live comfortably, connect with others, and be safe. Current zoning also does not recognize the spectrum of senior housing and care facilities our elders need, including independent living, assisted living, and nursing care.

Slide: Outdated Zoning Means Fewer or Lower Quality Affordable Homes:

Current codes restrict the creation of affordable housing in other ways. For example, our voluntary inclusionary program, allowed in certain medium- and high-density districts, offers housing providers additional height or other space if affordable units are built. But, limits on the size and shape of buildings under current rules mean many buildings cannot actually use that added space. As a result, we get fewer affordable homes from that program than we would like. Providers that do participate have been forced to squeeze the affordable units into cramped building envelopes, creating poorly designed apartments, with low ceilings, for example.

Slide: Expensive Unused Parking Means Fewer Homes:

Under today's requirements, millions of taxpayer dollars are being spent building costly parking spaces, instead of providing more affordable units. Building on-site parking costs around \$50,000 per parking space – indeed, I've seen costs go to \$80,000 per space. But for all that money, we get very little – those parking spaces often sit empty. Our research shows that affordable-housing residents own fewer cars than other families, and those who do own cars, especially seniors, aren't able or willing to pay the fees for parking. So those costly parking spaces often sit empty. The space the garages or lots take up, and money required to build them, should be used for more

housing, community facilities, or open space. Affordable housing providers will tell you about the terrible waste those empty parking lots represent, and about the very real need to use those resources instead to give more low-income seniors a place to live their last years, or to provide facilities or services that better serve seniors' needs.

Slide: Example – Crotona LGBT Senior Housing

Take for example, a proposed project in the Bronx called Crotona LGBT Senior Housing. The 82-unit residence is required to build 10 parking spaces, which add almost \$2 million to the cost of the project. The provider anticipates that a maximum of four spots will be used. There will be thousands of people who apply for the apartments, and can't be accommodated. Wouldn't it be better to devote the money used to provide empty parking spaces to house more of those people?

These are serious problems that the affordable housing community must wrestle with every day as it tries to stretch dollars to address the city's affordability crisis. ZQA is a thoughtful, comprehensive approach to modernizing the Zoning Resolution to address these issues, which have limited our ability to provide high quality affordable and senior housing for years. On behalf of all those nonprofits, community development organizations, financial institutions and other partners HPD works with day in and day out to build and run affordable and senior housing, I appreciate your willingness to tackle the daunting task of working through the minutia of updating the zoning resolution. While the task is difficult, to be sure, it is critical to our low income families and seniors.

Let me turn to Chair Weisbrod, who will explain the changes in more detail. And let me take the opportunity to thank him and his incredible team. Many administrations have seen the need to update the zoning resolution; but Chair Weisbrod actually took on the immense challenge of doing so.

Housing New York

Zoning for Quality and Affordability



Community Needs – More Senior Housing

- **40% Increase** in Senior Population = **>400,000** additional seniors by 2040
- **One out of five** of our seniors live in poverty
- **7-Year Waiting List** for **>200,000 low-income seniors**
- **Seniors are living longer** and need greater variety of housing, services, and care

Outdated Zoning – Limits Senior Housing

CITY PLANNING COMMISSION • DEPARTMENT OF CITY PLANNING

THE CITY OF NEW YORK



ZONING MAPS and RESOLUTION

Current Zoning:

- Restricts the development of senior affordable housing units
- Doesn't allow the range of housing options today's seniors need
- Makes it difficult to provide accessibility features, community spaces and other amenities to keep seniors safe, healthy and connected

THE PROBLEM

Outdated Zoning – Means Fewer or Lower Quality Affordable Homes

Current zoning hampers participation in the Voluntary Inclusionary Housing Program

Outdated restrictions on size and shape of buildings make it difficult to fit the maximum affordable units without sacrificing good design



Building in Inclusionary Housing area that did not provide full permitted affordable housing



Providing Inclusionary Housing required building to sacrifice design

Expensive Unused Parking – Fewer Apartments

Space and money can be better used for more senior housing, community facilities and open space

- \$50,000 = 1-parking space
- 3 parking spaces = subsidy for 2 affordable senior housing units
- Senior housing parking lots are underused



Underused parking lot in senior housing

Expensive Unused Parking – Means Fewer Units



Crotona LGBT Senior Housing, the Bronx

AFFORDABLE SENIOR HOUSING AND CARE FACILITIES



Moffat Gardens, Brooklyn



Jamaica Hospital Nursing Home, Queens

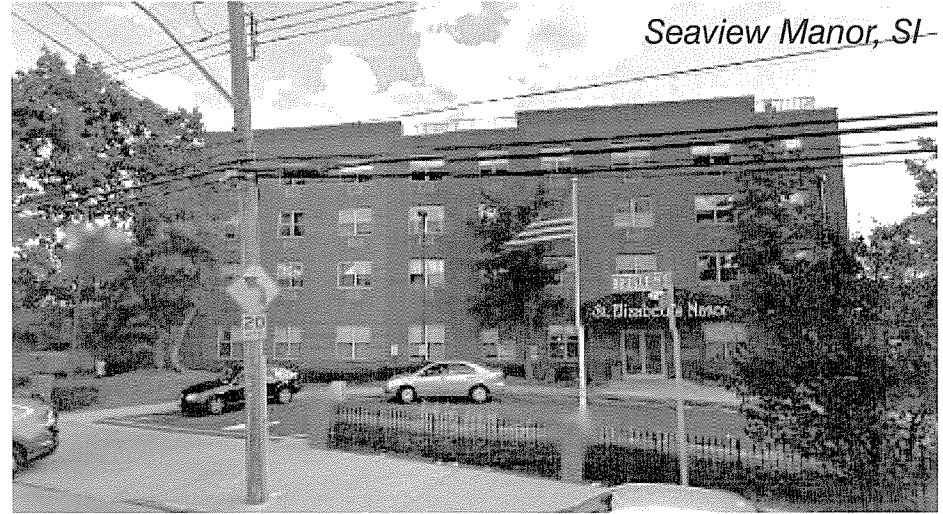
Goal: Help seniors remain in their communities

- Update regulations to allow a spectrum of affordable senior housing and care facilities, alone or mixed
- Additional floor area allowed for these could never be converted to market rate housing

AFFORDABLE SENIOR HOUSING AND CARE FACILITIES



Markham Gardens Senior Housing, SI



Seaview Manor, SI




St. Pius V Housing, QN



Parkville Senior Housing, BK

In multifamily low-density districts: Allow typical elevator buildings, from 4 to 6 stories, as-of-right

Existing envelope cannot
accommodate permitted
floor area

An architectural sketch of a city street scene. On the left, a modern multi-story building with a grid of windows. In the center, a taller modern building with a similar grid pattern. On the right, a historic brick building with arched windows and a fire escape. The street is lined with trees, parked cars, and a few pedestrians.

Medium- and high-density districts: Current rules force trade-offs between building quality and providing Inclusionary Housing or affordable senior housing

Additional two stories
allows permitted floor area
to be accommodated



Medium- and high-density districts: In over 95% of affected areas, no more than 1 or 2 additional stories

THE PROBLEM

Low-ceilinged retail space is of lower quality than space in older buildings



Ground floor of existing building

Ground floor of new building

THE PROBLEM

Flat, dull buildings do not reflect the traditional character of neighborhoods




THE PROBLEM

Today's rules produce dead ground floors in medium- and high-density districts



Blank wall in commercial district

Low ceilings do not accommodate ground floor retail



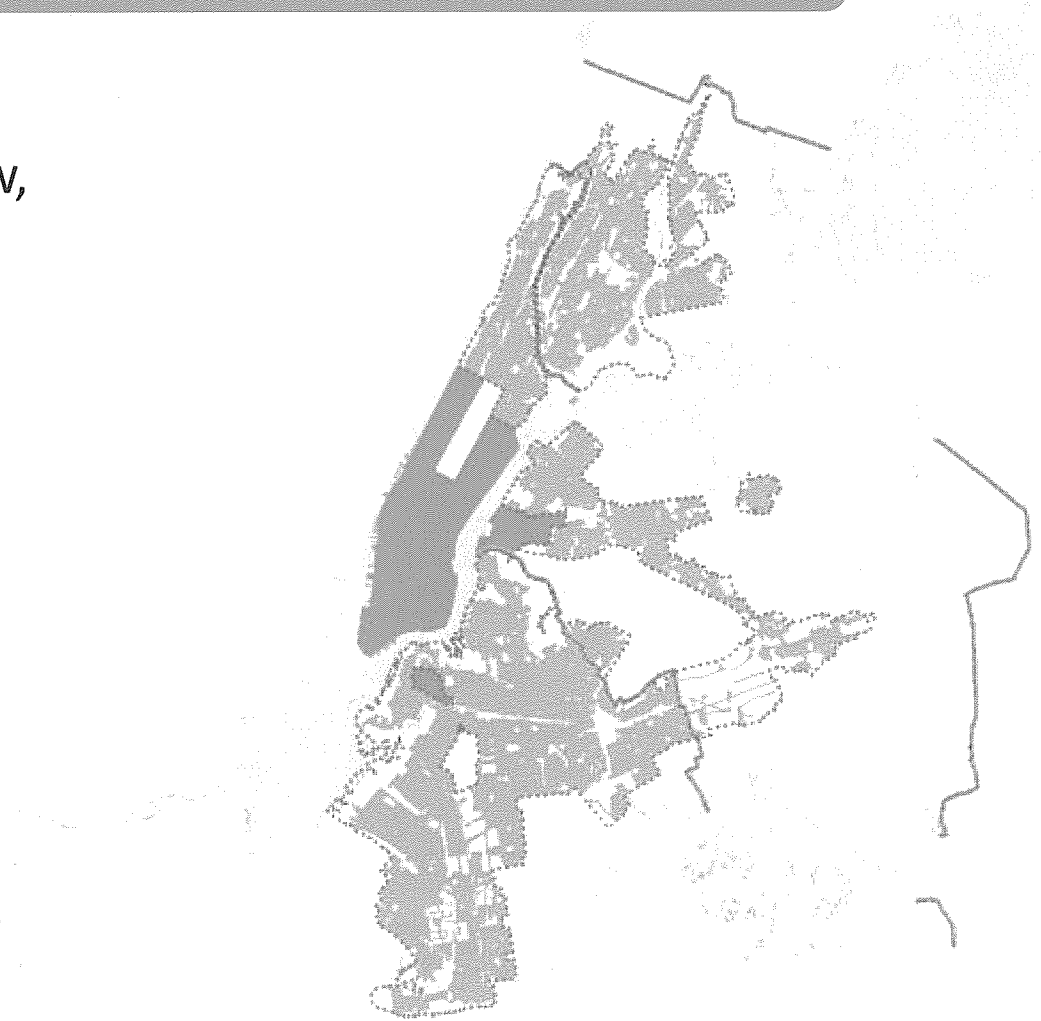
Drawn shades, window grates

Stark streetscape, with no planting or setback

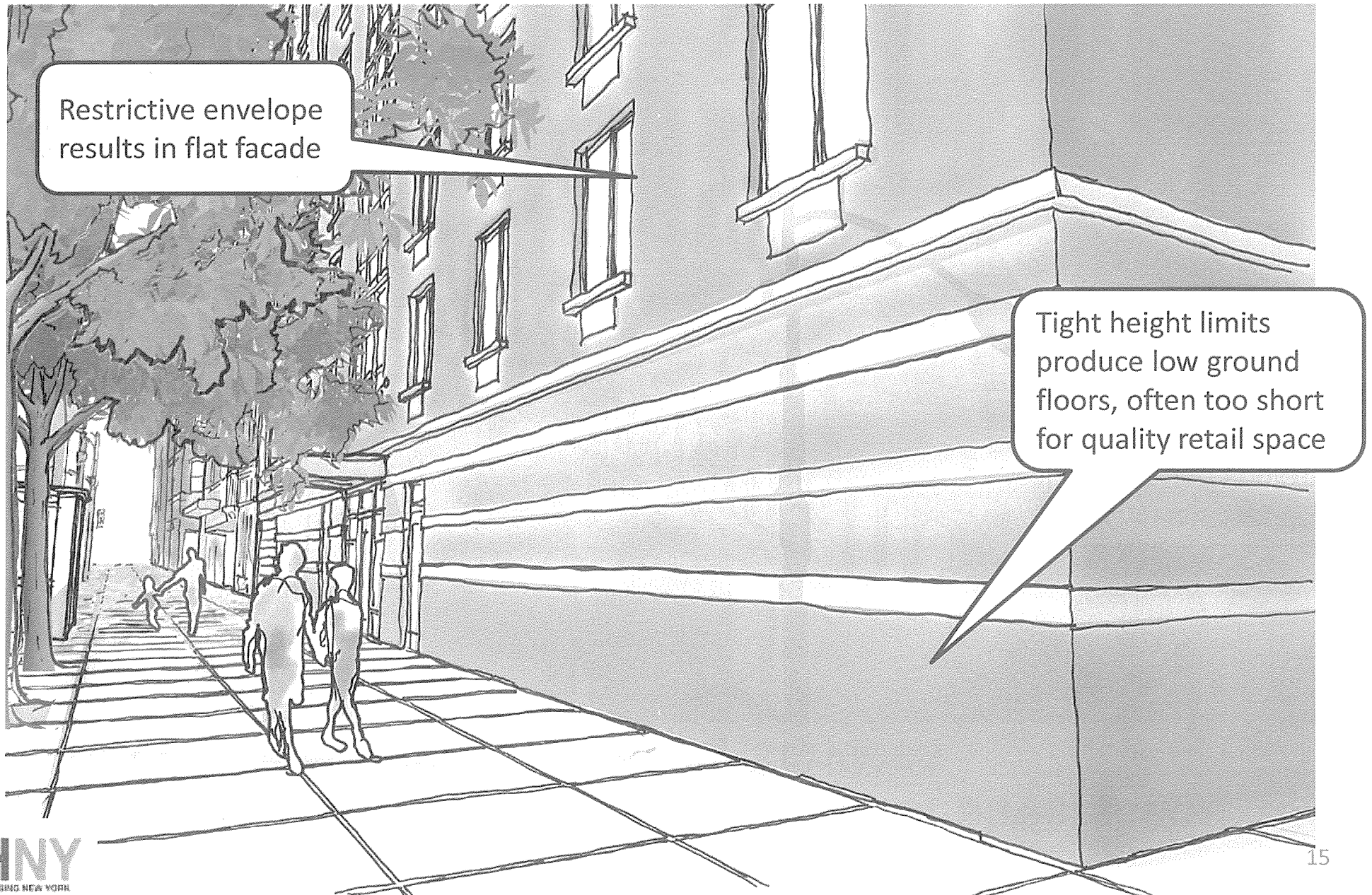
Goal: Make taxpayer dollars go further by enabling cost-effective **affordable housing**

In a “transit zone” where auto ownership and commutes by car are low, densities are higher, and residents have access to nearby retail and services:

- Parking would be **optional** for new affordable housing or affordable senior housing
- Where appropriate, other modifications allowed:
 - Removal of parking for existing affordable senior housing
 - For other affordable or mixed-income housing, reduction of requirements possible on a case-by-case basis



Current rules often discourage active ground floors on neighborhood commercial streets



ZQA would help enliven the ground floor streetscape and provide needed community services



BETTER BUILDINGS

Current rules often produce new residential buildings that don't fit into their neighborhood

Little flexibility permitted for design articulation, resulting in flat façades

Buildings "line up" with the wrong part of neighboring buildings

Ground floor units front directly on sidewalk at eye level



ZQA would promote residential buildings that are more in keeping with their surroundings

Allow flexibility for traditional elements like bay windows

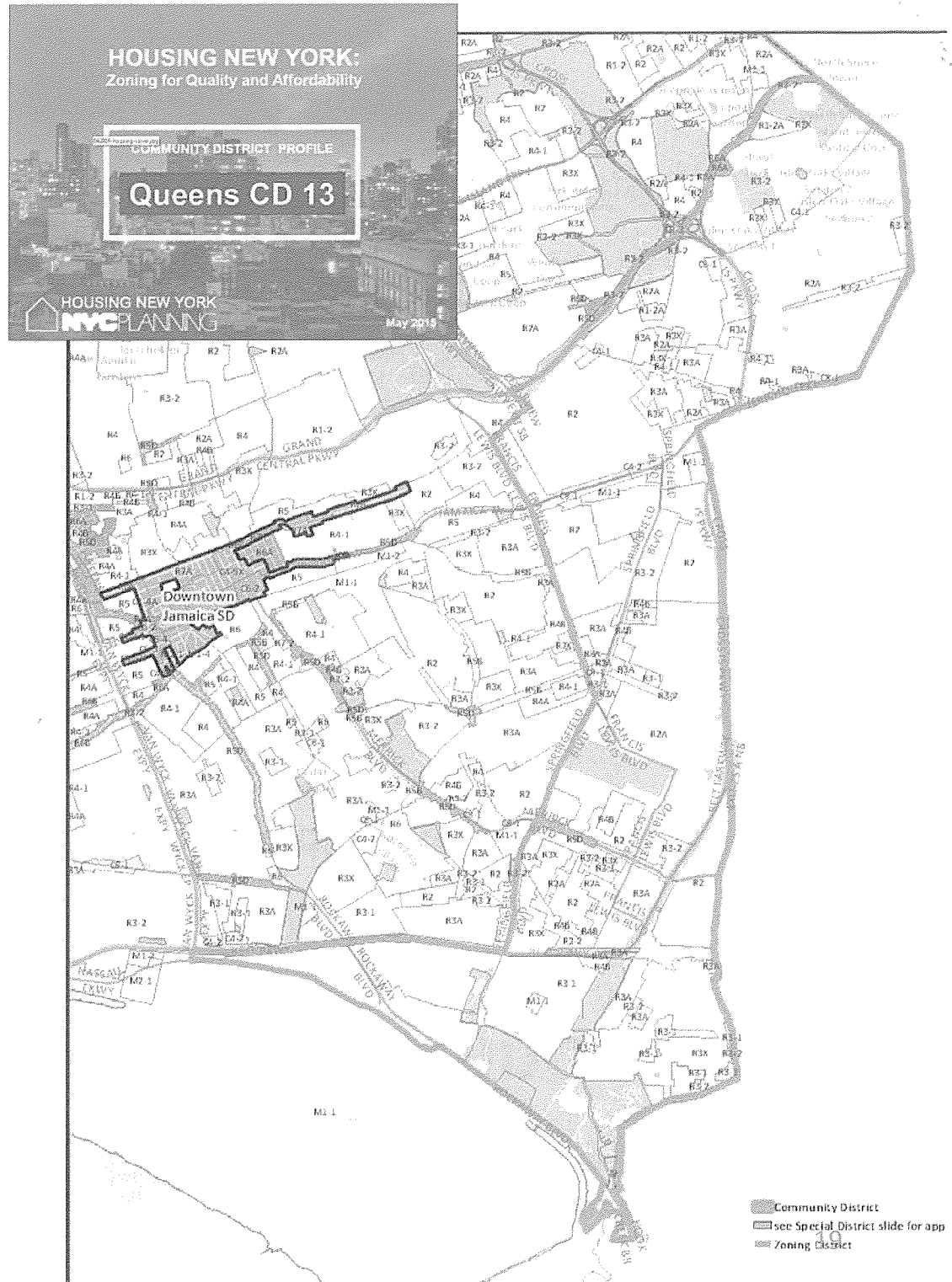
Ensures street wall lines up properly with neighboring buildings

5 foot increase allows ground floor units to be elevated above sidewalk



Public Outreach

- Preliminary proposal shared in February 2015
- Individual profiles for each Community Board
- Over 100 community meetings



What Changes Have Been Made Since the Proposal was First Announced?

Before the start of public review:

- Reduce the additional height proposed for buildings in many medium-density districts
- Made the five feet of additional height available only to buildings with taller ground floors

Commission Modifications:

- Require a special permit for all long-term care facilities in single-family districts
- Only permit ground-floor rear yard spaces on narrow residential streets for affordable senior housing and care facilities
- Maintain wide and narrow street height differences in high-density contextual districts

What Wouldn't the Proposal Do?

- No additional market-rate floor area
- No provisions that encourage tear-downs
- Proposal would not produce dramatic changes in development in any neighborhood
- All projects in historic districts or landmarked buildings remain subject to LPC review
- None of the additional space allowed for affordable senior housing could be converted to market-rate housing
- No changes to parking requirements for market-rate housing

Affordability

- Help seniors remain in their communities
- Support the creation of **Inclusionary Housing**
- Enable cost-effective buildings so we can create **more affordable housing**

Quality

- Encourage **better ground-floor retail and residential spaces** and apartments with adequate ceiling heights
- Fix rules that lead to flat, dull apartment buildings to encourage **visual variety and features common in traditional apartment buildings**

Zoning for Quality and Affordability (ZQA)

We have zoning regulations that were written decades ago and didn't prioritize affordability – they are simply not up to the challenge of **addressing our housing crisis while protecting our neighborhoods**.

We need to act now. Our changes would:

1. Support the creation of a **new generation of affordable senior housing**
2. Make it easier and less expensive to **build affordable housing**
3. Create **better housing and buildings** to support neighborhood quality of life

How it works

Allows for more affordable senior housing, which can never be converted to market-rate housing

Reduces unnecessary and expensive parking requirements so that money can be redirected towards more housing – and so seniors aren't stuck on long waitlists for affordable homes while development proceeds too slowly



(LiveOn NY)

Updates rules to allow for better-quality buildings and better ground-floor retail, like day-care centers and supermarkets – so affordability goes hand-in-hand with neighborhood quality of life



We can't fight the housing crisis with outdated regulations holding us back – let's **make targeted changes now** to build an affordable New York.

Learn more about *Housing New York* at nyc.gov/housing



Mandatory Inclusionary Housing (MIH)

We're in an **unprecedented housing crisis**, and the status quo is no match for market pressures – we need to protect our neighborhoods now.

We're proposing a strategy to **make affordable housing mandatory and permanent** wherever new housing growth is approved through zoning changes; this will be by far the strongest and most flexible policy in the country.

When **combined with our broader housing plan** – including City subsidies and neighborhood investments – this is vital to creating tens of thousands of affordable apartments in high-quality neighborhoods.

How it works

At the end of the public review process, the City Council chooses which options to apply when zoning changes:

- 1 **25% of housing affordable** for a family of three making (on average) up to \$47,000 per year (60% AMI)
- 2 **30% of housing affordable** for a family of three making (on average) up to \$62,000 per year (80% AMI)

To serve our critical middle-income workforce, like first responders and teachers, the City Council may also approve another option if no subsidies are used:

- 3 **30% of housing affordable** for a family of three making (on average) up to \$93,000 per year (120% AMI)

City subsidies will mean many projects can **reach even more families and lower-income households** than through this policy alone.

And our **\$1 billion fund for neighborhood improvements** will complement new housing in the City's neighborhood plans by building capacity in parks, street improvements, and public amenities that communities need.



We can't sit by as market pressures threaten our neighborhoods – let's **take historic action** to make affordable housing part of the future of New York.

Learn more about *Housing New York* at nyc.gov/housing





DEBORAH J. GLICK
Assemblymember 66th District
New York County

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 Amendments Zoning for Quality and Affordability February 10, 2016

Thank you for the opportunity to testify before you today regarding the city-wide zoning text amendment known as Zoning for Quality and Affordability (ZQA) which was recently approved by the City Planning Commission (CPC). While the overall goal of creating more affordable and senior housing is laudable, the broad stroke of this proposal attempts to achieve these goals at the expense of existing communities. I do not support the ZQA zoning text amendments in their current forms. I urge you to reject this proposal until changes outlined below, and by the individual community boards, are addressed.

It appears that the main goal of ZQA is to facilitate the development of more visually appealing buildings as well as create a uniform streetscape while allowing developers to maximize their available Floor Area Ratio (FAR). The proposal fails to protect existing individual neighborhood regulations that limit intrusive heights and bulk. These proposed changes affect neighborhoods regardless of Historic Districts and further increase heights dramatically. While this amendment would not change existing Landmark Preservation Law, it is known that the Landmark Preservation Commission has long indicated that it cannot evaluate a project based on height. As such, the increased height limits created in zoning would directly impact any historic district and slowly erode the character of these districts, which took years to designate.

While the population of New York City continues to grow, density will inevitably increase. Such an increase but should not be to the detriment of neighborhoods that have fought to preserve and protect the character of their neighborhoods. Furthermore, the increased density that would result from ZQA would further strain public resources that are not addressed directly by this plan such as school seats, open green-space, and transportation. By definition, this text amendment would increase residential development, and density throughout the city. To encourage this increase without also updating the City Environmental Quality Review formulas is negligent. The public infrastructure is already dilapidated, and most communities cannot withstand this increased density without significant reinforcement of public facilities.

One provision of the ZQA proposal would increase height limits for new residential developments by 25 feet when developers opt into the 80/20 voluntary Inclusionary Housing Program. The argument for this height increase is that buildings are not able to use all available FAR in Contextual District Inclusionary Zones and therefore develop a building which is comprised of luxury housing. This is simply untrue, especially in neighborhoods like Greenwich Village, where long-fought battles to limit height and bulk in order to preserve historic neighborhoods, have occurred. Developers have been maxing out FAR by building large luxury developments without including affordable housing. Regardless of the changes in the ZQA proposal, the original problems in the Voluntary Inclusionary Housing program still persist, and until those issues are addressed buildings will continue to grow taller with scant affordable housing to justify them.

Additionally, ZQA would eliminate the Sliver Law, which protects mid-blocks in non-contextual zones from out of scale developments. Despite the other changes ZQA would make, such as protections to building envelope requirements, minimum first-floor height, setbacks, building articulation, and setting a maximum number of allowable floors, the potential for developers to use voluntary inclusionary housing under ZQA in order to construct larger buildings without regard to streetscape would still persist. The Sliver law provides much needed protections and should not be eliminated but rather strengthened.

Zoning districts were created to ensure that adequate light and air are provided in order to ensure livable neighborhoods. Developers rarely need much encouragement to build taller and changing zoning to make it easier seems unnecessary, unwise, and clearly runs counter to the public will. In the case of incentivizing the creation of senior affordable housing, the ZQA proposal, only 20 percent of allocated FAR can be devoted to senior housing in R-6 through R-10 districts despite the substantial height increases proposed. However, affordability of this senior housing is not permanent and will revert to market rate once the financial obligations expire. This results in permanently taller and bulkier buildings but only temporary housing for seniors. Not only is this a bad for the individual seniors who might be priced out of a once- affordable unit, it is bad policy to so significantly subsidize needed housing for such a short term gain.

Finally, an overarching critique of this plan echoed throughout New York City by the local Community Boards is that the uniformity of ZQA is inappropriate for our unique neighborhoods and communities throughout all the boroughs. The Village, SoHo, and Tribeca have very different needs than Inwood or the Upper East Side. In neighborhoods where historic districts are frequently ignored in the face of new development or projects that seek to build higher despite the historical value of entire blocks, this aspect of the plan would cause certain neighborhoods to become vulnerable. Overall, changes to zoning through ZQA would largely hurt neighborhoods and existing protections in expensive, sought-after real estate markets. These are many of the same neighborhoods that have spent a generation strengthening community continuity and fighting to address overdevelopment.

While the goals of increasing affordable housing and improving neighborhood quality in the city are laudable, this proposal does not address these 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 strengthen locally defined standards. I urge you to reject this proposal until it responds to these unique needs. Thank you.



BRONX COMMUNITY BOARD NO. 8

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Bronx Borough President

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Housing

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Land Use

Charles G. Moerdler

Law, Rules & Ethics

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Libraries & Cultural Affairs

Marvin Goodman

Parks & Recreation

Bob Bender

Public Safety

Joseph O'Brien

Traffic & Transportation

Michael Heller

Youth

Lamont Parker

February 9, 2016

Honorable Melissa Mark-Viverito

Speaker

New York City Council

City Hall

New York, NY 10007

Dear Speaker Mark- Viverito:

At its Board Meeting held on February 9, 2016, Bronx Community Board No. 8 approved the following resolution by a vote of 32 in favor, 0 opposed and 1 abstention:

WHEREAS, Community Board 8, Bronx County, by resolution adopted by unanimous vote, with two abstentions, and for the reasons stated in considerable detail (Attachment 1), determined to reject and disapprove the proposals advanced by the N.Y. City Planning Commission entitled or generally known as "Mandatory Inclusionary Housing" ("MIH") and "Zoning for Quality and Affordability" ("ZQA"), while at the same time reiterating the Board's approval of carefully calibrated opportunities to expand Affordable Housing Construction throughout New York City; and

WHEREAS, the overwhelming majority of the Community Boards in New York City as well as the Borough Boards in each of the five Counties comprising New York City likewise rejected and disapproved the MIH and ZQA proposals thus presented; and

WHEREAS, the City Planning Commission without any further discussion or consultation with, or outreach to Community Board 8, has on February 3, 2016, amended or restated portions of the text amendments comprising MIH and ZQA and has transmitted same to the New York City Council for approval and/or action (the representatives on the Commission appointed from the Bronx, Queens and Staten Island voting in the negative); and

WHEREAS, City Planning Commission has failed to demonstrate that the aforesaid amendments or restatement of portions of the MIH and ZQA proposals meet the objections or address and cure the concerns that led Community Board 8 to reject and disapprove the MIH and ZQA proposals; and

*Serving the neighborhoods of Fieldston, Kingsbridge, Kingsbridge Heights,
Marble Hill, Riverdale, Spuyten Duyvil, and Van Cortlandt Village*

BRONX COMMUNITY BOARD NO. 8

PAGE 2

WHEREAS. The City Council has chosen to hold public hearings without affording the Community Boards an opportunity to fully consider and deliberate on the voluminous text changes proposed by the City Planning Commission;

NOW THEREFORE, Community Board 8, Bronx County, reiterates its rejection and disapproval requests further hearing dates by the City Council and strongly urges that the Members of the City Council vote to reject both MIH and ZQA and thereby reaffirm their support of grass roots democracy and local Community Boards

Sincerely,



Daniel Padernacht

Chair

Bronx Community Board No. 8

Attachments:

CB8 Resolutions –

Re: MIH and ZQA Zoning Text Amendments

C: Members of New York City Council

Bronx Borough President Ruben Diaz, Jr.

New York City Community Boards



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Philip Friedman

DISTRICT MANAGER:

Patricia Manning

New York City Council
City Hall
New York, NY 10007

Re: Zoning for Quality and Affordability Text Amendment DCP Land Use Review Application No. N160049ZRY

November 12, 2015

COMMITTEE CHAIRS:

Aging

Lisa Daub

Budget

Robert Press

Economic Development

Sergio Villaverde

Education

Sylvia Alexander

Environment & Sanitation

Demetrius McCord

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Libraries & Cultural Affairs

Marvin Goodman

Parks & Recreation

Bob Bender

Public Safety

Joseph O'Brien

Traffic & Transportation

Michael Heller

Youth

Lamont Parker

Dear Council Member:

At its regular Board meeting held on November 10, 2015, Bronx Community Board No. 8 approved the following resolution by a vote of 35 in favor, 0 opposed and 2 abstentions to disapprove the above referenced application:

WHEREAS, the Mayor has proposed a ten-year plan for affordable housing that recommends the construction of 80,000 new units and the preservation of 120,000 units;

WHEREAS, among a range of initiatives, the Mayor has set forth two, city-wide zoning text changes, one of which is Zoning for Quality and Affordability ("ZQA");

WHEREAS, the proposed zoning text amendment known as ZQA was certified to Bronx Community Board 8 ("Bronx CB 8" or "CB 8") on September 21, 2015;

WHEREAS on October 28, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning ("DCP") and public comment on ZQA, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a unique understanding of the special character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 undertook an extensive public outreach process with the goal of developing a community-wide comprehensive 197-a Plan entitled "CD8 2000: A River to Reservoir Preservation Strategy" with many stated goals, including the creation of affordable housing, the protection of the area's unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003 the New York City Council adopted a Resolution enacting into law the 197-a Plan submitted by Bronx CB 8;

WHEREAS, the ZQA was not a product of community based planning, nullifies many of the advances of the 197-a Plan created by Bronx CB 8 and does not take into account the special character of CB 8;

WHEREAS, the ZQA is a one-size-fits-all approach to planning, attempting to finance affordable housing through zoning to the detriment of and without regard to the character or changing character of communities for generations to come;

WHEREAS, the ZQA allows developers to construct affordable senior citizen apartments as small as 250 square feet for its residents across the City of New York;

WHEREAS, the ZQA increases the density, floor area, height and dwelling unit count of affordable senior housing across the City of New York, which will significantly diminish air, light, open space and living space;

WHEREAS, the ZQA reduces or entirely eliminates the required parking for these new developments across the City of New York ignoring the different and critical transportation needs of neighborhoods within the City of New York and the ability or willingness of government to provide sufficient and efficient public transportation to meet the needs of residents—present and prospective;

WHEREAS, ZQA identified "transit zones" with diminished parking that are located within one half-mile of subway stations but fails to note that only one subway station in CB8, at West 231st Street, is accessible to those with disabilities and senior citizens with impaired mobility,

WHEREAS, ZQA, in an unprecedented action, allows an otherwise impermissible use, which increases dwelling unit count and building height, by permitting multiple dwelling unit buildings called Continuing Care Retirement Community ("CCRC"), to be located in single family R1 and R2 Districts without any necessity for affordable units;

WHEREAS, ZQA, while claiming that the new CCRC use is not as-of-right, allows these multiple dwelling unit buildings in R1 and R2 Districts by only a City Planning Commission authorization, thereby avoiding ULURP, the community board and City Council review;

WHEREAS, the ZQA's draft environmental impact statement ("DEIS") was not certified by an independent third party but rather by the Department of City Planning, which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how and in what particular respects the ZQA will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development ("HPD") and the NYC Housing Development Corporation ("HDC");

WHEREAS, the DEIS concludes that there are no issues in need of mitigation disregarding the real infrastructure needs of the affected communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city;

WHEREAS, the DEIS is silent on the number of affordable housing units expected as a result of the zoning text changes and has failed to demonstrate how the ZQA will significantly advance the creation of affordable housing;

WHEREAS, the ZQA impairs the goals of contextual zoning which were embodied in Bronx CB 8's 197-a Plan by increasing height, eliminating yards, allowing construction in rear yards and reducing the distance between buildings;

WHEREAS, the changes to contextual zoning are proposed for aesthetic reasons only and do not produce any affordable housing units;

WHEREAS, many of the proposed zoning changes will increase pressure on acquisition and demolition of underdeveloped property for purposes of redevelopment resulting in the likely removal of already affordable housing, thus changing the character of our neighborhoods;

WHEREAS, Bronx CB 8 believes that resources that would be spent on the ZQA could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor's initiative to create 80,000 new units of affordable housing and preserving 120,000 units of affordable housing as outlined in his plan, Housing New York;

WHEREAS, Bronx CB 8 supports all housing programs including the Article 8A Loan Program which create low interest loans and other financial incentives for owners to preserve already existing affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create new affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants of rent-stabilized and other affordable housing units to remain in their homes;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that permits multiple dwelling unit buildings to be created in single-family districts;


BE IT RESOLVED THAT, Bronx Community Board No. 8 is opposed to any zoning text amendment that increases the height for contextual buildings and eliminates yards, allows rear yard construction and lessens distance between buildings;

BE IT RESOLVED THAT, Bronx CB8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that reduces or eliminates parking;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Zoning for Quality and Affordability text amendment.

Sincerely,



Daniel Padernacht
Chairman

Originals sent to:

Mayor Bill de Blasio

Carl Weisbrod, Chair, NYC Planning Commission

NYC Council Speaker Melissa Mark-Viverito

Bronx Borough President Ruben Diaz, Jr.

Carbon Copy sent to:

New York City Council

New York City Community Boards



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Re: Mandatory Inclusionary Housing

DCP Land Use Review Application No. N160051ZRY

November 12, 2015

COMMITTEE CHAIRS:

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Lisa Daub

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Robert Press

Economic Development

Sergio Villaverde

Education

Sylvia Alexander

Environment & Sanitation

Demetrius McCord

Health, Hospitals & Social Services

Steven Froot

Housing

Paul Ellis

Land Use

Charles G. Moerdler

Law, Rules & Ethics

Martin Wolpoff

Libraries & Cultural Affairs

Marvin Goodman

Parks & Recreation

Bob Bender

Public Safety

Joseph O'Brien

Traffic & Transportation

Michael Heller

Youth

Lamont Parker

Dear Members of the New York City Council:

At its regular Board meeting held on November 10, 2015, Bronx Community Board No. 8 approved the following resolution by a vote of 35 in favor, 0 opposed and 2 abstentions to disapprove the above referenced application:

WHEREAS, the Mayor has proposed a plan entitled Housing New York which is a ten-year plan for 80,000 new units of affordable housing and preserving 120,000 units of affordable housing;

WHEREAS, the range of initiatives the Mayor has set forth includes two, city- wide zoning text proposals, one of which is Mandatory Inclusionary Housing ("MIH");

WHEREAS, the proposed zoning text amendment known as MIH was certified to Bronx Community Board 8 ("CB 8") on September 21, 2015;

WHEREAS on October 14, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning ("DCP") and public comment on MIH, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a special understanding of the unique character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 conducted extensive public outreach to develop a community-wide comprehensive 197-a Plan entitled CD8 2000: A River to Reservoir Preservation Strategy, which included the stated goals of the creation of affordable housing, the protection of the area's unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003, the New York City Council adopted a Resolution enacting into law the same 197-a Plan;

WHEREAS, the MIH as presented is not a product of community-based planning, nullifies the advances of the 197-a Plan, and does not take into account the special character of any neighborhood within the City of New York;

WHEREAS, the MIH is a one-size-fits-all approach to planning and in an attempt to finance affordable housing through zoning, places our communities at peril for generations to come;

WHEREAS, the DCP was asked to demonstrate how and in what particularized respects the MIH will, as represented by DCP, advance the integration of communities, particularly given the suggestion by DCP that the presently contemplated communities targeted for implementation are areas such as East New York, Brooklyn, and potentially Inwood, the South Bronx and other like communities, as contrasted with, more affluent areas, of Manhattan:

WHEREAS the Environmental Assessment Statement ("EAS") fails to demonstrate that consideration has been given to issues such as gentrification in areas such as East New York and, despite request to DCP, to provide a showing that such consideration was specifically addressed, none has been forthcoming;

WHEREAS, the MIH requires the inclusion of 25-30% of units in a development to be affordable by increasing the floor area ratio for such developments, increasing density, height and number of units across the City of New York which will diminish air, light and space to all New Yorkers;

WHEREAS, the MIH's draft EAS was not written and reviewed by an independent third party but rather by the Department of City Planning which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, the Department of City Planning's self-certified conclusion is a "negative declaration" meaning that any resulting affordable units will not have any effect on the public health, safety and welfare of our city, and no basis has been shown for the merit of such a certification and, indeed, the DCP has failed to demonstrate, in response to direct questioning and request, that such is the case;

WHEREAS, the requirement, that the mandated percentage of affordable units in a development be distributed over more than 50% of the floors of a building so as not to stigmatize the residents of those units, is suspended and dispensed with for senior citizens;

WHEREAS, the MIH allows developers to construct apartments as small as 250 square feet for senior citizens;

WHEREAS, the MIH text creates a new Board of Standards & Appeals (“BSA”) special permit that allows developers to request waivers to each and every MIH requirement, upon a claim of failure to make a reasonable return, but the newly- drafted findings required for the grant of this BSA special permit omits a standard finding of no adverse impact on community character;

WHEREAS, the EAS is silent on the number of affordable housing units expected as a result of the zoning text changes;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how the MIH will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development (“HPD”) and the NYC Housing Development Corporation (“HDC”);

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor’s initiative for Housing New York to create 80,000 units of affordable housing and preserving 120,000 units by the year 2025 but takes issue with the means used, especially the Zoning mandates of MIH, to effectuate the desired result;

WHEREAS, the MIH as written does not include evidence of or a mandate for inter-agency cooperation that would be required to accommodate new residents attracted by developer incentives in already resource-deprived areas of CB 8;

WHEREAS, Bronx CB 8 believes that any resources spent on MIH could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports all city and state programs that rehabilitate and preserve affordable housing including the Article 8A Loan Program which creates low interest loans for owners to preserve affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants to remain in their apartments;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet, especially for our senior citizens;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Mandatory Inclusionary Housing zoning text amendment.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Daniel Padernacht', written in a cursive style.

Daniel Padernacht
Chairman

Original letters sent to:

Mayor Bill de Blasio

Carl Weisbrod, Chair, NYC Planning Commission

New York City Speaker Melissa Mark-Viverito

Bronx Borough President Ruben Diaz, Jr.

Carbon Copy sent to:

Members of New York City Council

New York City Community Boards



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Gale A. Brewer, Borough President

**Testimony of Manhattan Borough President Gale A. Brewer
Subcommittee on Zoning and Franchises, City Council
February 10, 2016**

Thank you for the opportunity to testify today on the Zoning for Quality and Affordability (ZQA) text amendment.

As I am sure you are aware, I do not agree with this text amendment for a number of reasons. Yes it is complex, and yes the name sounds like alphabet soup. But that's not the problem here. The problem is that the ZQA height provisions undermine previously created comprehensive neighborhood planning processes.

One proposed change would allow for additional height in Special Districts where there are no special FAR or building envelope rules. This is treated as a technical change to bring them in line with changes proposed for the Quality Housing option. However, this change disregards the fact that just because a new height wasn't established for the Special District does not mean height was not part of the original community discussion or consideration. Another change would make the Sliver Law, which is to prevent sliver buildings mind you, not apply to affordable or senior housing. Now I'm told this is a modest change. But I'm here to say it's not modest to the people who live next door, and it's not modest to the community boards that already said we want this rule to stay and this is the balance between building height and housing we decided on. I think it's also disingenuous to tell folks that the text cannot unilaterally be changed to give the types of retail protections I got as a Councilmember for the Upper West Side but that it can be unilaterally changed to undermine the neighborhood balance for height.

Now, the City Planning Commission has made some progress with the height issue, recognizing thanks to my voice and the unified voice of the Manhattan Borough Board that the difference between our wide and narrow streets matter. At the CPC hearing on this matter, I told the Commission that "The text could be revised to maintain the separation between wide and narrow streets so that the resulting heights are not the same. The provision allowing residential use to encroach upon the historic donut of our rowhouse blocks could be removed." And the Commission listened. The text before the City Council no longer allows residential use to be permitted in the rear yard if those lots front on narrow streets. The proposed height increases for R9/R10 Districts have been minimally scaled back from overall increases of four stories to two or three stories; so while height increases are still proposed, there is now a clear distinction between the heights permitted on a narrow versus a wide street. But these changes do not go far enough.

That's why I continue to recommend removing all height increases for special districts that rely on underlying zoning height requirements, remove contextual height increases, and remove all heights increases for areas subject to a rezoning process in the last 10 years.

Removing the height increases eliminates the provisions that most people found troubling, ensuring that neighborhoods who already balanced their needs for affordable housing and contextual development can continue to do so. So today I am asking that the text be further refined to exclude wide streets that underwent recent rezonings from additional height increases, to carefully maintain existing underlying height rules in special districts that did not outline their own specific ones, and if new heights really are necessary and appropriate, then propose new districts with the new heights to be applied in the future as part of a carefully considered neighborhood plan. Short of this type of careful intervention the changes made thus far will not be enough to satisfy the individual community board concerns, the conditions outlined in the Manhattan Borough Board resolution, or my recommendation on this text amendment.

Considering how sensitive the issue of height increases is, especially in neighborhoods where the communities have undertaken their own balancing act of these equally valid public purposes, we need to make one hundred percent certain that affordable senior housing built with a permanent height increase remains permanently affordable and permanently senior housing. I understand that the zoning text now contains a use restriction, and you should ensure as many protections are in put in place as possible. In addition, the zoning text should be revised to include a separate action for parking lot infill to ensure that infill is appropriate, and that any impacts to existing residents and residences are offset. Explicit provisions will make enforcement easier and illegal conversions harder.

As part of the commitments to fix the MIH text, City Planning and HPD promised me to study and correct the voluntary program. That program is what qualifies people for the height increases we are talking about today. We should push for a timeframe for this to be studied, and date for when the new text for the Voluntary program will be sent to the community boards.

I still recommend disapproval of the text in its current, revised form. But I do believe there's still time for the goals of this text amendment to be realized. The changes the CPC made show progress, but much more work remains.

**THE NEW YORK
LANDMARKS
CONSERVANCY**

February 10, 2016

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY AT THE NEW YORK CITY
COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES PUBLIC HEARING REGARDING ZONING
FOR QUALITY AND AFFORDABILITY AND MANDATORY INCLUSIONARY HOUSING**

Good day Chair Richards and Council members. I am Andrea Goldwyn speaking on behalf of the New York Landmarks Conservancy. The Conservancy is a private, independent, not-for-profit organization founded in 1973. Our mission is to preserve and protect historic resources throughout New York.

We support the goals of increased affordable housing, but we cannot support ZQA and MIH, massive upzonings of the entire city, which impose a one-size-fits-all approach and ignore New York's unique communities. We have commissioned a report from BFJ Planning which you have all received. It provides several recommendations for both proposals, but our testimony today will focus on ZQA.

ZQA does not address local needs, support local neighborhoods or require affordable housing. Instead it upends decades of community-based planning. It lifts building heights without an affordability mandate. It does not consider how many existing regulated or affordable units could be lost or whether overall supply will decrease as older buildings with a mixture of many apartments are replaced by fewer, larger market-rate units.

This proposal has garnered near-total opposition from community boards and borough presidents. We ask the Council to respond to their requests and remove ZQA requirements for contextual and historic districts, protect the Sliver Law, eliminate encroachments into rear yards, and reconsider the temporary bonus for affordable senior housing.

Residents in contextual districts labored for years alongside Council members and City Planning staff to ensure that plans tailored to their neighborhoods garnered consensus. After negotiating and making compromises, homeowners thought they had certainty regarding their blocks. ZQA destroys that work and abandons agreements forged with the City.

The awkward name of this proposal underlines how it is trying to pull together two goals -- quality and affordability -- that deserve separate and thorough attention. ZQA's standard five-foot increase for market-rate housing might not be enormous, but it will have an out-sized and damaging effect on the quality of blocks with uniform rooflines, especially those in historic districts. We anticipate that the Landmarks Commission will face a bigger workload and be under renewed pressure to approve new, out-of-scale buildings.

This height increase promotes a construction method (block-and-plank) that will certainly be replaced by a newer technique in the not-too-distant future, and even now, will have an indirect effect of reducing construction jobs. And ZQA does not mandate that new, taller ground floors actually contribute to vitality at the street level. If City Planning is serious about improving quality in architecture, it should break up the proposal and consider those measures at another time.

ZQA throws over basic planning principles that valued light and air. Rear yard protections provided open space with grass coverage that alleviated stormwater runoff, but under ZQA, yards can be filled in to maximize FAR. ZQA reverses the decades-old Sliver Law, which has contributed to maintaining neighborhood scale and livability. The system of FAR limits has always been a cap; under ZQA it will be an entitlement.

The 30-year limit on affordable senior housing is nothing more than a bait and switch, in which developers just have to wait a while until the units are fully market-rate.

The Council and the Administration have already talked about making changes. We think it's time to go back to the drawing board and craft a proposal that addresses the issues that we and communities across the City are raising.

Thank you for the opportunity to express the Landmarks Conservancy's views.



THE NEW YORK LANDMARKS CONSERVANCY

COMMENTS ON ZONING FOR QUALITY AND AFFORDABILITY (ZQA)

January 28th, 2016

BFJ Planning

COMMENTS ON ZONING FOR QUALITY AND
AFFORDABILITY (ZQA)

THE NEW YORK LANDMARKS CONSERVANCY

One Whitehall Street, New York, NY 10004

Peg Breen, President

Prepared with the technical and graphic assistance of:

BFJ Planning

115 Fifth Avenue, New York, NY 10003

January 2016

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Introduction

We ask that the City Council have separate hearings and votes on Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). We support the goals of increasing affordable housing, but ZQA is a one-sized-fits-all plan that does not address local needs, support local neighborhoods or require affordable housing. Instead it upends decades of community-based planning. We understand that the City Planning Commission and the Council are considering changes to ZQA. If these two bodies are not able to address the issues that we and others have raised, the Council should respond to its constituents and start over.

The Department of City Planning has stated that the goals of ZQA are additional affordable housing and improved construction quality. While everyone understands the pressing need of adding to New York's affordable housing stock, ZQA does not guarantee any such increase. It lifts building heights with no affordability requirements. It does not consider how many existing regulated or affordable units could be lost, it does not address displacement, and it might decrease overall supply as older buildings with a mixture of many apartments are replaced by fewer, larger market-rate units.

Where it does address affordability, ZQA has multiple loopholes: affordable senior housing expires after 30-years; in exchange for height increases on market-rate buildings, developers can choose to build offsite affordable housing or contribute to a fund that has no guidelines; it increases flexibility for the Board of Standards and Appeals to rule on hardship exceptions. It does not consider the variables of a real estate market that is overheated in some areas and underbuilt in others.

Further, the goals of better-quality buildings are not being met, and are not in tandem with affordability. The standard five-foot increase might not be enormous, but it will have an out-sized effect on blocks with uniform rooflines, especially those in historic districts. We anticipate that the LPC will face an increased workload and be under increased pressure to approve new, taller buildings. This height increase promotes the new block-and-plank construction method that will certainly be replaced by newer techniques, and even now, cuts back on construction jobs. And ZQA does not mandate that new, taller ground floors actually contribute to vitality at the street level. If City Planning is serious about improving architecture, it should break up the proposal even further and consider those measures separately.

Regarding MIH, again we support the goals, but we understand from our colleagues who specialize in affordable housing that it also presents serious issues, especially related to local concerns. Income levels and market strength are markedly different across this diverse city, so AMI measurements and options should be based on local criteria. The proposed AMI formulas will deliver apartments that are unaffordable in many parts of the City.

Summary of Recommendations

Recommendations on Zoning for Quality and Affordability (ZQA)

1. Proposed "Zoning for Quality and Affordability" and height and bulk changes should not apply to contextual zones or to historic districts, in order to protect the integrity of the existing built environment;
2. Proposed "Zoning for Quality and Affordability" and bulk changes must maintain the building height difference and proportion between wide and narrow streets. Buildings on narrow streets that are the same height as those on the avenues negatively affect light and air to the sidewalk and surrounding buildings;
3. Encroachment in the rear yards should not be allowed, as it would negatively affect light, air and existing open space amenity;
4. Current Sliver Law regulations, which restrict the construction of narrow and tall buildings on zoning lots, should be retained; and
5. Bonuses for senior housing should be tied to permanent (not a 30-year limit) affordability or they should be eliminated.

Recommendations on Mandatory Inclusionary Zoning (MIH)

1. Development of 197-a and 197-c Plans should be accompanied by an urban design element to provide a three-dimensional urban design context to any proposed map changes. Zoning changes should be based upon these plans;
2. Affordability should be measured by the Area Median Income (AMI) for the borough, neighborhood or census blocks; the AMI for the larger New York Metropolitan Area should not be used;
3. There should be flexibility to increase or decrease the percent of AMI utilized depending on the strength of the housing market in each neighborhood;
4. Codify in the Zoning Resolution anti-harassment and anti-displacement regulations consistent with the Special Clinton District;
5. Existing affordable housing should be preserved or replaced in kind;
6. The Board of Standards and Appeal (BSA) Provision "73-624" should include "Neighborhood Character" and "Environmental Impacts;" and
7. Department of City Planning (DCP) Provision "74-32" should be under the jurisdiction of the BSA, and stricter language and criteria for this special permit need to be included. The public infrastructure projects that exempt a developer from the affordable housing provisions should be of equal value to any affordable housing that will be lost.

Recommendations on Zoning for Quality and Affordability (ZQA)

ZQA's scope is wide, and its potential effects on communities across New York City are not fully known. This report questions the ability for ZQA to achieve its stated goal: to provide affordable and quality housing to New Yorkers. Included in this report is a set of recommendations that should be reviewed by the City Planning Commission and the City Council when considering the ZQA text amendment. A more detailed analysis is provided for the first four recommendations, which focus on the impacts of ZQA as they relate to the built environment. In helping prepare the New York Landmarks Conservancy recommendations, BFJ Planning examined a range of neighborhoods in Manhattan, Brooklyn and the Bronx. As appropriate to illustrate the New York Landmarks Conservancy's recommendations, illustrations from these studies are included at the end of the report.

When the proposed ZQA zoning amendment is applied in these different study areas, an important fact is made clear: the unique impacts of ZQA vary due to the particular relationship among the existing built environment, current zoning regulations and the neighborhood context. ZQA also proposes changes to the zoning code that challenge some central tenets of New York urban planning and design since the 1916 Zoning Resolution was instituted. The effects of ZQA on important provisions in the zoning code for light, air and open space are also illustrated in figures later in this report.

The proposed height and bulk increases proposed in ZQA do not, by themselves, create any affordable housing. ZQA will, however, change the neighborhood character in contextual zones and historic districts across the city. These changes appear to be small, but their impact on historic districts are significant. **Figure 1** provides an illustration of the potential effects from developments that maximize their building envelope under the ZQA proposal. In this illustration, prototypical developments currently allowed in contextual zones and historic districts are compared to a building that utilizes the increased height bonuses proposed under ZQA. These new building envelopes will disrupt continuity of existing cornice lines and the center line of windows.

In addition, ZQA proposes a one-size-fits-all solution that will impact different communities in unique ways. To illustrate these divergent impacts, two examples are provided: Grand Concourse between 164 Street and 170 Street in the Bronx (see **Figures 2 & 3**), and Manhattan Avenue between India Street and Nassau Avenue in Greenpoint, Brooklyn (see **Figures 4 & 5**).

Grand Concourse, Bronx

The Grand Concourse study area is situated in the Concourse neighborhood of the Bronx near Yankee Stadium. The buildings along the Grand Concourse are mostly six-story apartment buildings that form a continuous street wall along the street line, broken by front courts and an occasional side yard. This pattern of development is reflected in the Grand Concourse Historic District, which is mapped on a portion of the eastern side of the avenue (see **Figure 3**). **Figure 6** provides a section view of the Grand Concourse, which includes the existing maximum street wall and building heights under the current R8 zoning, and also under the ZQA proposal. It is important to note that development of a zoning lot within or partially within the Special Grand Concourse Preservation District is subject to R8X regulations. The area is significantly underbuilt for the allowable development under the current zoning. Presumably, the R8 district was intended to avoid the existing street-wall buildings being replaced by towers set back from the street; however, it is not a good descriptor of the existing building context. It allows a substantially higher street wall than currently exists, and it introduces towers above the building's base. To illustrate the effects of ZQA on the Grand Concourse, a prototypical 6-story building in the study area was used to provide scale and context (see **Figure 7**). The proposed height and density increases in the R8 district, which allows a street wall height that is substantially higher than the existing buildings along the Grand Concourse, would, under ZQA, grant developers an additional story of street wall height (see **Figure 8 and Table 1**). Affordable Independent Residences for Seniors (AIRS) and Long-Term Care Facilities (LTC) under ZQA

would be granted two (2) additional stories of street wall height above what is presently permitted under R8 zoning, as well as a density bonus of approximately 1.2 FAR and an additional 10 feet of total building (tower) height. Such allowances would further exacerbate inconsistencies along the street wall (see Figure 9 and Table 1). It is not clear that the height and bulk bonuses granted under ZQA provide enough incentive to encourage development that would not have otherwise already occurred in an area like Grand Concourse, where existing buildings are not utilizing the existing developable FAR. Nor is it clear, if the ZQA proposal is in fact aimed at incentivizing affordable housing, why these bonuses in height and bulk are not exclusively granted for the creation of such units. After examination, it becomes clear that the height and bulk changes proposed in ZQA are not needed to produce more housing, and that this area should likely undergo a neighborhood planning effort so as to encourage development that meets the needs of the local community.

TABLE 1: R8X Zoning Summary

	EXISTING			PROPOSED (ZQA)			
	FAR	height		FAR	height		
		base	building		base	building	
						w/o qgf	w/ qgf
R8X							
res.	6.02	60'-85'	150'	6.02	60'-95' (9s)	150' (15s)	155' (15s)
IH	5.40-7.20	II	II	5.40-7.20	60'-105'	170' (17s)	175' (17s)
AIRS	7.20	II	II	7.20	60'-105'	170' (17s)	175' (17s)
c. f.	6.00	II	II	6.00	60'-95' (9s)	150' (15s)	155' (15s)
LTC	6.00	II	II	7.20	60'-105'	170' (17s)	175' (17s)

Notes:

Development of a zoning lot within or partially within the Special Grand Concourse Preservation District is subject to R8X regulations.

IH: If currently designated, voluntary Inclusionary Housing area (not currently designated); if designated in the future, mandatory Inclusionary Housing area.

AIRS: Affordable Independent Residences for Seniors (UG2) to replace non-profit residences for the elderly (UG2).

LTC: Long Term Care facilities (UG3) to replace nursing homes (UG3). Currently special permit (section 74-90) for use and for higher FAR; proposed use and FAR as-of-right and special permit (section 74-903) for community facility rules.

res. = residential, c. f. = community facility, qgf = qualifying ground floor, II = same as above

Manhattan Avenue, Brooklyn

The Manhattan Avenue study area is located in the Greenpoint neighborhood in Brooklyn, north of McCarren Park. The study area is comprised of three contextual zones: R6A, C4-3A, and R7A with a portion mapped as the Manhattan Avenue Historic District and another section mapped as an Inclusionary Housing Designated Area. The section view of Manhattan Avenue in Figure 10 illustrates the current built environment along the avenue with the current height and setback limits, as well as the height and setback limits proposed under ZQA. The illustration shows that there are several buildings on Manhattan Avenue that are overbuilt for the current zoning, and many buildings that do not currently maximize their available FAR. A one-story building soft-site was used to demonstrate the potential impacts of ZQA on Manhattan Avenue (see Figure 11). Under the current C4-3A zoning, the lot dimensions on this site allow a development to maximize its FAR at a height 10 feet above the existing cornice line along Manhattan Avenue, and ZQA would encourage greater non-conformity with the existing cornice line by allowing an additional 5 feet along the street wall (see Figure 12 and Table 2). The extra density and height bonuses

for AIRS and LTC further exacerbate the non-conformity of the proposed building with its surrounding context (See Figure 13). This last development scenario would only be required to maintain affordability for 30-years, after which the units could potentially be entered back into the private market.

TABLE 2: C4-3A Zoning Summary

	EXISTING			PROPOSED (ZQA)			
	FAR	height		FAR	height		
		base	building		base	building	
						w/o qgf	w/ qgf
C4-3A (is the commercial equivalent of an R6A district)							
commercial	3.00	40'-60'	70'	3.00	40'-60'	70'	70'
res.	3.00	II	II	3.00	40'-65' (6s)	70' (7s)	75' (7s)
IH	2.70-3.60	II	II	2.70-3.60	II	80' (8s)	85' (8s)
AIRS	3.90	II	II	3.90	II	80' (8s)	85' (8s)
c. f.	3.00	II	II	3.00	II	70' (7s)	75' (7s)
LTC	3.00	II	II	3.00-3.90	II	80' (8s)	85' (8s)

Notes:

IH area: If currently designated, voluntary Inclusionary Housing area (currently R7A portion of Manhattan Avenue); if designated in the future, mandatory Inclusionary Housing area.

AIRS: Affordable Independent Residences for Seniors (UG2) to replace non-profit residences for the elderly (UG2).

LTC: Long Term Care facilities (UG3) to replace nursing homes (UG3). Currently special permit (section 74-90) for use and for higher FAR; proposed use and FAR as-of-right and special permit (section 74-903) for community facility rules.

res. = residential, c. f. = community facility, qgf = qualifying ground floor, II = same as above

Many years of planning efforts have been conducted with the understanding that a livable urban environment requires a strong relationship between the height of the street wall and the width of the street in order to protect light and air to buildings, streets and pedestrians. This principle allows for more intense development along major avenues and lower density along neighborhood side streets. In some instances, the ZQA proposal would create a uniform height limit on wide and narrow streets, and allow the same intensity of development on narrow streets as is allowed on major avenues (see Figure 14). Many of the proposed height increases on narrow streets are significant on their own, and may produce significant impacts on light and air. The proposed ZQA changes to height on wide and narrow streets have the potential to erase the neighborhood context of narrower streets, which is an essential quality that helps to make New York City a livable place. The ZQA text should be amended to respect the relationship between the width of the streets and the height of the adjacent buildings.

The origins of zoning itself were based in the belief that residents in urban areas should enjoy a certain level of light, air and open space. Figure 15 represents a typical Upper West Side block in an R7-2 zone, which maintains between 20 percent and 35 percent as open space. Using one study site of that block, Figure 16 illustrates the manner in which ZQA allows development to pierce deeper into rear yards and eliminate significant portions of open space enjoyed by people who live in apartment buildings. To better ensure the protection of light, air, and open space in the center of blocks, ZQA should be amended to eliminate the building encroachments in rear yards.

Summary

In conclusion, the proposed ZQA changes to bulk and height in contextual and historic districts will have a significant impact on neighborhood character. As this report suggests, such impact will vary across neighborhoods based on the particular relationship among the existing built environment, current zoning regulations and neighborhood context. ZQA provides a one-size-fits-all solution with bulk and height changes in many contextual and historic districts that have already been subject to recent significant neighborhood planning efforts. ZQA will encourage new developments that could have a drastic effect on contextual zones and historic districts across New York City without achieving the goal of producing affordable or quality housing. In addition, many of the protections in the zoning code for light, air, and open space that maintain a certain level of quality of life for New Yorkers are being eroded through the elimination of sound urban design principles in the zoning code. The changes proposed in ZQA to encourage affordable and quality housing require a more sensitive approach to the neighborhood context, and stricter provisions to require affordability in perpetuity.



FIGURE 1: PROTOTYPICAL BUILDING ANALYSIS

Grand Concourse between 164 Street and 170 Street
Concourse, Bronx Community District 4



FIGURE 2: GRAND CONCOURSE AERIAL VIEW

THE NEW YORK LANDMARKS CONSERVANCY

Source: BTT Planning

Grand Concourse between 164 Street and 170 Street
Concourse, Bronx Community District 4



FIGURE 3: GRAND CONCOURSE EXISTING ZONING

Manhattan Avenue between India Street and Nassau Avenue
Greenpoint, Brooklyn Community District 7



Study Area

Source: Esri, Digital Globe, Geo Eye

0 0.125

0.25miles



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community

FIGURE 4: MANHATTAN AVENUE AERIAL VIEW

THE NEW YORK LANDMARKS CONSERVANCY

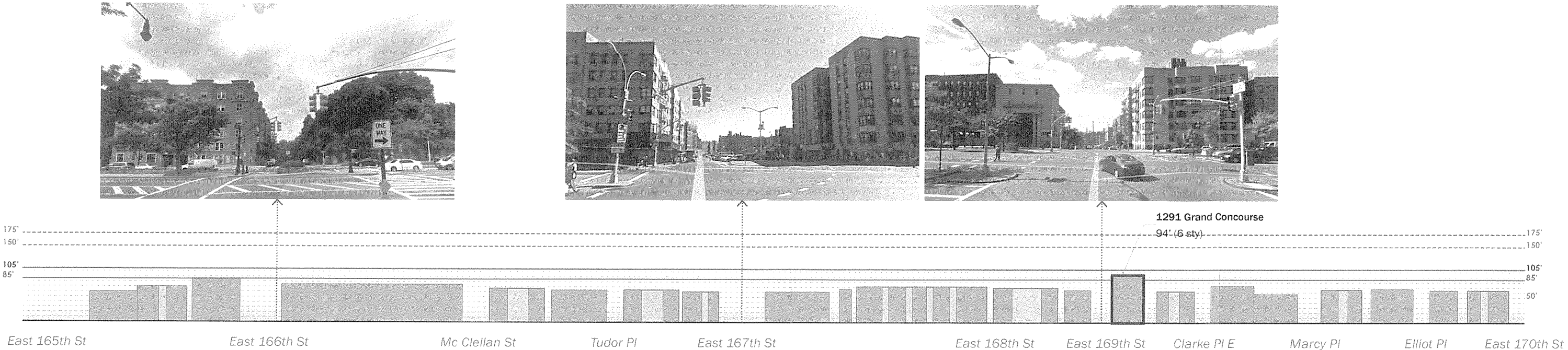
Source: BJJ Planning

Manhattan Avenue between India Street and Nassau Avenue
Greenpoint, Brooklyn Community District 7

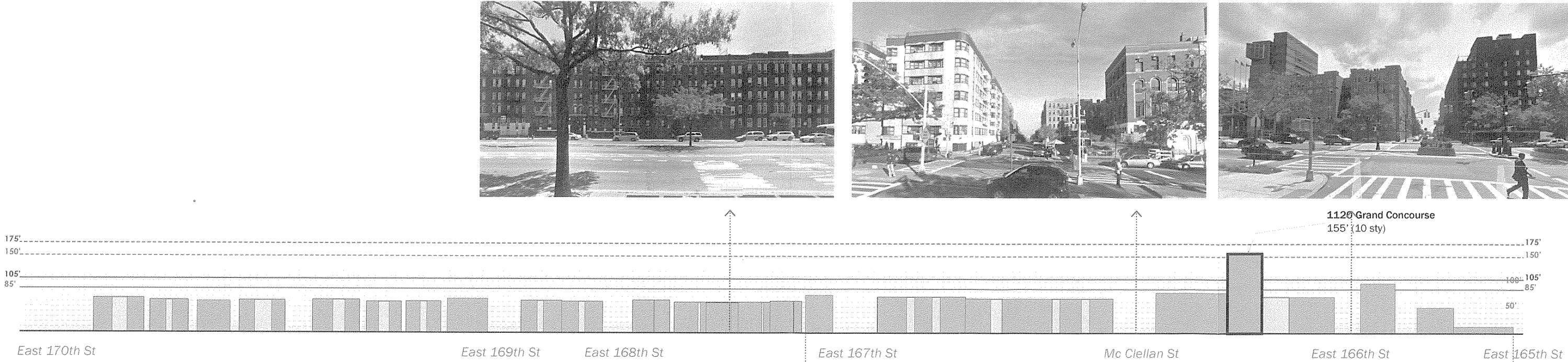


FIGURE 5: MANHATTAN AVENUE EXISTING ZONING

Grand Concourse between 164 Street and 170 Street
Concourse, Bronx Community District 4



Grand Concourse. West Elevation.



Grand Concourse. East Elevation.

Grand Concourse Historic District

Zoning Districts	R8
Regulatory Lines	MAXIMUM EXISTING Height MAXIMUM PROPOSED Height
Tallest Existing	Street Wall

FIGURE 6: GRAND CONCOURSE WEST AND EAST ELEVATIONS

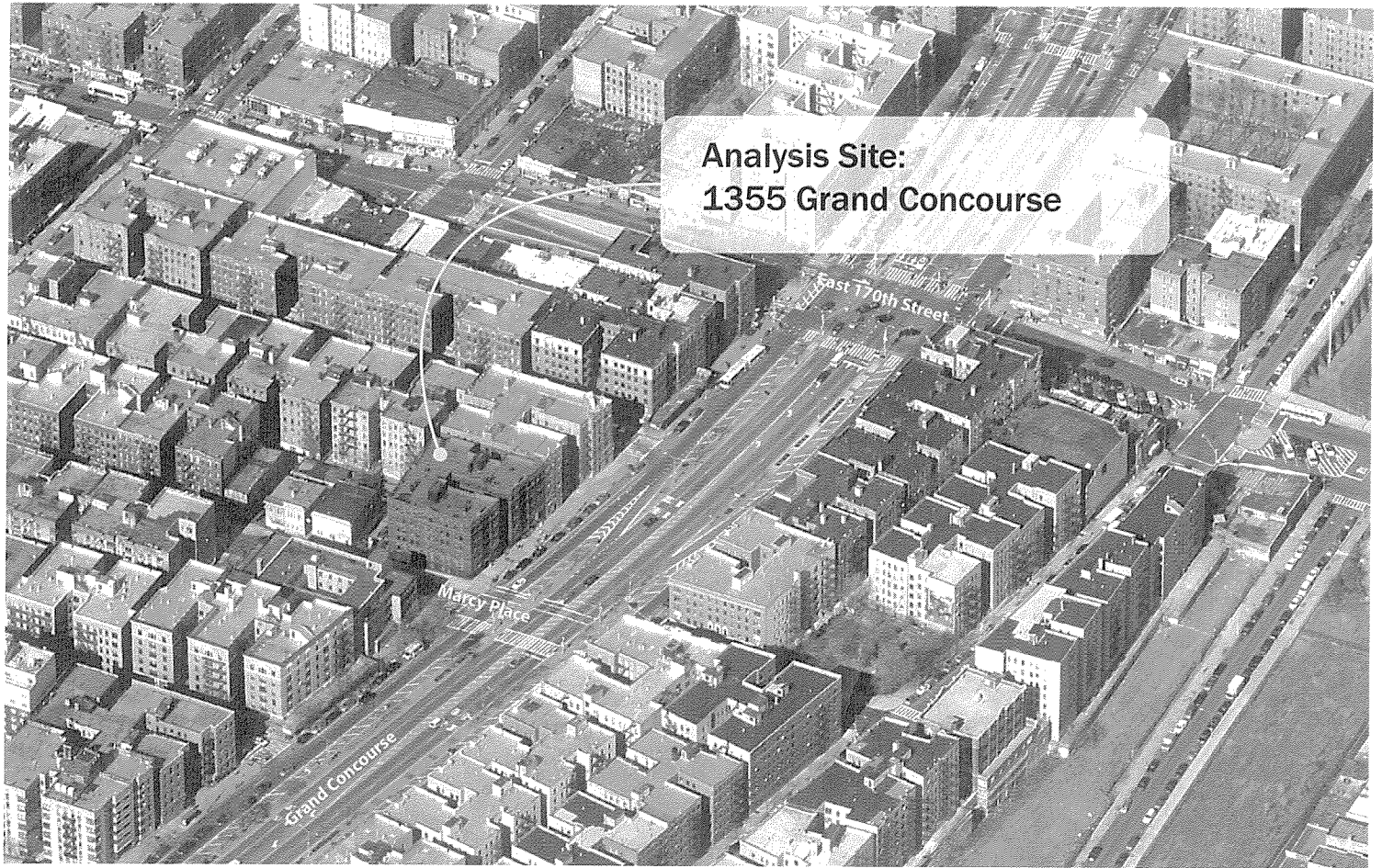


FIGURE 7: 1335 GRAND CONCOURSE SITE ANALYSIS-STUDY SITE

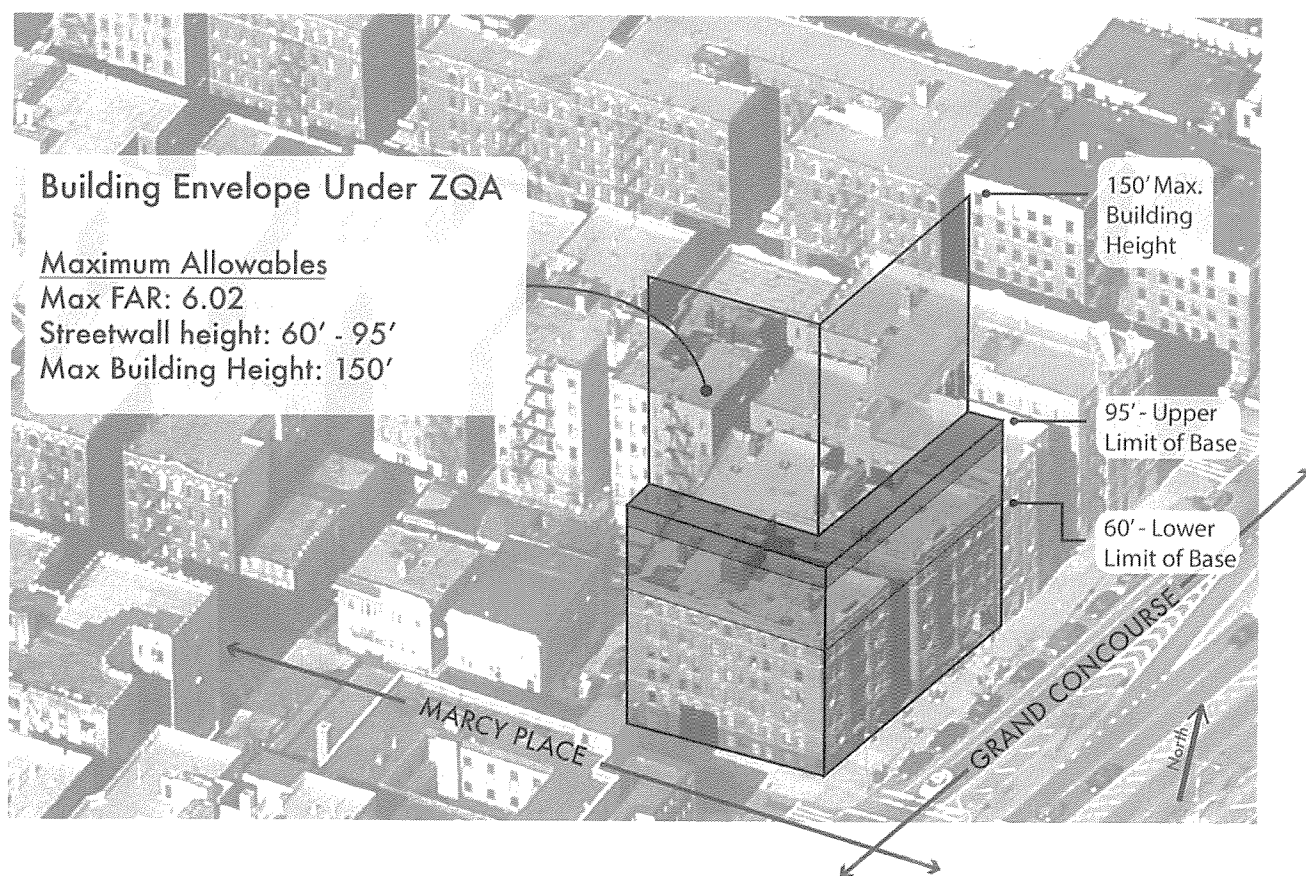
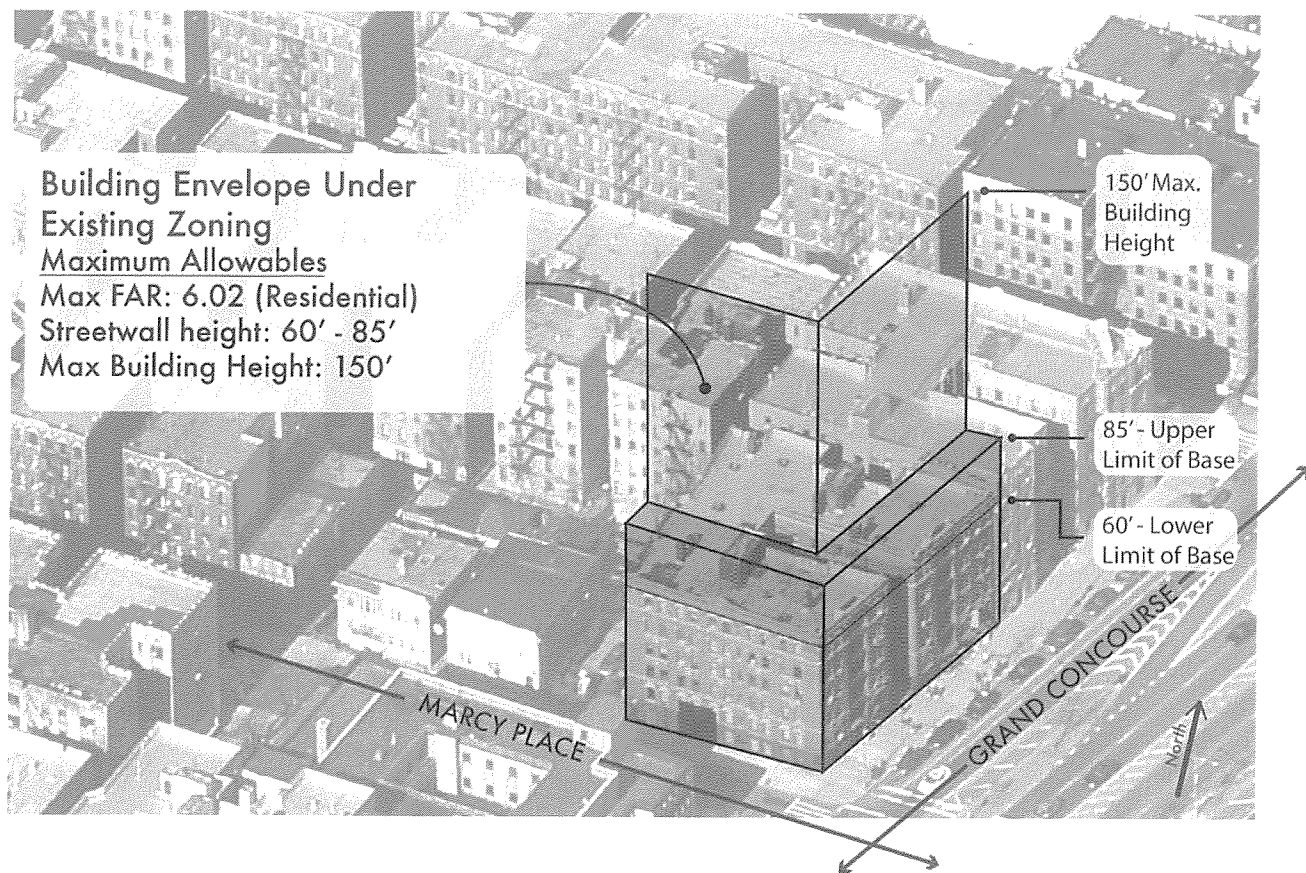


FIGURE 8: 1335 GRAND CONCOURSE SITE ANALYSIS-ZQA

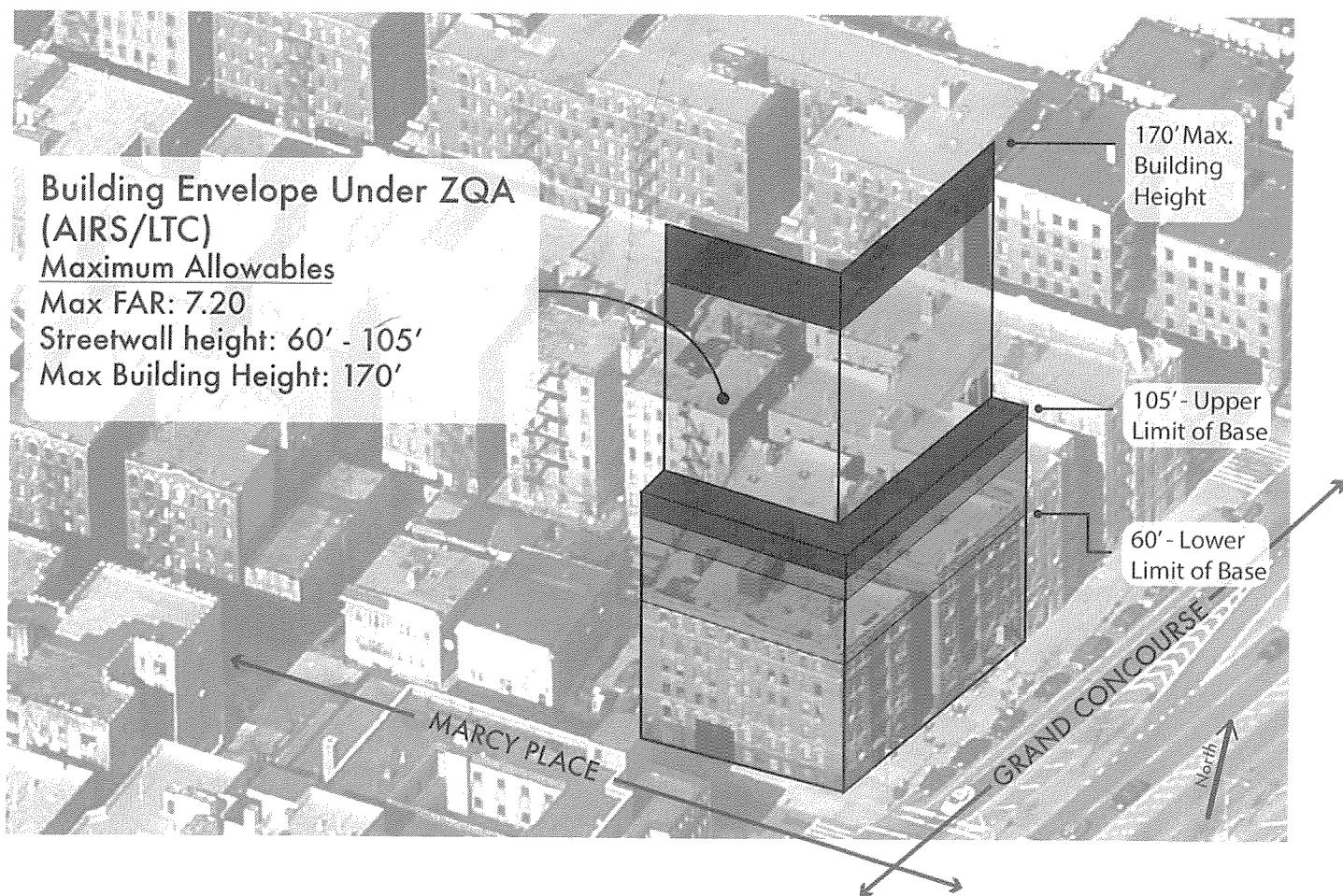
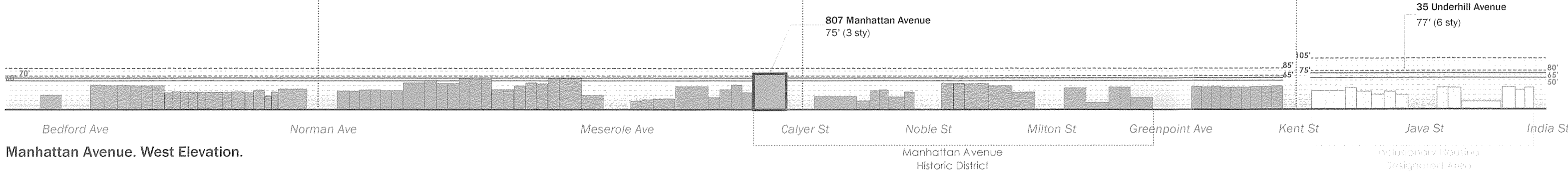
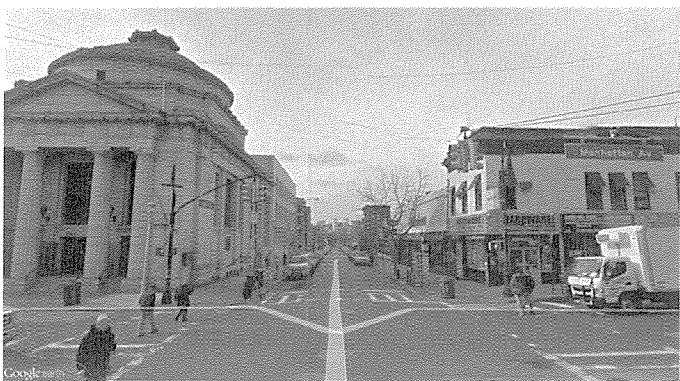
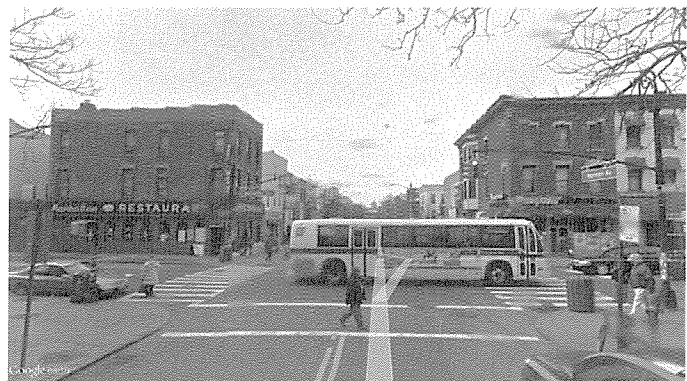
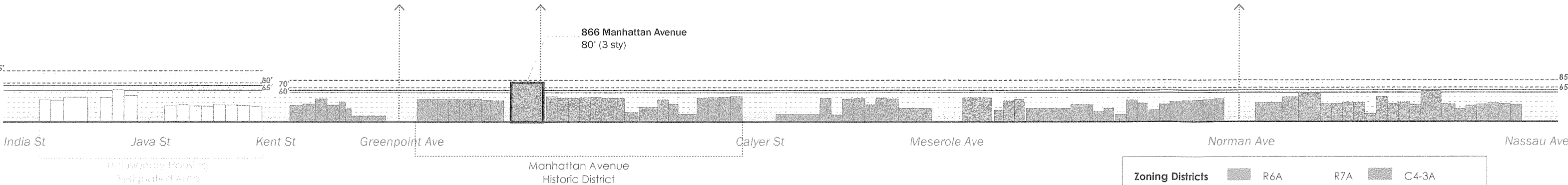
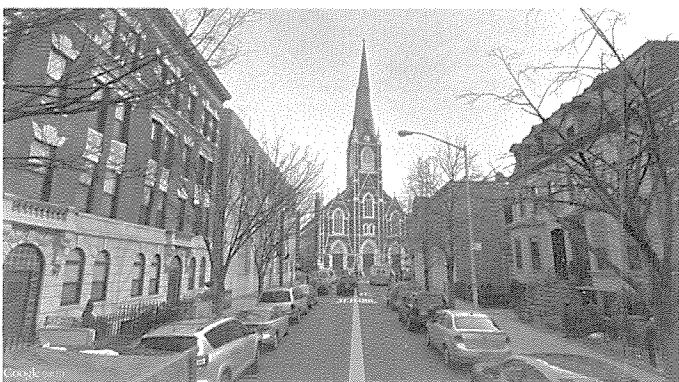
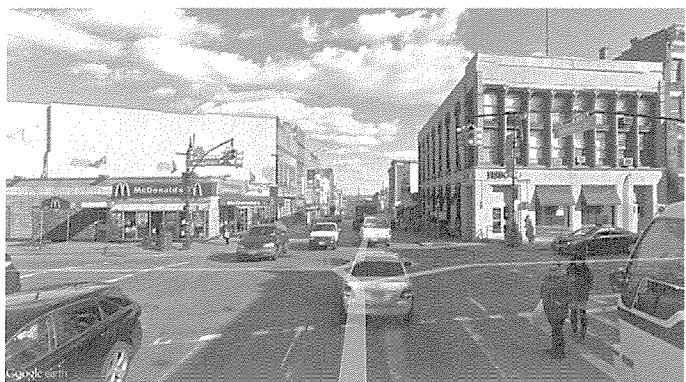


FIGURE 9: 1335 GRAND CONCOURSE SITE ANALYSIS-ZQA (AIRS/LTC)

Manhattan Avenue between India Street and Nassau Avenue
Greenpoint, Brooklyn Community District 7



Manhattan Avenue. West Elevation.



Manhattan Avenue. East Elevation.

Zoning Districts	R6A	R7A	C4-3A
Regulatory Lines	MAXIMUM EXISTING Height	MAXIMUM PROPOSED Height	Street Wall
Tallest Existing			

FIGURE 10: MANHATTAN AVENUE WEST AND EAST ELEVATIONS

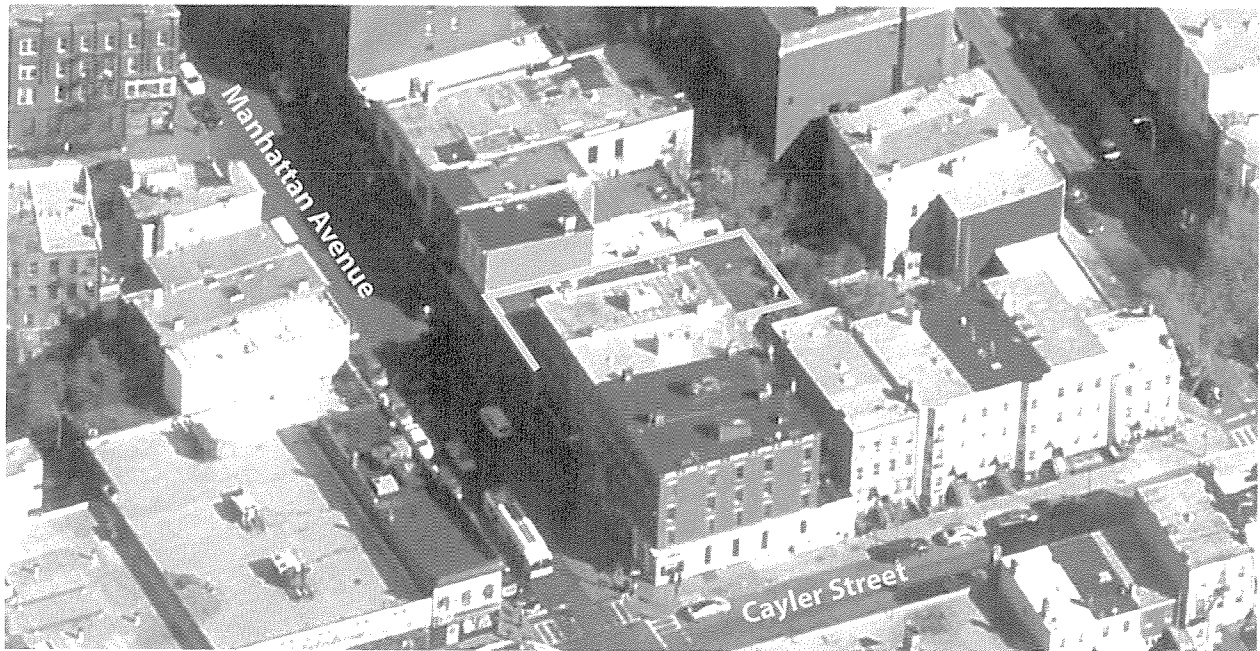


FIGURE 11: 826 MANHATTAN AVENUE SITE ANALYSIS-STUDY SITE

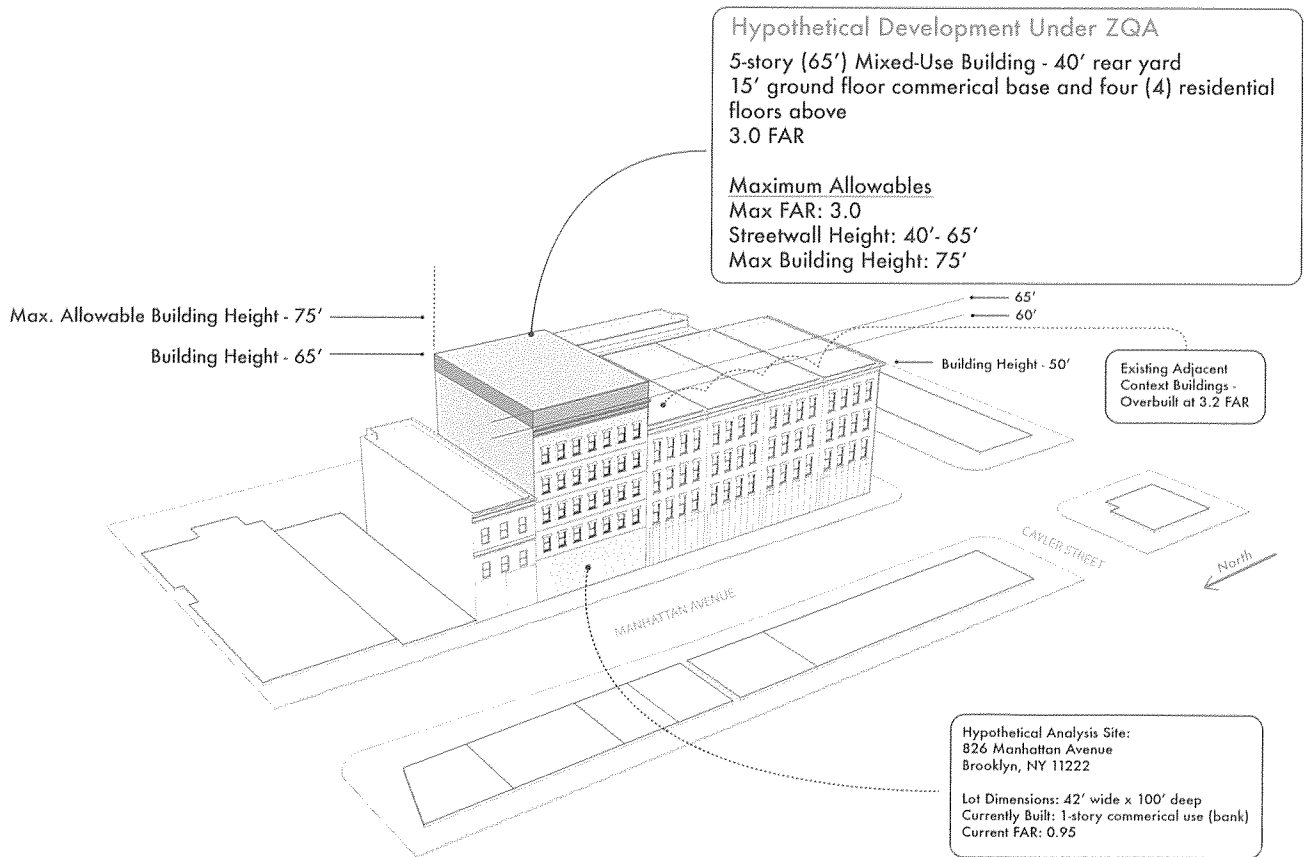
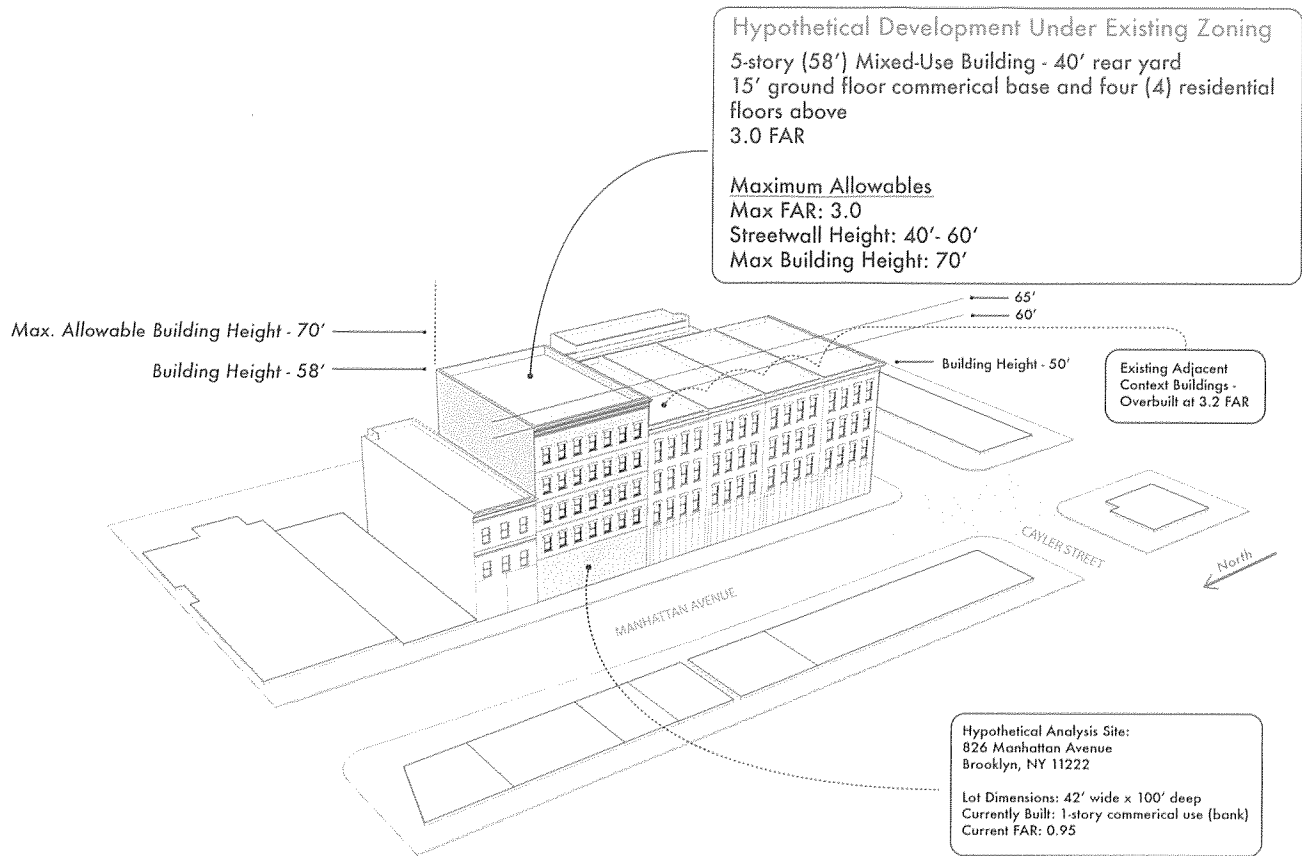


FIGURE 12: 826 MANHATTAN AVENUE SITE ANALYSIS-ZQA

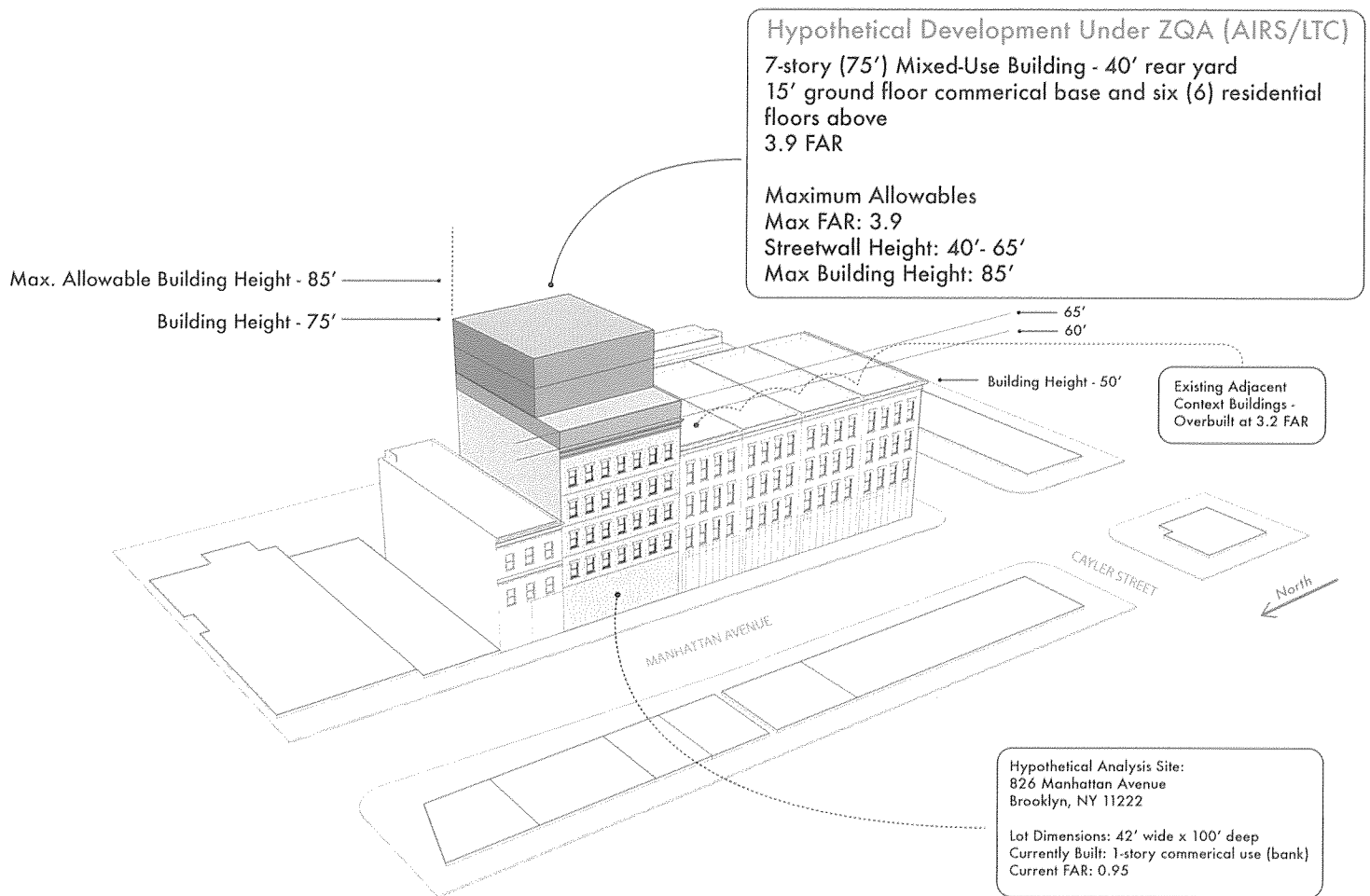


FIGURE 13: 826 MANHATTAN AVENUE SITE ANALYSIS-ZQA (AIRS/LTC)

Summary of Proposed Height and Density Changes for CD 8 (DCP ZQA Proposal)

Date: August 2015

Community District 8

Zoning District	Existing Max. Height (ft)	Proposed Max. Height (ft)	Proposed Height Increase (ft)	Proposed FAR Increase
Basic Residential Height Changes				
R8 (narrow)	105	125	20	---
R8 (wide)	120	125	5	---
R9 (narrow)	135	145	10	---
R9 (wide)	145	155	10	---
R9X	160	175	15	---
R10 (narrow)	185	195	10	---
R10 (wide)	210	215	5	---
R10A (narrow)	185	195	10	---
R10A (wide)	210	215	5	---
Inclusionary Housing Areas Height Changes				
R10A (narrow)	195	235	40	---
R10A (wide)	215	235	20	---
Affordable Senior Housing and Long-term Senior Care Facilities (Nursing Homes)				
R7	---	---	---	1.57
R8	---	---	---	1.18
R9	---	---	---	0.48
R9X	175	205	30	0.70
R10A (narrow)	195	235	40	2.00
R10A (wide)	215	235	20	2.00

Source: DCP Website: <http://www1.nyc.gov/assets/planning/download/pdf/plans-studies/zqa/profiles/mn08.pdf>

 Proposed Uniform Building Heights on Narrow and Wide Streets



FIGURE 15: REAR YARD STUDY SITE

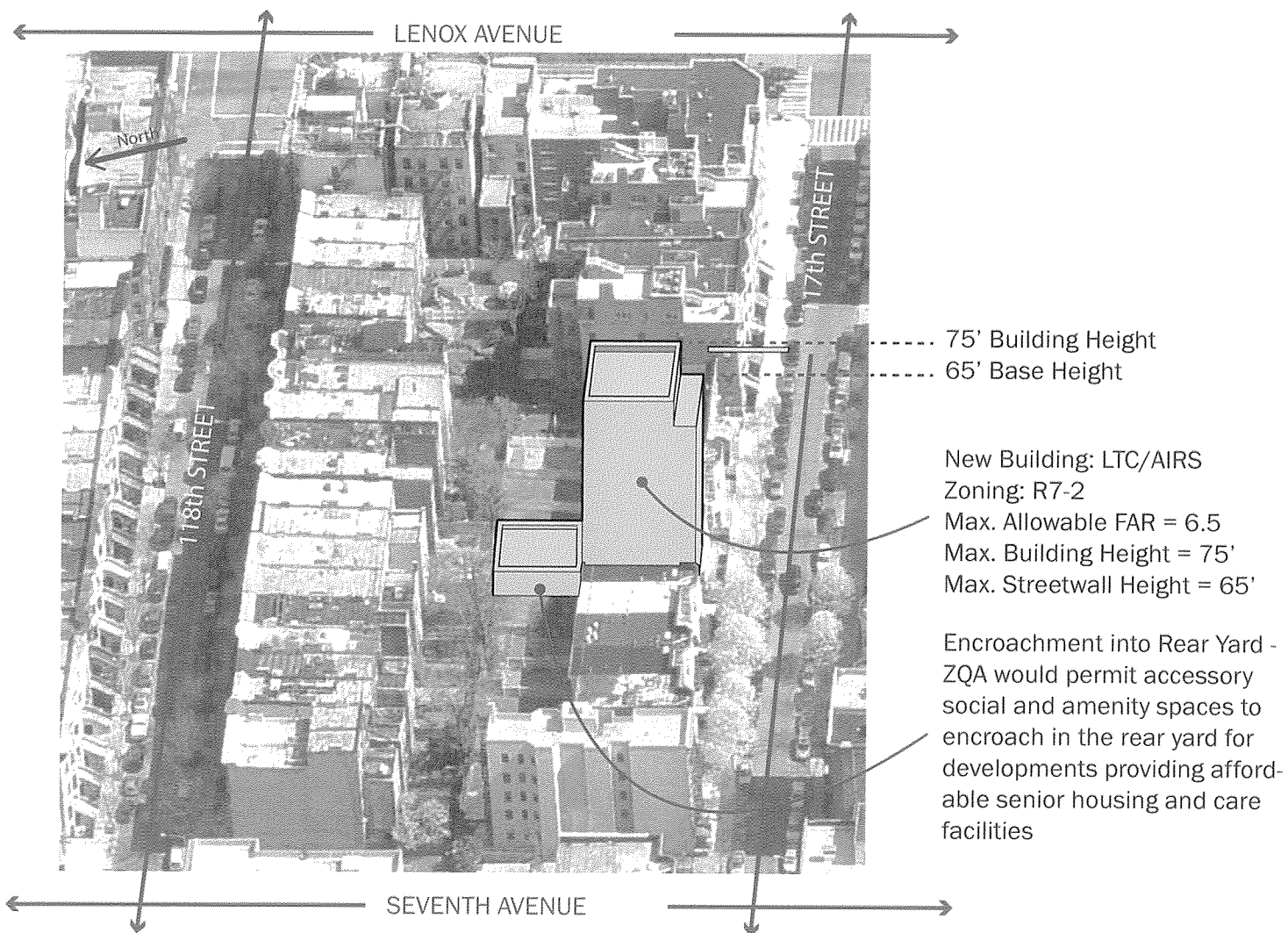


FIGURE 16: REAR YARD STUDY SITE ANALYSIS

ACKNOWLEDGEMENTS

COMMENTS ON ZONING FOR QUALITY AND AFFORDABILITY (ZQA)

THE NEW YORK LANDMARKS CONSERVANCY

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Isabel Aguirre, Planner and Designer

John Douglas, Planner



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**Testimony before the New York City Council Subcommittee on Zoning and Franchises
Zoning for Quality and Affordability – Application No. 20160049 ZRY
February 10th, 2016**

My name is Jolie Milstein, President and CEO for the New York State Association for Affordable Housing (NYSFAH). 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 New York City Council for the opportunity to testify today on the Zoning for Quality and Affordability (ZQA) proposal. I am here today to express NYSAFAH's strong support for ZQA, which will help serve New York City's critical need for affordable housing. I would like to note that NYSAFAH also supports Mandatory Inclusionary Housing, which was addressed in our testimony at yesterday's hearing.

ZQA is essential to the future production of much needed affordable housing for New York City's residents. The proposed text changes fix many of the zoning issues that NYSAFAH members have struggled with over the years when designing affordable housing projects. These changes will mean more affordable housing, better designed buildings, and higher quality units and ground floor retail.

Modernizing rules that shape buildings

The zoning rules that dictate building envelopes have not kept pace with fire and building requirements, modern construction practices, or the City's priority to build affordable housing. As a result, NYSAFAH members must often leave floor area ratio (FAR) unused, resulting in a loss of affordable units at a time when the City is experiencing a housing crisis. Modernizing building envelope requirements under ZQA will ensure that affordable housing developers can maximize the number of affordable units, as well as provide better designed units, buildings that better fit with neighborhood character, and more quality retail and community facility spaces. ZQA would also allow options for more appropriate design on irregularly shaped lots and sloped sites, which currently pose significant challenges to affordable development.

Reducing unnecessary parking requirements for affordable housing

Another major challenge for affordable housing is the requirement to provide parking – which can cost upwards of \$60,000 per space. A large number of spaces regularly go unused in affordable developments throughout the City, while we see huge waitlists for affordable units. Parking requirements drawing subsidy and space away from the production of affordable units

and detract from uses such as ground floor retail, children's play areas, and green spaces. In addition, subsidy that could be used to drive down rents and create deeper affordability must instead go to supporting underutilized parking. In some cases, these requirements make affordable housing development infeasible. The elimination of parking requirements for affordable units in transit zones would enable NYSAFAH's members to focus scarce land and financial resources on building more affordable units.

Promoting affordable senior housing

One population that has been hit particularly hard by the housing crisis is New York City's seniors, many of whom must contend with fixed incomes and housing market pressures in the face of declining federal funding for new senior housing. ZQA would help NYSAFAH members serve the housing needs of New York City's seniors by providing the opportunity to take advantage of an FAR bonus, and eliminating parking requirements for senior developments, helping the City's seniors stay in their communities.

In closing, NYSAFAH strongly supports the ZQA, which will support the production of more affordable housing, as well as better buildings, units, ground floor shops, and community spaces. Thank you for your consideration of NYSAFAH's comments.

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

Cengiz “Jay” Sendogdular

February 10th, 2016

Subcommittee on Zoning and Franchises
Mr. Donovan Richards & David Greenfield, Chairmen
Messrs. Garodnick, Williams, Reynoso, Torres, Gentile & Wills, Members
Council Chambers, City Hall
New York, NY, 10007

Testimony Regarding Zoning for Quality and Affordability

Dear Subcommittee,

My name is Cengiz Sendogdular aka “Jay” and I am here before you as a life-long Brooklyn resident, educated in its Public Schools and as a young professional in the Real Estate industry. I was raised in Marine Park and have lived in other neighborhoods such as Bedford-Stuyvesant and Williamsburg. I went to Elementary school at P.S. 222, Cunningham Junior High School (I.S. 234), & James Madison High School (K425). Thank you for providing a platform where community stakeholders have the opportunity to testify before you. I would like to take this time to express my support for the Zoning for Quality and Affordability (ZQA) proposal as well as any initiative to promote Affordable Housing in New York City’s Five Boroughs.

In the proposal’s general scope, ZQA seeks to revitalize aspects of the zoning code to meet the current needs of the community and address specific issues typically faced by areas outside of the Manhattan Core. These revisions are essential to New York’s future production & preservation of affordable housing and overall progress as a society. They enable more efficient building designs & better construction practices, which promote the development of higher quality units and ultimately happier residents.

ZQA proposes changes that are rational. On a practical level, it removes some restrictions that were imposed at the introduction of the NYC Zoning Code to promote initiatives relevant of the time. Today some text may be viewed as redundant when paired with Building Codes. Current Building Codes often have a higher threshold than the Zoning text in terms of providing safe, efficient and quality housing. When zoning text is unnecessarily redundant and we don’t provide a platform to review the overall scope of the text, it translates to additional construction, legal & administrative costs for new developments. Prohibiting the development of affordable rental housing.

Some of the key points of the modifications to the zoning code that were specifically attractive to me are the items that would update the street wall provisions and how the façade can be articulated. The modifications will influence the designing of buildings to better conform to the local neighborhood and enable them to be more interactive with pedestrians. It will facilitate a design to potentially provide foliage, promote the use of front courtyards and even re-introduce other architectural features that have been absent in recent developments. Although none of the above-mentioned items were specifically restricted, the code’s street wall, setback & rear yard requirements prohibited the freedom to install such features, as they would conflict with the guidelines for the aforementioned and result in the loss of floor area. These items tie into the initiative of increasing building heights in order for a development to fit it all within the building envelope.

Regarding Affordable Housing initiatives; I’m a proponent of essentially all of programs to support affordability and even a beneficiary of some. For the last thirty years, my family has occupied the same rent-stabilized unit in Brooklyn. My uncle, who is a retired High Rise Window Washer, was recently

Cengiz “Jay” Sendogdular

selected in a lottery for a unit in Hells Kitchen where his rent is substantially below market rents. Conflictingly, it is clear to me that we still aren't meeting the needs of society. I personally have friends and family who have been displaced due to the cost of living in this city outpacing the availability of affordable housing. We need more affordable housing.

My humble suggestion to anyone reviewing any directive to incentivize affordable housing development is to keep it within the realm of possibility and to ensure it remains financially feasible. Insufficient restrictions & criteria may lead to insufficient affordable housing development, where too many criteria may cause all rental development for the near future to cease. If this happens, it may reverberate throughout New York's economy.

The proposals provide a means for the City to provide new affordable housing developments that better fit the characteristics of the local neighborhood and help to fulfill the needs of the community at large. I'd like to see all of the stakeholders in this room work together to see that New York continues to grow. Thank you for taking the time to listen to my opinion regarding the proposed revisions.

Sincerely,

Jay Cengiz

Testimony by Simon Bacchus, Director of Development for The Arker Companies
City Council of New York
The Subcommittee on Zoning and Franchises
Public Hearing on Zoning for Quality and Affordability
Council Chambers, City Hall
February 10, 2016

Thank you for this opportunity to testify today in support of the proposed Zoning for Quality and Affordability text amendment.

Founded in 1949, The Arker Companies has developed over 6,000 units of affordable housing across the city, from Staten Island to the Bronx. We are proud of our reputation as a leading affordable housing developer in New York City and we are committed to maintaining our leadership in building safe, quality housing for all New Yorkers in the face of an ongoing housing crisis.

New Yorkers struggle to pay rent and the senior housing population continues to rise. Developers, in partnership with the City, need more flexible and accessible tools to build more affordable housing. ZQA is an effective way to create modern, affordable units across the city.

The Arker Companies strives to develop quality affordable housing for low-income New Yorkers. We have been able to develop attractive, modern buildings to help improve communities and allow our tenants to take pride in their homes. ZQA will allow us to improve on these efforts, maximizing design and economics, currently hindered by zoning requirements that limit building FAR and height.

ZQA, in addition to providing modest additional floor heights for residential buildings, will allow for significantly improved ground floor commercial design. As we develop affordable housing in communities throughout the city, we are also working to improve job opportunities and the quality of life in communities, bringing amenities, services and businesses into underserved areas. ZQA will help this process, allowing spaces that will attract the businesses all of New York's neighborhoods deserve.

Another important aspect of ZQA is the reduction of parking requirements. Our portfolio of developments across all five boroughs share a common feature, which is significantly underutilized parking.

By reducing these requirements, ZQA will open up a wide array of new sites for senior housing development and direct affordable housing resources where they are needed most – the creation of affordable units.

We are confident that ZQA will help combat the housing crisis and make New York City a more affordable place to live. We believe that this text amendment will provide new regulations that will greatly facilitate the development of much-needed senior and affordable housing and better buildings across the city.

Testimony before the New York City Council Subcommittee on Zoning and Franchises
Zoning for Quality and Affordability – Application No. 20160049 ZRY
February 10th, 2016

Thank you Chair Richards and members of the Subcommittee on Zoning and Franchises for the opportunity to testify today on the Zoning for Quality and Affordability (ZQA) proposal. My name is David Gross, a founding partner of GF55 Partners. Founded in 1984, GF55 Partners is an architectural firm that offers a complete range of architectural design services, including affordable housing. As an architect, I have seen firsthand how current zoning inhibits affordable housing development and good design. ZQA fixes many of the issues that we have struggled with under the current zoning, and will lead to better designed buildings and apartments.

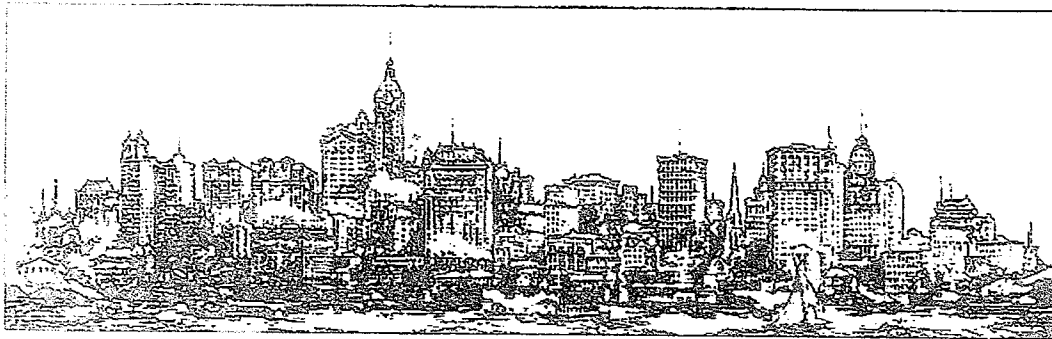
One of the major challenges that we face is the restrictions imposed by the building envelop. Current zoning has not evolved to reflect changes in building and fire code requirements, construction technology, and the priority to build affordable housing. Floor area ratio (FAR) is often left unused because it simply does not fit within the contextual envelop, resulting in a loss of units and design choices that are not always reflective of neighborhood character. ZQA will allow us to design higher-quality units and buildings that better fit with the surrounding community.

For example, current height restrictions result in low floor-to-floor heights. They also inhibit the ability to design quality ground floor retail or ground floor residential apartments that provide privacy for residents. The small height increases proposed in ZQA will have a significant impact on the quality of residential units and ground floor retail, while the floor limits will ensure that this height really goes toward facilitating better design. Building envelop restrictions also often result in flat buildings, lacking contextual character. The changes proposed in ZQA will allow for greater articulation of facades and more traditional courtyards and building entrances.

In addition to facilitating better design, ZQA will also help us design more and better affordable units. The changes will allow greater flexibility for affordable housing development on irregularly shaped lots and sloped sites, which is difficult to impossible under current regulations. Eliminating parking requirements for affordable units in transit zones under ZQA will enable us to design buildings with more affordable units, as well as free-up space for features like community spaces, children's play areas, and resident gardens.

In summary, I support ZQA for the positive impact it will have on affordable housing building design in New York City. Thank you for the opportunity to testify today in support of ZQA.


Architect
GF55 Partners



THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

Zoning for Quality and Affordability **City Council Subcommittee on Zoning, February 10, 2016**

In 1954 in *Berman v. Parker* the Supreme Court of the United States Supreme Court ruled that “It is within the power of the legislature to determine that the community should be beautiful...” and that is what we are asking you to do today by putting an end to these so-called Zoning for Quality and Affordability amendments.

New York was not wrong to enact the “sliver” restrictions preventing narrow out of scale towers on rowhouse sites.

New York has not been wrong to uphold the foundation of our grid based street system by requiring open space in rear yards of residential blocks.

New York was not wrong to enact contextual zoning to preserve the built character of beautiful and successful existing neighborhoods.

Contrary to the hopes and dreams of the real estate industry, New York was not wrong to establish rent regulation.

The most destructive aspect of ZQA is its potential as a vehicle for tenant harassment in neighborhoods where there is real and existing affordable housing in rent regulated buildings.

Building on top of existing occupied buildings—encouraged by these amendments—would bring unlimited opportunities to drive unwanted residents out with noise, noxious dust and fumes, plaster-cracking vibration, interruption of services, lack of security, problems with vermin, continuing maybe for years. Many walk-up buildings might be seen as requiring upgrades entailing legal rent increases leading to hardship if not de-control. What becomes of tenants where ZQA becomes a demolition incentive?

Opinions may differ about the wisdom of revising MIH, rather than denying it. With ZQA, the rationale is flimsy and the potential damage enormous. The community benefits it is supposed to offer are a cynical pretext for destruction of our neighborhoods and should be addressed in separate legislation.

Submitted by Christabel Gough, Secretary (christabelgough@gmail.com)

45 CHRISTOPHER STREET APT. 2E, NEW YORK, N.Y. 10014 (212) 741-2628

Ronald Kopnick, President • Matt McGhee, Treasurer • Christabel Gough, Secretary

The Society for the Architecture of the City, Inc. publishes the review, *Village Views*

Dear Councilmember:

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 into 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) Enforcing Regulations.

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 worse than failing 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 single family 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. Instead, immediately, 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) Define “Character of Neighborhood”

Let me make a suggestion for a question about the ZQA-MIH Citywide Rezoning proposals. Ask how “Character of a Neighborhood” is defined?

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 be 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 no definition 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

1821 East 28 St., Brooklyn, NY 11229

coachedj@aol.com



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Environmental Control Board Hearings

ECB Manhattan
66 John St., 10th Floor
New York, NY 10038
Telephone: 1-844-OATH-NYC (1-844-628-4692)

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.



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September 10, 2015

Ed Jaworski
President
Madison-Marine-Homecrest Civic Association
Co-founder, Brooklyn Neighborhood Congress
1821 East 28th Street
Brooklyn, NY 11229

Re: Freedom of Information Law ("FOIL") request dated July 8, 2015

Dear Mr. Jaworski:

This is in further response to your July 8, 2015 FOIL request to Frank Ng, Esq., Records Access Officer at OATH, who redirected that request to me at ECB.

You requested:

Regarding the attached information you provided on behalf of OATH on Oct. 1, 2013 via a FOIL request, I would like to request an update of the figures for the questions you answered at that time, that is:

- items #2 and #3, re outstanding DOB/ECB violations, of the attached (the chart form is excellent);
- and, item #5, re the amount under Charter section 1049-a (d)(1)(i) "written off"-- please now make this since Jan. 1990 (or since the section came into being) --whichever is easier to provide.

In reference to items 2 and 3, as of September 2, 2015, the following reflects outstanding ECB Department of Buildings violations issued before July 9, 2015:

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

Sincerely,

A handwritten signature in cursive script that reads "Jim Macron".

Jim Macron, Esq.
Records Access Officer
ECB



RIVERDALE NATURE PRESERVANCY

Directors and Officers

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Honorary Chairman

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MARY BANDZIUKAS, AICP
Program Director

GILBERT KERLIN
Founding Chairman

10 February 2016

The Riverdale Nature Preservancy thanks the City Council for this opportunity to comment on the proposed amendments to the New York City Zoning Resolution for **Zoning for Quality and Affordability**. The Preservancy supports the Mayor's goals: preserving and developing affordable housing in all boroughs, and improving the quality of housing for all, but believes that the Zoning Resolution is not the appropriate tool to use to achieve those goals

The Preservancy was a strong supporter of Bronx Community District 8's 197-a plan, approved in 2003, which included numerous measures to encourage all development in our district be compatible with our neighborhood character by changing zoning designations, expanding parkland, protecting our natural features, and improving/strengthening our commercial corridors. The outcome of that plan: downzoning districts and instituting contextual zoning districts applied in many areas, plus enhancement of the SNAD regulations were welcome modifications of the Zoning Resolution. They have improved community character in many regards. The work of that plan was not complete; areas recommended for further zoning study, expansion of park designation at the Jerome Reservoir, and the increase of parking in our commercial areas have not yet been achieved.

The proposed zoning changes would both reverse and undermine that 197-a plan by encouraging non-contextual development that would change, not preserve the character of the area. Raising height limits will only bring back the taller buildings that the last zoning changes reduced. Changing building envelopes will encourage larger building volumes in proportion to their lots. The "one-size-fits-all" approach of these modifications is a reversal of the past 20-plus years of zoning efforts, both citywide and in our district, to improve alterations and new development to better reflect our many neighborhoods. And the well-meaning effort to allow for new types of senior housing, while welcome in theory, is wrong-headed in this community board. Our district is already identified as over-supplied with senior housing in the current zoning text, yet the release of the text last September led to immediate advertisements of sites located in R1 zoning districts as development sites for senior housing.

Most egregious is the effort to classify Continuing Care Retirement Communities (CCRC's) as community facility uses. The Department of Buildings determined that these building types, apartment houses, are indeed residential uses. Any text amendment that allows for these large-scale residential developments to be located within single and two-family housing districts, leads to out of scale buildings, and overwhelms the neighboring context.

Affordable housing is not the result of zoning modifications that attempt to work from the outside in. The cost of developing new buildings, the combination of cost



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of land, design and construction, and the cost of money itself, requires someone, private developer or government agency, to provide funding to make up the difference between the cost of development and the target pricing. The zoning modifications proposed in these amendments do absolutely nothing to address those costs, nor do these amendments target development of affordable housing. The increase in development potential will drive up the land price; the larger building will cost more to construct.

The only proposal that actually addresses the costs of development and construction is the proposal to eliminate parking requirements; that proposal ignores the impact of the increased number of cars requiring on-street parking, and necessary infrastructure costs to provide for those parking spaces.

The elimination of parking requirements in buildings developed as affordable or for seniors, while subtracting a costly building element, does not address the need to accommodate the added population, which does indeed include new cars. If new residents cannot afford to pay to park in garages, they will need to park on the street. The impact of these new cars in neighborhoods with limited on street parking will be further pollution as drivers circulate looking for a parking spot, and devastating to local businesses as patrons search for a convenient place to park.

An additional component of the argument to reduce or eliminate parking is the identification of transit zones throughout the city. The success of the proposed transit districts relies upon accessible stations. The transit district boundaries do not acknowledge access to the stations: the terrain and transit connections in Community District 8 have not been adequately considered, nor has the possibility that residents in the Bronx may not be traveling to Manhattan for jobs, but to Westchester and northern counties. Cars are an important component of linking housing to jobs, and parking spaces for those cars are essential.

The Preservancy urges the Committee, and ultimately the Council, to reject these proposals, and to ask the Department of City Planning to go back to the drawing board to address the various goals separately and in relationship to the neighborhoods of the city. We need a plan for affordable housing for all ages that protects neighborhood character, preserves and improves our existing buildings, and plans for necessary infrastructure improvements so that all of us can enjoy the benefits of developments that sit lightly upon the land, provide truly affordable housing, and reduce the environmental costs to our neighborhoods.

RIVERDALE COMMUNITY COALITION

riverdalecommunitycoalition@gmail.com

- I am speaking on behalf of the Riverdale Community Coalition, from Bronx Community District 8.
- We are focusing on the new definitions for Long Term Extended Care (CCRC's), Allowable Uses in R1 and R2 zoning districts, and Special Permits allowed under ZR 74-901, which would permit multi-unit, multi-story apartment buildings to be located in low density R1 and R2 residential districts.
- For the first time in NYC zoning history, it would open single and two-family residential districts to multi-unit, apartment buildings styled as CCRCs.
- CCRC's are not included in the requirements for any measure of affordable housing. CCRC's are not community facilities, though the zoning modifications attempt to classify them as such. What we have seen in our own R-1 district is a proposal for a Luxury CCRC. We want to stress Luxury, luxury, luxury, yes, luxury.
- The Hebrew Home's luxury apartment styled development, which FOIL results show apartments starting at \$725,000 plus a hefty maintenance charge starting at around \$4500 per month, is hardly what we might expect to find being facilitated by zoning for quality and affordability.
- Yet, it is with the proposed zoning modifications in The Zoning for Quality and Affordability that this luxury development may now make its way through the process and indeed become a reality, requiring only a special permit and a ULURP process.
- This special permit may be granted upon the following criteria: a) that such # use# is compatible with the character or the future #use # or # development # of the surrounding area: What exactly does this mean, how on earth can City Planning address any future use, development of the surrounding character, other than single family housing?
- B)that the #streets # providing access to such #use##are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic, when the narrow, tree-lined streets of the Special Natural Area District are such an important feature of this community?
- For the past several years we have witnessed presentations in our neighborhood of a planned CCRC with up to 6 floors in height, containing 340 independent living apartments. It is beyond dispute that this is incompatible with the surrounding family homes. You must have heard hundreds of statements during the course of these hearings, but how many times have you heard people concerned about 6 story apartment buildings in R1 or R2? With this example waiting in the wings and another large nursing home property for sale it is no surprise that community Board 8 continues to object to ZQA.
- This move to facilitate CCRCs in Community District 8 is a direct contradiction of what the 197a plan approved by the City Council in 2003.
- What has recently been proposed in our area is something more akin to a building found in an R6 district. It is no wonder that we are objecting! We believe that by ZQA facilitating this kind of use in a low density district, it renders zoning in R1 and R2 in NYC, meaningless.
- Despite the 10-acre clause being eliminated from the ZQA zoning text modifications, the core issue remains the amendment to the Use Tables which would leave all R1 and R2 low density districts throughout NYC, vulnerable to apartment style residential dwellings, which would seem a complete contradiction to R1 R2
-

zoning regulations. Despite the ~~ULURP~~^{REQUIREMENT} process and special permit, at this late stage we urge you to vote no and come up with a better resolution on this matter.

- ~~If, contrary to RCC's position, the Council decides to allow CCRCs in R1 and R2 districts, we suggest that CCRC's be allowed in R1 and R2 districts only through discretionary review for a Special Permit.~~
We ~~also~~ recommend that the Use Group designation recognize that these buildings are residential uses; and that the building bulk, height and setback controls are the same as those required for residential developments in any residential district.
- We urge you to vote no on ZQA until this matter is resolved.

FOR THE RECORD

Testimony Statement for City Council of NY
Public Hearing on Zoning for Quality and Affordability
Application No. 20160049 ZRY
Submitted by David Levine, AIA
February 10, 2016

Members of the Council:

My name is David Levine and I am speaking today as a practicing architect at Dattner Architects and member of the American Institute of Architects. Many of the buildings we design in our office are affordable and affordable senior housing. I am in favor of the proposed changes to the Zoning Resolution addressed in the ZQA proposal which can increase the number of affordable units, improve the design of residential buildings, and enliven the streetscape. The ZQA proposal will also help address the City's shortage of affordable and affordable senior housing articulated in the Mayor's Housing NY plan to build and preserve 200,000 units within 10 years.

To comply with current zoning regulations for maximum building height, architects in many cases, squeeze ceiling heights to minimums. For buildings utilizing the Inclusionary Housing program (which promotes mixed income housing) in specific medium and high density districts, ZQA increases the zoning envelope for bulk and height slightly- typically 1-2 stories – to fully utilize the existing floor area ratios which will create additional affordable dwelling units. The increases will allow for necessary floor-to-floor heights of between 9'-4" and 10' to fit necessary building systems such as ventilation, plumbing and sprinklers in block and plank construction which is predominantly used for new construction of mid-rise affordable housing.

The modest height increase will allow higher first floors providing practical and rentable retail and commercial spaces and permit the first residential level to be slightly elevated to improve privacy of dwelling units near the sidewalk, consistent with many existing buildings.

ZQA changes will improve the design of the street wall through modifying certain provisions of the 1987 Quality Housing Program such as street wall alignment. Under ZQA, permitted front wall set-backs would increase opportunities for landscaping and allow for greater façade articulation. The proposed modifications to court regulations will provide opportunities to break down the visual mass of larger buildings through street-facing outer courts. This will facilitate the design of non-required windows in courts (in kitchens and bathrooms for example) to improve cross ventilation and enhance occupant comfort.

Many low income seniors don't own cars, and reducing off-street parking requirements for developments within ½ mile of mass transit frees up site area for more dwelling units and allows limited development budgets to provide additional dwelling units instead of constructing under-utilized parking.

After attending the Manhattan BP's and hearing many of the concerns about on ZQA, I believe its important to reiterate that the proposed changes under ZQA will not allow for additional floor for market rate housing, will not change floor area ratios (FAR), will not alter or eliminate contextual zoning districts, and will not alter the Landmark Preservation Commission's review process for projects in historic districts or for landmarked buildings.

Development teams who build new affordable and affordable senior housing struggle to find viable building sites and manage limited funding as construction costs continue to rise. As the Mayor's Housing NY plan clearly states, the need to provide more affordable and affordable senior housing is critical and it's our collective responsibility to address this shortage. Enacting the modest revisions to the Zoning Resolution based on the ZQA is one solution to help meet the demand of additional affordable dwelling units.



232 East 11th Street
New York, NY 10003
212 886 3742

vicsocny.org

**Testimony, City Council Hearing on Zoning for Quality and Affordability
Wednesday, February 10, 2016**

The Victorian Society New York urges a resounding no vote against the Zoning for Quality and Affordability proposal. As the founding chapter of the Victorian Society in America, begun in 1966 to protect our 19th century architectural heritage, our organization is concerned about structures throughout the entire city. This sweeping proposal could do irreparable harm to our city's diverse streetscapes. It would encourage destruction of older housing stock and thereby wipe away established affordable housing units. The effect, therefore, would be counterproductive.

This sweeping city-wide proposal is a drastic change from the way zoning changes are now made. Today zoning proposals are limited to defined areas, enabling local, sensitive input on the potential impacts.

At the City Planning Commission meeting at which this proposal was adopted and moved on for your consideration, several members recommended that the City Council be asked to make a number of changes in the text. In other words, you have before you a proposal that even some of the commissioners find flawed.

We urge you not to be swayed by arguments that a fix here and a patch there will make this a good plan. Too much is at stake. The best solution is a no vote.

**Hilda Regier
President**

ALBERT K. BUTZEL LAW OFFICES
249 West 34th Street, Suite 400, New York, NY 10001
Tel: 212-643-0375 Email: akbutzel@gmail.com

**Submission of Albert K. Butzel, Counsel for the Riverdale
Community Coalition, to the New York City Council
Committee on Zoning and Franchises Regarding
the Zoning for Quality and Affordability Proposal**

Public Hearing, February 10, 2015

My name is Albert Butzel. I make this submission on behalf of the Riverdale Community Coalition ("RCC") in opposition to the zoning amendments under the Zoning for Quality and Affordability ("ZQA") proposal that, if enacted, would permit multi-unit, multi-story apartment buildings for well-to-do seniors (styled as CCRCs) to be located in low density (R1 and R2) residential districts.

I also address below a section of the original ZQA proposal that was modified by the City Planning Commission to meet the objections of my clients and which we ask the City Council to confirm.

RCC also submits that insofar as the CCRC amendments described above are involved, the proposed action does not comply with the State Environmental Quality Review Act because of the failure of the EIS to include an in-depth analysis of a CCRC proposed by the Hebrew Home project, which has a fully-developed proposal for a site in Riverdale and is waiting only on the passage of the amendments to file for City Planning approval.

RCC is a community organization that has come together in an effort to protect the character of the Riverdale neighborhood in which its members live and, more specifically, to oppose the Hebrew Home project in its current form and to seek a resolution that will ensure the compatibility of the project with the fabric of the community and its Special Natural Areas District classification. Because the amendments identified above would facilitate the development of the project in its current form, RCC has a special interest in the ZQA process.

The Fundamental Issue of Compatibility

There are a relatively few R1 and R2 districts in the City, but that does not undercut their importance. To the contrary, these districts provide New York and its residents with both diversity and options in their choice of living environments. They are areas of low-rise single-family homes, with enough open space for trees and gardens and lawns. They represent a kind of oasis in our urban landscape and as such attract and hold within the City limits citizens who might otherwise depart to the suburbs. They are also fragile and depend on the continued low-rise, low-density character of the neighborhood. A few out-of-scale buildings can be fatal, because

they become the precedent and economic driver for the next one. A collection of out-of-scale structures is all the more insidious.

Until now, City zoning has recognized this reality. Multi-unit, multi-storied apartment buildings have been excluded from R1 and R2 districts. They can be built in all other residential districts – from R3 through R10. But they are not allowed in low-rise, low-density neighborhoods, because they are basically incompatible with the character and fabric of those neighborhoods. The Hebrew Home CCRC project, which would add 340 apartment units in multi-family buildings up to six stories high, is our case in point. But that is only the example we are familiar with; no doubt there are other similar proposals in the wings.

RCC believes that if multi-unit multi-story buildings are permitted in R1 and R2 districts under the guise of “affordable” senior housing, it will be the camel’s nose under the tent. Once the *possibility* exists to create dense and highly profitable multi-family housing in areas previously barred to them, developers will line up to seek approvals for CCRC projects. By opening R1 and R2 districts to these developments, the rezoning will constitute an *incentive* to change fundamentally the limited number of low density residential communities in the City.

And that is the nub of the problem. Allowing CCRCs in R1 and R2 districts will change market dynamics, ensuring that low density neighborhoods, of which there are all too few in the City, will disappear over time. Zoning that excludes multi-unit housing is the only reason such neighborhoods continue to exist; otherwise, given the economics of the market place, those parts of Riverdale and other low rise residential communities that have been protected would look like the high rise walls of buildings that have grown up elsewhere. RCC believes strongly that if multi-unit housing in the guise of CCRCs or any other categorization is permitted in R1 and R2 districts, those communities and the values they represent to New York will be lost.

RCC also believes that there is no need to accommodate CCRCs in low density residential neighborhoods, given the many other locations within the City where they can be sited consistent with the existing community character. Indeed, our group experience is that as contrasted to senior developments in the suburbs or the countryside, most urban CCRCs are multi-story buildings usually located in dense neighborhoods with easily accessible services and entertainment to minimize the need for driving. The R1 and R2 districts that the proposed ZQA amendments would open to CCRCs are the opposite of that.

I want to emphasize that RCC believes that CCRCs are an important form of senior housing that should be permitted and encouraged in New York City. But they should not be permitted and encouraged at the expense of low density residential neighborhoods. As just noted, there are many other areas where they can be developed consistent with the fabric of those neighborhoods. Nor can they be justified under the general rubric of “affordable housing” which seems to be driving the ZQA amendments. In some cases, CCRCs may be affordable to middle income

seniors. But in most instances, they will be affordable only to the well-to-do. That is certainly the case with the Hebrew Home project, where the cost of buying in to the least expensive unit will be \$750,000, with monthly maintenance charges of \$4,500 and many standard “extras” adding to that. It may be convenient to label CCRCs as a form of “affordable housing” – it may be politically expedient to do so – but the realities are the opposite of that.

In summary, because multi-unit, multi-story housing is incompatible with low-rise low-density residential communities, it has until now been excluded from R1 and R2 residential districts. The prohibition should not be lifted in the name of affordable housing (the more so because most CCRCs are not “affordable”). There are many other locations in the City where CCRC housing and care can be provided without wreaking havoc with a neighborhood’s character and fabric. This is not the case with R1 and R2 districts. The City should protect them by removing from the ZQA the sections that would open such districts to CCRCs.

The Hebrew Home Special Amendment and its Presumed Demise

As the ZQA proposal was originally framed, most of the CCRCs that the City Planning Commission sought to authorize in R1 and R2 districts were required to obtain special permits under ZR 74-901. This, in turn, required them to go through the ULURP process, including review by the community board and the borough president and, most importantly, the absolute right of the City Council to reject or modify the project in response to public sentiment.

However, this would not have been the case with the CCRC proposal that the Hebrew Home is standing by to file. As now constituted, the development would include 340 independent living units for seniors – that is, fully equipped separate apartments with the same facilities and amenities found in a typical City apartment. Some of these units would be located in buildings on the Hebrew Home’s existing campus, which is zoned to allow this kind of development. But up to 200 new apartments would be located on an adjacent 14-acre parcel, which the Hebrew Home acquired four years ago and which was at time, and is now, zoned R1-1 residential, limiting development to single-family homes 30 feet or less in height on lots of at least 9,500 square feet. The apartments on this parcel would be contained in three buildings rising as high as six stories and laid out in a way that would create a wall of stone and glass across the northern part of the site. The parcel is directly across from two groups of single-family homes that are typical of this section of Riverdale and within hailing distance of many others. Given the size of the development and the height and expansiveness of the new buildings, the change in the character of the area would be substantial. In addition, the only vehicle access for the project – and 300 new parking spaces are proposed – would be via Palisade Avenue, a narrow, twisting roadway without sidewalks, adding to the potential adverse impacts.

RCC argued to City Planning that if CCRCs were to be permitted at all in R1 and R2 districts, the Hebrew Home proposal was the archetypical kind of project that

should be subject to full ULURP review. It would involve the introduction of a new use never before permitted. That use would be of a wholly different kind and scale. The proposed development would be outsized with its 340 apartment units. The project is opposed by a significant part of the Riverdale community and is, at the least, highly controversial throughout it. The community board has expressed its concern, as has the local Council Member. In light of all this, the Commission would have blinded itself if it treated the matter as simply one of good planning which it alone could decide. There was a clash in values in play here, and it would have been wrong to exempt the project from legislative review, which can best represent, recognize and resolve the conflicting values.

Yet this is what the ZQA amendment of ZR 22-42 would have done. Under that proposed section, the Hebrew Home project would not have been subject to ULURP (and thus not subject to community board and City Council review) because it would be located on a lot of more than 10 acres. Instead, all that would have been required was an "Authorization" by the Planning Commission. This would have taken the ultimate decision out of the hands of the City Council, where it should rest.

Moreover, the proposed ZR 22-42 exemption made no sense even from a planning perspective, since, as in this case, the larger the lot size, the larger the development that is likely to be proposed. As we argued to City Planning, If smaller CCRCs are subject to special permit requirements (and thus to ULURP), then certainly a huge project like that proposed by the Hebrew Home should require such a permit. Compatibility does not depend on the size of the lot, but on the size of the development. Furthermore, the larger the size of the parcel, the more likely it is to be located in an area with large amounts of open space and natural features -- exactly the situation that exists on and surrounding the Hebrew Home lot. All of this underscored the irrationality of the exemption that the proposed amendment of ZR 22-42 would have offered.

Happily, City Planning heard our concerns and arguments and voted to modify the original ZQA proposal by eliminating the ZR 22-42 exemption. Thus, as the proposal comes before the City Council, it requires ALL CCRCs proposed for R1 and R2 districts to obtain special permits and thus subjects all of them, including the Hebrew Home project, to full ULURP review. We ask the Council to affirm this modification, should it decide, over our objections, to allow CCRCs in low-density residential neighborhoods.

A Suspect History

There is also a suspect history that underlay the proposed exemption, which, as noted, would have facilitated the Hebrew Home development by exempting it from ULURP review, including Council review. Because the City Planning Commission has dropped the exemption, I believe there is no point in resurrecting that history in this submission. Suffice to say that in RCC's view, City Planning staff sought to promote and facilitate the development in every way that it could, and in the end, it

was only because the Department of Buildings rejected an interpretation of the zoning resolution pressed on it by the Hebrew Home with City Planning backing that the project is not already underway. If the Council wishes further information regarding the process, RCC will be glad to provide it.

The DEIS

The DEIS does not evaluate the environmental impacts of the Hebrew Home proposal. It justifies this failure as follows:

Because it is not possible to predict whether a CPC special permit would be pursued on any specific site in the future, the RWCDs does not include specific development sites that might receive the Special Permit for Long-Term Care Facilities in [R1 and R2] districts. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from such development. (DEIS, Chapter 1, p. 89)

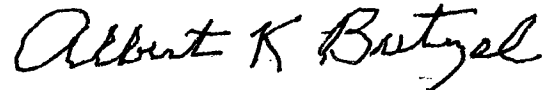
In the case of the Hebrew Home project, this justification is erroneous. As DCP knows from its collaborative work with the Hebrew Home, the proposed CCRC development is completely predictable. The specifics of the project have been shared for many months with the DCP staff, the Hebrew Home has time and again reaffirmed its intention to proceed with the development of 340 units of multiple unit multi-family housing on the site to the south of its existing facilities, and the formal application awaits only the adoption of the zoning amendments allowing CCRCs in R1 districts. Given these realities, City Planning has ample information to undertake a site specific analysis of the environmental impacts of the proposal. To fail to do carry out such an evaluation in the EIS for the ZQA amendments not only constitutes a violation of the SEQRA/CEQR mandate to identify and address the potential impact on the environment, it also represents an impermissible segmentation of the Hebrew Home project from the governmental action (i.e., the zoning amendments) that will make it possible. It is RCC's position that the Council cannot act on the ZQA amendments unless and until the City Planning Commission issues a supplemental draft EIS that addresses the potential environmental impacts of the Hebrew Home project.

Conclusion

For the reasons set forth above, the Council should reject the ZQA amendment that would open low-density residential districts to multi-unit, multiple-story apartments, whether in the form of CCRCs or in any other form. If, contrary to RCC's position, the Council decides to allow CCRCs in R1 and R2 districts, *all* such developments should be required to obtain special permits, regardless of the size of the parcel on which they are proposed to be locating. In this regard, the Council should accept and affirm City Planning's decision to modify the original ZQA proposal

by eliminating the 10-acre exemption initially proposed as part of the amendment of ZR 22-44. Finally, before the Council takes any action on the ZQA amendments, it must await the preparation of a supplemental EIS that addresses the impacts of the Hebrew Home project and allow the opportunity for public and agency comment as required by SEQRA/CEQR.

Respectfully submitted,

A handwritten signature in black ink that reads "Albert K. Butzel". The signature is written in a cursive style with a large, stylized 'A' and 'B'.

Albert K. Butzel
Counsel for the Riverdale Community
Coalition
249 West 34th St, Ste 400
New York, NY 10001
Tel: 212.643.0375
Email: akbutzel@gmail.com

City Council hearing on Zoning for Quality and Affordability and Mandatory Inclusionary Housing

**Testimony of Kate Slevin, Senior Director of Advocacy and Policy
February 10, 2016**

Good morning. I'm Kate Slevin, Senior Director of Advocacy and Policy at the Municipal Art Society (MAS), a 123 year-old organization that works for a more livable city through forward thinking urban design, planning and preservation.

Housing affordability has reached crisis levels in New York. Citywide, over half of renter households are “rent-burdened” and 30% are “extremely rent burdened.” Average rents have gone up dramatically in the last decade, while incomes have not risen to match.

As such, we applaud the City for attempting to address the affordable housing crisis through the proposed *Housing New York Plan*. Regarding the two items presented this week, we support the Mandatory Inclusionary Housing proposal (MIH) but are unable to support the Zoning for Quality and Affordability proposal (ZQA) in its current form.

First, on the **Mandatory Inclusionary Housing proposal**. MIH is an important instrument in leveraging the market to create an appropriate housing mix:

- **The proposal will create housing that meets the needs of a broad range of city residents.**

- **MIH will create permanently affordable units.**
- **And because MIH only applies in neighborhoods that are being rezoned or for individual special permit applications, we feel confident supporting it on principle, as any application of MIH will be subject to full public review.**

However, the proposal can go further.

- **It should be expanded to encourage the production of units for very low-income residents.**
- **Additionally, MIH should do more to incentivize on-site affordable units where high land values and density allows, while working to develop legal structures, funding strategies, and other mechanisms to ensure the long-term maintenance of off-site affordable units.**

On the **Zoning for Quality and Affordability proposal**, MAS supports a number of the proposed changes, including:

- **The promotion of more affordable and senior housing,**
- **Reduced parking requirements for affordable housing; and**
- **The encouragement of more vibrant streetscapes.**

While these are all important measures, there are still a number of concerns that we feel need to be addressed.

- **First, it is difficult to understand the benefits of this proposal without clear projections about the number of new units that would be**

generated under ZQA. Is there data to explain how these proposed changes help the Administration meet affordable housing goals?

- **Regarding the increased height and bulk in contextual districts,** many neighborhoods obtained contextual zoning after years of negotiation with the City, and therefore should have more involvement in the proposed changes. MAS recommends that the Administration take a more targeted approach for individual neighborhoods.
- **We have reservations about the current proposal as it applies to historic districts and think further study is warranted.** While new development in historic districts is subject to review, the burden of regulating bulk and height should not fall solely on LPC.
- **MAS strongly supports the City's proposal to eliminate unnecessary parking requirements for affordable housing, but the proposal should do even more.** MAS recommends reducing mandatory parking requirements for all new development.
- **We are concerned that the senior affordable residences generated under this proposal would not be permanently affordable,** even as increased height and bulk is retained for a building's lifetime.
- **Finally, we thank the Administration for responding to requests for different approaches to building on wide and narrow streets,** but would like clarification as to why this modification was made for only certain districts.

We feel that elements of the ZQA proposal plan come across as piecemeal, and it continues to be difficult to determine the real world impact on neighborhoods. We prefer the City to think more boldly about the creation of affordable housing, working towards complete neighborhoods that provide the services and amenities both current and future residents need. Thank you.

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Benjamin Prosky
 Executive Director

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

February 10, 2016

Good afternoon, Chair Richards, members of the City Council Subcommittee on Zoning and Franchises, and members of the City Council. My name is Benjamin Prosky, and I am the Executive Director of the American Institute of Architects New York and the Center for Architecture. I am pleased to offer testimony in regard to the Department of City Planning's Zoning for Quality and Affordability proposal.

The American Institute of Architects New York represents over 5,200 architects and design professionals, and is committed to positively impacting the physical and social qualities of our city, while promoting policies beneficial to the welfare of our members. We have reviewed the Department of City Planning's recent amendments to the Zoning for Quality and Affordability (ZQA) proposal and believe these revisions are responsive to previous discussions. ZQA will help facilitate the construction of affordable and senior oriented housing, offer architects flexibility to create better buildings that are more responsive to local contexts, spark the development of housing on empty lots, and decouple the creation of housing from parking requirements, thereby encouraging the use of mass transit and enabling a sustainable city. The proposed zoning text and recent amendments can improve the quality of life for New Yorkers and increase economic activity within the architecture, engineering, and construction markets, bolstering the creation of jobs.

We appreciate the updates that the City Planning Commission made to the proposal last week. The proposal promotes the following beneficial outcomes:

- **More retail spaces in commercial districts.** A higher ceiling at the ground floor allows for retail at the base without giving up rental units in buildings with sufficient floor area;
- **Better residential spaces with adequate ceiling heights.** An increase in building height allows for increased ceiling heights, encouraging more light and air in residential units;
- **Aging in place.** The senior population is increasing dramatically in NYC, and many seniors want to stay in their neighborhoods. By encouraging more dedicated senior buildings, ZQA takes a step forward to create a city that allows for aging with dignity;
- **Reduction in parking requirements to decrease housing costs and create more dwelling units.** Parking lots, especially at senior buildings, are largely underutilized and could instead provide additional apartments, community spaces, or outdoor amenities. If the City's public transportation expands as proposed, greater housing density could be realized without the traditional corresponding increase in parking provisions;
- **Relaxed density caps and minimum apartment size.** The flexibility provided by the proposal will allow for the creation of more compact unit housing, as well as a variety of housing types, to accommodate the City's changing demographics;
- **Visual variety to the streetscape and reemergence of familiar features in New York City's architectural history.** The proposed text amendments allow for greater flexibility in design and construction. For example, front courts and bay windows not only enhance the streetscape but improve natural ventilation. Over time, neighborhoods throughout the city can better exemplify architectural diversity, reflecting the diversity that underpins the social fabric of New York.



AIA
New York

As the approval process for ZQA continues, we hope the dialogue – and outcome – will reflect the strong link between enhanced vitality and accessibility of the streetscape, especially in the instance of better quality ground level spaces for retail and general public use, with the growth and availability of affordable housing throughout the City.

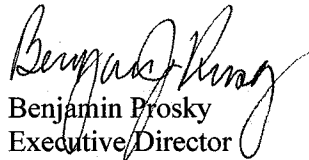
The two pillars of the initiative – Quality and Affordability – are interdependent and linked. We urge you to examine how this laudable initiative will impact individual districts and other City policies. Specifically, we believe more discourse should be given to the following:


- **Public education**
- **Infrastructure including mass transit**
- **Sustainability**

Over the last year, we have participated in discussions about ZQA and its implications for NYC's neighborhoods. We have hosted public programs with DCP at the Center for Architecture to inform the design community about the upcoming changes; organized a charrette-style working session to analyze and illustrate the ways the amendments will alter the way we design buildings; solicited input from architects in all five boroughs; compiled case studies to show how the zoning changes will improve senior housing development, create more dynamic building envelopes, and improve streetscapes; and spread the word through publications, articles in our e-newsletter, and mentions in social media outlets.

In short, we continue to support the advancement of these amendments through the review process.

Submitted on behalf of AIANY.


Benjamin Prosky
Executive Director


Carol Loewenson, FAIA
2016 President

The American Institute of Architects

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Public Hearing on Zoning for Quality and Affordability: City Council, February 10, 2016
Testimony of Jonathan Kirschenfeld AIA

My name is Jonathan Kirschenfeld. I am the principal of Jonathan Kirschenfeld Architect, member of the American Institute of Architects, and founder of the Institute for Public Architecture. My design firm has been working in the field of supportive and affordable housing for the past 25 years, and our housing work has been recognized over the years with numerous awards and in international publications. Making high quality housing for all of New York citizens, not just the wealthy, has been our firm's priority and needs to be the priority for this administration.

Therefore, I am here today as an architect and concerned citizen to testify in favor of the ZQA changes, which I strongly believe will lead to greater and more efficient affordable and senior housing production and equally important, lead to housing of a higher design quality. Many of my colleagues have testified in favor of the text amendments in various public forums, and they have pointed to the need for modest adjustments to building height in order to use the full amount of permitted floor area, the desire for more generous ground floor ceiling heights in order to encourage retail and commercial use and thereby enliven the street, the advantage of making parking optional for affordable and senior housing thereby reducing the construction cost for these buildings, the possibility of adding open space or increased number of senior housing units by re-purposing underutilized parking lots, and the need for modest revisions to setback and court regulations so that buildings fit better into our varied urban fabric and create neighborhoods that reflect the rich history of New York City housing.

What I would like to add in supporting this set of proposed improvements is to point to a less well known aspect of the ZQA proposal encouraging the mixing of senior housing with affordable housing in the same building. This problem of 'segmentation' of senior units within affordable housing is something our firm is struggling with right now in our design of a mixed-use building in Crown Heights for a local church. Under current zoning, the 50% of the residential units devoted to seniors must be physically separated from those housing families, and needs to have a dedicated senior entry. This zoning impediment prevents us from creating a truly mixed building where families and seniors share entries and public corridors, and this regulation diminishes opportunities for social interaction. With the ZQA proposal, the category of Non-Profit Residence for the Elderly (NPRE) would change to Affordable Independent Residence for Seniors (AIRS), and would allow greater flexibility in mixing seniors with other residential and community facility uses. There is growing consensus amongst architects, planners, developers and policy groups working in this sector that mixing various populations in the same building is of great benefit to all tenants, reflecting the diversity of life in the urban realm and strengthening the sense of community. For this and for all the other worthy changes to the 1987 Contextual Zoning regulations as proposed in the ZQA, I state my strong support. I believe that on the whole, these changes will lead to increased affordability, higher quality design, and greater flexibility in the production of badly needed housing and help to move us towards a more just and equitable city.

Marvel Architects

145 Hudson Street
New York, NY 10013

Anne Ketterer
Public Hearing on ZQA
Testimony 02.10.2016

I am here to speak in support of ZQA. I would like to address the misconception about the proposed height increase in the new text. I'd like to clarify a major point: The increase is NOT to give more floor area to the developer. The height increase serves to improve the quality of the street life for the passer by, and the interior environment for the tenant. Furthermore, there are only 2 conditions in which a site is given the extra height:

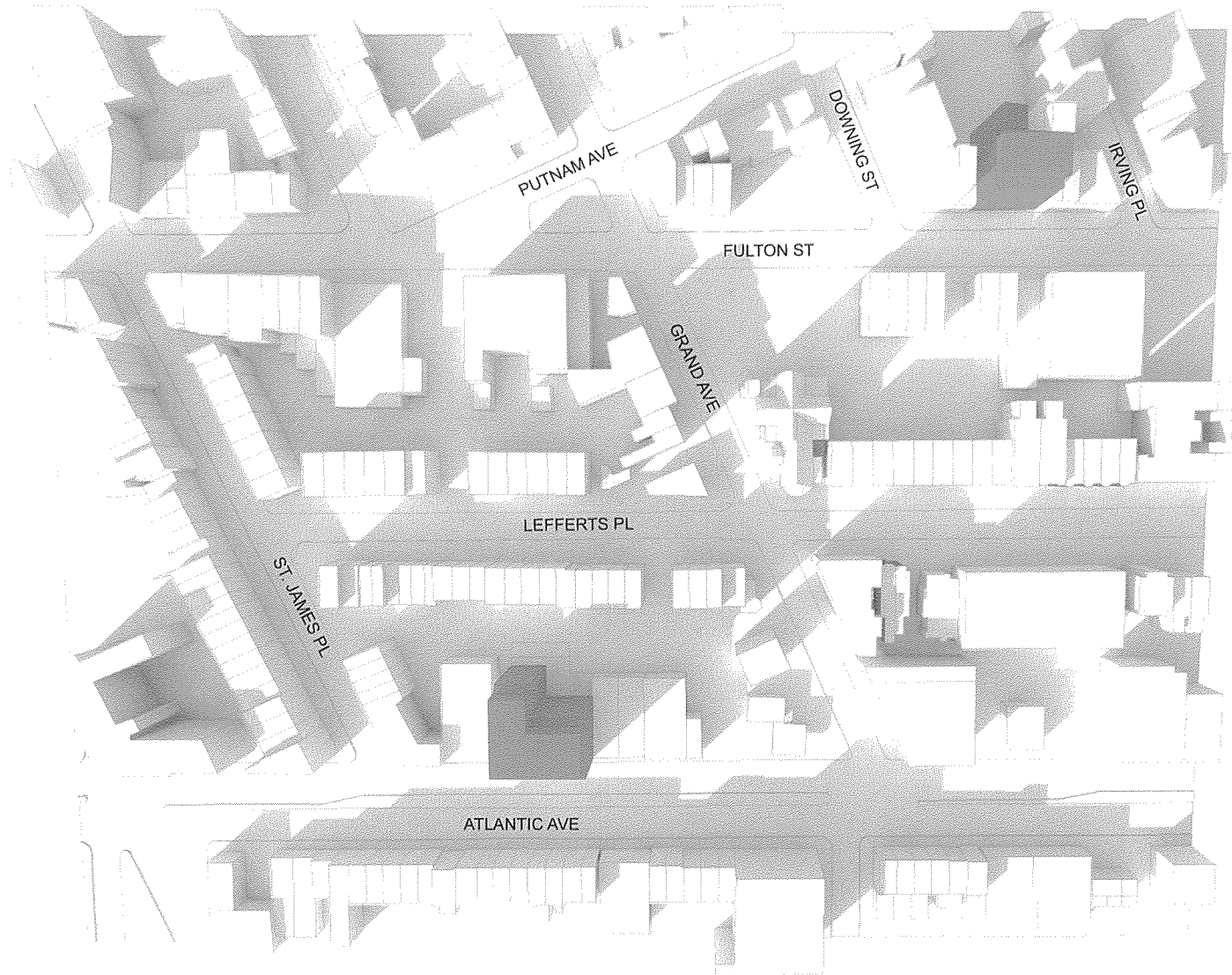
- 1) The building has a ground level minimum floor to floor height of 13'-0":
 - a. Encourage better retail
 - b. Allows the architect to elevate the level of the first floor such that the apartments are set above the street level – creating more security and privacy.

- 2) The building is on a site within a current inclusionary housing zone:
 - a. In the current zoning text, sites in an inclusionary zone that are building affordable housing are given a small floor area increase to do so. However, with the height restrictions as they are currently written, it is often unachievable to use all of the floor area without seriously reducing the floor to floor heights. The result is a clear floor height of 8', which eliminates necessary space for lighting, duct work and piping. It also results in shorter windows, reducing the amount of light and air in the unit.
 - b. "Quality Housing" buildings provide floor area incentives for developers to promote the security and safety, as well as provide a nicer environment for its occupants. However, many of these deductions for things such as on site recreation space, a window in the corridor, a laundry room with windows, are not achievable without the extra height.

In conclusion, extra height will ensure that all the legal floor area can be achieved without forfeiting retail and a reasonable floor to floor height. By increasing the building height, the allowable floor area potential can be reached, thereby creating more affordable housing throughout the city.

Sincerely,

Anne Ketterer
Designer
Marvel Architects



SITE PLAN



CURRENT ZONING



PROPOSED ZONING

**Lynn Ellsworth
New Yorkers for A Human-scale City
www.humanscale.nyc
Testimony to the City Council
February 9, 2016
212-732-1025**

Re: ZQA and MIH

Before New York gives FAR to developers in exchange for elusive public benefits, we need a meaningful environmental impact statement, not the shameful hack job that was done for ZQA and MIH. There are other reforms too that require debate and action before doing something as big as ZQA and MIH. Here are some.

1. We need height restrictions contextual and specific to neighborhoods with limits on transferable development rights. This is compatible with growth and a human-scale build-out of the city. It is simply not true that you need high-rise to have high-density.
2. Rising above the cornice line should require an environmental impact statement that looks at the cumulative, city-wide damage to neighborhood character and the social costs of privatizing public views and sunlight.
3. If a neighborhood undertakes a legitimate planning process, there must be law that obliges the Council to vote upon it.
4. We need a new rule or law about density and livability. There is density that is too low and could turn cities into suburbia. There is density that is too high and turns great neighborhoods into high-rise wastelands. So what is a "just right" range of densities for a livable city?
5. The claim that density can only be put where there are existing subway lines- because the city can't help car-dependent areas- is a failure of both vision and government. It's also an obvious lie when the city now pushes an expensive streetcar for the Brooklyn waterfront while ignoring the car-dependent periphery.
6. How else might we get affordable housing without big developers? That discussion has been too short. For example: we have 1 million one- and two-family homes in New York City. If just 20% of those homeowners built safe apartments in attics, basement, and garages, it would add 200,000 new affordable housing units at the bottom-end of the market - without ripping apart our city. It would also benefit the middle class.
7. And because the process and rules of the zoning game are so biased, we need a city version of the Moreland Commission on Corruption to study how big real estate interests have captured public policy on anything to do with zoning or our built environment. The initiative for zoning reform should be coming from residents, not the real estate lobby.

After these reforms have seen widespread public debate and legislative action, then would be time to re-consider MIH. ZQA needs to be dropped totally.

**Real Estate Board of New York
Testimony before the New York City Council Subcommittee on Zoning and Franchises
Zoning for Quality and Affordability Text Amendment
February 10, 2016**

The Real Estate Board of New York (REBNY) is a trade association with over 17,000 owners, brokers, managers, lenders and other real estate professionals active in New York.

REBNY strongly supports the Mayor's Five Borough, Ten Year Housing Plan to preserve and create more than 200,000 units of affordable housing. More specifically we support the Zoning for Quality and Affordability (ZQA) Text Amendment that we believe is a critical component of that plan.

ZQA provides a number of changes that would improve the quality of housing and increase the quantity of affordable housing.

Our Zoning Committee — comprised of architects, planners, land use attorneys, and builders — welcomed the changes that encouraged better ground floor retail, residential units with adequate ceiling heights, façade articulation, and courtyards. ZQA also seeks to clarify ambiguities and correct contradictions in the zoning text.

The added height allowances in medium and high density zoning districts is a prudent way to encourage the creation of on-site affordable housing. This will provide flexibility to use on-site the additional floor area generated by inclusionary housing without compromising the quality of the apartments within the building.

Additionally, we strongly support the provisions that would eliminate parking requirements for income-restricted housing in areas well-served by mass transit. This change has very limited applicability but will significantly reduce the cost of affordable housing construction.

Numerous provisions in the text change will allow for more architecturally interesting buildings and will improve the efficiency of building designs with a very low impact on neighborhood character, such as the:

- Reduction of mandatory retail depth from 50' to 30';
- Reduction of DU's per floor area at proposed 680 SF;
- Reduction in the minimum distance between buildings;
- Elimination of rear yard setbacks;
- Allowance for small outer and inner courts;
- Allowance for 100% lot coverage of corner lots;
- Allowance for accessory residential use in rear yards;
- Revised terrace enclosure allowance of up to 67% (from 50%) before it is counted as floor area;
- Clarification of rear yard's reduction for shallow interior lots/through lots;
- Revision to measure setbacks from street line instead of from street wall;
- Exemption of Sliver Law for Quality Housing building with affordable housing;



- Relaxation of maximum height of “transition zone” between lower and higher density zones; and
- New definitions of long term care, the slope in the definition of base plane and AIRs.

Our housing and affordable housing problem is in part a result of too restrictive land use regulations, including absolute height limits and use and bulk regulations which are outdated or fails to take full advantage of the nearby transit. We commend the administration’s effort in ZQA to have the City’s land use policy address our most urgent housing needs.

CHAIRMAN INTRO – CC HEARING ON ZQA
Feb. 10, 2016

INTRODUCTION

Good morning, Chairman Donovan, Chairman Greenfield, and councilmembers. I am Carl Weisbrod, Chairman of the City Planning Commission, and I welcome this opportunity to testify before you again.

Yesterday Commissioner Been and I, along with Deputy Mayor Glen, appeared before you to discuss the proposed Mandatory Inclusionary Housing program. Today we are here to speak to you about another important initiative under the Mayor's Housing New York plan, Zoning for Quality and Affordability, as we call it: ZQA.

As we discussed yesterday, the need for affordable housing is of critical importance to neighborhoods throughout the city. Housing New York outlines an ambitious and comprehensive set of initiatives to help our city create and preserve 200,000 units of affordable housing over 10 years, including affordable

housing for our rapidly growing and increasingly diverse population of senior citizens.

The City is beefing up its anti-displacement efforts to protect tenants in existing affordable housing. And central to the plan is the City's commitment of \$8.2 billion over 10 years to build and preserve affordable housing. We need to make sure that our precious tax dollars are spent as wisely and efficiently as possible, so they can go as far as possible to meet New Yorkers' needs.

Also central to Housing New York is an understanding of the importance of the quality of life in our communities. As we address our city's daunting affordability crisis, we also need to help our neighborhoods retain the economic diversity, opportunity, and livability that our residents demand and deserve. We want to reflect the values that New Yorkers have embraced and cherished for almost four centuries.

ZQA represents a targeted but essential update to our zoning regulations to support these core goals of the housing plan. As we know from the advocates, providers, builders, operators, and architects – from whom you will also be

hearing today – there are several ways in which today’s zoning rules hamper our ability to create affordable housing, make us pay more to get less, and make it difficult to build residential buildings that contribute to the fabric of our neighborhoods. **ZQA is about rationalizing zoning to reduce unnecessary costs to taxpayers and remove obstacles to the creation of affordable and senior housing, while improving housing quality.**

ZQA will help us meet the increasing and varied needs of our growing senior population, and enable them to stay in their communities. It will enable the City to more efficiently deploy its public resources to provide affordability. And in medium- and high-density areas, it will encourage buildings that enliven streets and neighborhoods with local retail and services, and with buildings whose design better reflects the traditional housing that exists throughout these neighborhoods.

In some districts, it permits an additional one or two stories, or in others, changes to parking requirements to make it practical to build the amount of affordable senior housing the zoning already seeks to allow. We have been listening carefully

to the thoughtful feedback we have received through the public review process, we have weighed the issues underlying certain tradeoffs, and have made adjustments to the proposal that we believe strike the right balance between them. And we look forward to working with the Council to address further concerns.

But ZQA is based on the premise that housing affordability does not need to be sacrificed to achieve design quality, nor vice versa. Instead, with smarter zoning, we can achieve both more affordable and higher-quality buildings.

First, Commissioner Been will present some of the zoning obstacles that limit our ability to provide affordable housing. Then I will go over some of the key elements of the proposal that address the issues raised by Commissioner Been, as well as to improve overall housing quality.

(Commissioner Been Testimony)

Slide 7 - GOAL: HELP SENIORS REMAIN IN THEIR COMMUNITIES

As mentioned by Commissioner Been, the city's population is aging and requiring a greater variety of housing, services and care. Unfortunately, our zoning regulations for uses like affordable senior housing and nursing homes haven't been updated in over 40 years and impede the construction of these needed and desired uses.

To do this, the proposal updates zoning regulations to allow the full spectrum of affordable senior housing and long-term care facilities that exist today. In addition to affordable senior housing and nursing homes, these includes assisted living facilities and continuing care retirement communities – CCRCs - which are common in the rest of the country, but not recognized by the city's zoning rules.

Zoning already allows a higher floor area to affordable senior housing. Our proposal would assign this same floor area to the range of long-term care facilities. We've heard concerns about the long-term affordability of this senior housing. I want to make clear that any additional floor area allowed for these could never be converted to market rate housing.

You will hear today from advocates and providers about the difficulties they face in constructing new facilities – limited available sites and loss of federal funding, but also the significant delays and costs associated with approvals to modify zoning. We want to eliminate that impediment to meeting the needs of our seniors.

Slide 8 - LOW-DENSITY DISTRICTS THAT ALLOW MULTIFAMILY HOUSING

Most provisions of this proposal apply only to medium- and high-density districts.

However, the proposal does include adjustments to the building envelope rules in low-density multi-family districts to make affordable senior housing practical to build. In these districts, affordable senior housing is required to comply with the rules for regular residences – which are based on walk-up buildings. This doesn't recognize the unique needs of senior housing, which is typically constructed as a

building of 4 stories or more, with elevators for residents to make them fully accessible.

Today, providers have to come to the City Planning Commission to modify the zoning for their projects, adding years and costs to the process of providing this needed use. The proposal would allow, as-of-right, a four- to six-story building, which is the typical form of this use in the city's lower density neighborhoods (as well as in the suburbs) and does meet the needs of seniors.

Slide 9/10 - MEDIUM-AND HIGH-DENSITY DISTRICTS R7A CURRENT REGULATIONS

MEDIUM-AND HIGH-DENSITY DISTRICTS R7A WITH ZQA

The proposal also includes changes to the building envelopes for affordable senior housing and long-term care facilities in medium and high-density contextual districts. In these neighborhoods, current zoning rules don't allow the full permitted floor area for this use to fit in a high-quality, practical building.

This is not only an issue for affordable senior housing and long-term care facilities, but also the Inclusionary Housing program, which also allows a higher FAR for buildings that provide permanently affordable housing.

We are proposing to fix this by permitting limited height increases for buildings that provide these uses— no more than one or two stories, in over 95% of areas. In addition, the proposal would allow these buildings to provide common areas on the ground floor in an area where today only parking, community facilities, or commercial uses are allowed.

This will enable us to avoid affordable housing from being left on the table, and help ensure that our contextually zoned neighborhoods can accommodate residents of all ages and incomes. For example in Williamsburg, if this had been in effect, we could have more than 300 additional affordable Inclusionary housing units – that's about a third more than was actually built.

Slide 11 - GOAL: MAKE TAXPAYER DOLLARS GO FURTHER BY ENABLING COST-EFFECTIVE AFFORDABLE HOUSING

Commissioner Been mentioned earlier the difficulties with the parking requirements for low-income housing and low-income senior housing. You'll hear

from advocates, providers and affordable housing builders that these rules add costs without benefiting residents or neighborhoods, making our investments in affordable housing less cost-effective.

ZQA proposes to modify parking requirements for affordable housing in areas that are served by a variety of public transportation options, and where car ownership rates are already lower. In these areas, labeled the “Transit Zone”, parking for new affordable housing and all affordable senior housing would become optional. Buildings could provide parking where needed and cost-effective, but would no longer be required to spend millions of dollars on parking spaces that go unused.

Existing low-income senior housing – to be clear, not ordinary housing that the city’s many seniors live in, but a very specific type of affordable housing where seniors own extremely few cars – could eliminate underused parking lots under the proposal. As documented in a study by the LiveOn Coalition, this would enable the construction of more senior housing or open space for residents. We have thousands of seniors on waiting lists for affordable senior housing, and no residents of existing affordable senior housing on a waiting list for parking.

Outside the Transit Zone, parking requirements for affordable senior housing would be changed to better reflect existing ownership patterns for residents of these facilities. Other changes for affordable senior housing or mixed-income buildings would be possible only on a case-by-case basis.

These changes are based on the way people own and use cars today, not on ideas about how people should behave in the future. And they would not affect the parking requirements for market-rate developments.

Slide 12 - TODAY’S RULES PRODUCE DEAD GROUND FLOORS IN MEDIUM- AND HIGH-DENSITY DISTRICTS

In addition to Housing New York’s focus on addressing the affordability of housing, there is also a deep commitment to improving the quality of the city’s neighborhoods.

We’ve often heard from neighborhoods that the residential buildings that are built under current zoning rules in medium- and high-density districts don’t contribute to the quality of their neighborhood or reflect their surrounding

context. These issues are raised about all residential buildings, not just those with affordable housing.

We therefore took the opportunity to try to understand these issues. We looked at the new buildings built in neighborhoods around the city, and found these issues were particularly acute at the ground floor – which is the main interface between the building and passersby on the sidewalk.

We talked to architects about why their buildings look this way. They told us that current zoning rules often make it difficult to provide high-quality ground floor neighborhood retail or community services, because the permitted building envelope doesn't have enough space to allow a ground floor of sufficient height. This either means the resulting ground floor will forgo retail or community uses, or lead to spaces that are difficult to rent and often sit empty.

In a fully residential building, zoning rules often force buildings to have ground-floor apartments directly at street level with no planting or setback, so that residents feel compelled to keep their shades drawn all the time, and often to have security grates on windows.

These two examples show these issues, but these are issues we have seen in countless buildings throughout the city built under current zoning rules. Residents recognize that these buildings don't fit in, and don't do all they could to make their neighborhoods better and more livable. It's not because the buildings are new – it's because the rules are actually encouraging this.

Slide 13 - LOW-CEILINGED RETAIL SPACE IS OF LOWER QUALITY THAN SPACE IN OLDER BUILDINGS

Here is another example of how the current zoning requirements for the building envelope impact the quality of ground floor spaces.

New buildings constructed under these zoning rules often are forced to construct ground floors that are lower than even existing neighborhood retail spaces in older buildings. This is because the zoning in 1987 assumed ground floors would be low. They are, and it's resulting in buildings that detract from the quality of commercial strips, and often fail to accommodate the range of services communities need.

You can see in this photo how the older building's ground floor ceiling height is approximately 11 feet and the total floor to floor height is 13 feet, while the new building on the right has a ceiling that is just 9 feet in height and a total floor to floor height of approximately 11.5 feet.

Slide 14 - FLAT, DULL BUILDINGS DO NOT REFLECT THE TRADITIONAL CHARACTER OF NEIGHBORHOODS

We've also heard concerns from communities that the buildings produced under current zoning rules are often flat or boxy.

While older buildings typically had a great variety of building articulation in including bay windows, court yards, ground level setbacks with planting and other architectural features, current regulations often make it difficult if not impossible to provide these traditional building features.

And you can see here what we are getting. Do you find this building here attractive, or emblematic of New York's architectural and design creativity and dynamism?

Slide 15 / 16 - CURRENT RULES MAKE IT DIFFICULT TO PROVIDE ACTIVE GROUND FLOORS ON NEIGHBORHOOD COMMERCIAL STREETS

ZQA WOULD HELP ENLIVEN THE GROUND FLOOR STREETScape AND PROVIDE NEEDED COMMUNITY SERVICES

I mentioned earlier the issue with the ground level of residential buildings in medium- and high-density areas of the city.

ZQA proposes changes to these zoning regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that the building envelope allows a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail or other uses on the ground floor, it would allow a usable, high-quality space for neighborhood retail or other community services.

To accomplish this, ZQA would allow the maximum height of buildings to be increased by five feet if the second level of the building begins at a height of at least 13 feet.

Slide 17 / 18 - CURRENT RULES SOMETIMES LEAD TO NEW RES BUILDINGS THAT DON'T FIT INTO THEIR NEIGHBORHOOD

ZQA WOULD ALLOW RES BLDGS TO BE MORE IN KEEPING WITH THEIR SURROUNDINGS

I also mentioned earlier the issue with the flat and boxy buildings being constructed under current zoning.

ZQA would update a number of zoning rules to further our commitment to contextual zoning. These changes would allow new residential buildings more in keeping with their neighborhood character, with façade articulation, courtyards, ground level setbacks with planting, and other traditional building elements that provide visual variety and enliven the pedestrian experience.

Slide 19 - PUBLIC REVIEW

For this proposal, we have conducted an unprecedented degree of outreach to communities across NYC's five boroughs, as well as affordable housing advocates, providers and other practitioners for the past year. In each and every neighborhood, the elements of ZQA were analyzed, discussed, debated. We held over 100 meetings in communities, and provided detailed and tailored information to each community board to help them understand how ZQA would affect their neighborhoods and make informed recommendations as part of the land use review process. Here's an example from your district, Chairman Richards.

20 - WHAT CHANGES HAVE BEEN MADE SINCE THE PROPOSAL WAS FIRST ANNOUNCED?

To address many of the concerns, we heard during this outreach, we refined the proposals both before and during the public review process.

Before public review began we:

- Reduced the additional height initially proposed for buildings in some medium-density districts

- Made the additional 5 feet of height available only to buildings that provided taller ground floors, to ensure that it achieves the benefits to the public we intend.

Throughout the process, we heard many concerns. But we did hear from community after community that they supported the overall goals of promoting affordable housing and better buildings. We heard concerns about certain specific provisions, and unease about how changes would affect previous neighborhood-specific zoning changes. This, after all, is the first time in many years that a major city-wide text amendment on issues of such breadth and importance has been proposed.

We also heard voluminous testimony from the affordable housing world about the importance of these provisions to achieving our affordable housing goals, and from architects about how these provisions would free them to design buildings that better serve their residents and neighborhoods.

In weighing all these issues, the Commission acknowledged the tensions between affordability and height limits. We made several changes to the proposals that we believe strike a sound balance to ensure that neighborhoods provide both the quality of life New Yorkers demand and deserve, and opportunities for a diverse range of residents to live there:

- Required a special permit for all long-term care facilities in single-family districts
- Limited the availability of provisions that would allow common areas within rear yards on narrow streets
- Maintained the traditional wide and narrow street height differentials in high-density contextual zones

Slide 21 - WHAT WOULDN'T THE PROPOSAL DO?

I also want to take the opportunity to clarify some of the misunderstandings and myths that have been circulating about ZQA.

ZQA does not create one additional square foot of market rate housing. Because of this, the proposal would not encourage the teardowns of existing buildings,

affect neighborhood infrastructure, or dramatically change development patterns in any neighborhood.

Buildings within historic districts or that are themselves landmarks would continue to be subject to oversight of the LPC. No additional height would be allowed without LPC approval, and the modest changes under this proposal would not result in a rash of new applications to LPC.

As I mentioned earlier, none of the additional space allowed for affordable senior housing could be converted to market-rate housing.

Lastly, parking requirements for market-rate housing throughout the city would be unchanged by the proposal.

Slide 22 - AFFORDABILITY AND QUALITY SUMMARY

Our ambition is to make all of New York a better place to live, to maintain what works and improve what doesn't.

If we are going to address our profound housing challenges and maintain the greatness of our city and its neighborhoods, we need our zoning to be more flexible and responsive. We also need to use every tool in our tool box.

We believe the proposal before you will support the creation of new affordable housing and senior care facilities, help deploy public resources devoted to affordable housing more efficiently, and encourage better residential buildings that are more in keeping with their surroundings and which help enliven the pedestrian environment.

We thank you for your patience and look forward to your questions.



FOR THE RECORD

PO Box 1315 Old Chelsea Station New York, NY 10113-1315
website: www.savechelseany.org email: savechelseanyc@gmail.com

February 10th, 2016

To: Melissa Mark-Viverito, Speaker, NY City Council
From: Lesley Doyel, Co-President, SAVE CHELSEA
Re: The 'Zoning for Quality & Affordability' Proposal

Save Chelsea continues to VEHEMENTLY oppose The 'Zoning for Quality & Affordability' proposal, which has now arrived at the New York City Council.

There is no reason for the city to encourage taller developments in residential neighborhoods that were specifically zoned to maintain certain contextual height limits. There is NO justification for the proposed across-the-board height increases of 5-20 feet for new developments, as they offer no public benefit, would undo hard-fought-for height limits that in many cases were compromises from those which communities sought, and would only serve to further erode neighborhood character. In Chelsea, as with other neighborhoods, **existing affordable housing** is currently and constantly under attack from what has been appropriately dubbed, "the violence of overdevelopment."

In fact, Save Chelsea is one of 87 groups that have joined a coalition called "New Yorkers for a Human-Scale City", calling for "an end to the violence that real estate developers have inflicted on our skyline, parks, public areas, and cityscape with the proliferation of over-scaled buildings." Significantly, the coalition includes groups from all over the five boroughs, who have taken a strong and united stand against the Mayor's ZQA for the reasons above, and because this proposed citywide zoning change is far too sweeping, has been rushed far too quickly, and would have harmful effects to existing affordable housing. It, therefore, threatens not only the historic fabric of our city, but the cultural fabric as well. As our own District 3 Councilman, Corey Johnson, has said, "I do not think that there is a one-size-fits-all solution, which is (what's) currently before us..."

And, as Greenwich Village Society for Historic Preservation further clarifies, "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)." How can this possibly work?

In the recent New York Times article "In Chelsea, A Great Wealth Divide," reporter Mia Navarro explores the rapid growth and gentrification of Manhattan's Chelsea neighborhood. She writes that the area has "undergone a dizzying economic transformation in the past two to three decades, with an influx of wealth affecting the residents of less means in both obvious and insidious ways. And that change shows no signs of slowing." Adding that, even now, "Today's Chelsea, the swath west of Avenue of the Americas between 14th and 34th Streets, could be the poster neighborhood for what Mayor Bill de Blasio calls the tale of two cities." ZQA would only serve to accelerate the attack on what is left of truly affordable housing stock, while giving developers even more advantage and latitude. A host of communities and community boards have said "NO" – it is time to listen. **For all these reasons, Save Chelsea implores you not to approve the misguided and misnamed 'Zoning for Quality and Affordability' proposal. In other words, Just say NO!**

City Council Hearing on Zoning for Quality and Affordability

Wednesday, February 10, 2016

City Council

Good afternoon ladies and gentlemen. My name is Bob Cassara. I am a life-long resident of Dyker Heights in Brooklyn, NY. I am here to speak out against the Zoning for Quality and Affordability mainly because I do not believe it has much to do with quality and affordability and has all to do with allowing investors to build more and bigger buildings regardless of what they do to a neighborhood or a community or its concerns.

1. People choose to live in a particular neighborhood, not by chance, but usually because it has what they are seeking. Perhaps it's the neighborhood's character and the fact that it is zoned only for 1 and 2 family homes. So when those 1 and 2 family homes unexpectedly become multi-family dwellings, as we are now witnessing with the ever increase in the number of illegal home conversions in Dyker Heights and Bay Ridge, the neighborhood character begins to change as well. Suddenly there is a multitude of people coming and going from houses, more garbage is put out for collection, schools become overcrowded and area parking becomes more difficult.

2. Approximately 10 years ago Bay Ridge and Dyker Heights fought to have a majority of our community down zoned because developers were coming into it and “as of right”, they would tear down a building and put up another building that was much larger and greater in density, right in the middle of a block, and that building would be totally out of character to what existed there for many years. After fighting to protect us from this destructive “as of right” rule, the City’s “Zoning for Quality and Affordability” proposal would take us back to the way it was. This proposal affects not only our community but communities all across the city.
3. We were told that these zoning changes in this proposal will have minimal effect on us. Representatives from City Planning pointed out that the zoning proposal in our community will primarily change the zoning along the major corridors, such as 4th and 5th Avenues, Fort Hamilton Parkway and 13th Avenue. This is true, but when you change one thing, you change everything. If you build more and bulkier buildings (10 to 40 feet on top of the already increased height limits) along these avenues, the neighborhood’s density also increases. Streets become more clogged with pedestrians, cars,

bikes and parking will be at a premium. Moreover, part of this plan allows senior housing facilities to eliminate parking requirements. City Planning states that seniors don't drive and accordingly don't require parking. That's not true. Even though I may not look or act the part, I am a senior and I do drive a car and I love cars and probably own too many.

A major portion of our community is comprised of 1 and 2 family attached and semi-attached homes. Under this proposal, independent senior housing and long term care facilities can be placed in these R1 and R2 zones as of right. Imagine that a developer decides to purchase one or two homes and tear them down and erect high rise senior housing. Remember, affordable and independent senior housing units can be of greater height, with units therein as small as 275 square feet. Under this proposal it can happen. The high-rise building on a street with one and two family homes would change the character of the street and the density. The small town feel of our community would be forever changed.

This is only the tip of the iceberg. In effect, this "One-size-fits-all" approach would change the rules governing the allowable scale of

development in neighborhoods throughout the city, with no particular consideration given to the specific context of any neighborhood or area, or the impact the proposed changes would have upon them.

That is why more than 50 neighborhood organizations, including the Dyker Heights Civic Association, the Brooklyn Housing Preservation Alliance, East Harlem Preservation, Inc., Marine Park Civic Association, Madison-Marine-Homecrest Civic Association, Greenwich Village Society for Historic Preservation, etc. have all come out against this plan.

This plan must be voted down. We already have Quality and Affordability which is being threatened by the illegal home conversions and we don't need to be hammered by the city's wrong-headed zoning proposal. What we need is for this city's administration to get its agency, namely, the DOB to enforce the existing Zoning and keep our housing affordable and liveable.

Thank You.



For the record

Selfhelp Community Services, Inc.
Selfhelp Innovative Senior Center
(Benjamin Rosenthal-Prince Street Senior Center)
45-25 Kissena Boulevard
Flushing, NY 11355
718.886.5777; 718.886.0423 –fax
www.selfhelp.net

Testimony by Indira Prasad, a member of Selfhelp Innovative Senior Center

Good Morning. My name is Indira Prasad. I am a member and a volunteer Yoga teacher at Selfhelp Innovative Senior Center, located in Flushing, Queens. I am here today to testify from my personal experiences on how difficult it is to obtain an affordable senior housing apartment. I live on a fixed income of \$776. I pay \$508 a month to live in a basement, which is dark and often cold. I am afraid to complain to my landlord because if she throws me out, where else will I go?

I initially placed an application with NYCHA in April of 2012. I did not hear anything from them. I went to the NYCHA office in Queens in April of 2015. I was told that I had to re-apply and then call or write every 6 months to say that I am still interested. I am told that NYCHA has no available housing right now and the waiting list is very long.

My Selfhelp social worker is planning to help me apply for Selfhelp's Section 8 housing when applications open up again in January 2016. At that point, if I am lucky, my name can be picked in the lottery. But there are many people waiting, so most of us will have to continue waiting.

I feel like my hopes and dreams have been shuttered over and over again due to the rejections and endless waiting. I was told by some elderly friends who are in a similar situation to mine, that they have waited for 10 years or longer for an opening with NYCHA. Other seniors have told me that it is a waste of time to apply and re-apply because by the time NYCHA has an apartment for you, you are either in a nursing home or have died. I am not in the worst case scenario. Some of my friends live in even worse conditions than I do. It looks like a hopeless situation for seniors like me who have no stable place to live or any support. However I still have to try since there isn't any other choice. Otherwise I will be homeless if the landlord decides to sell the house or evict me. I often question why I have to go through such a struggle and hardship after I have worked hard all my life.

I have proudly called America my country for the past 36 years, even though I cannot even live comfortably in my old age. We, senior citizens, deserve and demand better living conditions with affordable housing. Here, I am asking the City Council members and the Mayor to understand where and how we live, so that you can realize the current housing crisis we are facing. Please help us by building more affordable senior housing.



Testimony by Rosa Mae Borrow

Good morning, my name is Rosa Mae Borrow. I am 87 years old living in Scheuer House of Flushing. I am here to tell you my story and why I feel that affordable senior housing is very important.

I first lived in Martin Lande House, Selfhelp's senior housing, back in 1993 with my husband. We moved there because my husband was aging and we used to live in a townhouse that had 3 flights of stairs in Corona. It was becoming very difficult for him to move about. Martin Lande had elevators and security. That was very important to us. We had a great time living in Martin Lande House. We enjoyed the community and the activities that were provided for us. I was very active as a tenant council and volunteer. My husband and I truly enjoyed our friends and neighbors because all of them were so nice. With the passing of my husband in 1998, I felt comforted by my neighbors and because of the activities and committees I was on in Martin Lande, I was able to grieve for my husband in more positive way. After 19 years of living there, I moved to Maryland because of my mother. She needed help so I moved there to be with her since I was alone at this time.

Maryland was a different place. It was too quiet and I missed my friends. I was also aging so after a few years living in Maryland, I decided to move back to NYC. I applied back to Selfhelp housing and waited for an apartment. I was very lucky that an apartment was available after 2 years of waiting but it wasn't back at Martin Lande, it was at Scheuer Housing of Flushing. It didn't matter because it was still the community I was going back to. I still see my old friends and I truly believe that we seniors need to have a place where we feel safe and that there are services that are provided to us. It helps us in our daily lives to be active whether it is mentally or physically, living in Scheuer House of Flushing has given that to me.

Testimony by Pawn Pengsangthong

Good morning, my name is Pawn Pengsangthong. I am 77 years old and live in Selfhelp's Scheuer House of Flushing with my 99 year old mother for the past 7 years. I am here today to tell you my story about living in an affordable senior apartment.

Before living at Scheuer House of Flushing, I lived with my mother in Elmhurst in a private apartment complex. The reason I wanted to move is because the rent kept increasing. Also the place where I lived, I did not feel safe especially for my aging mother. One day I heard a gunshot, which I thought was the TV but later the police came to my apartment and asked if I heard anything. This is when I decided it was time to move.

I tried to find another place to live with private apartments but my income was not enough and two places rejected me. A friend of mine told me about Selfhelp housing because her mother lived there and said it was very nice. I applied and waited for 3 years before I was accepted. Since living in Scheuer House of Flushing, I found it very beneficial for my mother and myself. I feel very safe living in senior housing. There is a security guard at night, there are emergency pull chords in the apartments in case we fall, and in the hallways there are railings. When the weather is bad I walk in the hallways to keep my knees from going stiff.

I am able to be the caregiver to my mother living in senior housing. I am able to participate in activities within the building and not have to worry if I will be able to get home in time to care for my mother. If anything should happen to her, her homecare aide will give me a call and I will be home in less than 5 mins. I am very active on the tenant council; I enjoy the social, mental, and physical activities that are provided within senior housing. I am young and feel that living in a safe Housing with all the different services will help me stay healthy and in the community.

I feel it is very important for this city to have affordable housing for all seniors. My mother and I are very lucky to live in Scheuer House of Flushing.

**New York City Council, Committee on Zoning and Franchises
Public Hearings on Zoning for Quality and Affordability and
Mandatory Inclusionary Housing
City Hall, New York, NY
Testimony by Martin Dunn, President, Dunn Development Corp.
February 10, 2016**

My name is Martin Dunn and I am the founder and president of Dunn Development Corp., a Brooklyn based developer of affordable and supportive housing. I have been developing affordable housing for 23 years – initially as the director of a non-profit community development corporation – and have been involved in the development of more than 3,500 apartments including some of the most highly regarded affordable housing projects in New York City. I almost exclusively develop affordable housing - 99% of the units I've worked on have been affordable and only 1% market rate housing.

Mandatory Inclusionary Housing

I first want to speak in favor of the Mandatory Inclusionary Housing proposal. I have been a long-time advocate of mandatory inclusionary housing, first testifying at a City Council hearing in 2003 in favor of it in anticipation of the Greenpoint/Williamsburg rezoning.

Mandatory Inclusionary Housing is critical so that in stronger markets, the market rate units can generate affordable housing without capital subsidies. This enables the limited capital subsidies to be used in neighborhoods like East New York and Brownsville, where development cannot occur without such subsidies and where subsidies can be used to drive deeper affordability. At the same time, MIH will create a hedge against future gentrification in lower income neighborhoods like East New York. Williamsburg would be a different neighborhood today if mandatory inclusionary housing had been implemented in 2005 as would 4th Avenue in Park Slope. This has been a long time coming and the City needs this critical tool.

Zoning for Quality and Affordability

I next want to speak in favor of the Zoning for Quality and Affordability.

Parking Requirements

Existing parking requirements are a significant impediment to affordable housing development, increasing costs, reducing affordability and often taking away from open space for children's play areas, tenant gardens and other open space. Parking can

require significant taxpayer subsidies to build and yet often goes underutilized by the tenants in our buildings. The vast majority of low income tenants cannot afford to own cars and of those that do, many do not want to pay even nominal charges for parking and choose instead to park on the street.

I want to give three quick examples to illustrate: our Liberty Apartments project (3 blocks from a subway stop) in East New York, developed in partnership with Cypress Hills Local Development Corporation, has 18 parking spaces to meet the zoning requirements. Only six of them are being used by residents – 1/3 of the spaces. The rent for a parking space is \$40 per month. That totals \$2,880 in revenue per year not accounting for bad debt or collection costs. In some years that does not even cover the cost of repairing the motorized gate and other parking related maintenance costs. And the occupancy of the parking is down from 2010 when the building opened and we had 9 residents using spaces. At that time, 13 residents owned cars, but 4 chose to park on the street to save the \$40 per month.

At our King Garden Seniors project in Brownsville (1 block from a subway stop), 3% of the residents own cars. Which means of the 15 parking spaces required by zoning, 2 are used by residents. The revenue - \$10 per month per car – totals \$240 per year. And we expect the parking utilization to go down over time as the seniors age in place – not that it can go down much further.

At our Highbridge Overlook project in the Highbridge section of the Bronx, we built on a steeply sloped site with rock outcroppings. The slope and the rock were not problems for the residential housing as we located the lobby and elevators at the base of the hill and stepped the building up the hill with parts of the building starting 3 floors up. The construction was economical as we put the footings directly on rock with minimal excavation - except for the parking. We had to partially cut the parking garage into the rock and then we had to build a retaining wall along the steep sloped driveway. Because of the rock excavation, the driveway retaining wall and some other structural costs related to the parking, parking which would normally cost \$50,000 a spot to build instead cost more than \$80,000 per space. The revenue generated from the parking - \$0. We can't charge rent for the parking because we would have to forgo low income housing tax credits on the cost of constructing the parking garage.

There are a number of vacant land sites we have passed on purchasing in the Bronx because the parking requirements make developing the sites as affordable housing completely unfeasible.

We have tens of thousands of people on waiting lists to get into our affordable apartments. We have no one on the parking waiting lists.

Housing is a human right. A parking space – not so much.

Building Envelope

Too often we are forced to choose between having quality retail or community facility spaces on ground floors and losing a floor of residential affordable housing. Or alternatively, we instead put apartments on the ground floor, even in commercial zones, because that's better than building marginal retail spaces that are hard to rent to quality tenants. Residential tenants are instead stuck with apartments right at street level where they get to choose between privacy and any natural light.

We have seen the positive impacts from when we've been allowed to change the zoning to allow for taller 1st floor heights, most recently on our Livonia Commons project in East New York where we have 15' to 16' floor to floor heights on the ground floor to create beautiful storefronts. This creates high quality spaces – we've already signed up a pharmacy, a supermarket, a community arts center and a Catholic Charities program and there is extremely strong interest in the spaces. If we had the normal 10'-12' ground floor heights we're often stuck with, we would have marginal spaces which would attract marginal commercial tenants.

We have developed multiple Quality Housing buildings in R6 or R7 districts where we've been limited to floor to floor heights on the first floor of 11 feet or less in order to efficiently use all of the allowable floor area. And sometimes it is not the overall building height that is an issue, but instead it is the street wall height we are up against. For example, we developed a 100% affordable project in Williamsburg in an R7A district with a floor to floor height of 10'-0" on the first floor and 9'-0" on six floors above that within the street wall for a street wall height of 64'-10" after adjusting for average curb height – only 2" below the maximum of 65'. We then had an eighth floor with a height of 9'4" for a total building height of just under 75' after counting roof insulation. While we were 5' under the overall height limit, we were at the street wall limit and could not afford to raise the height of the first floor as it would have caused us to lose a partial floor and we could not make up the floor area elsewhere. We have multiple other buildings with almost the same exact issues. When starting with a floor to floor height of 10' or even 11' or 12', after accounting for the structure of the floor/ceiling, sprinkler piping and plumbing piping, the resulting finish ceiling height is too low to for quality

commercial or community facility space as the HVAC duct work needed for the space and the steel beams required to open up the space would lower the ceiling heights below acceptable limits. With low first floor ceiling heights, we're limited to putting apartments on the first floor and even then the residential apartments and the windows cannot be raised above the sidewalk grade for privacy.

And on voluntary inclusionary sites, unusually shaped sites, sloped sites, etc. we cannot always fit the allowable floor area within the zoning envelope restrictions leaving affordable housing unbuilt.

Senior Housing

There is a desperate need for affordable senior housing throughout New York City. The higher floor area ratios for senior housing are an important tool, but we often cannot take advantage of them because of existing envelope restrictions. ZQA enables affordable housing developers, often non-profit organizations, to build more affordable housing that is permanently for seniors.

I appreciate the opportunity to testify and would be happy to answer any questions.

CATHOLIC COMMUNITY RELATIONS COUNCIL

Testimony Before the New York City Council Subcommittee on Zoning and Franchises in support of the Zoning for Quality and Affordability Text Amendment

Joseph Rosenberg, Executive Director of the Catholic Community Relations Council

February 10, 2016

Good morning Chairman Richards and Members of the New York City Subcommittee on Zoning and Franchises. I am Joseph Rosenberg, Director of the Catholic Community Relations Council ("CCRC") representing the Archdiocese of New York and the Diocese of Brooklyn on legislative and policy matters in New York City. I am pleased to express our support of the Mayor's Housing Plan and several of the proposals that are before you today.

We can all agree that our City is in desperate need of affordable housing. This crisis is evident in the financial burdens that threaten the displacement of families from their apartments. It is vivid in the plight of the homeless in shelters and on our streets. The means to confront many of these challenges are contained in the Mayor's Housing Plan. That is why we strongly support the Mayor's Zoning for Quality and Affordability ("ZQA") proposal, especially the provisions allowing the development of affordable and senior housing, and the elimination of both underutilized and unnecessary parking facilities, on sites within transit zones.

Assisting the poorest and most needy New Yorkers has long been a focus of the Catholic Church. Over the last several decades, the Archdiocese of New York and the Diocese of Brooklyn, through Catholic Charities, parishes and community based affiliates have maintained and developed thousands of housing units for the working poor, the elderly and the homeless.

Constructing and preserving housing for the growing number of poor elderly in New York City is an absolute priority. This vulnerable population increasingly faces the challenges of staying in their existing homes due to escalating costs or finding low income alternatives. In the Diocese of Brooklyn and Queens, 2,300 units of low income housing for the elderly are owned and operated by Progress of Peoples ("POP"), an affiliate of Catholic Charities. They have a waiting list that exceeds 16,000 individuals. The Institute of Human Development ("IHD") of Catholic Charities of the Archdiocese of New York also owns and operates hundreds of low income senior citizen units throughout Manhattan, Staten Island and the Bronx. This continuing commitment has made the Catholic Church one of the largest providers of low income senior citizen housing in New York City. We also have an active pipeline of development sites targeted for the production of low income housing for families and the elderly.

Our City today bears little resemblance to the New York of past decades where large blocks of vacant public and privately owned land were available for the development of affordable housing. This scarcity of vacant land requires new strategies to meet the challenges facing us. The Zoning for Quality and Affordability ("ZQA") contains several proposals that are designed to create much needed housing for low income seniors.

Parking in affordable housing developments is expensive to construct and frequently not needed. This is especially the case in low income senior housing developments where few residents own cars, many residents no longer drive, and the site is close to public transportation. The ZQA removes the requirement of parking for the new construction of senior and affordable housing that is within ½ mile radius of a subway station. This important reform acknowledges what many housing advocates have always known, namely that the focus should be on the construction of affordable housing instead of the construction of underutilized parking lots. We also urge that elimination of parking requirements should be available to developers of affordable housing sites near bus lines, and not just subway stations, therefore permitting the construction of desperately needed low income apartments.

Another significant proposal would allow the owners of existing low income senior housing to eliminate parking as of right for the development of additional senior units, and permit owners of existing affordable housing to do the same through the Board of Standards and Appeals (“BSA”) process.

Creating housing, especially for the low income elderly in our City, instead of underutilized parking spaces is an important and innovative focus of the ZQA. That is why it is strongly endorsed by the Catholic Church.

The ZQA also provides design flexibility allowing the construction of community facilities on the ground floor to cover an entire lot. Without this proposed modification, in many instances, the community facility would have to encompass two floors of the development, thereby reducing the number of housing units that can be built on site. Although a subtle provision, it is one that will help to generate additional affordable housing.

The ZQA includes measures to facilitate housing development on sites that are irregular in shape and size. This would encourage development by reducing the distances between new and existing buildings on a single lot. The overall effect would be to create new affordable housing on sites that would otherwise be impossible to develop.

These are just a few of several proposals before you that would spur the development of affordable housing, especially for seniors. We urge that these provisions, which are essential to help the most vulnerable population of our City, will have your strong support.

Thank you

Faith Steinberg Upper Westside

FOR THE RECORD

February 10th, 2016

City Council,
City Hall

Dear Council Members,

Re: MEH and ZQA

I am urging you to vote nay on the proposals up for a vote. The proposals do not address the major housing problems that are endemic in our city due to the greed of the Real Estate industry. What I find most shocking is that no mention is made to alleviate the tragic homeless situation in our City.

The zoning regulations that are in place are there for a reason. What's the good of having zoning regulations if they can be trashed so readily and not for the better.

Sincerely,

Faith Steinberg

Faith Steinberg

Zoning for Quality and Affordability/Mandatory Inclusionary Zoning - Opposition

My name is Jean Standish, and I represent the Bowery Alliance of Neighbors.

The 'Zoning for Quality and Affordability' and 'Mandatory Inclusionary Housing' initiatives would unnecessarily weaken neighborhood zoning protections and significantly increase height limits for new developments with little or no public benefit. 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. Linking MIH to large-scale increases in the allowable amount of market-rate development would undermine the supposed goal of increasing affordability, to say nothing of maintaining neighborhood character and livable communities.

The following are major shortcomings with the ZQA and MIH initiatives:

- Both ZQA and 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 a 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").

To conclude, 'Zoning for Quality and Affordability' is a gift to the real estate developers, pure and simple.

I urge City Council to oppose the 'Zoning for Quality and Affordability' and 'Mandatory Inclusionary Housing' initiatives.

Thank you.

Jean Standish
308 East 6th Street
New York, NY 10003



Greenwich
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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
REGARDING 'ZONING FOR QUALITY & AFFORDABILITY' PROPOSAL
City Council Public Hearing
February 10, 2016**

I am Andrew Berman, Executive Director of the Greenwich Village Society for Historic Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo. We strongly urge you to vote no on Zoning for Quality and Affordability (ZQA), which will improve neither quality nor affordability. What is will do is gut neighborhood zoning protections which took years to achieve, and were compromises to begin with.

Many of ZQA's basic premises are false. It claims existing height limits force new market-rate developments to have ground floors of insufficient height. In fact, our survey found no case in our neighborhood where new developments were prevented from having the 13 foot ground floors DCP calls for.

ZQA claims market-rate developments must have grand 11 or 12 foot floor to floor heights, and to allow this, we should lift height limits by 5-20 feet. But we found most new developments in these districts in our neighborhood either already had those floor-to-floor heights or chose slightly shorter ones, even though existing height limits would have allowed taller ones.

ZQA claims that large height increases are necessary to accommodate new market-rate developments that will include a fraction of 'senior affordable housing' which can be phased out after 30 years. But there is no reason why such developments cannot be built within the existing height limits for contextual zones and quality housing developments.

ZQA claims that sliver law protections and limits on rear yard incursions must be eliminated in order to allow new market-rate developments with 20% affordable housing to be built. But there is no reason why such developments cannot be built while maintaining these essential protections for neighborhoods.

City Planning claims existing height limits prevent the voluntary inclusion of 20% affordable units in new developments in inclusionary zones. But the Department's own report on the effectiveness of inclusionary zones contradicts that claim, as does our analysis, which shows that in our area, nearly every new development in inclusionary zones either included affordable housing, or could have done so under the existing height limits but chose not to. Further, our investigations have shown that

the Department of Buildings has been granting extra floor area to new developments in inclusionary zones without providing the required affordable housing. This, the inclusionary program's red tape, tax incentives for market-rate housing, and the complexity of including affordable units in smaller developments are why developers don't always opt into the current voluntary program, not height limits. None of which would be changed by ZQA.

ZQA is a one-size-fits-all approach that fails to take into account or analyze local impacts and needs. A much more targeted approach could be taken to address the few legitimate weaknesses in the existing zoning without destroying necessary neighborhood zoning protections and years of hard work. Thus we strongly urge you to reject these proposals.

* * * * *

ZQA proposes to increase height limits under a variety of circumstances for purely market-rate housing – 5 to 10 feet in contextual zones, and up to 20 feet for quality housing. We believe this is absolutely wrong and should not be approved.

The Department of City Planning originally stated that such changes were necessary to allow market-rate developments to utilize their full allowable FAR. But in a survey we did of new market rate developments in our neighborhood in contextual zones, we were unable to find a single example of one which could not utilize their full FAR as a result of contextual height limits, even though DCP claims that our R7-A and R8-A districts are particularly onerous in this regard. Quite the contrary, we found several examples of market-rate developments in existing contextual zones which utilized full allowable FAR and even left allowable height on the table, thus showing the existing height limits in no way impede maximum allowable development.

DCP says height increases for market-rate developments are necessary to ensure that we don't have inadequately-scaled ground floors in new contextual developments, which it defines as less than 13 feet. Here again DCP's logic and data are faulty. We found that many of the new developments in our contextual zones already have 13 foot ground floors, and existing height limits rarely if ever prevent new developments from having them. Under ZQA, they would simply be allowed to grow an additional 5 to 20 feet in height, with no additional public benefit.

Why undo years of hard work and thoughtful deliberation to ensure that every building has a 13 foot ground floor? Not only do many of our older and newer buildings have slightly shorter ground floor heights, but in many cases, that is actually more desirable or appropriate. Retail should have a neighborhood scale and feel, such as 11 or 12 foot ground floors provides.

Regardless, we are yet to find a single development in a contextual zone with an 8 foot ground floor. So even if one accepts DCP's premise that 13 foot ground floors must be incentivized by the zoning, raising height limits by 5 feet or more to try to ensure this outcome is totally unnecessary and makes absolutely no sense.

ZQA also proposes to allow greater flexibility in the setback requirements for buildings in contextual districts. We question whether such changes are necessary. But increasing the allowable height of new buildings to accommodate such increased flexibility is neither worth the trade-off nor necessary. DCP has admitted that the proposed height increases for market-rate developments are not needed to allow greater flexibility in façade depth or setbacks, since ZQA also allows lesser setbacks at the upper levels of new developments to compensate for the greater setbacks it would allow at the base.

For all these reasons, we strongly urge you to disapprove of any of the proposed height increases for market-rate developments.

* * * * *

ZQA proposes to increase height limits for inclusionary developments, which contain 20% affordable housing, by up to 25 feet or more, or up to 31% -- a very significant increase. The premise is current contextual height limits prevent the inclusion of the additional affordable housing, and lifting the height limits will result in more affordable units being built. But all evidence indicates the height limits are not an impediment, and lifting them will not result in more affordable housing being built. It would simply allow some developments which would be built anyway to increase their height significantly. And the city's failure to properly enforce existing rules in inclusionary housing districts likely provides the biggest disincentive against developers including affordable housing.

According to the Department of City Planning's own study of the effectiveness of the inclusionary housing program between 2005 and 2013, they found that 19% of all units that received new building permits in affordable housing designated areas were affordable units, out of a possible 20%. According to DCP's own report "this figure is very close to the 20 percent rate that is targeted by the program, and indicates that at a citywide level, the program has been successful in promoting affordable housing in conjunction with new development. In areas where the program has produced limited numbers of units...there are several possible contributing factors, including limited local capacity in affordable housing nonprofits and affordable housing development, and a predominance of small sites, where transaction costs make participation in the program less economical " (see attached). This is consistent with the analysis of a 2013 City Council report by Councilmember Lander, which also cited these factors as being most likely to explain cases where developers did not opt to include affordable housing.

According to both studies, every development which chose to include affordable units was 50 units or more. Why? Because participation in the program involves navigating significant bureaucracies, more uncertain time frames, and requires a certain savvy in terms of negotiating a complicated regulatory system. The Council study also noted that developments outside of the 421-a exclusion zone rarely include the affordable units because the incentive provided by this tax abatement for doing so is minimal – they get nearly the same tax abatement simply for building market rate units.

Looking at the inclusionary zones in our neighborhood over the last two years since these reports were issued, we found that most developments did include the affordable housing. Where they did not, there was sufficient room for them to do so under the existing height limits – they simply chose not to. In

several of those cases, however, we also found that the Department of Buildings violated the rules for Inclusionary Housing districts and granted developers extra bulk without requiring the commensurate affordable housing in return (see attached). This blatant giveaway to developers appears to be a real disincentive to including affordable housing – not existing height limits.

ZQA won't change the factors which are the true reasons why some developers are not voluntarily including affordable units in inclusionary zones. Lifting the height limits will only contribute to out-of-scale development that violates hard-fought-for and reasonable parameters for new development in residential neighborhoods. We strongly urge you to vote no on these proposed changes.

* * * * *

A detailed look at actual developments in our area built under the existing height limits consistently refutes the arguments for ZQA and its lifting of height limits (see attached).

For example, we found that every one of the new developments with affordable housing in the inclusionary zones in the East Village were able to be built under the existing height limits without even filling out the entire zoning envelope. 79-89 Avenue D, which is under construction, 21 East 1st Street, and 101 Avenue D, all left height on the table, thus illustrating that ZQA's proposed height increases are absolutely unnecessary. The two Avenue D developments are even both on interior lots, which have more restrictive lot coverage rules. All have more than adequately-scaled ground floors and floor-to-floor heights, which DCP would have you believe is impossible to achieve under the existing height limits. In all three cases, the existing height limits would have actually allowed even more generous floor-to-floor heights – which DCP claims developers would provide if only they were not prevented from doing so by existing height limits.

Had ZQA been enacted, none of these developments would have provided a single additional square foot of affordable housing. The only difference would have been that these developments could have been 25 feet taller.

Looking at those developments in inclusionary zones which did not include affordable housing is equally instructive. Both 138 East 12th Street and 152 2nd Avenue chose to only include market rate units, but had more than ample room to include affordable units. Thus their decision had nothing to do with the height limits. 138 East 12th Street reaches 91 feet but could have gone to 120, while 152 2nd Avenue rises to 60 feet when it could have reached 80. 138 East 12th Street has a ground floor height of 13'8" – which DCP says developments in contextual zones with full FAR are prevented from reaching by current height limits. It should be noted that this developer could have actually made their ground floor over 40 feet tall under the existing height limits, while still keeping all the upper floors the same height they are now and still maxing out on the allowable floor area – pointing to the ludicrous lack of need for these height limit increases.

152 2nd Avenue has a 12 ½ foot ground floor, which lines up perfectly with its older neighbors. The building is only 60 feet tall, which not only does not even meet the maximum allowable height of 80 feet, it does not even meet the maximum allowable base height of 65 feet. This building utilized the full

allowable FAR for a market rate building, but could have gone 20 feet higher, undercutting DCP's claims about the restrictions and impediments imposed by the existing zoning height limits. It should be noted that 152 2nd Avenue is also on an interior lot, which has greater lot coverage restrictions.

Under ZQA, 138 East 12th Street could have been 34 feet taller and 152 2nd Avenue could have been 25 feet taller, without providing a single unit of affordable housing, and arguably without any improvement in its aesthetics or retail space.

These real life examples show how flawed DCP's analysis and the entire rationale for ZQA are.

* * * * *

DCP has based much of their case for lifting height limits in contextual zones on the Citizen's Housing Planning Council Report, "The Building Envelope Conundrum," and on their own analysis in their environmental review. But both are deeply flawed, and do not reflect the types of buildings or conditions that ZQA would affect (see attached).

The CHPC report purports to show how difficult it is to access full FAR in new developments in contextual zones. What it actually shows is 17 specifically chosen developments, less than half of which are unable to use full FAR as a result of the building envelope. However, it should be noted that in all but two cases the difference between the built development and the maximum allowable floor area is minute – typically a 1 or 2% difference. In one case the development is actually a mere 2 square feet less than the maximum allowable.

It should also be noted that according to the report, many of the developments cited are located on irregularly-shaped lots or split between multiple zoning districts – conditions which always make fitting standard zoning criteria difficult. Some are not even in contextual zones, thus making them irrelevant to the argument for ZQA and for raising height limits in contextual zones altogether.

Further, it should be noted that the most of the developments covered by the report are 100% affordable housing developments, not the 80/20 or market-rate developments covered by ZQA. 100% affordable housing developments often have different needs and configurations than 80/20 or market-rate developments. To use such developments to argue that changes are needed for the types of developments covered by ZQA is false. While there may well be accommodations which are reasonable and appropriate to make for 100% affordable developments, such accommodations are not necessarily reasonable or appropriate, or even necessary, for 80/20 or market rate developments, which ZQA covers.

Similarly, DCP's environmental review says it is impossible to fit the full FAR for affordable housing in inclusionary contextual zones without "packing the bulk," or cramming in the floor area, and thus height limits should be lifted. But this analysis is based entirely upon narrow street, interior lot sites, which are the most restrictive types of zoning lots. Worse, the narrow street interior lots which DCP uses as the basis for its environmental review actually rarely have inclusionary zoning in many parts of the city, as Inclusionary districts are typically mapped on major avenues, and thus DCP's supposed analysis almost

never actually applies to them. For example, in Community Board #3, less than 1% of the lots covered by inclusionary contextual zoning districts are narrow street interior lots. And yet based upon an analysis of these types of lots, DCP is recommending lifting the height limits for the other 99% of the lots covered by inclusionary contextual zoning.

Given this deeply flawed analysis, we urge you to reject these proposed changes, and preserve the existing height limits.

* * * * *

If the City is truly interested in addressing our affordability challenges through zoning, a much more targeted approach could be taken than proposed by ZQA.

Clearly in many cases the current height limits are perfectly adequate to allow full utilization of FAR with adequately scaled ground floors and floor-to-floor heights.

The challenges are largely on irregularly-shaped lots, lots split between zoning districts, or other unusually restricted lots. Instead of trying to address these cases where more generous allowances might genuinely be needed, and doing so only to the degree necessary, ZQA throws the baby out with the bathwater, offering generous height increases for purely market-rate housing, and for 80/20's in cases where such increases might not even be necessary, or result in a single additional unit of affordable housing being built.

If the Council is to consider lifting the height limits for which communities often worked so many years, here are some ways they could be done to address real affordability concerns without destroying these important protections:

1. Make changes necessary to accommodate 100% affordable developments, not 80/20's.
2. Keep the existing floor-to-floor height limits in place, but arrive at a minimum ground floor and floor-to-floor height that every development is entitled to achieve, such as 13 foot ground floors and 10 ½ ft. floor-to-floor heights. If a new development cannot reach those dimensions while utilizing full FAR under the existing height limits, then it could be allowed to exceed those height limits ONLY to the degree necessary to access the full FAR and attain the prescribed floor heights. This would achieve the supposed goals of ZQA of ensuring adequately scaled floors and eliminating impediments to including affordable housing. But it would make surpassing existing height limits the exception, not the rule, allowed only when needed and to the degree necessary.
3. Make special allowances for ground floor uses that may truly require higher ceiling heights and serve a public good, such as health clinics. But don't lift height limits for all market rate buildings by 5-20 feet, as proposed, just so that another bank or Duane Reade can have 18 foot ceilings, which ZQA would allow.
4. Make the existing inclusionary program easier to access and navigate, especially for smaller developers.

5. Ensure that tax incentives for affordable housing are not undermined by almost equally generous tax incentives for purely market-rate housing, as the old 421-a program often did.
6. Ensure that the city is actually enforcing the current rules for the inclusionary program and not giving away additional market rate floor area which is supposed to be reserved for affordable housing, as they have been doing.
7. Make the affordable housing component in current optional inclusionary housing zones mandatory, while keeping the existing floor area and height limits.

Changes such as these would truly improve the production of affordable housing in contextual zones, preserve height limits communities fought for, and ensure that generous allowances are not provided where not needed or without a real public benefit in return. ZQA does not do this. We therefore urge you to vote no.

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


Inclusionary Housing Designated Areas – Production, 2005-2013

The analysis presented here describes how the Inclusionary Housing program has performed with respect to its objective of creating and preserving affordable housing in conjunction with new development in recently rezoned areas.

Background

In 2005, the Department of City Planning (DCP) and Department of Housing Preservation and Development (HPD) began a substantial expansion of the Inclusionary Housing Program, which allows developments to construct more floor area if they provide a specified amount of affordable housing. This expansion was a part of a broader effort to create and preserve affordable housing citywide through the Mayor's New Housing Marketplace Program. The purpose of the expanded Inclusionary Housing program has been to promote economically integrated neighborhoods in communities where zoning changes would encourage substantial new housing development. The expanded program was first applied in the Greenpoint-Williamsburg, Hudson Yards, and West Chelsea rezonings, and has since been applied in over 30 City-initiated rezonings. In 2009, the program was modified to improve its function and to include an affordable homeownership option.

Inclusionary Housing Designated Areas

Inclusionary Housing designated areas, within which the program is applicable, have been established in the Bronx, Brooklyn, Manhattan and Queens. Boundaries can be found in  Appendix F of the Zoning Resolution, or viewed in the Zola application. (Another, earlier version of the program applies in R10 districts located outside Inclusionary Housing designated areas.) Developments taking advantage of the full 33 percent bonus must devote at least 20 percent of their residential floor area to housing that will remain permanently affordable to lower-income households. Qualifying affordable units must be affordable to households at or below 80 percent of Area Median Income. The zoning floor area bonus may be combined with a variety of City, State, and Federal housing subsidy programs, which frequently make it possible to reach lower income levels. Affordable units may be provided on-site or off-site, within the same Community District or a half-mile of the bonused site, and may be provided through new construction or preservation.

For more information about the Inclusionary Housing program, please visit the Inclusionary Housing reference page. Information about recent rezonings can be found by using our interactive map.

Construction of New Units and Affordable Housing in Designated Areas

Using data from HPD and the Department of Buildings (DOB), DCP analyzed the level of affordable housing production that has occurred through the Inclusionary Housing program, and compared it to the overall level of housing development that

has occurred in Inclusionary Housing designated areas. This analysis required extensive culling of DOB construction permits to identify only those permits for residential buildings that had been issued within designated area boundaries, along with the corresponding number of residential units in the approved building. Individual records were geocoded to determine whether they fell within an Inclusionary Housing designated area, and ambiguous records were researched individually.¹

This analysis takes into account all permits issued and affordable housing plans approved through July 2013. Note that while some areas were rezoned as early as 2005, other areas were rezoned only recently. These figures should therefore be seen as a snapshot in time, with additional housing construction likely to occur in the future.

Citywide analysis shows that:

- Through July 2013, permits had been issued for a **total of 15,310 residential units in new buildings** located within Inclusionary Housing designated areas since these designated areas went into effect.
- A total of **2,888 affordable housing units** had entered the Inclusionary Housing program, making them eligible to generate floor area bonuses for buildings in designated areas.
- These approved affordable units represent **19 percent** of all units that received new building permits in designated areas. This figure is very close to the 20 percent rate that is targeted by the program, and indicates that at a citywide level, the program has been successful in promoting affordable housing in conjunction with new development.

Further analysis breaks out utilization of the program by Community District:

- Nearly 13,000 of the more than 15,300 units produced in new buildings within Inclusionary Housing designated areas (84%) were constructed in Brooklyn Community District 1 or Manhattan Community District 4. This reflects the extent of housing construction in the Greenpoint-Williamsburg, Hudson Yards, and West Chelsea rezoning areas, the size of the Inclusionary Housing designated areas established here, and the fact that these areas were established the earliest, prior to the housing slowdown and financial crisis.
- In some areas, such as Manhattan Community District 4, the number of affordable units produced through the program exceeds 20% of total housing in new buildings to date. This appears to result from some affordable developments proceeding prior to market-rate developments, and "banking" the credit to generate future bonus floor area.
- In Greenpoint-Williamsburg, all waterfront developments have participated in the Inclusionary Housing program. In upland areas of the 2005 rezoning area, Inclusionary Housing activity was slow in the early years of the program, but has picked up in recent years. This suggests that the 2008 extension of the 421-a general exclusion area (GEA), which conditions tax exemptions on the provision of affordable housing, to these areas may be a factor in recent increased utilization of the program.
- In areas where the program has produced limited numbers of units or none, there are several possible contributing factors, including limited local capacity in affordable housing nonprofits and affordable housing development, and a predominance of small sites, where transaction costs

make participation in the program less economical. Further case studies of developers' decisions would be required to identify more definitively the factors at play and options for improving utilization of the program.

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.

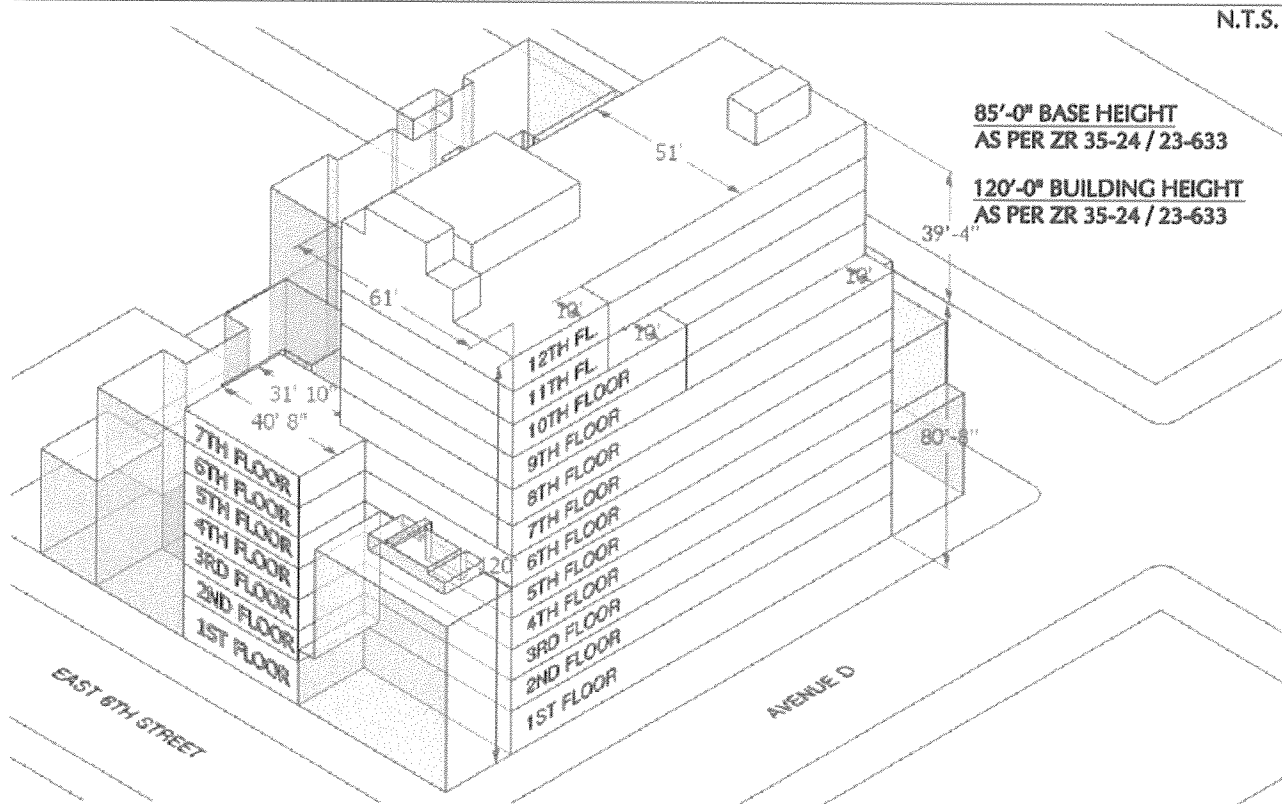
Developments in Contextual Inclusionary Zones

79-89 Avenue D (under construction) – includes affordable housing

Illustrates that developments can be built with full FAR and 20% affordable within existing contextual height limits
even on interior lots

with the ground floor heights DCP is calling for
and with room left on the table to go higher.

DORMER DIAGRAM



AXONOMETRIC - DIAGRAM

N.T.S.

- R8-A inclusionary, interior lot
- 7.2 FAR (max. allowable)
- Includes 20% affordable housing
- Max. allowable ht.: 120 ft.
- Actual ht.: 120 ft.
- Max. allowable base ht.: 85 ft.
- Actual base ht.: 80 ft.
- 13 ft high ground floor
- With five extra feet allowed in base by zoning:
 - Ground floor could go to 18 feet in height
 - or floors in base could have been nearly 1 ft taller each
- Under ZQA, building could have grown 25 feet taller without providing a single additional unit of affordable housing
-

Developments in Contextual Inclusionary Zones

'Jupiter 21,' 21 East 1st Street (2nd Avenue) – includes affordable housing

Illustrates that developments can include affordable housing in inclusionary zones within existing contextual height limits with the generous ground floor heights DCP is calling for



- R8-A inclusionary
- Market-rate development with affordable units in IZ program
- Max allowable bldg. ht: 120 feet
- Actual building ht: 120 feet
- Max. allowable base ht: 85 feet
- Actual base ht: 81 feet
- Under existing ht limits, could have increased ground floor or base upper floor heights, but chose not to
- Under ZQA, building could have grown 25 feet taller without providing a single additional unit of affordable housing

Developments in Contextual Inclusionary Zones

101 Avenue D – includes affordable housing

Illustrates that developments can be built with full FAR and 20% affordable within existing contextual height limits

Even on interior lots

Ground floor and floor-to-floor heights line up perfectly with adjacent existing traditional buildings – which DCP claims current contextual zoning rules prevent new developments from doing.



- R8-A inclusionary
- Interior lot
- Includes 20% affordable housing
- total building height 120 feet (max. allowable)
- base height only 65 feet, 85 allowed
- With 20 extra feet allowed in base by zoning:
 - Ground floor could more than double in height
 - or floors in base could each have been 3.3 feet taller
- Under ZQA, building could have grown 25 feet taller without providing a single additional unit of affordable housing

Developments in Contextual Inclusionary Zones

'Nathaniel', 138 East 12th Street (3rd Avenue) – does not include affordable housing

Illustrates that developments that don't include affordable housing are **not** prevented from doing so by contextual height limits

Also illustrates that existing height limits do not prevent adequate ground floor heights for successful retail

(West Side Market in ground floor)

or force developers to reduce desired floor-to-floor heights



- R8-A inclusionary
- Full allowable FAR for market-rate
- Max allowable bldg. ht: 120 feet
- Actual building ht: 91 feet
- Ground floor ht: 13'8"
- Upper floor hts: 9.5-11 ft
- **Under existing ht limits building could have:**
 - Included affordable housing
 - Increased ground floor ht to 15 feet or more
 - and/or increased all floor to floor heights to 12 feet or more
- **Under ZQA, bldg. could have been 34 feet taller without providing a single unit of affordable housing**

Developments in Contextual Inclusionary Zones

152-154 Second Avenue (10th/11th Streets) – does not include affordable housing

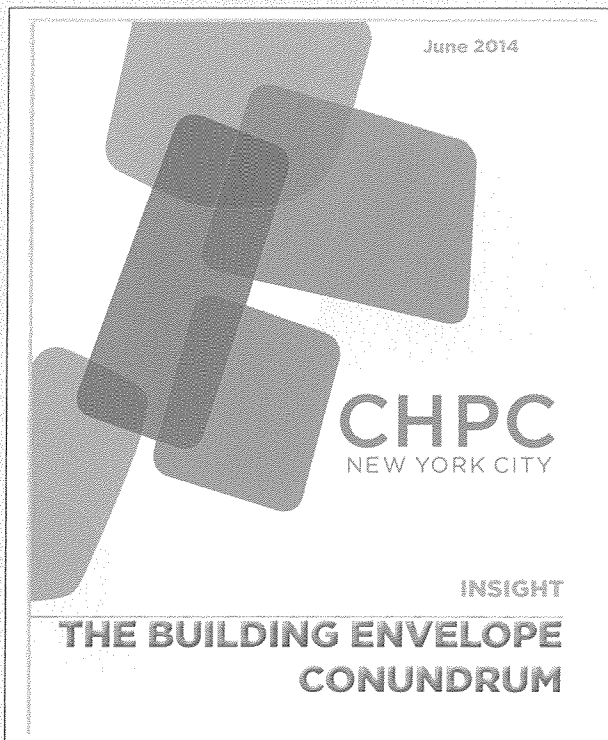
Illustrates that under existing height limits, new developments within contextual zones have room to include affordable housing (even on interior lots), but they chose not to for other reasons

Illustrates that many developments are choosing ground-floor hts. of less than 13.5 ft. ,and floor-to-floor heights of less than 11.5 ft., and are not prevented from increasing floor heights by current height limits



- R7-A inclusionary
- Interior lot
- Max. allowable bldg. ht.: 80 feet
- Actual bldg. ht.: 60 feet
- Ground floor height: 12.5 ft.
- Upper floor hts.: 9.5 ft.
- **Under existing ht .limits, bldg. could have:**
 - Increased total ht. by 20 ft.
 - Increased base ht. by 5 ft.
 - **Included affordable housing**
 - **Increased ground floor ht to 15 feet or more**
 - **and/or increased all floor to floor heights to 12 feet or more**
- **Under ZQA, building could have been 25 feet taller without providing a single unit of affordable housing**

The sources of DCP's claim that developers cannot utilize full FAR under existing contextual zoning rules is faulty. They frequently cite:



The report's conclusions:

For the seventeen projects examined we found that: Only one project was able to develop all of its allotted floor area. In eight projects, floor area was left unbuilt because of their building envelope rules. For these projects, it was the contextual building envelope rules that determined the development capacity of the buildings rather than their allotted floor area. The buildings that were limited by their envelope were underbuilt by an average of 11%. In total 56,543 square feet of buildable space was lost from these eight projects. In a further eight buildings, neither the allotted floor area nor the building envelope was maximized. This was typically because the number of housing units for the building was determined by the subsidy program it was constructed under, or the developer simply chose to limit the size of the building for other reasons. Because of this, we are unaware of whether the development capacity of these buildings would have been determined by the floor area or the building envelope rules.

What this report fails to make clear is that almost all of the projects studied were 100% affordable housing developments, NOT the 80% market rate/20% affordable developments which ZQA would apply to.

100% affordable developments have very different requirements and programs than 80/20 predominantly market rate housing. There is no reason to conclude that changes which MIGHT be necessary for 100% affordable developments should apply across the board to luxury housing with a 20% set aside for affordable units.

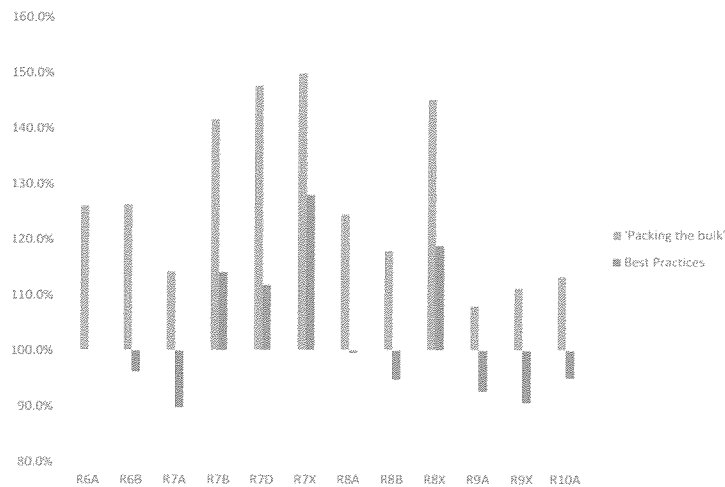
Note: 100% affordable developments often qualify as 'Community facilities' and therefore can be and often are governed by very different rules than market rate/IZ developments.

From:



HOUSING NEW YORK: ZONING FOR QUALITY AND AFFORDABILITY FINAL SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT

Figure 8: Bulk envelope capacity as a percentage of permitted floor area

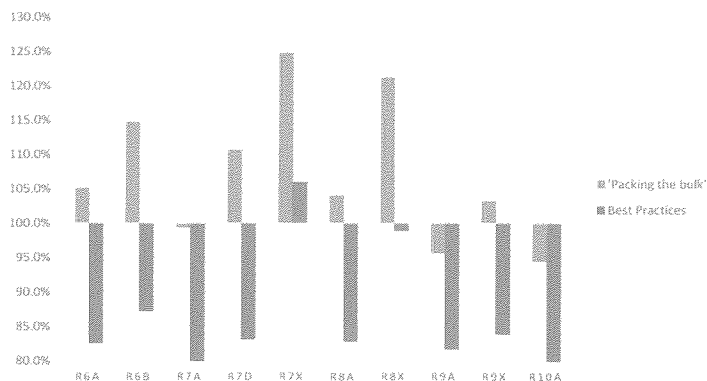


As the chart shows, this slight adjustment in floor to floor heights and building depth can easily be the determinant in whether a new development can accommodate all of its permitted floor area. Additional

DCP's ZQA Study concludes that in most cases, full FAR cannot be utilized within existing contextual zoning envelopes and height limits, using these charts (left) to illustrate the limitations under the existing system.

However, these figures are based ENTIRELY upon narrow street/interior lot rules, WHICH HAVE THE STRICTEST LIMITATIONS for the layout and lot coverage of new developments, as opposed to wide street and corner lot rules, which have much more relaxed rules, allow greater utilization of FAR, and are where inclusionary zones are more frequently found.

% OF ALLOWABLE FAR THAT CAN FIT WITHIN THE EXISTING BUILDING ENVELOPE



As the chart shows, while most districts can accommodate the permitted FAR using a 'packing the bulk' strategy, the quality of this space would likely be undesirable, and may impact the marketability of market rate units (which could in turn undermine the necessary cross-subsidization of affordable units). In nearly every scenario, the existing contextual envelope is unable to accommodate the permitted inclusionary Housing floor area when reasonable best practices are applied. This lack of flexibility not only results in the creation of inferior dwelling units, it results in inferior buildings, since the envelope cannot accommodate streetscape design measures such as façade articulation, and a nuanced relationship to the sidewalk depending on the district (such as a planted buffer in Residence Districts and a sizeable retail heights in Commercial Districts). Similar results are found using the additional floor area permitted under Section 23-147 for non-profit residences for the elderly.



Greenwich
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February 3, 2016

Hon. Bill de Blasio, Mayor
City of New York
City Hall
New York, NY 10007

Hon. Rick D. Chandler, P.E., Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

**Re: Widespread Approval by the Department of Buildings
of Larger Than Allowable Buildings in Inclusionary
Housing Areas Without Required Affordable Housing**

Dear Mayor de Blasio and Commissioner Chandler:

Investigation by the Greenwich Village Society for Historic Preservation has uncovered that the Department of Buildings has, over the last several years, consistently approved new developments in Inclusionary Housing Designated Areas at higher than allowable densities without providing the affordable housing which is explicitly required to reach those building density levels. As you know, the entire basis of the city's current Inclusionary (Affordable) Housing program is that in specified areas, increased density of development above a certain level can only be achieved when a required amount of affordable housing is provided.

But we have found that in these areas, the Department of Buildings is regularly allowing new developments to reach these higher densities with purely market-rate developments, and no affordable housing.

By consistently allowing these purely market-rate developments in violation of the Inclusionary Housing zoning rules, the City is undermining its own existing incentives for the construction of affordable housing, and allowing construction in residential neighborhoods at a greater density than allowed, violating explicit zoning limits.

As you can see from the attached documents, the Department has done this in multiple cases over the last several years. As you know, the zoning rules in these inclusionary zones are structured to allow as much as a 33% increase in the allowable density of developments

only if 20% of the total square footage is dedicated to permanent affordable housing, either on site or off. Yet although no affordable housing is provided in these developments, they have been allowed to exceed the maximum allowable density. This appears to be based upon the inclusion of market-rate commercial and/or community facility space, even though the zoning text explicitly restricts the maximum allowable density for developments in these areas which do not contain affordable housing, whether they include residential, commercial, or community facility uses (see attached text).

Specifically:

- 84 3rd Avenue is located in a C6-4/R8-equivalent Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 5.4 FAR. However, the approved zoning documents show a total FAR of 5.65 (see attached).
- 152-154 2nd Avenue is located in an R7-A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 3.45 FAR (a very small portion of the lot is located in an R8B district with a maximum allowable FAR of 4, which would only raise the overall allowable FAR for this site very slightly). However, the approved zoning documents show a total FAR of 3.95 (see attached).
- 118 East 1st Street is located in R8A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 5.4 FAR. However, the approved zoning documents show a total FAR of 5.97 (see attached).
- 438 East 12th Street is located in an R7A Inclusionary Housing district, in which the maximum allowable FAR for a development without affordable housing such as this is 3.45, with a small portion located in an R8B district in which the maximum allowable FAR is 4.0. However, the approved zoning documents show a total FAR of 4.0 (see attached).
- 67 Avenue C is located in an R7A Inclusionary Housing district. Therefore the maximum allowable FAR for a development without affordable housing such as this should be 3.45 FAR. However, the approved zoning documents show a total square footage of 9,294, which amounts to an FAR of 4.3 (see attached).

It should be noted that several of these developments received their approvals from the Department of Buildings in the last two years, under the current administration.

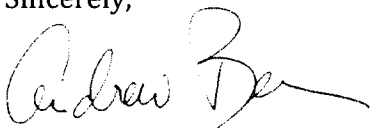
The consequences of this pervasive violation of the city's own zoning rules and affordable housing incentives are far-reaching, and quite relevant to the current debate about proposals to lift height limits in inclusionary zoning districts in order to encourage the construction of more affordable housing (i.e. 'Zoning for Quality and Affordability'). As you know, documentation provided previously by the Greenwich Village Society for Historic Preservation offers concrete evidence that current height limits actually provide no disincentive or obstacles to the inclusion of affordable housing, and that lifting them, as the City has proposed, would result in no increase in the construction of affordable housing.

By contrast, this pervasive practice of allowing entirely market-rate construction in inclusionary zoning districts to exceed the maximum allowable density without including the required affordable housing clearly does provide a strong disincentive to developers including affordable housing in their developments, because they can achieve the higher allowable densities by including market-rate space, rather than requiring them to include affordable housing to do so. This results in larger than allowable developments and robs the city and neighborhoods of the affordable housing to which they are entitled.

Stopping this practice, as opposed to increasing height limits as proposed, would do much more to encourage the inclusion of affordable housing in new developments, which the administration claims is its top priority.

I urge you to take action immediately to stop this practice of approving larger than allowable developments which do not provide the affordable housing required by Inclusionary Housing zoning regulations. I also urge you to take action to correct those approvals which have already been granted. This would include revoking permits for not-yet-completed buildings such as 438 East 12th Street, and requiring the removal of space which exceeds the allowable zoning square footage in those which have already been constructed, or the provision of the required amount of affordable housing to justify that additional space.

Sincerely,



Andrew Berman
Executive Director

Cc: Public Advocate Letitia James
Borough President Gale Brewer
Borough President Eric Adams
Borough President Melinda Katz
Borough President Ruben Diaz Jr.

Borough President James Oddo
Members of the New York City Council
Members of the New York City Planning Commission
Department of City Planning
Community Boards 1-59
Region Plan Association
Association for Neighborhood Housing and Housing Development
Metropolitan Council on Housing
Real Affordability for All
Citizen's Housing Planning Council
Good Old Lower East Side
Urban Justice Center

ZR 35-31 (<http://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art03c05.pdf#page=21>):

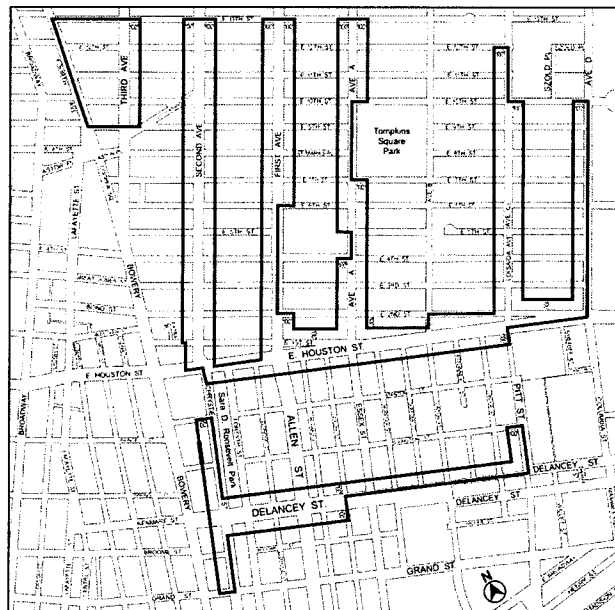
In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-952 for the applicable district. However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-952 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser. The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-952 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

All lots which follow are located within the Inclusionary Housing designated area mapped below (<http://www.nyc.gov/html/dcp/pdf/zone/appendixf.pdf#page=34>)

Manhattan Community District 3

In the R7A, R8A and R9A Districts within the areas shown on the following Map 1:

Map 1 - (10/27/10)



Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution. The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ¹	2.20	2.42
R6 ² R6A R7-2 ¹	2.70	3.60
R7A R7-2 ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

BULKHEAD & PARAPET WALLS ARE PERMITTED ABOVE BUILDING HEIGHT.

MAX PERMITTED BUILDING HEIGHT: 120'-0"

PROPOSED BUILDING HEIGHT: 91'-0"

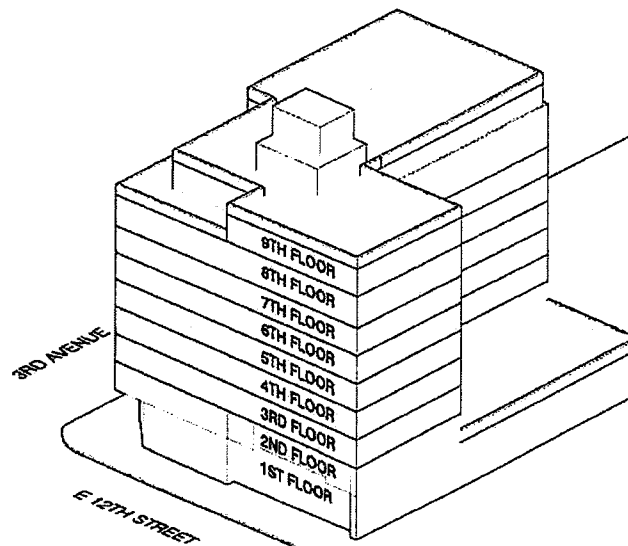
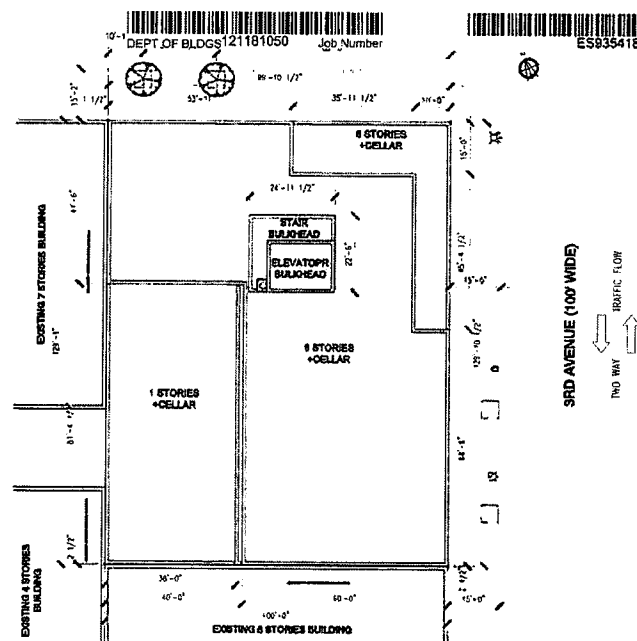
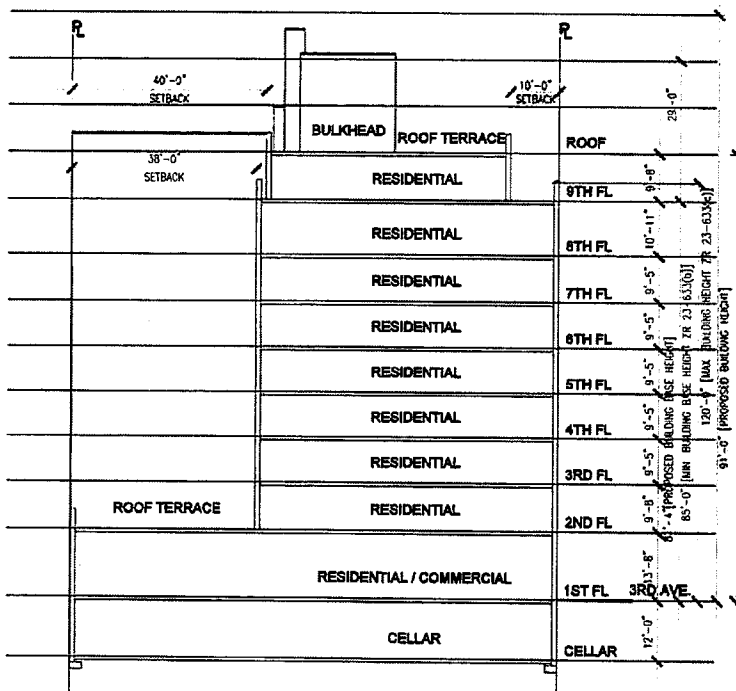
FRONT SETBACK REQUIREMENTS
INITIAL SETBACK DISTANCE

15' FROM E 12TH STREETS

10' FROM 3RD AVENUE

MAXIMUM HEIGHT OF FRONT WALL

LESSER OF 9 STORIES OR 85'



ZD1 Zoning Diagram

Must be typewritten.

 Orient and affix BIS
job number label here

Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-15.

☐ Yes ☒ No

Location Information

House No(s) 84

Street Name 3 AVENUE

Borough MANHATTAN

Block 556

Lot 59

BIN

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

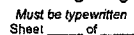
Name (please print) **KARL FISCHER**

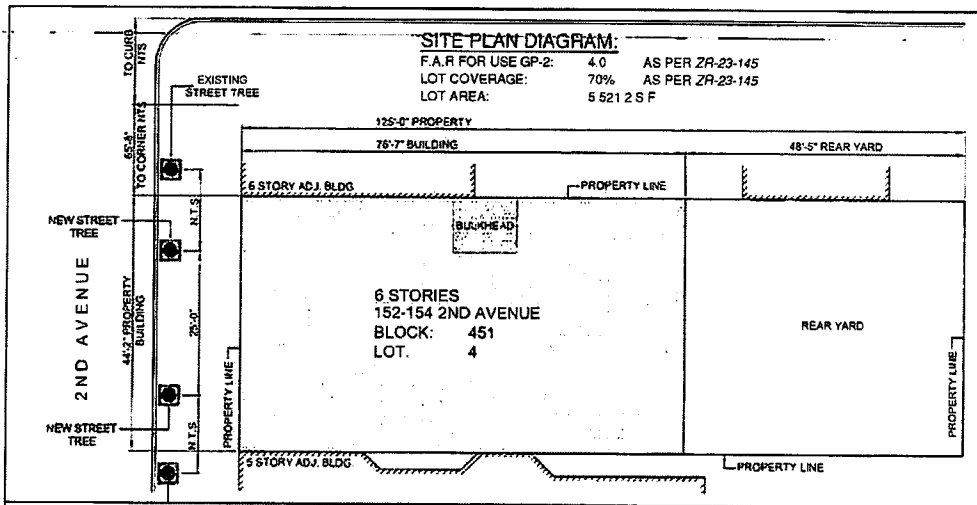


Internal Use Only

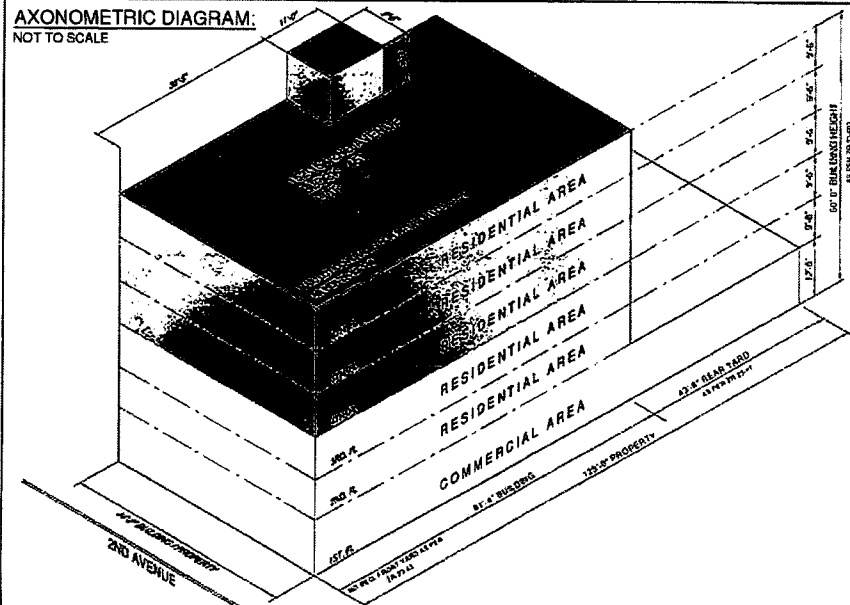
BIS Doc #.

PLAN EXAMINER SIGN AND DATE _____

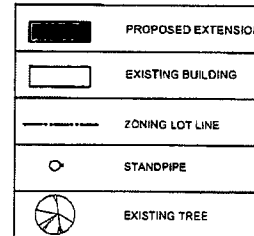




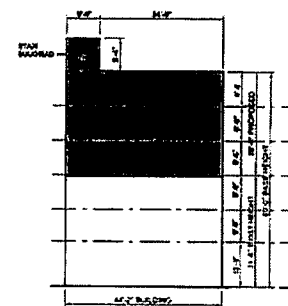
AXONOMETRIC DIAGRAM:
 NOT TO SCALE



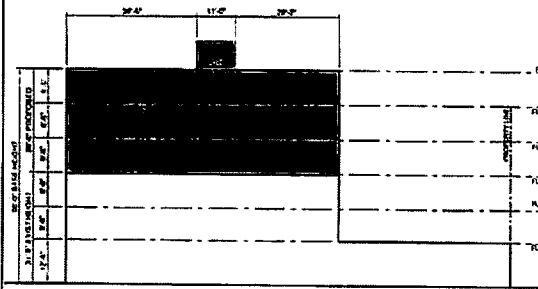
LEGEND:
 R7A ZONING DISTRICT



SECTION DIAGRAM:
 SCALE AS SHOWN



ZONING FRONT ELEVATION



ZONING SECTION



ZD1 Zoning Diagram
 Must be typewritten

DEPT BLDGS 120664236 Job Number
 SC132439897 Scan Code

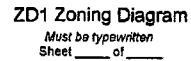
Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-15
☐ Yes ☐ No

Location Information

House No(s) 152-154
 Street Name 2ND AVENUE
 Borough MANHATTAN
 Block 451
 Lot 4
 BIN

Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print) _____
 Signature _____ Date 11/14/2010
 P.E. (RA Seal) _____
 Internal Use Only
 BIS Doc # _____
 PLAN EXAMINER SIGN AND DATE



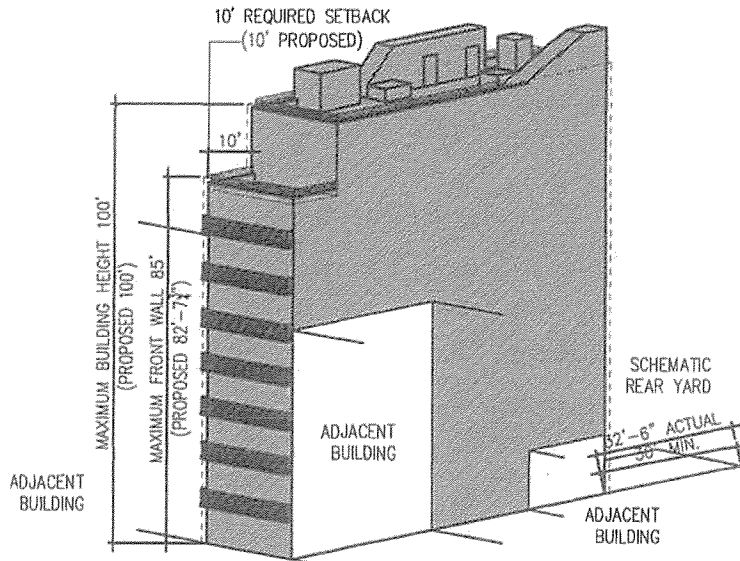
Last Name	ISSAC	First Name	RAMY	Middle Initial	
Business Name	ISSAC AND STERN ARCHITECTS, PC			Business Telephone	212-268-5600
Business Address	25 WEST 31 STREET			Business Fax	
City	NEW YORK	State	NY	Zip	10001
E-Mail				Mobile Telephone	
				License Number	018256

Dwelling Units	Parking area	sq. ft	Parking Spaces: Total	Enclosed
----------------	--------------	--------	-----------------------	----------

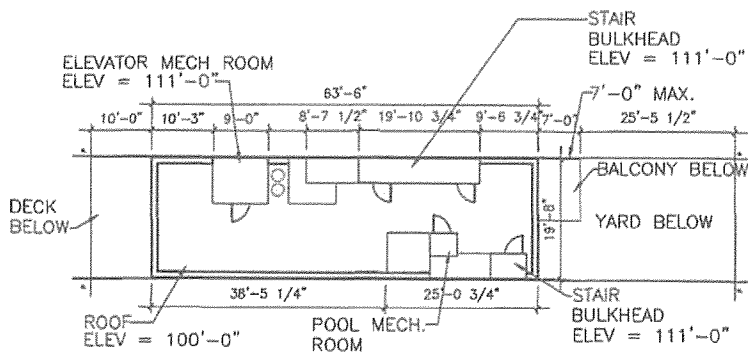
☐ Variance Cal No. _____ Authorizing Zoning Section 72-21
☐ Special Permit Cal No. _____ Authorizing Zoning Section _____
☐ General City Law Waiver Cal No. _____ General City Law Section _____
☐ Other Cal No. _____

☐ Special Permit ULURP No. _____ Authorizing Zoning Section _____
☐ Authorization App. No. _____ Authorizing Zoning Section _____
☐ Certification App. No. _____ Authorizing Zoning Section _____
☐ Other App. No. _____

[illegible][illegible]



1 AXONOMETRIC
N.T.S. SHOWING SETBACK ENVELOPE



2 ROOF PLAN
N.T.S.

AXONOMETRIC DIAGRAM

REQUIRED SETBACKS

REAR YARD: 30'
212-23-47

BUILDING HT.
AS PER 23-692: 100'
MAX/ ROOF #1=100'-0"

BASE HT. (MIN: 60')

82'-7 3/4"

(85' MAX PERMITTED)

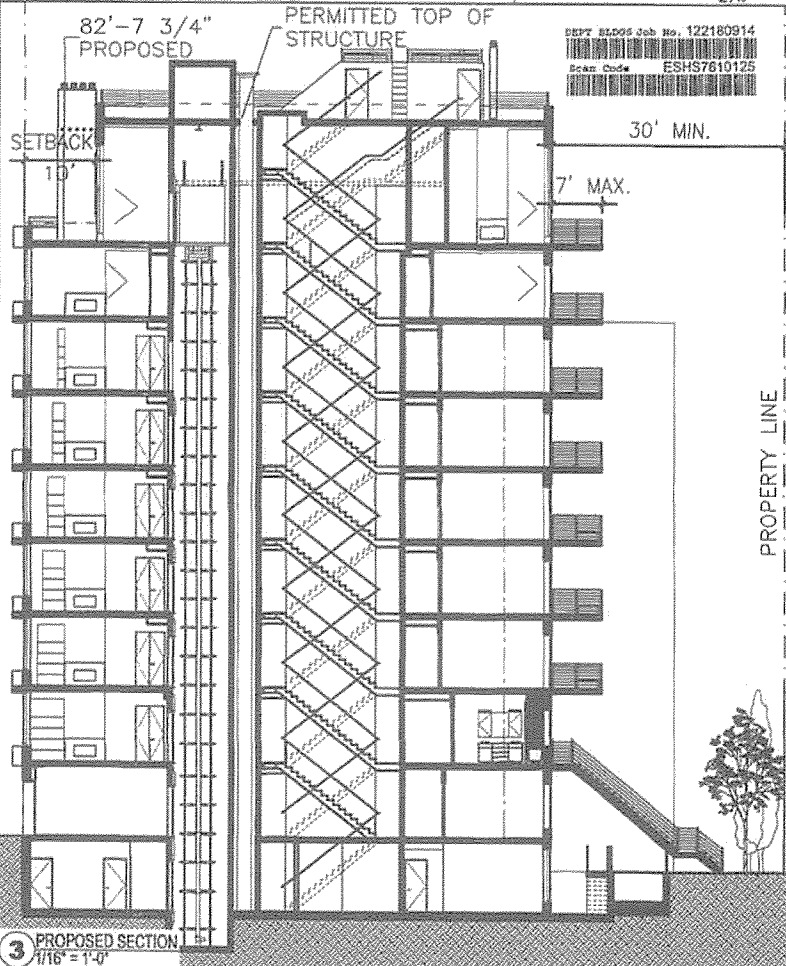
REQUIRED SETBACK@

STREET WALL

10' @ 85' HIGH

BULKHEAD AREA CALCULATION

BULKHEAD 1: 67 SF
BULKHEAD 2: 140 SF
BULKHEAD 3: 154 SF
BULKHEAD TOTAL: 361 SF
ROOF AREA: 1243.5 SF
BULKHEAD TOTAL (%) = 361/1243.5
= 29%



3 PROPOSED SECTION
1/16" = 1'-0"

NYC BUILDINGS

ZD1 ZONING DIAGRAM

ORIENT AND AFFIX BIS
JOB NUMBER LABEL HERE

SUBMITTED TO RESOLVE OBJECTIONS
STATED IN A NOTICE OF INTENT TO REVOKE
ISSUED PURSUANT TO RULE 101-15

YES NO

LOCATION INFORMATION

HOUSE NO(n) - 118

STREET NAME - EAST 1ST ST

BOROUGH - MANHATTAN

BLOCK - 429

LOT - 43

BIN -

FALSIFICATION OF ANY STATEMENT IS A
MISDEMEANOR AND IS PUNISHABLE BY A
FINE OR IMPRISONMENT OR BOTH. IT IS
UNLAWFUL TO GIVE TO A CITY EMPLOYEE OR
FOR A CITY EMPLOYEE TO ACCEPT, ANY
BENEFIT, MONETARY OR OTHERWISE,
EITHER AS A GRATUITY FOR PROPERTY
PERFORMING THE JOB OR IN EXCHANGE
FOR SPECIAL CONSIDERATION VIOLATION IS
PUNISHABLE BY IMPRISONMENT OR FINE OR
BOTH. I UNDERSTAND THAT IF I AM FOUND
AFTER HEARING TO HAVE KNOWINGLY OR
NEGLECTFULLY MADE A FALSE STATEMENT
OR TO HAVE KNOWINGLY OR NEGLECTFULLY
FALSIFIED OR ALLOWED TO BE FALSIFIED
ANY CERTIFICATE FORM, SIGNED
STATEMENT, APPLICATION, REPORT OR
CERTIFICATION OF THE CORRECTION OF A
VIOLATION REQUIRED UNDER THE
PROVISION OF THIS CODE OR OF A RULE OF
ANY AGENCY, I MAY BE BARRED FROM FILING
FURTHER APPLICATION OR DOCUMENTS
WITH THE DEPARTMENT.

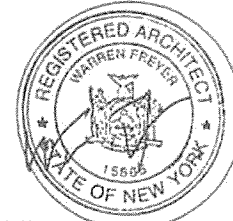
NAME:

WARREN FREYER

SIGNATURE

DATE

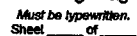
OCT.31.2014



INTERNAL USE ONLY

BIS Doc

PLAN EXAMINER SIGN AND DATE



07/05


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**NYC Department of Buildings
Job Overview**

Page: 1 of 1

Premises: 118 EAST 1 STREET MANHATTAN

BIN: 1005753 Block: 429 Lot: 43

To start overview at new date, select Month: ▼ Day: Year:

Show All BIS Job Types ▼

Show All Filings ▼

APPLY

FILE DATE	JOB #	DOC #	JOB TYPE	JOB STATUS	STATUS DATE	LIC #	APPLICANT IN AUDIT	ZONING APPROVAL
04/20/2015	<u>140336134</u>	01	A3	R PERMIT-ENTIRE	04/21/2015	0066791 PE	PARIHAR	NOT APPLICABLE
PROPOSED INSTALLATION OF HEAVY DUTY SIDEWALK SHED FILED FOR REMEDIAL REPAIR Work on Floor(s): OSP								
03/26/2015	<u>122350393</u>	01	A3	R PERMIT-ENTIRE	07/17/2015	0015865 RA	FREYER	NOT APPLICABLE
BUILDERS PAVEMENT PLAN BY ALT3 CHECKLIST Work on Floor(s): OSP								
12/30/2014	<u>122239247</u>	01	A2	D A/P ENTIRE	12/30/2014	0015865 RA	FREYER	NOT APPLICABLE
INSTALL FIRE ALARM SYSTEM Work on Floor(s): CEL,MEZ,ROO 001 thru 009								
12/30/2014	<u>122239238</u>	01	A2	H P/E IN PROCESS	01/22/2015	0015865 RA	FREYER	NOT APPLICABLE
INSTALL NEW SPRINKLER SYSTEM Work on Floor(s): CEL,MEZ,ROO 001 thru 009								
12/30/2014	<u>122239229</u>	01	DM	E AP-NPE	12/30/2014	0015865 RA	FREYER	NOT APPLICABLE
COMPLETE DEMOLITION OF 3 STORY AND CELLAR RESIDENTIAL VACANT BUILDING								
	<u>122180914</u>	02	NB	A PRE-FILED	11/03/2014	0015865 RA	FREYER	GRANTED <u>11/05/2015</u>
HVAC AND PLUMBING FOR NEW 9 STORY CLASS A RESIDENTIAL BUILDING								
10/31/2014	<u>122180914</u>	01	NB	J P/E DISAPPROVED	12/19/2014	0015865 RA	FREYER	GRANTED <u>11/05/2015</u>
NEW 9 STORY AND CELLAR MULTIPLE DWELLING								
08/21/2014	<u>122109146</u>	01	A2	R PERMIT-ENTIRE	03/18/2015	0015865 RA	FREYER	NOT APPLICABLE
INTERIOR DEMOLITION AND CONSTRUCTION OF DRYWALL. REMOVE WOOD DECK. NO CHAN Work on Floor(s): CEL 001 thru 003								
04/29/2004	<u>103522626</u>	02	A2	P APPROVED	05/03/2004	0011801 RA	Robinson	NOT APPLICABLE
POST APPROVAL AMENDMENT FOR 01								


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**NYC Department of Buildings
Application Details**

Premises: 118 EAST 1 STREET MANHATTAN
BIN: 1005753 Block: 429 Lot: 43

JUMP TO: Doc 1 ▾ Go

Job No: 122180914

Document: 01 OF 2

Job Type: NB - NEW BUILDING

Document Overview	Items Required	Virtual Job Folder	All Permits	Schedule A	Schedule B
Fees Paid	Forms Received		All Comments	C/O Summary	Plumbing Inspections
Crane Information	Plan Examination			C/O Preview	
After Hours Variance Permits					
Zoning Documents	Challenge Period Status			Challenge Results	

Last Action: PLAN EXAM - DISAPPROVED 12/19/2014 (J)

Pre-Filed: 10/31/2014 Building Type: Other

Estimated Total Cost: \$0.00

Date Filed: 10/31/2014

Electronically Filed: Yes

Fee Structure: STANDARD

Review is requested under Building Code: 2008

[Job Description](#) [Comments](#)

1 Location Information (Filed At)

House No(s): 118 Street Name: EAST 1ST STREET

Borough: Manhattan

Block: 429

Lot: 43

BIN: 1005753

CB No: 103

Work on Floor(s):

Apt/Condo No(s):

Zip Code: 10009

2 Applicant of Record Information

Name: WARREN FREYER

Business Name: FREYER ARCHITECTS

Business Phone: 212-598-0900

Business Address: 37 EAST 18TH ST, NEW YORK NY 10003

Business Fax:

E-Mail: WARREN@FREYERARCHITECTS.COM

Mobile Telephone:

License Number: 015865

Applicant Type: ☐ P.E. ☒ R.A. ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant

Not Applicable

Previous Applicant of Record

Not Applicable

3 Filing Representative

Name: SAM/KEVIN/RICK PHILLIPS/HAWKINS

Business Name: PHILLIPS CONSULTING

Business Phone: 212-226-8279

Business Address: 134 IRVINGTON AVE. SOMERSET NJ 08873

Business Fax:

E-Mail: SAMUELPO8873@AOL.COM

Mobile Telephone:

4 Filing Status[Click Here to View](#)**5 Job Types**

- ☐ Alteration Type 1 or Alteration Type 1 required to meet New Building requirements (28-101.4.5)
☐ Alteration Type 1, OT "No Work" ☒ New Building
☐ Alteration Type 2 ☐ Full Demolition
☐ Alteration Type 3 ☐ Subdivision: Improved
☐ Sign ☐ Subdivision: Condo
 Directive 14 acceptance requested? ☐ Yes ☒ No

6 Work Types

- ☐ BL - Boiler ☐ FA - Fire Alarm ☐ FB - Fuel Burning ☐ FS - Fuel Storage
☐ FP - Fire Suppression ☐ MH - Mechanical ☐ PL - Plumbing ☐ SD - Standpipe
☐ SP - Sprinkler ☒ EQ - Construction Equipment ☐ CC - Curb Cut
☒ OT - GEN. CONSTR.

7 Plans/Construction Documents Submitted

Plans Page Count: Not Provided

8 Additional Information

Enlargement proposed?

- ☒ No ☐ Yes ☐ Horizontal ☐ Vertical

Total Construction Floor Area: 14,468 sq.ft.

9 Additional Considerations, Limitations or Restrictions

Yes No

- ☐ ☐ Alt. required to meet New Building req's (28-101.4.5)

Yes No

- ☐ ☐ Alteration is a major change to exits
☐ ☐ Change in number of dwelling units
☐ ☐ Change in Occupancy / Use
☐ ☐ Change is inconsistent with current certificate of occupancy
☐ ☐ Change in number of stories

- ☐ ☐ Facade Alteration
☐ ☒ Adult Establishment
☐ ☒ Compensated Development (Inclusionary Housing)
☐ ☒ Low Income Housing (Inclusionary Housing)
☐ ☒ Single Room Occupancy (SRO) Multiple Dwelling
☐ ☒ Filing includes Lot Merger / Reapportionment

- ☐ ☒ Infill Zoning
☐ ☒ Loft Board
☐ ☒ Quality Housing
☐ ☒ Site Safety Job / Project
☐ ☒ Included in LMCCC

Work Includes:

- ☐ ☐ Prefab wood I-joists
☐ ☐ Structural cold-formed steel
☐ ☐ Open-web steel joists

- ☐ ☒ Landmark
☒ ☐ Environmental Restrictions (Little E or RD)
☐ ☒ Unmapped/CCO Street
☐ ☒ Legalization
☐ ☒ Other, Specify:
☐ ☒ Filed to Comply with Local Law
☐ ☒ Restrictive Declaration / Easement
☐ ☒ Zoning Exhibit Record (I,II,III,etc)
☐ ☒ Filed to Address Violation(s)

- ☒ ☐ Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]
☐ ☐ Work includes modular construction under New York State jurisdiction
☐ ☐ Work includes modular construction under New York City jurisdiction
☐ ☒ Structural peer review required per BC §1627 Peer Reviewer License No.(P.E.):
☐ ☐ Work includes permanent removal of standpipe, sprinkler or fire suppression related systems
☐ ☐ Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building
☐ ☐ Structural Stability affected by proposed work

BSA Calendar No.(s):

CPC Calendar No.(s):

10 NYCECC Compliance New York City Energy Conservation Code (Applicant Statement)

☒ To the best of my knowledge, belief and professional judgment, this application is in compliance with the NYCECC.

☐ Energy analysis is on another job number:

Yes No

☐ ☒ This application is, or is part of, a project that utilizes trade-offs among different major systems

☐ ☒ This application utilizes trade-offs within a single major system

11 Job Description

NEW 9 STORY AND CELLAR MULTIPLE DWELLING

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R8A - GENERAL RESIDENCE DISTRICT

Overlay(s): C2-5 - LOCAL SERVICE DISTRICT

Special District(s):

Map No.: 12c

Street legal width (ft.): 62

Street status: ☒ Public ☐ Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use	Zoning Area (sq.ft.)	District	FAR
COMMERCIAL	250	C2-5	0.11
RESIDENTIAL	12,508	R8A	5.86
Proposed Totals:	12,758	--	5.97
Existing Total:		--	--

Proposed Lot Details: Lot Type: ☐ Corner ☒ Interior ☐ Through
 Lot Coverage (%): 69 Lot Area (sq.ft.): 2,119 Lot Width (ft.): 20

Proposed Yard Details: ☐ No Yards Or
 Front Yard (ft.): 0 Rear Yard (ft.): 32 Rear Yard Equivalent (ft.): 0
 Side Yard 1 (ft.): 0 Side Yard 2 (ft.): 0

Proposed Other Details: Perimeter Wall Height (ft.): 83
 Enclosed Parking? ☐ Yes ☒ No No. of parking spaces:

13 Building Characteristics

Primary structural system: ☐ Masonry ☒ Concrete (CIP) ☐ Concrete (Precast) ☐ Wood
☐ Steel (Structural) ☐ Steel (Cold-Formed) ☐ Steel (Encased in Concrete)

Proposed

Structural Occupancy Category: II - OTHER THAN I, III OR IV

Seismic Design Category: CATEGORY C

Occupancy Classification: R-2 - RESIDENTIAL: APARTMENT HOUSES

2014/2008 Code
Designations?
☒ Yes ☐ No

Construction Classification:	I-B: 2 HOUR PROTECTED - NON-COMBUST
Multiple Dwelling Classification:	HAEA
Building Height (ft.):	100
Building Stories:	9
Dwelling Units:	7

☒ Yes ☐ No

Mixed use building? ☒ Yes ☐ No

14 Fill

☐ Not Applicable ☐ Off-Site ☐ On-Site ☒ Under 300 cubic yards

15 Construction Equipment

☐ Chute ☐ Sidewalk Shed Construction Material: PLYWOOD
☒ Fence Size: linear ft. BSA/MEA Approval No.:
☐ Supported Scaffold ☐ Other

16 Curb Cut Description

Not Applicable

17 Tax Lot Characteristics

Not Provided

18 Fire Protection Equipment

	Existing		Proposed			Existing		Proposed	
	Yes	No	Yes	No		Yes	No	Yes	No
Fire Alarm	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sprinkler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Standpipe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19 Open Spaces

Not Provided

20 Site Characteristics

Yes No

☐ ☒ **Tidal Wetlands**
☐ ☐ **Coastal Erosion Hazard Area**
☒ ☐ **Fire District**

Yes No

☐ ☒ **Freshwater Wetlands**
☐ ☒ **Urban Renewal**
☒ ☐ **Flood Hazard Area**

Flood Hazard Area Information:

Yes No

☐ ☐ Substantial improvement?

☐ ☐ Substantially damaged?

☐ ☐ Floodshields part of proposed work?

21 Demolition Details

Not Applicable

22 Asbestos Abatement Compliance

Not Applicable

23 Signs

Not Applicable

24 Comments

25 Applicant's Statements and Signatures (See paper form or check Forms Received)

Yes No

☐ ☒ For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?

☐ ☐ Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information**Name:** CYNTHIA WU**Relationship to Owner:** MANAGER**Business Name:** ACACIA 118, LLC**Business Address:** 57 PRINCE STREET 5-N NEW YORK NY 10012**E-Mail:** WUCINDY23@GMAIL.COM**Non Profit:** ☐ Yes ☒ No**Business Phone:** 212-219-3507**Business Fax:****Owner Type:** CORPORATION**Yes No**

- ☐ ☒ **Owner's Certification Regarding Occupied Housing (Remain Occupied)**
- ☐ ☒ **Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)**
- ☐ ☐ **Owner DHCR Notification**
- ☐ ☒ **Owner's Certification for Adult Establishment**
- ☐ ☐ **Owner's Certification for Directive 14 (if applicable)**

Condo / Co-Op or Corporation Second Officer**Name:** ROBERT MARTY**Title:** MANAGER**Business Name:****Business Phone:** 212-598-0900**Business Address:** 37 EAST 18TH STREET NEW YORK NY 10003**Business Fax:****E-Mail:** BOBMARTY@GMAIL.COM**Metes and Bounds**

To view metes and bounds, see the Plot Diagram (form PD-1). A scanned image may be available [here](#).

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

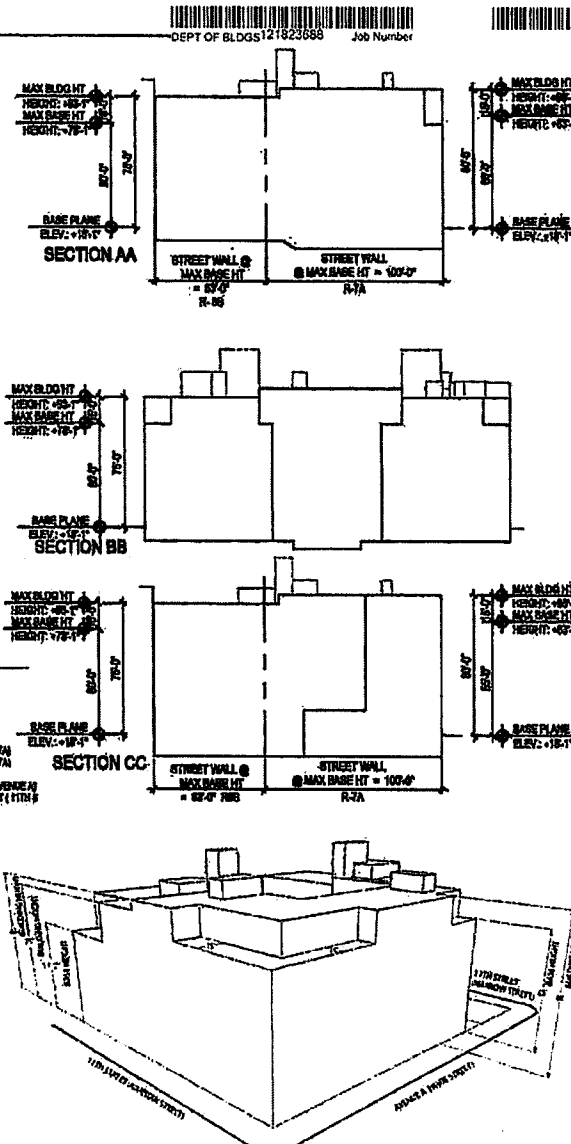
Work on Floor(s): BAS

07/24/2003 103522626 01 A2 Q PERMIT-PARTIAL 03/05/2004 0011801 RA RobinsonNOT
APPLICABLE

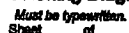
RENOVATION OF FAST FOOD STORE, INSTALL EQUIPMENT, PLUMBING FIXTURES, RANGE

Work on Floor(s): BAS

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



ES4443839355	Scan Code <div style="font-size: 2em; font-weight: bold; margin: 5px 0;">NYC</div> <div style="font-weight: bold; margin: 0 0 0 20px;">Buildings</div>	
<div style="font-size: 1.5em; font-weight: bold; margin: 0 0 0 20px;">ZD1 Zoning Diagram</div> <div style="margin: 0 0 0 20px;">(not for typewriting)</div>		
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> </div> </div>		
Submitted to resolve objections stated in a notice of intent to revoke issued pursuant to rule 101-16.		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<div style="font-weight: bold; border: 1px solid black; padding: 2px;">Location Information</div>		
House No(s) <u>438</u>		
Street Name <u>E 12 STREET</u>		
Borough <u>MANHATTAN</u>		
Block <u>438</u>		
Lot <u>28</u>		
BIN <u>1005975</u>		
Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or to a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the issuance of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.		
Name (please print) <u>NAVID IQBAL</u>		
Signature <u>NAVID IQBAL</u>		Date <u>11/1/00</u>
P.E./R.A. Seal (Not to be used and date over seal)		
<div style="font-weight: bold; border: 1px solid black; padding: 2px;">Internal Use Only</div>		
BRD Doc # _____		
PLAN EXAMINER SIGN AND DATE		



Last Name MAQAMI	First Name NAVID	Middle Initial
Business Name SG, AN AFFILIATE OF PERKINS EASTMAN ARCHITECTS		Business Telephone 212 353 7200
Business Address 115 6 AVENUE		Business Fax
City NY	State NY	Zip 10003
E-Mail NMAQAMI@PERKINSEASTMAN.COM		Mobile Telephone
		License Number 022311

Dwelling Units 82	Parking area 1773	sq. ft.	Parking Spaces: Total 6	Enclosed 0
-------------------	-------------------	---------	-------------------------	------------

☐ Variance Cat. No. _____ Authorizing Zoning Section 72-21
☐ Special Permit Cat. No. _____ Authorizing Zoning Section _____
☐ General City Law Waiver Cat. No. _____ General City Law Section _____
☐ Other Cat. No. _____

☐ Special Permit ULURP No. _____ Authorizing Zoning Section _____
☐ Authorization App. No. _____ Authorizing Zoning Section _____
☐ Certification App. No. _____ Authorizing Zoning Section _____
☐ Other App. No. _____ Authorizing Zoning Section _____

Floor Number	Building Code Gross Floor Area (sq. ft.)	Use Group	Zoning Floor Area (sq. ft.)				FAR
			Residential	Community Facility	Commercial	Manufacturing	
R8B							
CELLAR	12595	2	4020				.32
1	9042	2	8630				.51
2	9043	2	8393				.85
3	9043	2	8393				.85
4	9043	2	8296				.84
5	9043	2	8287				.84
6	8893	2	6415				.49
ROOF	1844	2	0				0
R8B	MAX FAR	4.00					
TOTALS	88548		50433				3.88

[illegible]

07/09


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**NYC Department of Buildings
Application Details**

JUMP TO: Doc 1 ▾ Go

Premises: 67 AVENUE C MANHATTAN
BIN: 1004644 Block: 387 Lot: 34

Job No: 121716385
Document: 01 OF 4

Job Type: A1 - ALTERATION TYPE 1

Document Overview	Items Required	Virtual Job Folder	All Permits	Schedule A	Schedule B
Fees Paid	Forms Received		All Comments	C/O Summary	Plumbing Inspections
Crane Information	Plan Examination			C/O Preview	
After Hours Variance Permits					

Inspection Ready

Zoning Documents

Challenge Period Status

Challenge Results

**Last Action: PERMIT ISSUED - ENTIRE JOB/WORK 08/01/2014 (R)
Application approved on: 04/22/2014**

Pre-Filed: 07/17/2013 Building Type: Other

Estimated Total Cost: \$244,640.00

Date Filed: 07/17/2013

Electronically Filed: Yes

Fee Structure: STANDARD

Review is requested under Building Code: 1968

Job Description Comments

1 Location Information (Filed At)

House No(s): 67 Street Name: AVENUE C

Borough: Manhattan

Block: 387

Lot: 34

BIN: 1004644

CB No: 103

Work on Floor(s): CEL,MES,OH 001 thru 006

Apt/Condo No(s):

Zip Code: 10009

2 Applicant of Record Information

Name: PANAGIOTIS VIKATOS

Business Name: VIKATOS ARCHITECT PC

Business Address: 25-26 50TH STREET QUEENS NY 11377

E-Mail: VIKATOSARCHITECTDOB@GMAIL.COM

Business Phone: 718-606-8777

Business Fax: 718-606-9222

Mobile Telephone:

License Number: 034254

Applicant Type: ☐ P.E. ☒ R.A. ☐ Sign Hanger ☐ R.L.A. ☐ Other

Directive 14 Applicant

Not Applicable

Previous Applicant of Record

Name: PANAGIOTIS VIKATOS

Business Name: VIKATOS ARCHITECT PC

Business Phone: 718-606-8777

Business Address: 25-26 50TH STREET SUITE 206C QUEENS NY

Business Fax: 718-606-9222

11377

E-Mail: VIKATOSARCHITECTDOB@GMAIL.COM

Applicant Type: RA

Mobile
Telephone:

License Number: 034254

3 Filing Representative

Name: MARIA LEUDO

Business Name: NYC BUILDINGS & HOUSES SOLUTIONS

Business Phone: 718-810-1809

Business Address: 120.34 QUEENS BOULEVARD QUEENS NY
11415

Business Fax: 718-263-3880

E-Mail: MAFERLEUDO@YAHOO.COM

Mobile Telephone:

Registration Number: X06481

4 Filing Status[Click Here to View](#)**5 Job Types**☒ Alteration Type 1☐ Alteration Type 1, OT "No Work"☐ New Building☐ Alteration Type 2☐ Full Demolition☐ Alteration Type 3☐ Subdivision: Improved☐ Sign☐ Subdivision: CondoDirective 14 acceptance requested? ☐ Yes ☒ No**6 Work Types**☒ BL - Boiler☐ FA - Fire Alarm☐ FB - Fuel Burning☐ FS - Fuel Storage☐ FP - Fire Suppression☒ MH - Mechanical☒ PL - Plumbing☐ SD - Standpipe☐ SP - Sprinkler☒ EQ - Construction Equipment☐ CC - Curb Cut☒ OT - GEN. CONSTR.**7 Plans/Construction Documents Submitted**

Plans Page Count: 30

Foundation approved on: 04/22/2014

8 Additional Information

Enlargement proposed?

☐ No ☒ Yes☐ Horizontal ☒ Vertical

Additional Construction Floor area: 9,294 sq.ft.

9 Additional Considerations, Limitations or Restrictions

Yes No

☐ ☐ Alt. required to meet New Building req's (28-101.4.5)

Yes No

☐ ☐ Alteration is a major change to exits☒ ☐ Change in number of dwelling units☒ ☐ Change in Occupancy / Use☐ ☐ Change is inconsistent with current certificate of occupancy☒ ☐ Change in number of stories☐ ☐ Facade Alteration☐ ☒ Adult Establishment☐ ☒ Compensated Development (Inclusionary Housing)☐ ☒ Low Income Housing (Inclusionary Housing)☐ ☒ Single Room Occupancy (SRO) Multiple Dwelling☐ ☒ Filing includes Lot Merger / Reapportionment☐ ☒ Infill Zoning☐ ☒ Loft Board☐ ☒ Quality Housing☐ ☒ Site Safety Job / Project☐ ☒ Included in LMCCC

Work Includes:

☐ ☐ Prefab wood I-joists☐ ☐ Structural cold-formed steel☐ ☐ Open-web steel joists

- ☐ ☒ Landmark
☐ ☒ Environmental Restrictions (Little E or RD)
☐ ☒ Unmapped/CCO Street
☐ ☒ Legalization
☐ ☒ Other, Specify:
☐ ☒ Filed to Comply with Local Law
☐ ☒ Restrictive Declaration / Easement
☒ ☐ Zoning Exhibit Record (I,II,III,etc)
☐ ☒ Filed to Address Violation(s)

- ☒ ☐ Work includes lighting fixture and/or controls, installation or replacement. [ECC §404 and §505]
☐ ☐ Work includes modular construction under New York State jurisdiction
☐ ☐ Work includes modular construction under New York City jurisdiction
☐ ☒ Structural peer review required per BC §1627 Peer Reviewer License No.(P.E.):
☐ ☒ Work includes permanent removal of standpipe, sprinkler or fire suppression related systems
☒ ☐ Work includes partial demolition as defined in AC §28-101.5, or the raising/moving of a building
☒ ☐ Structural Stability affected by proposed work

BSA Calendar No.(s):

CPC Calendar No.(s):

10 NYCECC Compliance New York City Energy Conservation Code (Applicant Statement)

☒ To the best of my knowledge, belief and professional judgment, this application is in compliance with the NYCECC.

☐ Energy analysis is on another job number:

Yes No

☐ ☒ This application is, or is part of, a project that utilizes trade-offs among different major systems

☐ ☒ This application utilizes trade-offs within a single major system

11 Job Description

PROPOSED 4 STORIES AND PENTHOUSE VERTICAL EXTENSION OVER EXISTING 2-STORY WITH PENTHOUSE AND CELLAR, MASONRY BUILDING. PROPOSED COMMERCIAL AT FIRST FLOOR AND RESIDENTIAL FROM SECOND FLOOR THROUGH PENTHOUSE. INTERIOR PARTITION AND PLUMBING WORK ON EXISTING FLOORS, AS PER PLANS SUBMITTED.

Related BIS Job Numbers:

Primary application Job Number:

12 Zoning Characteristics

District(s): R7A - GENERAL RESIDENCE DISTRICT

Overlay(s): C2-5 - LOCAL SERVICE DISTRICT

Special District(s):

Map No.: 12c

Street legal width (ft.): 80

Street status: ☒ Public ☐ Private

Zoning lot includes the following tax lots: Not Provided

Proposed: Use	Zoning Area (sq.ft.)	District	FAR
COMMERCIAL	1,843	C2-5	2.00
RESIDENTIAL	7,451	R7A	3.45
Proposed Totals:	9,294	--	3.45
Existing Total:	1,845	--	--

Proposed Lot Details:

Lot Type: ☐ Corner ☒ Interior ☐ Through

Lot Coverage (%): 65

Lot Area (sq.ft.): 2,160

Lot Width (ft.): 24

Proposed Yard Details:

☐ No Yards Or

Front Yard (ft.): 0 Rear Yard (ft.): 31 Rear Yard Equivalent (ft.): 0

Side Yard 1 (ft.): 11 Side Yard 2 (ft.): 0

Proposed Other Details:

Perimeter Wall Height (ft.): 75

9,294
 ÷
 2,160
 =
 4.3
 FAR

Enclosed Parking? ☐ Yes ☒ No No. of parking spaces:

13 Building Characteristics

2014/2008 Code Designations?

Occupancy Classification: Existing: F-1B - ASSEMBLY (CHURCHES, CONCERT HALLS) ☐ Yes ☒ No
 Proposed: R-2 - RESIDENTIAL: APARTMENT HOUSES ☒ Yes ☐ No
 Construction Classification: Existing: 1: FIREPROOF STRUCTURES ☐ Yes ☒ No
 Proposed: I-B: 3 HOUR PROTECTED ☐ Yes ☒ No
 Multiple Dwelling Classification: Existing:
 Proposed: HAEA
 Building Height (ft.): Existing: 28
 Proposed: 74
 Building Stories: Existing: 2
 Proposed: 6
 Dwelling Units: Existing: 0
 Proposed: 8

Building was originally erected pursuant to which Building Code: ☐ 2014 ☐ 2008 ☐ 1968 ☒ Prior to 1968
 Building will fully comply with which Code with this Certificate of Occupancy: ☐ 2014 ☐ 2008 ☒ 1968 ☐ Prior to 1968
 Mixed use building? ☒ Yes ☐ No

14 Fill

☒ Not Applicable ☐ Off-Site ☐ On-Site ☐ Under 300 cubic yards

15 Construction Equipment

☐ Chute ☐ Sidewalk Shed Construction Material: WOOD
☒ Fence Size: linear ft. BSA/MEA Approval No.:
☐ Supported Scaffold ☐ Other

16 Curb Cut Description

Not Applicable

17 Tax Lot Characteristics

Not Provided

18 Fire Protection Equipment

	Existing		Proposed			Existing		Proposed	
	Yes	No	Yes	No		Yes	No	Yes	No
Fire Alarm	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sprinkler	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire Suppression	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Standpipe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19 Open Spaces

Not Provided

20 Site Characteristics

Yes	No	Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/> Tidal Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/> Freshwater Wetlands
<input type="checkbox"/>	<input type="checkbox"/> Coastal Erosion Hazard Area	<input type="checkbox"/>	<input checked="" type="checkbox"/> Urban Renewal
<input checked="" type="checkbox"/>	<input type="checkbox"/> Fire District	<input type="checkbox"/>	<input checked="" type="checkbox"/> Flood Hazard Area

Flood Hazard Area Information:

Yes No
☐ ☐ Substantial improvement?
☐ ☐ Substantially damaged?
☐ ☐ Floodshields part of proposed work?

21 Demolition Details

Yes No

- ☒ ☐ Demolition work affects the exterior building envelope
☐ ☐ The scope of work involves raising/moving of a building

22 Asbestos Abatement Compliance

- ☒ The scope of work does not require related asbestos abatement as defined in the regulations of the NYC DEP.
DEP ACP-5 Control No.:

23 Signs

Not Applicable

24 Comments**25 Applicant's Statements and Signatures (See paper form or check Forms Received)**

Yes No

- ☐ ☐ For New Building and Alteration 1 applications filed under the 2008 or 2014 NYC Building Code only: does this building qualify for high-rise designation?
☐ ☐ Directive 14 applications only: I certify that the construction documents submitted and all construction documents related to this application do not require a new or amended Certificate of Occupancy as there is no change in use, exits, or occupancy.

26 Owner's Information

Name: NATAN VINBAYTEL

Relationship to Owner: SELF

Business Name: N/A

Business Phone: 917-842-0116

Business Address: 236 BEAUMONT STREET BROOKLYN NY 11235

Business Fax:

E-Mail: VINBAYTEL@YAHOO.COM

Owner Type: INDIVIDUAL

Non Profit: ☐ Yes ☒ No

Yes No

- ☐ ☒ Owner's Certification Regarding Occupied Housing (Remain Occupied)
☐ ☒ Owner's Certification Regarding Occupied Housing (Rent Control / Stabilization)
☐ ☐ Owner DHCR Notification
☐ ☒ Owner's Certification for Adult Establishment
☐ ☐ Owner's Certification for Directive 14 (if applicable)

Metes and Bounds

To view metes and bounds, see the Plot Diagram (form PD-1). A scanned image may be available [here](#).

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



Hearing on Amendments for Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)

**Testimony Of
Breaking Ground
For The New York City Council**

February 10, 2016

Hello, my name is Brenda Rosen. I am the President and CEO of Breaking Ground, New York City's largest supportive housing developer and provider to low income and chronically homeless New Yorkers. We currently operate 3,300 units of permanent and transitional housing – the majority of which are located in Manhattan, Brooklyn, the Bronx and Queens -- and we have a development pipeline of 1,000 more units over the next five years. We serve individuals and families who are homeless or at risk of becoming homeless. Over the last 25 years, we have helped 12,000 people escape homelessness, including veterans, seniors, artists, youth aging out of foster care, those living with addiction and chronic illnesses, and many more.

- For the chronically homeless, we create safe, secure housing, with essential on-site support services to help them address the psychosocial, mental, and physical health problems that are obstacles to independent living.
- For individuals who find themselves at the edge of homelessness, our affordable housing provides an all-important safety net. On average, the minimum qualifying income for these individuals is \$18,000 a year.
- 99% of our residents remain stably housed; less than 1% of our residents leave us each year because of some unresolvable behavior or financial issue.

We also manage the street outreach program, Street to Home, in Brooklyn, Queens and nearly one third Manhattan, which connects the most entrenched, long-term homeless individuals with housing and other critical supportive services.

As we are all aware, New York City is facing a housing affordability crisis. Last year, more than one-third of NYC renters paid more than half of their income towards rent. On any given night this year, nearly 65,000 people in NYC were sleeping in shelters.

It is critical that we significantly increase NYC's affordable housing stock.

The requirements set out in Mandatory Inclusionary Housing (MIH), combined with public subsidies, are our most viable option to expand the pool of affordable housing for everyone, and especially for New Yorkers most in need.

- MIH will require that all developers set aside 25 to 30% of the housing they build as affordable apartments. Those homes will be permanently affordable through continuing cross-subsidy from the market rate housing with which they are paired.
- Requiring private developers to build affordable units will free up public dollars to target housing to those who need the most help – very low-income and extremely low income New Yorkers. As a result, developers like Breaking Ground will be able to create and operate more housing throughout NYC.

Alongside MIH, Zoning for Quality and Affordability (ZQA) will provide more flexibility to accommodate the diverse housing needs of a growing senior population.

- Developers of senior- and affordable housing near transit would be able to assess whether providing costly parking facilities are necessary for projects.
- The increased density for senior housing that would be permitted by ZQA would help bring online much-needed more affordable homes for our growing senior population, many of whom cannot afford rents above 30% - 40% of AMI.
- We own and operate the Domenech, a HUD funded 72-unit affordable senior housing building in Brownsville, Brooklyn. As required, the building includes a very costly on-site parking lot that is significantly underutilized – the lot accommodates 15 spots, and only 3 residents have cars. With ZQA's allowance for no on-site parking and greater density for senior housing, we would have been able to create an additional 30 units of affordable housing at the Domenech for low-income seniors from the community.

ZQA would also encourage street level retail and accessory community facility uses in affordable housing, creating a more dynamic streetscape.

- Many of Breaking Ground's supportive housing buildings have storefronts with community-serving retail or accessory community facility uses. For example, our Schermerhorn building in downtown Brooklyn has 217 units of supportive housing and is home to the community's Brooklyn Ballet, which has a storefront space on the ground floor. Another one of our buildings located in Manhattan, The Prince George, contains 416 units of supportive housing and operates the historic Prince George Ballroom, an event venue used by private companies and community organizations alike. 100% of rental proceeds benefit Breaking Ground's housing and outreach programs for homeless and other vulnerable New Yorkers.
- Our experience is that communities want mixed-use buildings. ZQA would encourage and make it easier for developers to incorporate storefront space for retail or community facility use into affordable housing projects.

On behalf of Breaking Ground, thank you for this opportunity to testify. We greatly support these policies to create more affordable and supportive housing in New York City to serve our most vulnerable populations. Your interest and deep commitment to this timely and critical issue is greatly appreciated.

Respectfully submitted by:
 Brenda E. Rosen, President and CEO
 505 8th Avenue – 5th Floor
 New York, NY 10018
 (212) 389-9322 x9356
brosen@breakingground.org

February 10, 2016

Testimony of Sherman Kane, to City Council, on the proposed Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH) zoning amendments,

I'm Sherman Kane, and have lived in Woodhaven, Queens, for over 30 years now. When we moved to Woodhaven, you could easily park on the streets; it was safer; there was less graffiti; we knew our neighbors. Gradually these things began to change. There was increasing vandalism and graffiti. People living in the other homes kept changing. Illegal property conversion and uses steadily increased. Now you often can't park, even after searching for several blocks. The quality of life has steadily deteriorated.

I joined my local community board, hoping to address these problems. I've been co-chair of the Queens Community Board 9 Land Use Committee for about 10 years. When ZQA & MIH were proposed last year, the Land Use Committee painstakingly reviewed them and ultimately Queens Community Board 9 voted unanimously to support a resolution rejecting ZQA & MIH. Yesterday, I delivered 50 copies of this resolution to the City Council Sergeant-at arms.

Density has already increased in Woodhaven and many other low density communities. This is largely due to rampant, unaddressed illegal conversions. Physical and service infrastructures are already inadequate. Schools, police, fire, parking, sanitation, sewage, etc., are already dangerously overstressed. ZQA/MIH will both increase density even further, but nothing has been offered to address the concomitant increases in the physical and service infrastructure.

ZQA/MIH offer a "One size fits all" proposal, ignoring drastic differences between New York City's communities.

ZQA/MIH will undo the painstaking rezoning that was done in many communities (including Q CB9)

The ZQA proposal was issued Jan. 29, 2016, allowing for no further community response, even after the communities already rejected the original proposal. This violates the ULURP process.

ZQA eliminates off-street parking requirements in "Transit Zones", further increasing density and exacerbating the inadequate parking that already exists.

Queens Community Board 9, along with the overwhelming majority of New York City's Community Boards, has rejected ZQA & MIH. As our elected representatives, City Council members are obliged to represent the views of your constituents and reject them as well.

I thank the City Council for the opportunity to offer this statement and urge you to take these comments seriously.

Sherman Kane
Co-chair, Land Use Committee
Queens Community Board 9

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of the UPPER EAST SIDE
HISTORIC DISTRICTS

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Alice McG. Concagh
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Rev. John A. Kamas
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David W. Levinson
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Hermes Mallea
Joyce Matz
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Daniel B. Strickler, Jr.
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Annie MacRae
Anthony C. Wood

Tara Kelly
EXECUTIVE DIRECTOR

February 10, 2016

City Council Subcommittee on Zoning and Franchises Public Hearing Testimony by Rachel Levy

Re: Zoning for Quality and Affordability Text Amendment N 160049 ZRY

Good morning. My name is Rachel Levy and I am the Executive Director at FRIENDS of the Upper East Side Historic Districts. Since our founding in 1982, FRIENDS has worked to preserve the livability and sense of place of the diverse neighborhoods that comprise the Upper East Side.

The proposal before you today dismantles mechanisms enacted to preserve community character across the entire city through increased height and density. Such mechanisms were achieved through consensus and community planning efforts to maintain neighborhood character with a balanced approach to development. The broad strokes of ZQA destroy these protections in one fell swoop, and increases to height and density will put a further strain on streets and sidewalks, public transit, schools, and parks as a result.

FRIENDS recognizes the dire need for affordable housing throughout the city. The Upper East Side, in particular, has lost affordable units at a greater pace than the city overall in the last decade—a net loss of 26% of affordable units in CB8 compared to a loss of 6% citywide. But there is no evidence to suggest that ZQA will produce a net gain of affordable housing, either by itself or in combination with Mandatory Inclusionary Housing. **A plan conceived to spur the construction of affordable housing must include a provision for the preservation or replacement of existing units in-kind, and all new units should be permanently affordable.**

We agree that design variation and increased flexibility to maximize the provision of affordable and senior housing can benefit the city – but not at the expense of overturning sound tools of neighborhood planning which communities worked hard to achieve, and have functioned successfully for decades. That is why we believe:

- ZQA height and density increases should not apply in existing contextual zones or historic districts.
- The removal of the Sliver Law, which restricts tall narrow buildings on side streets, compounds the risk for out of scale development. It should be retained.

These modifications to ZQA will aid in protecting the existing integrity of the city's diverse neighborhoods. However, this far-reaching proposal still fails to thoughtfully

FRIENDS

of the UPPER EAST SIDE
HISTORIC DISTRICTS

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consider each neighborhood's unique qualities. Absent a greater engagement with individual communities in determining how new buildings can best be knitted into our varied communities to achieve the City's goals, FRIENDS urges the City Council to reject ZQA.

Thank you.



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**Testimony before
New York City Council Land Use Committee
Subcommittee on Zoning and Franchises**

**Zoning for Quality and Affordability
Mandatory Inclusionary Housing Program**

February 10, 2016

Thank you members of the Committee for the opportunity to speak here today on the City's proposed zoning proposals. My name is Edward Ubiera, Director of Policy for the Local Initiatives Support Corporation's New York City Program. I am submitting this written testimony on behalf of LISC New York City.

About LISC NYC

LISC is dedicated to helping transform distressed neighborhoods into sustainable communities of choice and opportunity with good places to work, to do business and raise children. In New York City alone, LISC and its affiliates have invested over \$2 billion—leveraging over \$5 billion for low- and moderate-income communities resulting in over 36,000 units of affordable housing and over 2 million square feet of retail and community space.

LISC's role in Affordable Housing

In partnership with community-based organizations, the preservation and development of affordable housing has been and continues to be at the core of our work. Our platform of technical assistance and lending products and our role as a thought partner with local government stakeholders were key in providing community-based organizations the tools and capacity needed to transform neighborhoods during an era of disinvestment and abandonment. However, we are facing a different set of problems today stemming from a crisis in housing affordability and a crisis in supply. As this commission is aware, more than 50% of households in New York City are cost burdened. There is also insufficient housing supply for extremely low and very low-income households.

We Support ZQA

LISC NYC believes that the citywide "Zoning for Quality & Affordability" is a thoughtful and reasonable proposal that will make it possible for mission-oriented developers to design and build more attractive -- and most importantly more affordable housing. By our analysis, when approved and

implemented, ZQA will not compromise the character of the livable, mixed use, and contextually zoned neighborhoods we have grown to love. To ensure that neighborhoods maintain the balance between density and character, we strongly encourage the City Council to modify the proposed ZQA text to require a formal mechanism for community board consultation.

We agree with the core elements of the proposal that will modernize design guidelines and allow for increased density. For years, nonprofit developers of affordable housing have faced many challenges in applying the current zoning rules to their affordable housing projects. ZQA offers some common sense changes that will make it easier to design and build on irregular sites without having to get special approvals that require extra time and cost. Also, the addition of ceiling height to ground floors will facilitate the development of more viable commercial spaces, especially for mom and pop stores that add street vitality.

We support the ZQA provision that makes parking requirements optional for new affordable and senior housing. We believe it makes sense to allow existing senior housing developments with underutilized parking spots to convert them to either additional housing, open space, or other community amenities. Parking spaces are expensive and especially difficult to justify given the low levels of auto-ownership by many residents of senior housing and affordable housing. However, we urge the City to make sure that public transport investments in designated “Transit Zones” are sufficient when additional units are added to a neighborhood. Community-based organizations who build housing understand the transportation needs of their neighborhoods, and are confident that they will be able to weigh these needs as they make design choices with the additional flexibility provided by ZQA.

Mandatory Inclusionary Zoning (MIH) Should Be Complemented With More Tools To Combat Displacement & Harassment

A key element of New York’s Housing Plan is the proposal to establish a Mandatory Inclusionary Housing policy – the first ever in NYC. In concept, we are supportive of policy efforts like MIH that seek to increase the supply of affordable housing, and harness market forces to deliver affordable units, mostly without subsidy. Since MIH was proposed in 2015, we have been in regular contact with our key community partners who are on the front lines of the housing crisis to better understand their concerns. As this Committee is aware, these concerns revolve around the knotty issues of affordability, speculation, displacement and landlord harassment.

We support MIH’s goal of requiring housing for a wide range of household incomes, as economic diversity is healthy for our city. However, we remain concerned that the affordability options in MIH may not deliver sufficient benefit to households with the greatest housing need, namely very low-income households. We encourage the City Council to require that deeper layers of affordability be added to the MIH zoning text and to ensure that HPD subsidies are focused in such a way to maximize the amount of deeply affordable units that can be delivered in rezoned neighborhoods. Community-based organizations are part of the solution to this problem. Delivering and managing deeply affordable units is what they do well. Given the current marketplace of expensive acquisition and building costs, new and flexible financing tools will have to be deployed to strengthen the ability of nonprofit developers to deliver these much needed, deeply affordable units. New tools that the City Council should consider include extending financial guarantees to nonprofit developers, providing nonprofit developers a right of first refusal in tax lien sales, and discounting water and sewer charges for nonprofit owned rental housing that provides deep affordability.

Additionally, measures beyond the scope of the zoning proposal are also needed to ensure that low-income households in rezoned neighborhoods remain protected from speculative real estate pressures. We encourage the City Council to heed the concerns of the nonprofit community development sector whose 30 year track record of partnering with the City preserved tens of thousands of units of affordable housing in dozens of neighborhoods. We recommend that the traditional tools and resources available for code enforcement, tenant organizing, and legal services be strengthened and deployed with even greater strategic focus so that neighborhood groups can be at the forefront of a comprehensive, pro-active, anti-harassment and displacement initiative. Part of this initiative might include the creation of “anti-harassment districts” with monitoring responsibilities shared with neighborhood groups.

Finally, there is an emerging consensus in the community development field that making households resilient against displacement and harassment pressures also requires that households have steady income, good credit, and savings strategies. Many community-based organizations are working with low-income New Yorkers to build wealth and assets in their neighborhoods. The City Council should ensure that community-organizations have the resources necessary to deliver asset and wealth building programming in low-income neighborhoods.

We welcome serving as a thought partner to the City Council on these matters.

Thank you for the opportunity to testify.

February 10, 2016

Contact: Edward Ubiera, Director of Policy, LISC NYC 212-455-9584



February 10th, 2016

**Written testimony respectfully submitted to the NYC Sub-committee on Zoning and Franchises,
by Melissa Chapman, Senior Vice President, Public Affairs at the Brooklyn Chamber of
Commerce, supporting T2016-4068 and T2016-4069**

Hon. Donovan J. Richards, Chair

Good Morning Chair Richards, other members of the NYC Sub-committee on Zoning and Franchises;
and guests.

I am Melissa Chapman and I serve as the Senior Vice President for Public Affairs at the Brooklyn Chamber of Commerce. This testimony is being delivered on behalf of Carlo Scissura, President and CEO of the Brooklyn Chamber, in support of the two provisions related to the implementation of Mandatory Inclusionary Housing (MIH) in NYC.

At our core, the Brooklyn Chamber is a membership-based, business assistance organization that represents the interests of over 2,100 members, as well as other businesses across the borough of Brooklyn and beyond. The Brooklyn Alliance is the not-for-profit, economic development organization of the Brooklyn Chamber, which works to address the needs of businesses through direct assistance programs.

Today, we join several other local business supporters, and the action group United For Affordable NYC, to call for affordable housing options in our city. This measure will position NYC to retain a valuable workforce, which would in turn sustain the growth and development of our neighborhood businesses, especially “mom and pop” shops. In addition, such a move will help many of our neighborhoods maintain their rich, diverse culture, which makes them so authentically “New York.”

In order for MIH to be successfully implemented, building shape, parking and senior housing are all important considerations. More specifically, a provision should be made for this group of residents to have reliable access to parking, and buildings must be easily accessible to seniors. According to a 2012 report published by the NYC Department of Aging, the City’s older population of 65+ is expected to increase dramatically by 45% to 1.35 million by 2030. MIH will help to meet the growing needs of this population, and reduce the burden of displacement due to surging housing costs.

As it relates to modified zoning to meet the goal of 200,000 units of affordable housing over the next 10 years, new developments should have parking available onsite and/or at nearby facilities, which will improve the quality of life for residents.



**Brooklyn Chamber
of Commerce**

Under the current plan, it is noted that the requirement would incorporate existing City housing subsidies, other zoning changes and 421a reforms achieved in Albany in June 2015.¹ It is critical that robust incentive programs be made available for developers to effectively execute MIH.

It is for these reasons that we give our full support to T2016-4068 and T2016-4069. Thank you for the opportunity to testify at today's hearing.

¹ <http://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>

Broadway Community Alliance

NYC City Council Testimony, February 10, 2016

My name is Laura Spalter. I am speaking on behalf of the Broadway Community Alliance, a North Riverdale civic group opposed to the Mayor's Rezoning Plan. Mayor de Blasio's one-size-fits-all plan will gut years of deliberate and thoughtful community planning that resulted in Community Board 8's 197-a Plan, adopted by the City Planning Commission and City Council in 2003. That plan resulted in a series of zoning actions to "preserve the scale and character of area neighborhoods." The Mayor's plans serve to benefit the real estate interests at the expense of our unique neighborhoods.

Lost in the debate is that under current zoning, developers of affordable and senior housing can already build taller, denser buildings with fewer required parking spaces, often to the frustration of their neighbors.

Buried in the proposal's 1,000 pages is the loophole that allows developers to apply for "hardship" waivers to the Board of Standards and Appeals to avoid **every** mandate in MIH, including the number and size of affordable units and affordability levels. Also buried, is that the current BSA requirement for developers to show why their projects will not alter community character has grievously been eliminated. Another troubling text change authorizes large scale apartment buildings known as CCRC's in R1 and R2 residential districts zoned for single family homes.

The public has the right to transparency and a cost analysis of the Mayor's Rezoning Plan. How will the city pay for it? What are the costs for promised new infrastructure, schools, transportation, etc? There is no free lunch. Inevitably, the needed revenue will come from raising our property, sewer and water taxes, along with every other tax that we pay. The one Billion dollars allotted is insufficient to fix our hundred-year-old sewer pipes and combined sewer over flow problems in the Bronx alone.

Ironically, Mayor de Blasio has succeeded in uniting this city—against him. Community Boards and Borough Boards have overwhelmingly voted to reject this plan. Clearly, they understand the deleterious impacts caused by Transit Zones, increased density, unbridled growth of community facilities, and luxury high-rise development—serious consequences for a questionable net gain of "affordable" units.

Laura Spalter

Co-chair, Broadway Community Alliance
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Coalition Against the Mayor's Rezoning Plan

Good morning, my name is Laura Spalter. Thank you for this opportunity to speak. I am speaking on behalf of the Coalition Against the Mayor's Rezoning Plan.

We represent 13 community groups united in opposition to Mayor de Blasio's proposed rezoning plan. The two-part plan, Zoning for Quality and Affordability (ZQA), and Mandatory Inclusionary Housing (MIH), are designed to increase affordable housing--a laudable goal. However, the high-density development that these plans encourage and incentivize will be a great boon to developers at the expense of our community's open space, air, light, views, and unique character.

Rezoning will impact our community in a number of ways:

- Producing taller, denser buildings and greatly increasing the number of community facilities;
- Allowing multi-family apartment buildings known as CCRCs in low-density R-1 and R-2 single-family residential areas by changing zoning definitions;
- Accelerating the demolition of private homes and small businesses to create building sites for large developments;
- Creating severe hardship for those who reside in the transit zone for the # 1 train by eliminating or reducing the required number of on-site parking spaces that developers are currently required to provide, resulting in more time spent circling the block searching for already scarce parking spots. Furthermore, only one of our four stations are ADA accessible;
- Overcrowding local schools and overburdening aging infrastructure;
- Making it easier for developers to obtain special permits and to win variances at the Board of Standards and Appeals without regard for impact on community character;

Mayor de Blasio's one-size-fits-all plan undermines Community Board 8's 197-a Plan, which was adopted by the City Planning Commission and the City Council in 2003. That plan resulted in a series of zoning actions to "preserve the scale and character of area neighborhoods" in North Riverdale, Central Riverdale, Spuyten Duyvil, Van Cortlandt Village, and elsewhere, plus text amendments for the Special Natural Area District and expansion of SNAD boundaries.

Mayor de Blasio's rezoning plan is seriously flawed. There are other ways for the City to meet its affordable housing goals without rezoning. We, the taxpayers, will ultimately pay the massive costs for these giveaways to developers under the guise of promoting increased affordable and senior housing. We ask you to represent the people of the city of New York whose 59 Community Boards and Borough Presidents almost unanimously rejected these plans.

Thank you.

Sura Jeselsohn
Along the Hudson Homeowner's Association

Laura Spalter, Damian McShane
Broadway Community Alliance

Stuart Gartner
CPR (Committee to Protect Riverdale)

Patrick Burke
Fieldston Mutual Housing Cooperative

Jodie Colón, Tony Thoman
Friends of Spuyten Duyvil

Richard Baldwin, Jennifer Klein, Marty Zelnik
Riverdale Community Coalition

Peter Kohlmann, Robert Lynch, Sherida Paulsen
Riverdale Nature Preservancy

Avi Henoch
Riverdale Safe Streets

Frank Analante, Gary Klingsberg
Riverdale-Spuyten Duyvil Coalition

Josephine Perella
Robin Hill Association

Marty Zelnik
Sigma Place Homeowner's Association

Thomas Owens
Skyview on the Hudson

Deirdre Burke
Vimont Homeowners Association

Good Evening. My name is Michael Beltzer and I have been an active resident of The Bronx for the better part of a decade. I want to thank Borough President Diaz and The Bronx Borough Board for holding this public hearing. I am here tonight to ask the same question I posed at the first scoping meeting on the Zoning for Quality and Affordability, which was, what are we trying to do here?

Now, having attended a few meetings on both Text amendments, I now have a much better understanding of what is being proposed. Unfortunately, my neighbors and community have not had such an opportunity. Schlepping down to Chambers street just isn't feasible for most people. Being a member of my local community board, I can tell you that the outreach has simply been inadequate. Holding a single meeting for the borough and running through a slide deck at a committee meeting does not suffice. Our communities have not been provided a real avenue for input.

So again I ask, what are we trying to do here? While I agree with updating the text with better building envelopes, removing parking minimums proves problematic in two ways. The first is that in many Community Districts, parking is scarce. I would call for a Citywide Parking study to be conducted. Second, this is being called for in "transit zones", though not all zones are created equal. 9 of our City's subway lines are over capacity, so any plan that does not also call for upgrades to our transit infrastructure isn't the plan we need today. In districts where there are overcrowded lines or scarce parking, a phase in period should occur until solutions are found.

With regards to MIH, who will have Options? Developers and the City Council. Again, what are we trying to do here?

I will not blame developers at this point for they are working within the regulations Government has set. My concern again is how much input did our communities really have? The City Council discussed options, using percentages of AMI, AMI of course being a whole other issue to tackle. The council picked three options but where was our say? They must not have looked closely enough at the BAE study or listen to their constituents. A fourth option of 40% of AMI should be included to ensure those already living here can work toward a suitable home to live.

Why did the Council not discuss any provisions for local hires? How about workforce development in each Community District? Why aren't we talking about ensuring these construction jobs go to our Union brothers and Sisters? Where is the Administration on enacting MWBE contracting requirements?

Are we simply looking for new places to cram in more people? Are we looking to uplift those who have been here for generations or push them to the side? As we look toward the future, we cannot forget about our past. Change is good, but we must be better.

Testimony delivered by Michael Beltzer at The New York City Council's Public Hearing on the Proposed DCP Zoning for Quality and Affordability and Mandatory Inclusionary Housing Text Amendments, February 10, 2016

Good Afternoon, my name is Michael Beltzer, a simple public official from the beautiful mainland that is The Bronx and I would like to thank the NYC Charter for ensuring our right to be heard here today. At prior public hearings, I've asked a simple question; what are we trying to do here?

While I am in agreement with the spirit of ZQA and believe the objective of MIH is just and fair, but both seem to be falling short of the opportunity we have. Referring to prior testimony submitted, both by myself and others, these amendments should not be silent on issues such as contextual districts, deep and permanent affordability, local hiring, workforce development, transit and other vital infrastructure and of course, BUILDING IT UNION!

We fall short of innovative solutions, like in Zurich, where on-street parking is eliminated, replaced off-street, leaving more room for public transit and spaces. Sure, we will be well ahead of other cities on "Mandatory Inclusion", which is just a mix of percentages, averages and federal calculations, but why is the only thing we are trying to include are undersized, unaffordable and unsafely built units? Where is the inclusion of Sustainability, both environmentally and economically? This isn't discussed because zoning in NYC isn't based primarily in urban planning practice; it is really a form of economic regulation.

Carl Weisbrod proudly stated over 100 meetings have been held with CBs. There are 59 community districts in this City; do the math, is that adequate? While I've been able to go out of my way to become comfortable, my neighbors have not. The City Charter mandates a Public review process, but what this City needs is a PUBLIC ENGAGEMENT PROCESS!

City Charter Section 197-a empowers Community Boards to develop community-based plans. Being fortunate to have been entrusted by my Community District to facilitate this process, I truly believe it is essential for the boards to return to their planning roots. Since many Council Members started on a board and are non-voting members of each board in their districts, I urge you all to vote no on both proposals, go back to your boards and lead a true engagement process. Fund a planner for them first though, right Ben(CM Kallos)? To ensure our citizens, not the development community is the City's focus; we should revise the Charter to give teeth to such community plans and other benefits agreement.

Bill De Blasio campaigned on ending the "Tale of Two Cities." His administration mentions things like a \$1bln Neighborhood fund, as if that strategically addresses our City's dire capital needs; but the Center for Urban Future says we need \$1.1bln for our libraries alone! Now going and issuing \$2.5bln debt for faux transit in Quooklyn to connect luxury waterfront playgrounds isn't building "One New York", it is excluding one from the other.

So again I ask, what are we trying to do here? Are we simply looking for new places to cram in more people? Can we uplift those who have been here for generations or will we just push them to the side? As we look toward the future, we cannot forget about our past. Change is good, but we must be better.

Email: BeltzerNYC@gmail.com IG/Twitter: @BeltzerNYC

Good morning,

My name is Emily Kurtz. I am the Deputy Housing Director for the Ridgewood Bushwick Senior Citizens Council, Inc.

I am very pleased to have the opportunity to testify before you today on behalf of the ZQA text amendment. While there are so many favorable components of this amendment, I will primarily focus my comments on site coverage and underutilized parking for senior buildings.

Our agency has developed or sponsored over 3000 units of affordable housing in Brooklyn, over 550 of which are dedicated to low income seniors. The seniors living in our buildings live in secure, well managed, and supportive environments. Each building has onsite service coordinators available to provide assistance with appointment scheduling, entitlement access and coordination, and many other challenges faced by our residents. Our residents enjoy a range of onsite social activities, such as oil painting, tai chi, and Zumba, and are also offered transportation to nearby senior centers. Best of all, each of our senior residents pays only 30% of their income towards rent thanks to project-based Section 8 contracts.

Every effort made to realize these projects (and it is quite an effort) is validated by the fact that they provide essential units of housing to a vulnerable population that is predicted to grow to unprecedented levels in the next two decades. ZQA can make the process easier by removing impediments to building to the highest and best use of any lot. For example, we have determined that under the ZQA amendment, a development in our pipeline would improve by a 20% increase in the number of housing units, in addition to creating a more inviting and flexible ground floor community facility space to accommodate a large Federally Qualified Health Center. This is achieved through a reduction in the required parking and adjustments to rear yard requirements on irregular lots. As the market for development sites continues to escalate citywide, the proposed amendments under ZQA are necessary to level the playing field so that affordable senior housing developers are able to continue to build critical apartments for our city's aging population

The parking lots at our senior buildings are severely underutilized, as they are restricted to residents and staff, and very few of our residents own cars. Should ZQA pass, we have

identified 4 existing projects that could potentially support development of additional units of affordable senior housing. To think that the precious resource of buildable land is dedicated to underutilized parking lots in the neighborhoods that we serve and across the city is frustrating, especially to those of us who are routinely contacted by low income seniors or by their families desperate to find affordable housing. This is a daily occurrence, and it is heartbreaking.

Finally, I also endorse the Mandatory Inclusionary Housing text amendment, because too often in our neighborhoods we have seen vast private wealth conferred on landowners and developers through rezonings with little public benefit received in return.

I am thankful to the Mayor's office and the Department of City Planning for proposing both the Zoning for Quality and Affordability and the Mandatory Inclusionary Housing text amendments, and I fully support their implementation.

Thank you.

TESTIMONY
JOHN C. NAPOLITANO, DIRECTOR OF COMMUNITY DEVELOPMENT, HANAC, Inc.
ZONING FOR QUALITY AND AFFORDABILITY
New York City Council, NEW YORK, NY
February 10, 2016

Affordable Housing saves lives! Affordable Housing is also a stepping stone for a better life!

My name is John Napolitano, the Director of Community Development of HANAC, Inc. a non-profit social service provider and affordable senior housing developer. HANAC has been providing senior services since 1973. In delivering services to the elderly we came to realize that we could not stabilize their lives if we did not take action to meet their housing needs given the constant threat of rising rents and loss of the roof over their heads. Just last month we took the step to house a 65-year old army veteran, by the name of Thomas, who had been street homeless for the last 21-years and retreated to the mausoleums of St Michael's Cemetery in Queens to protect himself from the elements during harsh winter months. Had we not intervened with this housing opportunity, Thomas was convinced that he would have died on the streets.

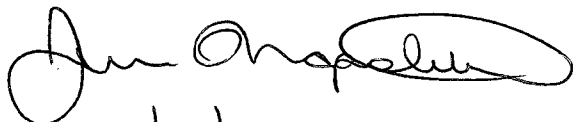
With the development of our most recent housing project in 2012, the HANAC-PCA Senior Residence, we experienced firsthand the overwhelming pent up need for affordable senior housing in our community. Over 2,600 paper applications were received for 66 available units. In covering the building's grand opening, The New York Daily News reported in their story that a person had a better chance of getting into Harvard University then they did getting an apartment into this new building. For the 350 units of senior housing that make up the HANAC portfolio, our wait list has grown to over 12,000 with an average wait time of 7 years for an apartment.

Over the past 2 years HANAC has worked on the pre-development of a new affordable senior housing project on a city owned site. To create a feasible project of 68 units, the ULURP application required 3 mayoral overrides. (1. For Accessory Parking; 2. For Dwelling Unit Factor; 3. Open Space Ratio). These procedural hoops require an inordinate amount of staff time and expense while delaying the development of urgently needed housing.

On behalf of HANAC, I applaud the city's efforts related to its proposed zoning amendment. Through our 20-years of experience sponsoring the creation and preservation of new affordable housing for seniors, we fully support the Zoning for Quality and Affordability amendment to facilitate the development of new senior housing. Under the proposed zoning amendment, developers/sponsors similar to HANAC would be better able to include new amenity spaces such as senior social care centers on the ground floor of its new projects due to changes in maximum height limits. It would also preclude the necessity to finance and maintain expensive parking facilities within these new housing developments that cost on average \$50,000 a parking space. It should be noted that LiveOn NY's study, *"Paving the Way for new Senior Housing"* identified Section 202 senior housing sites with under-utilized parking lots that could realize as many as 2,000 units of additional senior housing if the ZQA amendment were adopted in its current form. The plan before us, I believe will not diminish the livability of our communities. On the contrary, it will increase both amenity and neighborhood equity through added affordability in an effort to make our city a more livable place to thrive for all New Yorkers.

Thank you for the opportunity to testify.

I also ask to **please keep our city's seniors in mind when you cast your vote for the ZQA amendment.**


2/10/16

TESTIMONY
JOHN P. KAITERIS, CEO, HANAC, Inc.
ZONING FOR QUALITY AND AFFORDABILITY
CITY COUNCIL OF NEW YORK CITY
FEBRUARY 10, 2016

FOR THE RECORD

I am John Kaiteris the Executive Director of HANAC, Inc. a non-profit social service provider and affordable senior housing developer. HANAC has been providing senior services since 1973. In delivering services to the elderly we came to realize that we could not stabilize their lives and end the persistent stress they lived with living in housing that did not meet their needs with the constant threat of rising rents and loss of the roof over their heads. With the development of our first senior housing in 1993 we experienced directly the overwhelming pent up need for affordable senior housing. Thousands applied for the 100 units of housing and now after developing 350 units of senior housing our wait list has grown to over 12,000 with a wait time of 7 to 10 months for an apartment. The demographics speak for themselves. The aging tsunami is upon us with the elderly in New York City expected to grow by 47% by 2030. One out of 5 older New Yorkers live in poverty with incomes below \$11,000 and thousands more struggle financially to cover essentials making daily choices between paying rents, utilities, food and medical expenses. The rent one can pay on such a low income is at best several hundred dollars a month and New York City no longer has such low rent housing. This is a rapidly growing population that is now beginning to show up in greater numbers in the ranks of the City's homeless shelters and now exceeds 2,000.

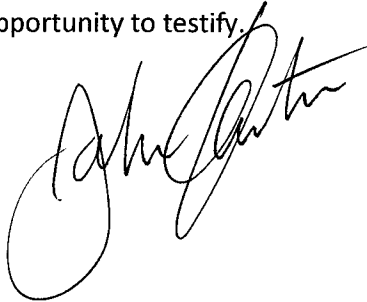
When we started developing housing in 1989, City owned land was plentiful and available for development of senior housing. Now there is little City land available and the competition from market rate development for non-City sites have driven up land prices to astronomical levels. There is an absolute need to rethink how development will be accomplished in the City and how the need for affordable housing will be addressed. The old approaches no longer work.

Over the past 2 years HANAC has worked on the development of an affordable senior housing project on a City owned site with limitations and as of right only 34 units of housing could be developed. To create a feasible project of 68 units of housing required 3 mayoral overrides that prompted the Chair of the City Planning Commission to comment that there needed to be changes in the zoning regulations so that no future senior housing project would need to go through such unnecessary procedures. Procedures that required an inordinate amount of staff and consultant time and expense and consequent delay in

the development of urgently needed housing was a cost that HANAC bore and ultimately the seniors in need of the housing.

It is with this experience that we welcome and fully support the proposed zoning amendments, in particular the Zoning for Quality and Affordability that will allow for creative ways to facilitate the development of affordable senior housing. The amendments face head on the zoning constraints that prevent maximizing development without doing harm to the contextual nature of the community. The reduction of parking requirements and the relaxation of minimum unit size where appropriate and needed and the easing of other zoning constraints that impede development will make the development process easier, more rational and in the end more productive all with a sensitivity and receptivity to local needs, preferences and concerns. It should be noted that LiveOn NY's study, "Paving the Way for new Senior Housing" identified Section 202 senior housing sites with under-utilized parking lots that could realize as many as 2,000 units of additional senior housing under ZQA amendments. The ZQA amendments reflect an openness to increasing amenity spaces and for open dialogue in the development process. HANAC supports the amendments and will work with the City to see that they are implemented for the benefit of New York's seniors.

Thank for the opportunity to testify.

A handwritten signature in black ink, appearing to read "Adam B. Carter". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

**Community Association of Progressive Dominicans-(ACDP)
An Affiliate of ACACIA Network
Executive Director: Ms. Soledad Hiciano
ZQA Hearing Testimony February 10, 2016**

FOR THE RECORD

My name is Soledad Hiciano and I'm the Executive Director for The Community Association of Progressive Dominicans, (ACDP). We are a not for profit that is situated in Washington Heights and serve over 28,000 families in Manhattan and the Bronx.

Affordable housing in our communities is a rare commodity. We lose families and seniors every year due to gentrification and higher rent rates. The Zoning for Quality and Affordability will help in assuring a future in housing for those in greatest need in our community. Our seniors are in desperate need to have peace of mind and options not to lose their way of life in the community they have helped to build because of rent hikes or high level apartments without elevators.

When they find themselves in these predicaments the only way out is to apply for Senior housing in any part of the city that they qualify for, many times leaving their friends, family and community behind. This magnificent city that was build by our seniors deserves a new initiative that would alleviate their worries of their fundamental need of housing. Seniors deserve to have a mix of services within the same community as they age. Is this not what we would all want? Would we not want to continue to live and have a great quality of life in the communities we have helped to grow and maintain? This initiative will bring a new light and solutions to these problems. If we are being truthful, 40 year old regulations do not fit our current needs.

The Mandatory Inclusionary Housing initiative goes hand in hand with ZQA. While I previously mentioned the importance of having affordable and quality housing for our seniors, it is also important to remember the other generations that are living in our communities but are struggling with affordable housing issues. We have hard working families who can't continue to live in our communities due to higher rents. Their income average of around 32K disqualifies them from applying for affordable housing units. But the real tragedy is in our young adults who are joining the workforce after college. They are unable to afford an apartment in the community they grew up in. The Mandatory Inclusionary and Affordability initiative will provide the opportunity to create thousands of housing units for our communities to address these issues. While it is not enough, it will set a precedent and is a great start.

I commend this city council for creating the space for new initiatives in our great city and understanding the importance of preserving our communities and supporting its residents (who are your continuants). I hope you will support and vote favorably on the initiative of ZQA and MIH. Our Communities are depending on you.

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

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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.

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Peter D. Salins
Marian Sameth

- 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.

Testimony of Stephen Yearwood SEIU 32BJ member
February 10, 2016

Good morning. Thank you for the opportunity to testify today. My name is Stephen Yearwood and I work in a residential building in Clinton Hill, Brooklyn. I live in the Bronx and I've been a member of 32BJ for 17 years.

I am here to support Mayor de Blasio's plan for Zoning for Quality and Affordability because it will provide vital housing that we need for hard-working people in our city who are seeing rents go up and affordable housing disappear.

I am lucky because I live in Co-op City in the Bronx, one of the biggest housing developments for working and middle-class people in the country. It is also home to a large group of senior citizens, a group that I know is in desperate need of affordable housing in our city.

With so many of my union brothers and sisters and other working people and older people struggling to keep up with the rising cost of living, we need more affordable housing so that they can keep calling New York City Home.

This is why we need Zoning for Quality and Affordability, so we can break down some of the barriers that are keeping desperately needed affordable housing from being built—especially housing for older New Yorkers.

This city is my home and I want to stay here, even after I retire. So do a lot of people. But many of my former union members feel forced to leave the city, if not while they're still working then after they retire.

We need these changes so that all New Yorkers can retire with dignity and keep living in New York City. That's why I'm supporting the mayor's much needed plans to create and preserve more affordable housing in our city.

CARNEGIE HILL NEIGHBORS

FOR THE RECORD

STATEMENT REGARDING PROPOSED TEXT AMENDMENTS FOR ZONING FOR QUALITY AND AFFORDABILITY (ZQA) TO NY CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES BY LO VAN DER VALK, PRESIDENT, CARNEGIE HILL NEIGHBORS (Hearing at City Hall; February 10, 2016)

Allow me to thank you, Chair Richards and Members of the Subcommittee on Zoning and Franchises, for this opportunity to address the issues raised by the ZQA text amendments.

Our organization and its history: Carnegie Hill Neighbors is a volunteer membership organization dedicated to improving quality of life in the Carnegie Hill community with a catchment area of about 40 city blocks the Upper East Side between Fifth and Third avenues from 86th to 98th streets. We were formed in 1970 with the dual purpose of opposing the tall buildings being built and planned on and near Madison Avenue at 89th and to pursue the formation of the Carnegie Hill Historic District (first created in 1974, with a major expansion in 1993; two other districts were added later) to encompass the many individual landmarks that the Landmarks Preservation Commission had designated soon after the enactment of the landmarks law in 1965. We also pursued quality of life issue and pioneered the annual planting and maintenance of the Park Avenue malls from 86th to 96th Streets funded by the surrounding apartment buildings, a model soon emulated for the 40 or so blocks to the south. We have also maintained an active interest in zoning – participating in the creation of R8B zoning in the 1980s, the subsequent downzoning of Madison Avenue, and the creation of the Sliver Law among other issues.

Our Opposition to ZQA: Carnegie Hill Neighbors wishes to register its opposition to ZQA. We feel ZQA's overall thrust is a wholesale upzoning of much of the City, and its approach can largely be characterized as one-size-fits all. At the same time we wish to state that seeking better solutions to increasing affordable housing in general and for seniors in particular, are very worthwhile and pressing goals. Ideally, our wish is that these goals could be pursued in a different manner. Barring that, we would favor a slower more in depth approach to introducing amendments. We also feel that the payoff in terms of benefits accruing to affordable housing should be more favorable compared to the benefits accruing to developers under the proposed provisions. Also, we note that certain provisions of the proposed amendments that do not impact our area are both appropriate and welcome – such as replacing the outdated parking provisions.

In enumerating our opposition more specifically, we agree with a number of arguments that the Historic District Council makes in its opposition to ZQA. In particular, we cite the following objections to ZQA that could have applicability to our area:

- ZQA is a wholesale upzoning of the entire city, without consideration to borough or neighborhood;
- The current height limits are not proven to impede developers' decisions to participate in inclusionary housing, therefore it is not clear that they need to be raised;
- There is no study or proposed solution to preserving existing affordable units, while up-zoning could incentivize demolition of these units;

- Senior housing will be a fraction of larger market rate residential housing created; and it will not be permanent (a 30 year limit has been cited), but the new heights it will allow will be permanent;
- There is no guarantee that current affordable housing will be replaced in-kind by new development.

Some Further Comments on Specific Topics

ZQA treatment of R8B contextual zoning: R8B zoning was created in the 1980s after a great deal of research and analysis by the City Planning Commission, community boards, and civic organizations (including our own). It was not an ideal solution for everyone, but rather a compromise both within community districts and across boroughs. Following are some considerations regarding the current ZQA proposal that apply to R8B:

- **Overall height limit maintained:** We note and are grateful that the original R8B maximum height proposal for ZQA of 85 feet was abandoned in favor of a revised proposal that maintains the current 75-foot limit.
- **Overall FAR maintained:** We also note that the current floor area limitation at an FAR of 4.0 was maintained from the start.
- **Perfect matching of two constraints was never a goal:** When R8B was formulated, it was recognized that in many cases the zoning envelope (height limits and setback requirements) and the allowed FAR at 4.0 for a specific building proposal would not result as a perfect match of the two, so that no allowed area (FAR) would go unused or the entire zoning envelope would be filled. Yet because both constraints were determined as part of a compromise, no one harbored the expectation that both measures could be realized at their maximum for the same project.
- **Allowable front base height increase to 65 feet:** While the arguments for a higher first floor to justify the maximum streetwall height (before setback) at 65 feet rather than 60 feet – namely, to allow higher (and hence affording more privacy) first floor windows for residences – seem compelling, these are not the only considerations that should apply. If the building is set back from the streetwall – perhaps in deference to the context of a predominantly existing rowhouse block – this solution to the privacy issue is less pressing, and a 60-foot maximum street wall may be workable.
- **Allowable rear base height increase to the full 75 feet:** The elimination of a required rearwall setback at the height of 60 feet will lead to a higher buildup of the “doughnut” wall surrounding the open rearyard space and will allow less light to reach these enclosed rear yards.
- **Potential increases in floor area creates pressures for building height increases in historic districts:** One result of raising the maximum allowed front streetwall to 65 feet is that it will more readily allow an R8B building to have an additional floor (from 6 to 7 floors). Yet this will create pressure on the Landmarks Preservation Commission (LPC) to allow larger additions for houses in historic districts than would be the case with no height increase in the permitted front wall. The same logic applies to the proposed elimination of the rear wall setback above 60 feet. These pressures could result in the LPC permitting taller and less historically contextual additions. Granted, some may view the magnitudes involved as minimal, yet since so many historic districts with R8B zoning are underbuilt, the added potential for increases would not be minimal and the increase in potential height could reach a tipping point that could create incentives for very significant increases in upper floor bulk and building heights in historic districts.
- **Uniform depth of front street walls:** It is not clear that the existing provisions to encourage to the extent possible a uniform front streetwall (in terms of setbacks from the front property line) will be maintained under the new provisions.

- Community Facilities: These are allowed an FAR of 5.1 instead of 4.0 in the Upper East Side (Community District 8), and this is the only such exception for all five Boroughs. At the time of the creation of the R8B districts there were various pending school expansion applications; with the limitations in floor area imposed by an FAR of 4.0, it was felt that 5.1 would better meet this perceived hardship for institutions with such plans. At the same time it was viewed that this exception would be phased out. This never happened. We suggest that the current zoning revision provides an opportunity to revisit that issue, and we recommend that this FAR preference of 5.1 be eliminated.

The troublesome dormer provision for R8B: Some will view the proposed additional 5 feet in the front street wall base height to 65 feet instead of 60 feet as not unreasonable. Still we wonder if such a concession were to be approved (and we repeat that this would not be our choice) could this concession not be balanced against a give-back of the dormer provision approved with a zoning amendment in the late 1990s or early 2000s that allows very large dormers – effectively, a “set-forward” – at the top floor for a large portion (typically about one third) of the width of the street wall for buildings wider than 45 feet. An example of this is 180 East 93rd Street, a seven story apartment building, which was built in around 2008 and displaced three rowhouses (see photo at right). The developer was able to fit 7 floors into the building, even under the current zoning (although the slope of the hill may have made that possible). The major point we wish to highlight is that the dormer provision for R8B made the building top heavy and very much out of context in scale to the rowhouses on either side.



ZQA zoning proposed for Lexington Avenue (in the East 80s and 90s): Lexington Avenue, at only 75 feet in width, is considered a wide street (allowing for greater height allowances). Had it been a few inches narrower, it would have been considered a narrow street, with greater limits placed on base heights and overall heights. Instead under C1-8X the current height limit is 160 feet, and under ZQA the C1-8X on Lexington Avenue would get an additional 5 feet for base height and 15 feet for total height (to 175 feet). If the affordable senior housing option is chosen, a building would receive an additional 0.7 FAR (to 9.7) and an additional increase in height of 30 feet to 205 feet, or 45 feet taller than what it is currently allowed. However, most of the increase (and all of the upper floors created) will be used for market rate; senior housing will most typically account for only a small portion of the added height. Moreover, the senior housing benefits will be limited to 30 years.

The Absence of Height limits for Third Avenue: Third Avenue is rightly considered a wide street. Unfortunately, it has no height limits. Due to a combination of building technology advances and market forces combined with the long existing mechanism of transferring development rights, we are now confronted with the not earlier anticipated result of as-of-right buildings with heights reaching over 600 feet and having floors that are 14 feet or more in height.

We hope that the City Planning Commission can address this pressing situation and work to impose some type of height restrictions.

The contemplated ZQA elimination of sliver law provisions: We understand that the text amendment contemplates the by-passing of the sliver law provisions in the case of affordable senior housing buildings or inclusionary housing buildings in MIH areas. The sliver laws were originally enacted in the 1990s after in-depth deliberations. They offer protection against unsightly skylines in the districts where they apply. We feel the sliver law provisions should be kept for all cases where they now apply.

Conclusion

We feel that ZQA in its overall scope is much too broad to allow for meaningful in-depth discussion of the individual aspects in the time allotted for this. This may not apply as fully for experts, but we feel it does apply for most interested non-experts and for most members of community boards. Just one example may illustrate this: it is our impression (though admittedly hard to establish factually) that at the community board level (in our case, Community Board 8) more time was spent to create R8B zoning in the 1980s than has been spent to consider the entire current ZQA proposal. Thus, even at the community board level meaningful discussions were essentially limited to overall generalizations or to pin-pricks of specific aspects, without allowing comprehensive and in depth review.

Thank you for your consideration of this matter.

Testimony to the NYC City Council in Support of ZQA Text Amendments

Christine Hunter, AIA LEED AP BD & C
Principal, Magnusson Architecture & Planning PC
Co-Chair, AIA New York Chapter DESIGN FOR AGING Committee

Wednesday, February 10, 2016

Good afternoon. My name is Christine Hunter – I’m a Principal at Magnusson Architecture & Planning P.C. in New York City and also the current Chair of the Design for Aging Committee at the American Institute of Architects NY Chapter. While I support the overall intentions of the ZQA amendments, I want to speak today on behalf of the Design for Aging Committee, specifically about the text amendments that affect the design of affordable senior housing.

As you know, the number of New Yorkers over age 65 is projected to increase substantially over the next 20 years. Since seniors are especially vulnerable to the effects of rising housing costs throughout the city because of their low fixed incomes, there is a dire need for affordable and appropriate housing for seniors in all five boroughs. Our committee supports zoning changes that will encourage the design and construction of high quality developments, either for seniors alone or within intergenerational buildings. Over the past five years we’ve engaged with residents, housing providers, and city agency staff around the current challenges to meeting the enormous demand for such homes. We particularly support the following four elements of the ZQA Text Amendments:

- The elimination of required parking for new affordable senior housing developments within transit zones. I’ve brought an example of a project currently in design for a sloping site facing Crotona Park, in the Bronx, which will include 82 senior apartments as well as an innovative ground floor senior center oriented to LGBT seniors. The site is well served by public transit, but under current zoning would still require 10 parking spaces, which would have to be underground in order to accommodate the space requirements of the senior center. The projected cost of the 6,000 sf of ramp and parking area is approximately \$1.9 million – since the project sponsor does not anticipate that the spaces would be used by the very low-income residents, this money could be much better spent on the creation of additional units elsewhere in the city.
- Provision to allow waiver of parking for small developments or small lots, similar to the waiver provisions for affordable family housing
- The elimination of the dwelling unit factor, or unit density control, for affordable senior developments. Units in this type of housing are typically a mix of studios and 1-bedrooms, as opposed to family housing which provides more 2 and 3-bedroom units. Under the current zoning, which limits the number of units separately from the floor area, senior buildings often cannot be developed up to the maximum allowable floor area, thus limiting the overall number of affordable senior units that can be built, and making them more expensive because of the underlying land cost.
- Provisions to revise the allowable FAR for affordable senior housing as proposed for certain zoning districts

These text amendments will have no effect on building height but will contribute to the fullest and best use of the available sites within existing neighborhoods, so that as many seniors as possible can age in place and remain engaged in their long-standing communities. We feel that intergenerational neighborhoods benefit residents of all ages, and ultimately the entire city. Thank you very much.

SUMMARY

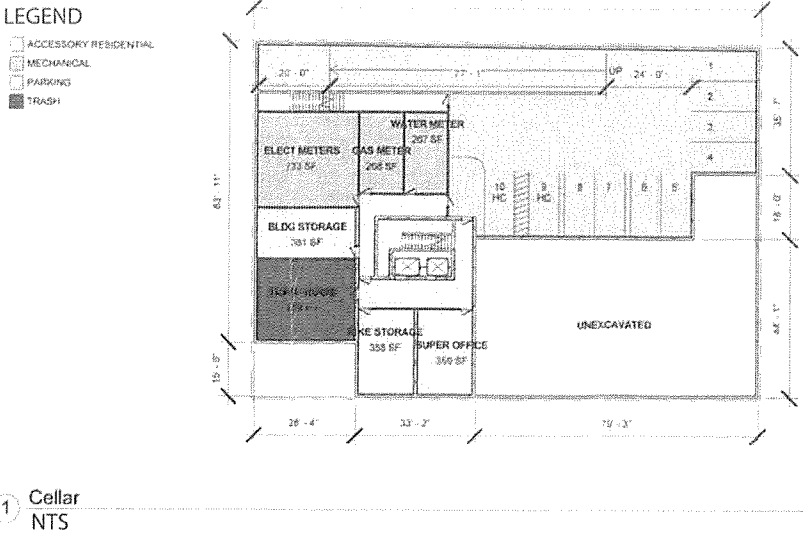
82 STUDIO AND 1 BRM UNITS, WITH ACCESSORY COMMON SPACE

8,960 SF SENIOR CENTER

REQUIRED PARKING PER ZONING (25-25D/25-61): 10 SPACES

WITHIN TRANSIT ZONE: YES

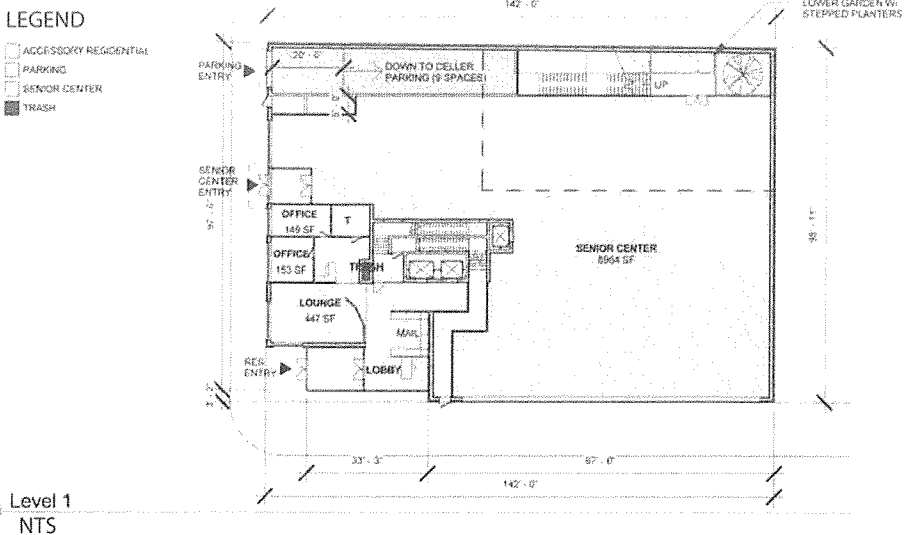
COST OF PARKING & RAMP: \$1.9 MILLION (6,000 x \$316/SF)



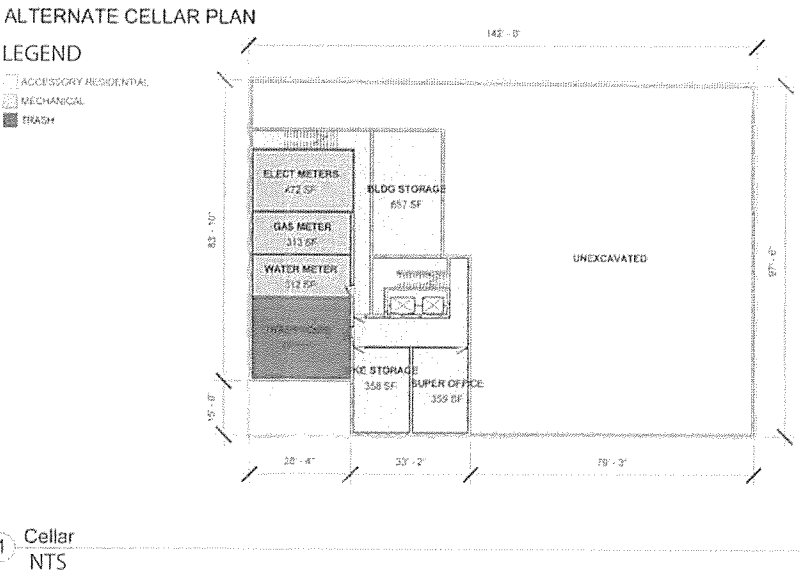
SCHEME UNDER CURRENT PARKING REQUIREMENTS:

SENIOR CENTER: 9,219 SF

OF UNITS: 82



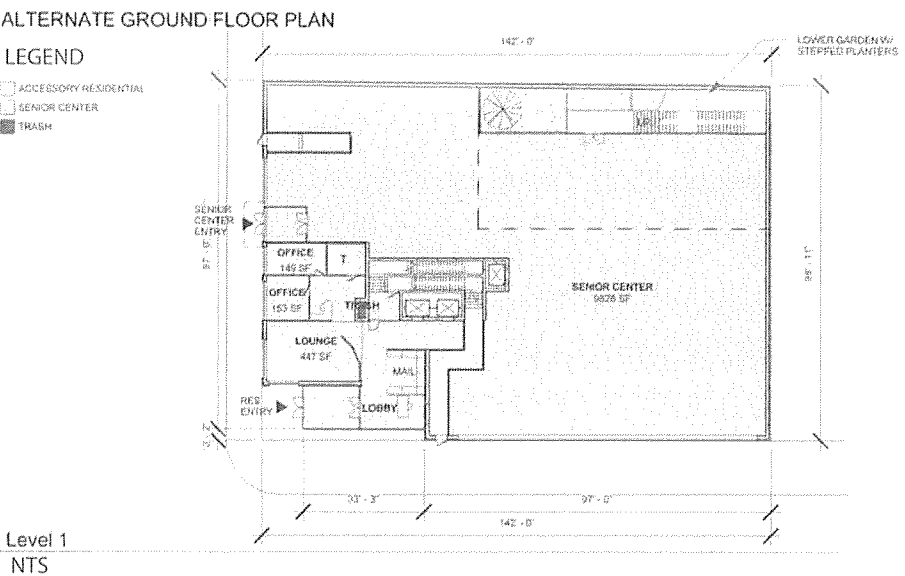
PARKING & RAMP: APPROX. 6,071 SF



SCHEME WITHOUT PARKING (UNDER ZQA):

ADDITIONAL SENIOR CENTER AREA: 864 SF

OF UNITS: 82



PARKING & RAMP: 0 SF

REDUCTION IN CELLAR LEVEL: 5,071 SF

**DEFENDERS *of the* HISTORIC
UPPER EAST SIDE**

Lenox Hill Station
PO Box 768
New York, NY 10021
Phone: 212 561-0589 Fax: 212 591-6727

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



Class Size Matters
124 Waverly Pl., New York, NY 10011
Phone: 212-529-3539
info@classsizematters.org
www.classsizematters.org

Testimony before the City Council Land Use Committee

February 10, 2016

Dear Chair Greenfield and members of the Committee:

Thank you for holding these important hearings today. My name is Miho Watabe, and I am testifying on behalf of Class Size Matters, a citywide parent and public interest group that advocates for better schools and smaller classes in New York City and nationwide.

The proposals under consideration today, Mandatory Inclusionary Housing and Zoning for Quality and Affordability, would lead to increased rates of school enrollment at a time when our public schools are already bursting at the seams. According to the city's own data, there are over 556,000 students crammed into public schools that are overcrowded, and our elementary schools are at an astonishing 104% capacity. Yet there is nothing in these proposals or in our zoning laws that would require that new schools be built at the same rate as these residential units.

According to the Department of Education's own estimates, the current school capital plan just released last month only funds about 59 percent of the 83,000 seats needed to alleviate current school overcrowding and projected enrollment – without even taking into account these new zoning proposals. Our estimates are that the real need for seats is over 100,000. Needless to say, the current capital plan will not be able to alleviate the accelerated growth that these proposals are likely to create.

We join with Make the Road by Walking and other groups to urge the City Council not to adopt any new rezoning proposals unless at the same time you make a commitment to fully fund at least the 83,000 seats that the DOE projects are currently needed. We also strongly urge you to create a Commission or Task Force to propose reforms to make the process of school planning and siting more effective and more efficient.

According to the DOE's own estimates, only 15% of the school seats that our public education system requires are sited and in the process of being designed. Indeed, there are overcrowded neighborhoods in which schools have been funded in the capital plan for a decade or more but have not been either sited or built. There are districts needing thousands of seats in which not a single school has been sited.

The school planning process is broken, and we need a better one, including reforms to ensure that school capacity keeps up with development rather than lagging decades behind. The City Environmental Quality Review (CEQR) formula that City Planning uses to estimate the impact of new construction on school enrollment is fundamentally inadequate. It is based upon census data from 1990-2000, and relies

on borough-wide data, with no differentiation for neighborhoods within boroughs. It fails to take into account significant changes in birth rates and family out-migration rates. Nor does it differentiate according to the size of the unit, as was previously the case.

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

Last spring, the Public Advocate wrote a letter to the Chancellor and the Mayor, along with twenty two Councilmembers, many parent leaders and Community Education Council members, urging an immediate expansion of the school capital plan and a Commission to fix the broken school planning process.¹ Fundamental reforms to the planning process are needed, including a revamping of the CEQR formula in light of more recent birth and census data, improvement in the DOE’s enrollment projections and utilization formula, a more transparent needs assessment, and a more responsive public process that better takes account of the need to build schools along with housing.

Impact fees should also be considered as exist in more than 83 percent of cities and counties, so that developers are obligated to pay into a fund for schools and other infrastructure improvements. All these steps should occur before any zoning changes are instituted that would accelerate the rate of residential development, which has already far outpaced the capacity needs of our public schools.

City officials have often said that their goal is not merely to ensure more housing is built, but also to create better neighborhoods. There cannot be better neighborhoods without a concurrent strategy to build schools along with housing, so that future generations of NYC children are not subjected to even more detrimental conditions.

¹ <http://www.classsizematters.org/wp-content/uploads/2015/06/061515-PA-Ltr-to-Chancellor-Farina-re-Capital-Plan-final.pdf>

Testimony before the NYC City Council 2/10/15

Lisa Gomez

Honorable Council Members:

Thank you for the opportunity to address you today. My name is Lisa Gomez and I'm a principal at L+M Development Partners, an NYC based developer of affordable and mixed income housing. I am also the chair of the board of NYSFAH, the statewide organization that represents the people who build most of the affordable housing in NY State. I am also a former city planning commissioner and have spent more than 25 years working in housing and economic development from the non profit, governmental and private sectors.

I'm here today to speak in favor of ZQA. I believe that the modifications are smart and thoughtful and will not result in the post-apocalyptic streetscapes that some people fear. Some of the modifications include:

- Parking: we own more than 15,000 apartments, most of those in NYC and most of them affordable. With rare exception, our parking lots are underutilized, yet they are expensive to build and sometimes, parking requirements actually drive the building program, limiting what can be built.
- Remaining vacant land in the city is often challenged. Unlike in the 80s and 90s when city owned and other vacant land was more plentiful, the remaining vacant land is often irregularly shaped and sloped. The ZQA proposals address some of that by allowing more of the zoning floor area to be used for the development of affordable housing vs. leaving it unbuilt.
- The proposed height increases are both modest and logical. Current height caps often have one of two less than ideal results: 1. All allowable floor area can't be used, which results in fewer affordable housing units or 2. Height limits restrict ground floor uses resulting in hard to lease cramped retail space or ground floor residential units that are directly on the street .

These are all ways to achieve more affordable housing in a city that desperately needs it. The housing lotteries regularly garner hundreds of thousands of applicants for about 100 apartments. We support any proposals that work to even the odds a little for NYC families who desperately need apartments. I thank you for listening and urge you to vote the merits, not the emotion of these proposals.



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**

Zoning for Quality and Affordability

February 10, 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 Zoning for Quality and Affordability (ZQA).

ZONING FOR QUALITY AND AFFORDABILITY (ZQA)

AARP New York supports Mayor de Blasio's affordable housing plan and as you may have read earlier this week, 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.

In our 2014 survey of registered voters 50+ in NYC, over 90% responded that it is important to be able to stay in their homes as they age. In that same survey 73% of respondents noted that it should be a top priority for public officials to create age friendly communities.

AARP believes that ZQA is a necessary and important step to modernize the City's zoning laws and support the creation of affordable housing in the 5 boroughs. In particular, it will result in the creation of appropriate, senior housing in NYC, and enable the blending of housing and amenities that creates an age friendly community.

Live-On NY recently conducted an important survey showing 98,000 seniors across the city are waiting an average of seven years and as long as 10 years for Section 202 senior housing. Because Live-On got responses from 40% of Section 202 buildings, the waiting list could be over 200,000 people. If that's not a warning bell, I don't know what is.

In December of 2014, the last of the Baby Boomers turned 50, representing a massive demographic shift. Thirty-one percent, or about 2.6 million, of all NYC residents are 50 years of age or older, 13% are 65+ and the 65+ population is expected to increase to 16% by 2030.

Simply put, NYC is aging quickly. We need to make sure that the tools and flexibility exist to meet the needs of an aging population through the creation of affordable, appropriate, senior housing that is part of an age friendly community where older NYC residents can age successfully in place.

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.

**200,000 seniors wait
an average of 7 years
for affordable
housing.**

**Please keep the
needs of seniors in
mind when
considering your
vote on ZQA.**



Making New York a better place to age

Supporting ZQA is a critical first step in addressing NYC's affordable senior housing crisis. Seniors can't wait.

☒ **ZQA can help the 200,000 seniors currently on waitlists city-wide**

Upwards of **200,000 low income seniors** are waiting an **average of 7 years** and as long as **ten years for housing** as projected by LiveOn NY's 2016 *Through the Roof - Waiting Lists for Senior Housing*.

☒ **ZQA will allow community-based nonprofits to build new senior housing on untapped land**

LiveOn NY's recent report *Paving the Way for New Senior Housing* identified 39 affordable senior housing lots that could support over **2,000 new units** of affordable senior housing, as well as social and health services, gardens, and other community uses.

☒ **ZQA provides flexibility for community nonprofits to build on lots where there is an extremely low demand for parking spaces, and assess the need on a building by building basis**

Car ownership at senior housing buildings is shockingly low at only **5 cars per 100 residents (5%)** near transit and only slightly higher at **11 cars per 100 (11%)** residents in further from transit, according to the Department of City Planning. These underutilized lots are only for senior residents, so this does not impact any public parking. At a cost of \$20,000-\$50,000 per parking lot, this money could be better used to build apartments.

☒ **ZQA can work to address the needs of the nearly one million housing insecure New Yorkers**

There are 942,553 "housing insecure" households, including those who are homeless, and those paying more than half of their monthly income on housing, according to the Enterprise 2015 NYC Housing Security Profile and Affordable Housing Gap Analysis.

☒ **ZQA can provide common sense solutions to build affordable housing more efficiently and effectively to meet the needs of New Yorkers**

Current regulations result in years of unnecessary delays and costs to build affordable housing. In a city with hundreds of thousands of seniors on waitlists, we cannot afford to wait.

Please keep the needs of seniors in mind when considering your vote on ZQA.

LiveOn NY Affordable Senior Housing Coalition: Catholic Charities Brooklyn & Queens ▪ Association of New York Catholic Homes
Catholic Charities Archdiocese ▪ Chinese American Planning Council, Inc ▪ Community Agency for Senior Citizens (CASC) ▪ Encore
Community Services ▪ Goddard Riverside Senior Services ▪ HANAC, Inc. ▪ James Lenox House & Carnegie East House Association ▪
Jewish Association Serving the Aging (JASA) ▪ Jewish Home Lifecare ▪ Metropolitan Council on Jewish Poverty ▪ Mid-Bronx Senior
Citizens Council ▪ New York Foundation for Senior Citizens ▪ Presbyterian Senior Services ▪ Project Find ▪ Queens Community House ▪
Regional Aid for Interim Needs, Inc. (R.A.I.N.) ▪ Ridgewood Bushwick Senior Citizens Council ▪ SEBCO Senior Services ▪ Selfhelp
Community Services ▪ Sunnyside Community Services ▪ The Hebrew Home at Riverdale ▪ West Side Federation for Senior & Supportive
Housing ▪ YM-YWHA of Washington Heights/Inwood

Contact Bobbie Sackman, Director of Public Policy at 212-398-6565x226 or bsackman@liveon-ny.org or
Andrea Cianfrani, Deputy Director of Public Policy, 212-398-6565x233 or acianfrani@liveon-ny.org

**New York City Council
Subcommittee on Zoning and Franchises
Council Member Donovan Richards, Chair
Wednesday, February 10, 2016**

**Testimony by Bobbie Sackman, Director of Public Policy, LiveOn NY
in support of Zoning for Quality and Affordability (ZQA)**

LiveOn NY is a non-profit organization that makes New York a better place to age by working on policy, advocacy and innovative programs. We have a membership base of 100 organizations that provide more than 800 community based programs, which range from individual community-based centers to large multi-service organizations. LiveOn NY's Affordable Senior Housing Coalition is comprised of 25 of the leading NYC non-profit senior housing providers. LiveOn NY's policy and advocacy work focuses on community-based services, affordable senior housing with services, elder abuse prevention and services, caregiver supports and other issues impacting older New Yorkers. We also run a robust outreach and enrollment program to assist older adults to access public benefits.

LiveOn NY's Affordable Senior Housing Coalition, comprised of the 25 leading NYC nonprofit senior housing providers, supports the passage of Mayor Bill de Blasio's Zoning for Quality and Affordability (ZQA) amendment which would facilitate the building of senior housing. Older adults isolated in 4 story walk ups, or paying more than 50% of their income in rent, or living in substandard, unsafe apartments is not independence. Independence is living in affordable housing with supportive services and a community. At age 65, 70 or older, waiting up to ten years for housing, if it's available at all, is much too long.

Because LiveOn NY's members work daily with the older adults in their communities across the city, we know the dire need that exists for affordable senior housing among the city's most vulnerable residents. We also know that Council Members and elected officials receive calls daily from constituents who desperately need safe affordable senior housing. Supporting ZQA is a critical first step in addressing NYC's affordable senior housing crisis. Seniors can't wait.

LiveOn NY's recent survey of HUD Section 202 senior housing buildings in New York City, *"Through the Roof - Waiting Lists for Senior Housing,"* documented waiting lists at 119 buildings. The results were an astounding **102,000 seniors waiting an average of 7 years and as long as ten years on the waitlist.** Responses were received from 43% of the Section 202 buildings in the five boroughs, projecting that waiting lists are upwards of **200,000 low income seniors citywide.**

Through the Roof - Waiting Lists for Senior Housing Survey Results, January 26, 2016

Borough	Number of 202 Properties Responded to Survey	Total Number of 202s in borough	Percentage of 202s Reporting	Total on waitlist
Brooklyn	42	85	49%	43,815
Bronx	18	78	23%	9,909
Manhattan	28	76	37%	15,684
Queens	25	29	86%	27,468
Staten Island	2	8	25%	950
Unknown borough	4			4,110
TOTAL ALL PROPERTIES	119	276	43%	101,936

The reality is that with the waitlist crisis for HUD 202 Affordable Senior Housing buildings reaching these astronomical numbers, coupled with outdated zoning requirements that add years and years of unnecessary delay to the affordable senior housing development process, the deck is stacked against the tens of thousands of NYC older adults who are perishing on waitlists. These seniors do not have the luxury of waiting through the current pre-development and development process, which spans over years and years because of outdated regulations and procedures. These delays also cost affordable housing developers and governmental agencies an inordinate amount of money, which should be spent on building affordable apartments. By enacting ZQA, we can move forward on affordable senior housing.

The diverse age 60+ population is the fastest growing segment of the city's population. One out of five seniors live in poverty, with thousands more in near poverty. Upwards of 100,000 seniors spend more than 50% of their income on rent. Building affordable senior housing with services is a citywide imperative. ZQA would allow nonprofit housing providers to utilize parking lots attached to the Section 202 buildings, land they own, to build additional housing. LiveOn NY's report, "Paving the Way for New Senior Housing", identified 39 parking lots that were feasible for building an additional 2000 units and other community amenities such as a senior center on. Without the passage of ZQA as proposed by the administration, these lots will sit underutilized and undeveloped.

If there was available land to build affordable senior housing across the city, would you use it? There is. The key to using it is passing ZQA for independent senior buildings. LiveOn NY released, "Paving the Way for New Senior Housing", identifying feasible land that could house 2000 older New Yorkers. The city needs to a plan to move forward now. At a certain age, you can't wait.

Why are seniors constantly calling their Council Members and elected officials desperate for affordable housing? Older New Yorkers, the fastest growing demographic in NYC, will comprise an estimated 1.84 million New Yorkers by 2030. Senior households are smaller and poorer on average than the general population. About one in five older New Yorkers live in poverty (below \$11,170/year) with many surviving on Social Security alone.

How are seniors impacted by the housing affordability crisis? ***A shocking 65% of senior households living in rent regulated housing, including thousands on SCRIE, spend more than half their income on rent. For those in unregulated buildings the burden is greater.*** Insufficient affordable housing forces seniors to remain isolated in unsafe or inappropriate housing. This includes living on upper floors of walk ups or in spaces unable to accommodate a wheelchair.

Why is utilizing HUD 202 parking lots one part of the solution to the affordable housing crisis? Land scarcity is the greatest challenge confronting senior housing providers. In the face of a dwindling stock of city-owned land and soaring acquisition costs, HUD 202 parking lots are an untapped source of new land. The lots are owned by local non-profit housing providers mission driven to provide appropriately sized apartments ensuring senior independence.

Zoning changes would not require eliminating parking, but becomes a powerful option if it's in the best interest of the community's elders. Local non-profits have been an integral community partner for decades providing senior housing and services and are the organizations relied upon by local residents and elected officials.

What did the study, "Paving the Way for New Senior Housing in NYC" find? LiveOn NY's affordable senior housing coalition is comprised of leading NYC non-profit senior housing providers, operating 20,000 apartments. Their knowledge of the challenges in building affordable housing informed the study. ***It is critical to understand that these parking lots can be used only by residents of the building.***

Based on carefully determined criteria, 39 lots were identified as potentially feasible sites located in all five boroughs. These sites could generate at least 2,000 new apartments. With hundreds of thousands on waiting lists, the potential to house at least **2,000 seniors** cannot be ignored.

Will utilizing parking lot land for housing take away much needed parking spaces?

Simply put, no. A Department of City Planning analysis found extremely low car ownership rates among HUD 202 building residents, at only 5 cars per 100 residents in areas near public transportation and 11 cars per 100 residents in areas further from transit.

Why is utilization so low? Many residents have incomes below \$15,000 and have aged in place and no longer drive. They are unable to maintain car ownership or have stopped driving. ***There are waiting lists for apartments. There are no waiting lists for parking.*** Non-profit managers provide vans to assist residents with their daily needs.

Why is ZQA necessary to move senior housing forward? ***Without the enactment of ZQA, the parking lots will sit underutilized.*** Non-profits will be unable to build housing. Outdated parking lot requirements no longer reflect the reality of demand. ZQA provides options for non-profits to build more housing. ***It costs \$20,000-\$50,000 to develop one parking spot. That money could be used for additional apartments allowing the provider to go deeper into affordability.*** Allowing for increased height of one or two floors provides more apartments and commercial space. It prevents apartments being on street level, a particularly unsafe practice after Hurricane Sandy.



Making New York a better place to age

Accessory amenities are a key component in the neighborhood development approach to keep seniors housed with services. ***ZQA facilitates the co-location of services.***

How can the city “pave the way” for more senior housing? ***By enacting ZQA, zoning regulations will be updated to meet the growing need in the coming years.*** ZQA that allows for underutilized land – a scarcity in NYC – to house 2000 or more seniors is imperative.

If not, the final question is – what do you say to a senior desperate for affordable housing about why that lot is just sitting? Waiting is not an option. As a City Council Member, you face a very important decision with this vote on ZQA. **We ask that you please keep the needs of seniors in mind when considering your vote on ZQA.**

FOR THE RECORD

TESTIMONY OF OLIVE KAREN STAMM, ESQ.
IN OPPOSITION TO "ZONING FOR QUALITY AND AFFORDABILITY" AND
"MANDATORY INCLUSIONARY HOUSING" AS CURRENTLY WRITTEN

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646-831-3655

Thank you for giving me this opportunity to speak IN OPPOSITION TO BOTH PROPOSALS as currently written. The goals are laudable, but these particular proposals are too problematic, too undemocratic in their creation to be approved.

My name is Olive Karen Stamm, I'm an attorney now in private practice, following 13 years at Legal Services, with altogether 30 years of defending tenants.

Regarding MIH, To ensure that the poorest New Yorkers get a shot at living in the housing that this proposal envisions, there must be provision made for VERY LOW INCOME RENTAL UNITS, with eligibility set low enough that those who are now homeless can participate. Otherwise all of the rezoning, massive construction and even over development will have no effect on the homeless situation.

In my other hat, I am also a 29 year resident of Tribeca, more precisely Tribeca East, the one part of Tribeca that will be significantly impacted by ZQA. I am also a public member of community Board 1, and work only a few short blocks away. In this capacity, I represent my neighbors in our piece of East Tribeca which centers around Broadway from Walker Street south to Chambers. Only a portion of our neighborhood is within the East Tribeca Historic District. Many of us would welcome affordable housing which is in short supply in our area.

If I understand ZQA correctly, in those parts of Tribeca East without the historic district designation, the contextual limits would be done away with, regardless of whether any affordable housing is built in the area, leaving us in a canyon, surrounded by towers, which will replace all

the low rise structures on Broadway and the surrounding side streets, increasing pressure on rent regulated and loft tenants to give up their currently affordable housing, destroying the charm and fabric of the neighborhood.

Contextual zoning has been a very imperfect guardian of our neighborhood's low rise character. We object that taking away the little protection against over development we now have would impact our lives deeply, losing light, air, and what's left of local charm.

We are particularly concerned that developers might litigate the MIH provisions, which could be enjoined for years while ZQA goes ahead to allow out-of-context towers. ZQA is a danger to us; it should not go in effect unless MIH also goes into effect. The two should be mutually dependent, not separate.

And most importantly, if no MIH will be built in a particular neighborhood or district, no reason exists, other than a throw away to developers, why ZQA should apply to that area.

Lastly, in another important sense, ZQA poses a danger. It will add another impetus, another layer to the already out-of-control over-development of the City. Should we be adding fuel to the fire when we are already in fear of numerous cranes falling and seeing huge towers popping up seemingly every other block?

These proposals do not take account of local conditions, the particular housing needs of neighborhoods, or the small-town character that makes many of these neighborhoods attractive and desirable. The planners should go back to their drawing boards, this time consulting with the local stakeholders, community boards, and advocates instead of hurrying to cram a problematic scheme down the City's collective throat.

Testimony of Peter Fontanes-CEO of The Fontanes Group, Chair Emeritus of the New York Association of Hispanics in Real Estate and Construction and The National Hispanic Construction Association and Executive Committee of the New York Real Estate Chamber before the New York City Council's Committee on Land Use and the Subcommittee on Zoning and Franchises in support of Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)

City Hall, Council Chambers

February 10, 2016

My name is Peter Fontanes and I am the Chair Emeritus of the New York Association of Hispanics in Real Estate and Construction.

We wish to thank the Council's Committee on Land Use, chaired by Council Member David Greenfield, and the Subcommittee on Zoning and Franchises, chaired by Council Member Donovan Richards, for calling these hearings.

I come here to testify on behalf of the newly elected Chair, Rodrigo Mora and the Board of Directors of the organization in support of the Mayors plan for Affordable Housing. We wholeheartedly support Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) which would make a long list of changes to the NYC Zoning Resolution, such as allowing buildings with affordable or senior housing to be taller, eliminating parking requirements for affordable or affordable senior housing that is located near subway lines, and changing rules which affect the shape of new and enlarged buildings.

These two proposals have been reviewed by Community Boards, Borough Presidents, Borough Boards, and the City Planning Commission. All of those entities have issued recommendations and we do believe that some of these concerns have merit to them and should be reviewed for possible administrative review and amendment hopefully in the near future. However, this is definitely a moment where time is of the essence and further deal making that would delay the process toward actual construction completion will only serve to exasperate a situation that does not need any more delay. Let me make it very clear but we need to be getting shovels into the ground as soon as possible.

Time waits for no one in the building and construction industries. This is not an industry where you lay change on a table and order a box of buildings like a container of corn flakes and expect that building to appear on the countertop the next minute and packed in a plastic bag so the customer can walk out of the store with their new purchase. It takes months and sometimes years to launch a successful building project. If you vote down this carefully crafted and unique legislation you will be condemning tens of thousands of New Yorkers to substandard housing at such high rates for years to come that New York will never be able to recover from such a devastating blow.

It will prove especially harsh to the hundreds of minority owned firms that are counting on this boom of Affordable Housing to finally be part of the great potential of contract procurement opportunities that have been promised by this city. For those of you who sit in this august chamber, especially those of you who purport to represent our minority communities, to reject and delay these projects would be to surely give the kiss of death to the rise of economic progress and justice in our Black and Latino neighborhoods.

We have worked hard to struggle from the years of neglect and rejection so that we can have parity in the business and economic development of our respective communities. HREC along with other groups like Association of Minority Enterprises of New York (AMENY) and the New York Real Estate Chamber (NYREC) have been instrumental in assisting in the certification of emerging minority owned developers which will open a whole new era never before seen in our community with housing being built by people of color.

If you reject the Mayor's proposals you would in essence reject the progress of minority businesses in this city.

I urge you to vote in favor of these Affordable Housing legislation without any further delays. I can assure you that many of us in our industries are just as concern as some of you are in some aspects of the bill before you but we feel comfortable that this administration with all of our help can make the necessary reasonable adjustments in order to achieve the objectives and meet the concerns that are emanating from the community boards as we proceed to administer the program.

However, there can be no more delays!

To do so, will be a major blow to the development of Affordable Housing in New York! More importantly it will prove to be devastating to MBE owned firms who are looking to the potential contract opportunities and to the working class of New York who are looking the promise of new job opportunities in the building and construction industry! And how about the thousands of families that are looking forward to start living in nice clean affordable apartments in buildings that they can proudly call home?

RANKING MINORITY MEMBER

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Testimony of State Senator Brad Hoylman Before the New York City Council on Mandatory Inclusionary Housing and Zoning for Quality and Affordability

Thank you, Speaker Mark-Viverito, Chairman Richards, and members of the New York City Council, for the opportunity to testify. I represent New York State's 27th Senate District, which includes the Lower East Side, East Village, Greenwich Village, Chelsea, West and East Midtown, Clinton/Hell's Kitchen and the Upper West Side.

My mixed-income Senate district is composed largely of renters, including 50,000 units of rent-regulated housing and 5,000 units under the New York City Housing Authority. These tenants regularly contact my office to express concern over the lack of affordable housing options for them, their neighbors and their families. In addition, my Senate district contains 18 different historic districts in whole or in part, so it's understandable that many of my constituents are passionate about protecting the character and aesthetic of their neighborhoods and have fought long and hard to enshrine those protections through zoning and landmarks designation.

While I have concerns regarding the Mandatory Inclusionary Housing (MIH) plan, which I detail below, I believe that we need to seize this moment presented by the City Administration to spur affordable housing for the next generation of New Yorkers. It is in this context that I support MIH, although I hope some of the changes I suggest will be considered. With respect to the Zoning for Quality and Affordability (ZQA) plan, I fear we are giving up too much and getting too little in return, and retain concerns that prevent me from supporting the plan in its current form.

I am concerned about a number of issues that are not addressed in MIH. First, while I appreciate that the Administration has stated a willingness to work with Community Districts to increase the availability of units at the top and bottom of the income bands, the details of this have not yet been worked out. Given the persistently increasing economic divide between New Yorkers, it is imperative that as many units as possible be available to people who are very low-income as well as those who are moderate- to middle-income. In practical terms, it seems the only way to achieve this goal is to increase the percentage of units set aside for affordable housing.

Second, I am disappointed by the lack of stringent displacement protections and anti-harassment provisions, which have proven highly successful in preserving affordable housing, such as in the Special Clinton District in my Senate district. One need only speak to an aide from the district office of any elected official to know that existing affordable housing is constantly threatened by the practices of unscrupulous landlords who find ways to make life miserable for rent-regulated tenants.

Third, I am alarmed there is no language in the proposed MIH text that specifies equal distribution of affordable units in a development or the equitable use of finishes and building materials across market rate and affordable units. We should not make second-class citizens out of the inhabitants of the affordable housing units by giving them inferior building materials. Many ethical developers already spurn this practice, and we should do everything we can to discourage it.

This said, bold steps are necessary if we are going to preserve and enhance New York City's economic and social diversity. Affordable units should be included in every new residential project and it is appropriate that we place an emphasis on increasing the number of affordable units in projects where developers have requested special permits, as MIH does. I am particularly heartened by the Administration's commitment to revise the process for a BSA waiver, ensuring that only genuine hardships are considered and not those which are inherent to the MIH program or self-imposed by developers. I am also grateful for the modification of rules governing the Affordable Housing Funds created by developers who make use of the payments-in-lieu (PIL) option. Changes to the program will now appropriately ensure that monies generated through PIL are tied to the borough of the originating development, and for at least 10 years within the originating Community District.

I am troubled by the ZQA proposal because it threatens to impose a one-size-fits-all schematic onto our diverse neighborhoods. In particular, I have profound reservations regarding ZQA and its attendant height adjustments that are applied across contextual and special districts. Within my Senate district alone, we are currently fighting to enact new area-specific rezonings for the University Place/Broadway corridor and the South Village, with the aim of preserving the rich architectural and cultural heritage of these neighborhoods. ZQA would undo the tremendous efforts put into those projects and eliminate or severely weaken the contextual limits that we succeeded in applying to neighborhoods like the East Village, which would see some of the largest increases in allowable height anywhere in the city. In addition, the absence of permanent Sliver Rule applicability is another cause for concern, as is the lack of permanent affordability requirements for senior housing gained in exchange for increased bulk.

I want to thank the many community advocacy organizations and individual activists who have come forward over the last several months to share their concerns and

priorities. In particular, I thank Community Boards 2, 3, 4, 5, 6 and 7 for their thoughtful and detailed guidance on these matters. I am also especially grateful to Manhattan Borough President Brewer, who brought my colleagues and me together to ensure that we were as well-informed as possible on these complicated proposals. I commend Mayor de Blasio and his administration for engaging the grassroots leadership in this conversation, and for their bold proposals to keep New York the diverse home we all cherish. Thank you for your time and attention today.

THIS IS THE STATEMENT OF SUSAN NIAL RELATING TO THE COUNCIL HEARING ON ZQA
Scheduled for 2/10/2016

To the Members of the City Council: I cannot attend the hearing on 2/10/2016. I have asked a staff member of LW! to read my statement.

If you see something, say something! How often have we seen and hear that exhortation. I cannot be there today but you are. I ask you not to be blinded by promises made to you to get your support for the ZQA. Not only do you have the power to say something, you have the power to do something!

You will soon be asked to vote on and approve two ill conceived pieces of legislation allegedly in aid of "Affordable Housing". As with so many proposals made to feather the nests of the super wealthy in our society, this claim is, to put it mildly, less than honest. These two proposals are opposed by substantially all, if not all, of the Community Boards in the City as well as many, grass roots organizations whose memberships run the gamut from coop and condo owners, to small businesses, to public housing advocates and residents, to preservationists and environmentalists. This amazingly diverse opposition springs from the obvious fact that, regardless of the Mayor's protestations, the ZQA has little to do with affordable housing. It's all about helping developers represented, in large part, by REBNY make more money at the expense of the quality of life of residents of the City. A classic case of an exchange of public assets for private gain.

During this entire process, one thing has been constant, the Mayor's desire to marginalize, demean, diminish and silence the opposition and keep the public in the dark or, as was done at the Planning Commission's last public hearing, keeping the Public out in the cold! The Administration has made sure that critical pieces of information have been kept from the public and that when information has been distributed it has been incomplete, contradictory or provided so late in the process that public input is impossible.

As with most actions of this Administration, the problems with these two pieces of legislation fall into two broad categories: process and content. You have received thousands of letters and listened to tens of thousand of words setting out the myriad of problems that this ZQA hodgepodge of zoning changes specially tailored not to the needs of the average New Yorker but to the desires of developers. However, even though the Administration has done everything it can to obfuscate and cover up what is going on here, some times the truth comes out. Even the the CPC, conflicted as it is as both the proponent of this legislation and the agency charged with assessing its impact on the City, finally had to admit it its recently issued report the following.

"Chapter 24 : UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

According to the City Environmental Quality Review (CEQR) Technical Manual, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As described in Chapter 7 - Shadows, Chapter 8 - Historic Resources, Chapter 11 - Hazardous Materials, and Chapter 18 - Noise, the Proposed Action would result in potential significant adverse impacts with respect to shadows, historic resources, hazardous materials, and noise. However, as presented in Chapter 23, Mitigation, no practicable mitigation measures

were identified which would reduce or eliminate these impacts. Therefore, the Proposed Action would result in the potential for unavoidable adverse impacts with respect to shadows, historic resources, hazardous materials and noise."

While the public may have little hope of changing the Mayor's mind you, the City Council, have the power to assess, speak and act on this issue in the public interest. I urge you to do just that and reject the ZQA and the MIH. **YOU HAVE THE POWER TO REJECT THIS LEGISLATION.** Unlike the Community Boards whose views and opinions the mayor has dismissed as merely advisory, you have the power and the obligation to tell the Mayor NO. Tell mayor that neither you nor the City are for sale.

Thank you.

Susan Nial

TESTIMONY OPPOSING ZQA/MIH

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Terence Brennan
New York, NY 10010

To Whom it May Concern,

My name is Charles Alwakeel, I am an architect and urban planner, based in Williamsburg, Brooklyn. I run a small firm; the majority of our work is zoning and feasibility-related. I am fairly well-known zoning specialist, having advised dozens individual owners, developers, brokers and city agencies on zoning matters in the past and having carried out hundreds of zoning studies throughout my career. I was one of the project leads for the large zoning and feasibility study that NYCHA carried out (prior to taking on the in-fill program) and I've had a part in the design of buildings as iconic as 56 Leonard and the up-and-coming 45 East 22nd Street.

My support for ZQA is derived from an understanding that development rights transfers are a mechanism for preserving affordable housing. It is not unusual for a developer to discount development on a parcel containing rent-controlled apartments, while still being able to buy the remaining development rights from such parcels. When those parcels don't have any more development rights, they stop being acquisition targets and development pressure (on the existing affordable apartments) is lessened.

I've been involved in two such projects, and if ZQA had been enacted at that time, we would have been able to (1) build more units, and (2) absorb more development rights from the parcels with rent-controlled/rent-stablized tenants, therefore making future full tear-downs of such parcels less financially feasible.

My one concern with ZQA is the notion of a "qualifying ground floor". Under the proposed draft text, if the ground floor height, as measured from the finished floor of the ground floor to the finished floor of the second story, is more than 13 feet, then the proposed building's maximum height is increased by a set number of feet depending on the zoning district on which it is located.

I take issue with the 13-foot dimension.

Under the 2014 Building Code, a stair that rises to a height above 12 feet must provide an intermediate landing. In smaller residential buildings, the typical design solution is to provide a scissor stair (two stairs wrapped-around each other). These stairs don't provide landings between floors, but generally "work" as long as your floor plate isn't too large and dead-end distance restrictions don't force you to break out the scissor stairs into a pair of individual stairs.

My issue is that the 13-foot dimension, and the associated landing requirement as imposed by the building code, does two things:

1. It biases larger developments where scissor stairs are not utilized (generally, where the floor plate is large enough to require two individual stairs located far apart from each other).
2. It hurts smaller developments which cannot make use of the increased building height without adding a 36" x 36" or 44" x 44" landing to the first run of stairs.

The City Council should modify the ground floor height requirement for a "qualifying ground floor". Such height should correlate with the 2014 Building Code; it should be 12 feet.

Thank you for taking the time to read through this.
Feel free to contact me with any questions.

Best,
Charles Alwakeel, AIA

--

Charles Alwakeel, AIA

Architect | Owner

REDFLUX

architecture | design | planning

www.redflux.nyc

t. 212.658.0968

From: Ariel Aufgang

Sent: Wednesday, February 10, 2016 8:16 AM

Subject: IN SUPPORT OF ZQA

Please accept this email as a show of strong support for the proposed Zoning For Quality and Affordability text change.

As demonstrated very clearly by the City Planning Department's presentation materials, the bulk changes proposed will permit, not only the possibility of maximizing the permitted inclusionary housing bonus, but also more desirable spaces both in the ground level nonresidential uses and in the apartments above. As an architect of affordable housing, I can attest to the fact that through the changes outlined above, this text change should increase the amount of affordable housing being produced and also make affordable units that would otherwise have been produced anyway, much more comfortable for the residents.

Ariel Aufgang, AIA
Principal

Aufgang Architects
74 Lafayette Avenue
Suite 301
Suffern, NY 10901
p. 845.368.0004
www.aufgang.com

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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Naomi Slavinski
New York, NY 10014

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Branden Torres
New York, NY 10009

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Donna Raftery
New York, NY 10014

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Annie Pichard
New York, NY ETATS UNI, NY 10003
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Joanne Pawlowski
92 Horatio St.
New York, NY 10014

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Joyce Goldzman
New York, NY 10014

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Edward Haynes
New York, NY 10003

Dear Speaker Mark-Viverito

February 10th, 2016

To: Melissa Mark-Viverito, Speaker, NY City Council
From: Lesley Doyel, Co-President, SAVE CHELSEA
Re: The 'Zoning for Quality & Affordability' Proposal

Save Chelsea continues to VEHEMENTLY oppose The 'Zoning for Quality & Affordability' proposal, which has now arrived at the New York City Council.

There is no reason for the city to encourage taller developments in residential neighborhoods that were specifically zoned to maintain certain contextual height limits. There is NO justification for the proposed across-the-board height increases of 5-20 feet for new developments, as they offer no public benefit, would undo hard-fought-for height limits that in many cases were compromises from those which communities sought, and would only serve to further erode neighborhood character. In Chelsea, as with other neighborhoods, existing affordable housing is currently and constantly under attack from what has been appropriately dubbed, "the violence of overdevelopment."

In fact, Save Chelsea is one of 87 groups that have joined a coalition called "New Yorkers for a Human-Scale City", calling for "an end to the violence that real estate developers have inflicted on our skyline, parks, public areas, and cityscape with the proliferation of over-scaled buildings." Significantly, the coalition includes groups from all over the five boroughs, who have taken a strong and united stand against the Mayor's ZQA for the reasons above, and because this proposed citywide zoning change is far too sweeping, has been rushed far too quickly, and would have harmful effects to existing affordable housing. It, therefore, threatens not only the historic fabric of our city, but the cultural fabric as well. As our own District 3 Councilman, Corey Johnson, has said, "I do not think that there is a one-size-fits-all solution, which is (what's) currently before us..."

And, as Greenwich Village Society for Historic Preservation further clarifies, "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)." How can this possibly work?

In the recent New York Times article "In Chelsea, A Great Wealth Divide," reporter Mia Navarro explores the rapid growth and gentrification of Manhattan's Chelsea neighborhood. She writes that the area has "undergone a dizzying economic transformation in the past two to three decades, with an influx of wealth affecting the residents of less means in both obvious and insidious ways. And that change shows no signs of slowing." Adding that, even now, "Today's Chelsea, the swath west of Avenue of the Americas between 14th and 34th Streets, could be the poster neighborhood for what Mayor Bill de Blasio calls the tale of two cities." ZQA would only serve to accelerate the attack on what is left of truly affordable housing stock, while giving developers even more advantage and latitude. A host of communities and community boards have said "NO" – it is time to listen. For all these reasons, Save Chelsea implores you not to approve the misguided and misnamed 'Zoning for Quality and Affordability' proposal. In other words, Just say NO!

Lesley Doyel
Old Chelsea Station
New York, NY 10011

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Testimonial regarding ZQA text amendment

February 10, 2016

Dear Speaker Mark-Viverito and members of the City Council:

Thank you for this opportunity to submit written testimony in support of key aspects of the City's Zoning for Quality and Affordability Text Amendment.

We are writing as practicing architects and engineers based in New York City and co-authors of "Laying the Groundwork: Design Guidelines for Retail and other Ground floor uses in Mixed Use Affordable Housing Developments", recently published by the Design Trust for Public Space. As Architecture and Engineering Fellows with the Design Trust and NYC Department of Housing Preservation and Development, we created a set of detailed design guidelines for 'leasable' ground-floor space in mixed-use affordable housing complexes. We provide design criteria in these guidelines that will remove physical impediments to the successful letting of these ground floor spaces. To identify critical issues affecting the quality of the ground floor in public housing, we interviewed a wide range of NYC agencies, architects, developers, business improvement district organizations, and community development organizations. These groups provided valuable feedback and participated in an extensive Peer Review process.

One of the most frequent limitations that came up throughout this study process was the impact of overall building height restrictions on the ability to provide adequate height at the ground floor level for retail and community spaces. Usable space at the ground floor typically requires taller ceiling heights than residential spaces, in order to satisfy requirements of retailers and community centers. There are a multitude of factors requiring additional floor-to-floor height at the ground level to accommodate onerous amounts of services for the units above, mechanical equipment serving the ground floor, and the building-wide structural systems.

Most building-wide plumbing and other mechanical systems supporting the apartments above have to transfer horizontally in the ceiling of the ground floor space. Commercial or community spaces at the ground level often require extensive mechanical equipment of their own to be located within the ceiling as well. Lastly, structural transfers also occur at the ground floor ceiling, requiring deep beams to transfer and carry loads from above and provide more open column-free space at the ground floor. Space required between the ceiling and the floor slab often diminishes floor-to-floor heights by several feet. We found retailers or community centers often find these spaces too limiting for their needs, whereby they seek

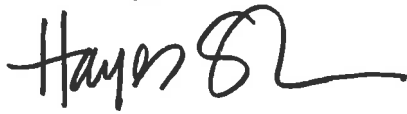
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alternative space that is appropriate for the purpose, leaving the height deficient space vacant and less 'leasable'.

We believe that active well utilized ground floor spaces create vitality, opportunity and safety in any neighborhood. This benefit has to be weighed against the additional building height. We feel that the trade off at the top of the building for the improvement on the ground is worthwhile and a net benefit for any community.

Sincerely,



Hayes Slade, AIA, IIDA
Principal Slade Architecture



James Slade, FAIA, IIDA, LEED-AP
Principal Slade Architecture



Fiona Cousins PE FCIBSE LEED Fellow
Arup Fellow | Principal, Mechanical Engineering and Sustainability Consulting

HERITAGE ARCHITECTURE

SUSTAINABLE ARCHITECTURE & PLANNING

Carl Weisbrod
Director, New York City Department of City Planning
Chairman, New York City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Dear Chair Weisbrod and Commissioners,

Thank you for this opportunity to present my testimony. My name is Summer Alhamash, AIA, LEED and I am a principal architect at Heritage Architecture, LLC, a WBE firm in midtown Manhattan. I'm speaking as a member of the New York State Association for affordable housing (NYSFAFH), an AIA member and as an architect with focus on design and development of affordable housing throughout the five boroughs.

Thank you for the opportunity to testify today on the Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH) proposals. I wish to express my organizations strong support for both proposals, which will help developers, architects, community groups and faith based organization provide much needed affordable housing in communities throughout New York City. I am also here to express strong support on behalf of a group of affordable housing developers, who are actively involved in producing over 1,000 units of affordable housing and mixed used buildings that incorporate community facilities, faith based centers providing critical and much needed services to many neighborhoods throughout the city. My support to both proposals is focused on the following:

Parking Requirements for Affordable Housing:

The existing zoning requirements for accessory off-street parking make it much harder to meet the city's need for affordable housing. Off-street parking adds a huge expense to each project in the range of \$30,000 to \$50,000 per space. These additional costs impact the financial feasibility of affordable housing projects that rely on limited tax credits and subsidies to create safe and affordable housing.

Parking also presents a major design challenge, when trying to fit the building envelope into a limited allowable envelope. Several projects, and especially smaller sites become unfeasible due to the impact of parking.

Parking is typically located on the first floor, which takes away commercial and community facility space that is best suited on the first floor. Commercial and other uses improve the neighborhood character, provide continuous streetscape and contributes to the neighborhood revitalization.

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Inclusionary Housing Building Envelope (MIH):

The Inclusionary Housing program promotes mixed-income housing in designated medium and high-density areas. Buildings participating in the Inclusionary Housing program are allowed a higher FAR than is permitted for other types of housing. However, for Inclusionary Housing areas in contextual zoning districts, zoning doesn't allow enough room for this floor area all to fit in a high-quality building. This results in less participation in the existing Inclusionary Housing program, and therefore less affordable housing.

ZQA allows buildings that provide on-site affordable housing through the Inclusionary Housing program to utilize the more flexible building envelope, by allowing the following modification:

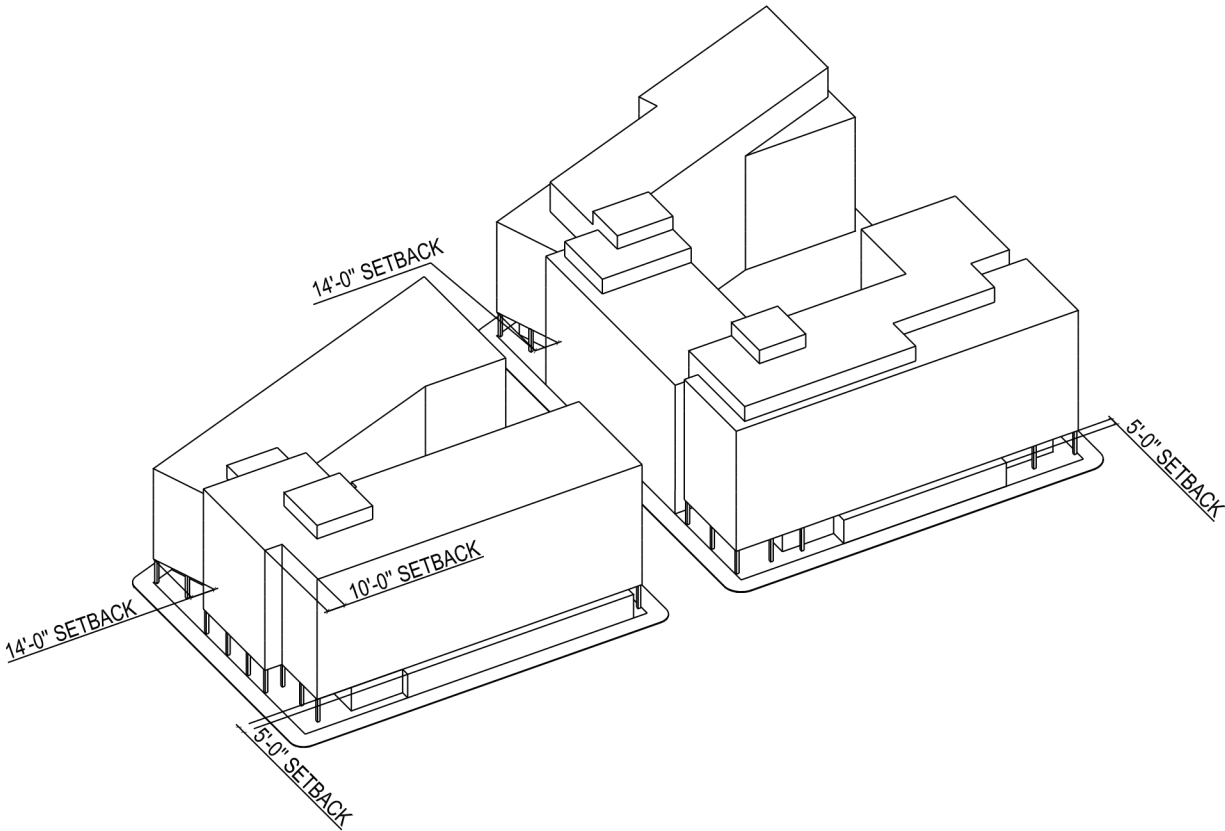
- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR. In contextual Inclusionary Housing districts this results in an increase in height permitting an additional 1 or 2 stories (10 to 20 feet).
- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to help hide the additional height above the base.
- Allow for the development of shared spaces on the ground floor in the rear yard area, so as to allow for more-efficient buildings similar to what is currently allowed for commercial or community facility uses or accessory today.

Case Study, Affordable Mixed Use Building:

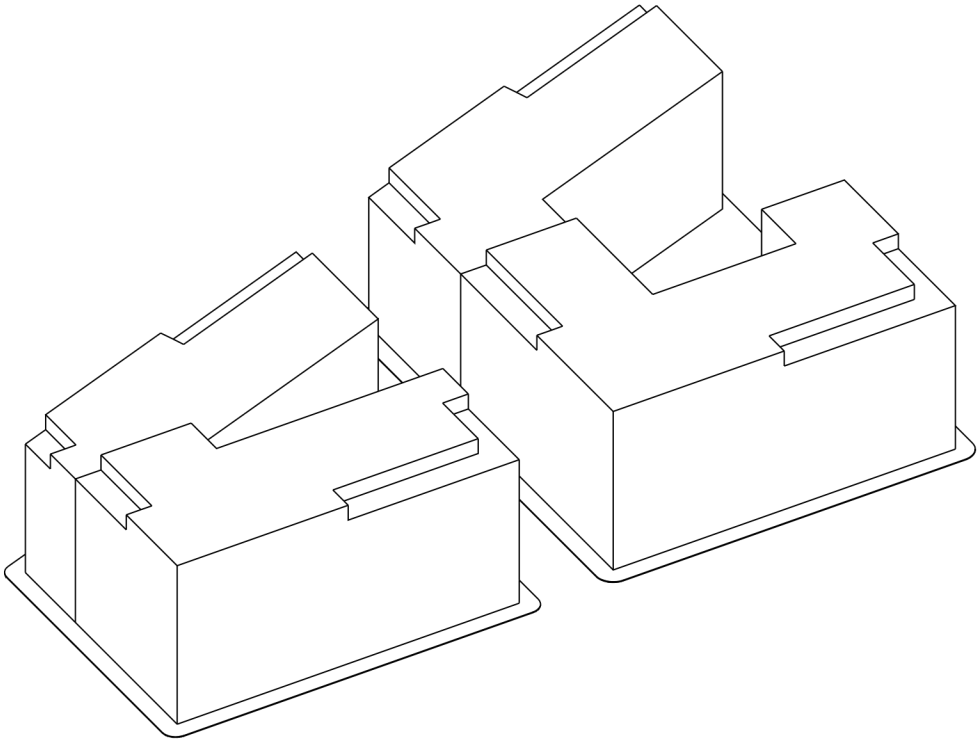
Heritage Architecture is designing a mixed use affordable development with commercial and community facility utilizing both ZQA and MIH. The rezoning provided the flexibility in the envelope to achieve the project objectives of providing affordable, safe and creative housing and retail spaces in areas of the City in need of economic development. The following are critical points that contributed to the project success:

- Parking reduction: provided the floor area to build sufficient commercial space, including fresh market and other community retail that is necessary to provide a commercial strip and vitalize the neighborhood in Brownsville area.
- Provided the flexibility to build a ground level community facility that provides services to the neighborhood
- Build much needed, very low income affordable housing by utilizing the increased FAR and height and envelope requirements through the MIH.
- Build Quality Housing that contributes to the neighborhood context and viability.

Contact: Summer Alhamash, AIA. summer@heritagearch.com



PROPOSED DEVELOPMENT, ZQA & MIH



DEVELOPMENT UNDER THE CURRENT ZONING

Subject: **MIH-ZQA TESTIMONY**

February 10, 2016 – NY City Council hearing
[The Subcommittee on Zoning and Franchises – Public Hearing on Zoning for
Quality and Affordability – Application No. 20160049 ZRY]

From: Joanne Gorman, Lower Manhattan resident,
via email to: correspondence@council.nyc.gov

ZQA – Zoning of Questionable Affordability

The ZQA zoning change seems written by the real-estate industry to benefit market-rate development, while throwing in the red herrings of ‘affordable housing’ and ‘senior housing’ as bait to overcome serious public concerns.

ZQA with its increased height and density allowances and rear yard and other open space encroachments:

- would in one shot affect all 5 boroughs across the board, with little regard for sense of place and the long-term effect on neighborhood character and quality of life;
- disregards or destroys protections built in over years for unique and special historic districts by overriding contextual zoning;
- has absolutely no guarantees regarding maintaining existing affordable housing and local, small businesses and services in affected areas;
- provides no guarantees regarding incorporation of affordable housing into new development if developers decide to forgo certain perks tied to ‘affordable’ while gaining the benefit of new zoning advantages;
- defines affordable housing in terms of a median income that is based not on the incomes of the neighborhoods that it will most impact, but on a much broader geographic span inclusive of a much wealthier base, which skews the definition of affordable in the developer’s favor.

With such a broad stroke, it would be hard to keep track of and recover from negative unintended consequences that might not show up for several years - with the public paying the price, while the elected officials and developers pushing through and profiting from this proposal would have long moved on and distanced themselves from accountability.

Unless strong protections are built in for existing affordable neighborhoods – for both the current individuals and the local businesses that support them – these groups, along with the chosen 20-30% in a token number of new quasi-affordable units in the midst of market-rate housing developments will see their wallets outpaced by new and increasingly upscale services demanded by the **70 to 80% market rate residents**.

Obviously, the percentage of market rate units to so-called affordable units would already tip the scales in favor of the wealthy, and doesn't bode well for the future for those whom ZQA is supposedly meant to support.

Given the enormous geographic and economic extent of the draft ZQA, the ZQA document is a threadbare framework for the full, environmental analysis that is required to determine the impact for each and every unique neighborhood affected. Its building schematics and diagrams are hardly a substitute or replacement for an actual, physical on the ground review.

Until such a full neighborhood-oriented environmental impact statement is completed and reviewed, I can't see how a reasoned decision can be made regarding this major zoning initiative.

At this point in the process, "Zoning for Quality and Affordability" remains "**Zoning of Questionable Affordability**".

###

[Re: MIH – Mandatory Inclusionary Housing – a step in the right direction.]

Dear Speaker Mark-Viverito

I attended the Wednesday afternoon session of the Affordable Housing hearing. As always, the attention is in the details and the promises that come with a less than in-depth investigation of the facts allows one to miss and/or ignore the troubling issues.

I have lived in New York for over two decades. A key characteristic of this five-borough metropolis is its ever changing architectural face, but the impending changes will not only affect the size of buildings, but the way we all will live for generations to come.

It was said today that to "modernize the city's zoning laws" will make them more "age friendly", but isn't the primary goal of these developers (who have bought up entire blocks) to make profit? It seems the crisis of affordable housing is secondary.

When confusing "non-layman" concepts such as height limits and zoning protections are thrown in with results of conflicting studies, it seems that out of fear, we don't reflect on the future consequences. I think this is why the prospect of seniors living in a 275 square foot living space didn't have much of an impact at Wednesday's hearing.

And there was mention of the children of seniors. What about the grandchildren of seniors? How will they be able to afford this city?

We need to look at this zoning crisis in more detail before we allow across the board rezoning turn this into a city in which most of us will not be able to afford to live here. I fear the council has already made up its mind.

Chonita Colson-Jones
Brooklyn, NY 11218

Today's "Daily News" features a story on the explosive growth of NYC food banks, with one citizen quoted as saying : "I can't afford rent and food."

More and more, the expansion of luxury and market-rate housing, the result of excess capital looking for places to invest, is destroying the already scarce supply of housing that is truly affordable to most of the people who call NY home. More and more NYers, even those who think of themselves as middle class, are turning to food banks because they cannot afford both food and rent.

Against this real, and growing, crisis of affordable housing , the Mayor and City Planning have gravely damaged their credibility with voters like me, by advocating a plan developed by and in coordination with, the real estate community.

There are so many problems with the Mayor's so-called "affordable housing" plan that even a non-expert like myself, can see them clearly. For one thing, the so-called "affordable units" are not affordable for most members of the communities in which they will be built. The formula for what is "affordable" is not a formula based on the incomes of NYC residents; it is significantly higher, deliberately so, since it includes non-NY residents who will not be affected by the plan.

This alone makes it questionable.

I have read proponents of the plan avow that even this "sort-of affordable" housing has to be 80/20, because the developers simply cannot make a profit otherwise. I believe this, based on reliable statistics from a variety of sources, to be untrue. Developers profit handsomely from this type of development, which is why they are eager for the plan to proceed.

The proposed zoning also takes away the little control the communities have at present, in deciding their fate. Council members who attended community meetings have to be aware of the seething anger and distrust among residents opposed to this plan. Local residents know that even now when their participation is solicited, it is too often part of an elaborately staged ritual where the decisions have already been made. We get asked for input when input no longer counts.

No wonder cynicism and anger prevail.

And is that not happening now?

Community board after community board, citizens groups after citizens groups, individuals like me, all have made it clear we are opposed to this plan. We ask that it be tabled, and new, transparent, participatory planning begin in its place.

That is what I am asking, and why I am writing this note, in hopes that the decision has not already been made, and that the voices of actual citizens of NY not be drowned out by the politically-connected, deep-pocketed real estate industry.

Rona B. Kluger

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.

ensley humphreys
New York, NY 10003

Dear Speaker Mark-Viverito

Dear Councilmember,

I do NOT support the ZQA proposal, as written, and urge you not to support it.

I do not think it will achieve it's goals of having more affordable housing. I think it will destroy good, functional neighborhoods. I think the city can find much better and more innovative ways to have affordable housing that do not destroy neighborhoods.

ZQA is a hand-out to developers, giving them license to tear down existing neighborhoods and rebuild them in the luxury high-rise model which has already adversely impacted many neighborhoods. So many of the new buildings are out of context with their neighborhoods, causing good neighborhoods to lose their uniqueness. Many are designed so that they do not provide services to the community at the street level. ZQA will be a free-for-all urban renewal that destroys good neighborhoods that do not need up-scaling.

I support the recommendations of the Landmarks Conservancy:

- Eliminate contextual zones and historic districts from the ZQA proposal so as to protect their existing integrity.
- Don't allow for buildings to encroach on in rear yards to protect light, air and open space.
- Retain the existing Sliver Law regulations, which restrict tall narrow buildings on side streets.
- Bonuses for senior housing should be tied to permanent affordability—not the bill's 30-year limit— or they should be eliminated.

I also think that it should be easier to create special zoning districts to save neighborhoods that are worthy of preservation.

I also support the Landmarks Conservancy MIH recommendations:

- Affordability should be measured by incomes for the borough, neighborhood or census blocks.
- MIH uses the New York Metropolitan Area average, which is too high.
- Existing affordable housing should be preserved or replaced in kind.

I also think that incentives for affordable housing should be targeted for low-income NYC residents, but not following the old model of housing developments run by NYC. We need the best urban planners and community advocates to come up with an innovative solution.

Nancy Idaka Sheran
New York, NY 10016



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
Mandatory Inclusionary Housing (MIH)

Chair Richards and members of the City Council thank you for the opportunity to discuss the application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning resolution to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable. The South Bronx Overall Economic Development Corporation (SoBRO) has been in existence since 1972. We were founded to protect businesses and grow communities during the great Bronx decline and have shepherded the Bronx's development ever since. Currently, SoBRO adds hundreds of millions of dollars annually to the economic vitality of the Bronx, employs over 200 individuals, connects with over 200,000 individuals and businesses annually, and provides a holistic evidence-based model for community and economic development. SoBRO's programs cover the entire Bronx, northern Manhattan and Harlem, and some areas of Brooklyn and Staten Island.

An important element of the SoBRO community and economic development model is access to affordable housing. Our organization, has developed several thousand units of housing, and currently owns and/or manages twenty-five (25) low income and affordable developments. These buildings provide vital services to residents and assist in building the capacity of the surrounding community and are an integral piece of the economic development puzzle.

The regulations brought to the Council today represent an enormous shift in policy for New York City. As with large scale measure; it is not perfect. However, the actions and debates brought about by this Council will shape the future of that policy; a policy which is fundamentally good. A policy which provides the City of New York with an additional tool in understanding affordability.

SoBRO warmly supports the affirmative vote by the New York City Planning Commission to approve Mandatory Inclusionary Housing (MIH) measures and Zoning for Quality and Affordability (ZQA) Text Amendments that took place last week. Both measures are important to preserving and protecting permanent access to quality affordable housing for all New Yorkers of all ages and income ranges. We realize that our findings run contrary to the feelings of several stakeholders in our borough; however, our findings, based on economic development fact, prove that these amendments are right, just, and sound. Furthermore, we find that if these amendments are not discussed and implemented New York City will be outpaced by other major cities throughout the world in adapting housing policy to meet the needs of our evolving and varied population.

SoBRO's mission is to enhance the quality of life in the South Bronx by strengthening businesses and creating innovative economic housing, educational and career development programs for youth and adults.

MIH provides needed regulation to increase the amount of permanently affordable housing. The regulations encourage the development of mixed income buildings, and create a mechanism to provide more housing for very low income and middle income families. The MIH measures are consistent with SoBRO's community and economic development strategy and ultimately will result in more permanently affordable housing in all areas of New York City.

This policy brings to focus and seeks to address outdated zoning rules and keeps pace with the evolving needs of our City. Indeed, if MIH had been adopted just one year ago, the development dialogue for the South Bronx, particularly the area along the Harlem River – recently on the front page of *The Real Deal* - would be very different then it is today.

You see, over the course of the past year and a half, through property speculation and market dynamics there has been an influx of market rate development plans announced for the area which do not reflect the area's working class roots, nor its historic place as being the poorest Congressional District in the United States. The market rate housing, some 1,200 units, with rents for a one bedroom starting at \$3,500 a month, outpace the income of area residents well beyond 80% of the average median income (AMI) regulations developed by HUD. This abundance of market rate housing, while providing deeply skewed income diversification and a new tax base for the area; does not provide for an income mix to support the area's balanced growth and development.

If MIH, were adopted the story would be very different. Families of diverse incomes would shape the South Bronx waterfront development conversation; and the City of New York would have kept pace with the community's needs.

This has not been the case.

Currently, this area of the South Bronx has one of the largest unit counts of public and low income housing in the City of New York populated by the poor and the working poor. At the other end of the spectrum we have plans for market rate housing well out of reach for area professionals and working class community members. This juxtaposition has created an environment for upper tier New Yorkers and at the other end of the spectrum the most vulnerable; leaving no income range to balance the two.

This lack of community based policy has allowed market rate developers to guide the conversation; with limited provisions for families at various income levels. Today's proposed changes to zoning regulations ensure permanent affordable housing for the most vulnerable among us; and bring the conversation of defining affordability to light. We must look at the word affordable and understand what it means to a family of three earning \$16,000 a year, often with City, State and Federal assistance, and a family of three earning \$70,000, often without assistance. Both families struggle and both need our City's support. The policy presented today provides that support.

While many contend that the income bands in the present proposal must be broadened to provide deeper affordability; the deepening of the affordability would rely either on 1. subsidies; many of which are in flux, and or 2. greater market rate housing to offset the funding gap of an additional lower income band. These options would call into question the sustainability of the policy as it is dictated by access to resources out of the City's control.

Today's proposed policy does reach lower income bands based on the theory of averages and market forces; and will result in generating permanently affordable development across the income spectrum.

Now more than ever, MIH must be implemented. Additionally, and equally important city-owned parcels – not only on the South Bronx waterfront front – but from the shores of Port Richmond to areas of Gowanus and Sunnyside - must be activated. These parcels provide the City with a vested interest and voice and must be utilized to guide the development conversation. The City of New York must protect all members of our communities and address the evolving nature of our city's housing crisis.

We must take meaningful steps which secure the short term future, and long term growth of all New York City residents while protecting the vibrant communities who have and will continue to shape our neighborhoods.

SoBRO's mission is to enhance the quality of life in the South Bronx by strengthening businesses and creating innovative economic housing, educational and career development programs for youth and adults.

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 February 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, Movement 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-term 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.

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.

Olli chanoff
New York, NY 10014

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Jeffrey Rabkin
Mew York, NY 10009

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Nadine Goellner
Brooklyn, NY 11215

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Holly Kowitt
New York, NY 10025

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rachel chanoff
new york, NY 10014

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Robert Bardin
New York, NY 10025

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Peter Shapiro
New York, NY 10003

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Sacha Jones
New York, NY 10003

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Kate Walter
New York, NY 10014

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Olli chanoff
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Jeffrey Rabkin
Mew York, NY 10009

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Nadine Goellner
Brooklyn, NY 11215

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Holly Kowitt
New York, NY 10025

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rachel chanoff
new york, NY 10014

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Robert Bardin
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Kate Walter
New York, NY 10014

Subject: Don't Water Down ZQA Parking Reforms

I was upset to learn that many council members who spoke at the Zoning for Quality and Affordability hearing oppose the transit zone in their districts. Thankfully my own council-member, Brad Lander, correctly recognized that parking is an inherently inefficient use of space in a metropolitan area and spoke out in favor of the plan.

Car use and ownership are behaviors which have a tremendous social cost and disproportionately burden the poor. These costs should be mitigated by policy wherever possible. The evidence of these costs is everywhere, from affordable housing not built to leave room for parking, to a public bus stuck in private traffic, to the almost total lack of consequences for drivers when they kill or maim pedestrians and cyclists.

Make the right choice for everyone in the community and put essential and desperately-needed affordable housing before the luxury of parking spaces.

Sincerely,
James Proctor

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Anastasia Woodworth
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Anne Rowland
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Joseph DiMarco
New York, NY 10012

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monica frizell
bklyn, NY 11218

Dear Speaker Mark-Viverito

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Wolf Chanoff
New York, NY 10014

SKA Marin

Testimony in Support of Proposed Legislation for Zoning for Quality and Affordability for Senior Housing

Good morning. My name is Sydelle Knepper and I am Founder and CEO of SKA Marin, an affordable housing firm that develops, owns and manages affordable housing with a specialty in the creation of quality senior housing communities. I am also Co-Chair of the New York Housing Conference (NYHC) and testified in support of the City of New York's legislative proposals for Mandatory Inclusionary Housing and Zoning for Quality and Affordability.

I would like to focus my testimony today on senior housing and the critical shortage that the City of New York faces in coming to terms with its growing elderly population. While SKA Marin has been involved in the creation of several thousand units of senior housing, there is still growing need in every community. Today, seniors are living longer. They are unlikely to move to other localities when they retire. Their children and families may not live near them. And, for many, social security and pensions do not cover the increase in living expense.

Aging in place is what many seniors would like to do. They would like to stay in their communities where their friends, social networks, houses of worship and familiar landmarks exist. Yet, the affordable housing that should be there for them when they need a more secure environment, a handicapped accessible apartment or easy access to services is not readily available. High land and construction pricing and a shortage of project based Section 8 vouchers are problems that are not easily solved. However, when we identify potential sites, current zoning requirements mandating a certain amount of parking means that we cannot build more apartments, or more open space or more community facility space that house needed services. Parking spaces are expensive and in SKA's projects are not widely used by residents. In the case of a building having only a limited number of parking spaces, this still impacts cost, open space and other amenities.

I would like to present an example of the impact of current zoning. SKA completed Riverway Apartments, 114 + 1 one bedroom apartments for seniors in Brownsville, Brooklyn. The building has some wonderful amenities including a

10,000 square foot senior center run by Catholic Charities that converts into a daily after school and homework program run by our partners, the Calvary Church of God. Riverway Apartments is shaped like a U and includes a beautiful secure courtyard garden with a fountain. Due to the 17 parking spaces that the building was required to have, and which is used only by staff and senior center employees, SKA had to cut the size of the outdoor space. To disguise the parking yet still allow it to be used, part of the garden has pavers with grass infill that can still be parked on. This portion of our garden space cost more and is not like a natural lawn. Other restrictions included a zoning height requirement that mandated the development of only 6.5 floors though there is a high rise complex just a block away from Riverway Apartments. To place this restriction in its context: Riverway Apartments received over three thousand applications for only 114 apartments.

I understand that the idea of building senior housing without parking seems, at first glance, to compromise those seniors who still own cars and drive or have family members who visit and need parking. However, most senior buildings do offer, through community facility spaces that house service providers and programs, access to transportation for shopping and other needs. Supportive services, for example, such as meals, recreation, referral for benefits, and health care counseling is available on-site. At SKA's senior housing, our security system offers immediate referral to EMS so residents do not have to worry about using their own transportation to get to emergency health care.

We have never had a complaint from any family member of a resident that they could not park on premises. What we always do hear are requests for applications for our housing. We are building 203 units of senior housing in East Harlem now and though the project is not expected to rent-up until the latter part of 2017, every day we receive inquiries. To benefit our seniors, the City of New York needs to make its zoning regulations more responsive to the development of best practice of senior housing and the ZQA is a good step in this direction.

Jennifer Akchin
Jackson Heights, NY 11372

To the members of the New York City Council:

I am writing to voice my opposition to the proposed Mandatory Inclusionary Housing proposal (Application No. 20160051ZRY). This plan, created to promote the inclusion of affordable units in market rate housing, will not only do nothing to address the housing needs of low-income New Yorkers, but will actually contribute to the greater exclusion of low-income residents from the housing market. Deputy Mayor Glen stated at Tuesday's hearing that we "cannot let perfect be the enemy of the good." But this plan is neither perfect nor good. It is a short-sighted and dangerous "emergency plan", and one that will not help--and will likely disproportionately harm--working class New Yorkers.

As a white, middle-income, college-educated professional (my two-earner household earns just enough to put us in the 60% AMI range), I know that I am exactly the type of person who plans like this will target. And still, I reject it. Why? Because I cannot accept an "inclusionary" plan which excludes my neighbors who are disabled or elderly and living on fixed incomes. Because I can't accept a plan that relies on literally winning the lottery to have a stable home. Because I can't live with the fact that in a city where 1/3 of residents live on less than \$20,000 a year, only 8% of the units created by our mayor's housing plan will be affordable to them, not to mention the 50,000+ households currently residing in the city's 1 billion dollar shelter system. This is not an oversight--it is reflective of this administration's unwillingness to address the needs of those most vulnerable in our runaway housing market.

What is all the more discouraging is that this plan will be implemented in the very communities where working-class households have been able to secure what might be the last affordable housing in the city. East New York, East Harlem, Flushing, and the Jerome avenue corridor are some of the most inclusive communities in the city, offering truly affordable housing in a range of different housing types. Meanwhile, neighborhoods that are actively exclusive--including large parts of the borough of Manhattan--are not and will not ever be subject to inclusionary housing laws that could actually do some good for the city's low-income residents.

I am tired of hearing our elected officials say that this city is a “victim of its own success,” as though gentrification and displacement were a natural occurrence. New York City is not a victim of success--it is a victim of speculation and greed--and this short-sighted solution to our present housing emergency will inevitably add incentive for increased speculation, development, and displacement, with low-income communities bearing the burden.

It's clear to me that we cannot fight fire with gasoline--we need to look at alternative solutions that do not rely on the very private actors who are actively destroying New York's affordable communities. Instead, we need to look towards a plan which will actually shift the cost of housing downwards for *all* of us, not just urban professionals. The FAB plan deserves attention--so, too, do tried and proven nonprofit housing models like community land trusts and mutual housing associations which are working in New York City and cities nationwide. We need community-based solutions to community-based needs, not building height giveaways for market-rate developers seeking to expand their portfolios.

This is not the solution our city wants or needs, and we have not exhausted our options in resolving this city's housing crisis. I urge you to reject this proposal, and, in so doing, to make it clear to this administration that a reliance on real-estate solutions cannot be the answer to our city's real-estate crisis.

Thank you.

Jenny Akchin

Dear Council Members:

For some years Inwood and Washington Heights (Manhattan CB 12, District 10), have sought "contextual zoning" to preserve the character of our neighborhood. Inwood is currently one of the neighborhoods targeted for Up Zoning with this new initiative from Mayor DeBlasio.

Currently, the Inwood/Washington Heights average median income is \$37,296.00. This is relatively far below the New York City AMI. This needs to be taken into account when true "affordability" is measured.

Much more needs to be done to preserve the affordable housing we have and are losing through lack of protection. We are losing our affordable housing to unscrupulous landlords converting stabilized rents to "preferential rents" whenever possible. Rent stabilized tenants are being forced out of their apartments because of the noise generated by illegal nightclubs on Broadway, 10th Avenue and West Dyckman Street in Inwood. Inwood and Washington Heights are not always lucky enough to be subject to the same laws of NYC.

Environmental impact of increased density of Up Zoning has not been reviewed or considered. Our trains and other services are already at capacity. Large scale development without large scale investment in infrastructure in tandem is going to make life for working New Yorkers much more difficult if not impossible. What additional transport, schools and health facilities are being planned to accompany any glass towers at the top of Manhattan?

What sort of city do we want to have and leave to our children and grandchildren?

Washington Heights is set to lose a piece of American cultural history, when the old Packard showroom is demolished to make way for a 23 story glass tower, casting shadows on and taking sunlight from its surroundings. There is not even a discussion of preserving the old facade. Remember Pennsylvania Station?

New York City is not a city like Singapore, Hongkong or Dubai. Our city is one of history and rich architectural heritage. Artists have historically flocked to this city to be inspired and make art. If artists must work all their waking hours to make their rent, they will make NO art. This city will be the poorer for it.

Never forget New York City is its people. Tourists do not come to visit our city because of Wall Street or Property developers. They come for the art, culture and people.

Your decision now will help shape our New York City of tomorrow.

Thank you for you attention,

Katherine O'Sullivan

Moving Forward Unidos
Executive Committee
646 584 6092

Dear Speaker Mark-Viverito

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Julia Jong
Hollis, NY 11423

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Peter Maniscalco
Manorville, NY 11949

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Lee Sudakoff
New York, NY 10003

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George Stadnik
Astoria, NY 11103

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Roger Hernandez Jr.
NYC, NY 10029

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David Pantoja
Astoria, NY 11106

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James Hughes
New York, NY 10014

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sarah eberle
new york, NY 10003

Subject: East Village Community Coalition - Oppose ZQA and MIH

I write to you on behalf of the East Village Community Coalition (EVCC) to express our opposition to both the Zoning for Quality and Affordability and Mandatory Inclusionary Housing proposals.

We fought long and hard to get the contextual zoning that helps preserve the unique qualities of our neighborhood and protect it from inappropriate and out-of-scale development. Developers who do not include affordable housing cite bureaucracy and higher cost for their reason for not including affordable units. They do not cite the need for more height as a reason that they don't include affordable housing. EVCC opposes trading our hard work for little or no public benefit.

While MIH is not likely to affect the East Village, we stand with communities across NYC in opposing thresholds that are too high to benefit NYC communities communities that would be affected by MIH..

We stand with our colleagues in preservation, in the East Village and across the City -- as well as community boards and many other community groups across the boroughs -- on both proposals, in asking that the City Council demand more and truly affordable housing while keeping neighborhoods livable for the people who live and work in NYC.

We absolutely do want and need affordable housing, but we are not willing to trade our contextual zoning that protects our neighborhood character for little or no benefit to the public -- especially while these proposals allow developers to continue to gain so much and more.

We ask the NYC Council to reject both the ZQA and MIH proposals.

Thanks and regards,
- Carol

Carol Crump
Acting Managing Director

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Subject: MIH-ZQA TESTIMONY

Dear City Council,

Thank you for hearing my testimony in person, opposing MIH and ZQA, on Wednesday, February 10, 2016 at the Council Chambers at City Hall.

(I was speaker number 75)

I add to that this written summary.

As a resident of Chinatown, my main criticisms to ZQA and MIH:

1. I see that the definition of "affordable" in ZQA and MIH leaves my district out since our AIM is \$37,362 a year for a family of 4. It completely disregards our community and out economic reality.

2. The best criticism I can provide is the Chinatown Working Group community-led rezoning we have proposed to the Mayor and the New York City Planning Commission. This plan is the result of 7 years of work by a wide coalition of more than 50 community organizations, 3 community boards CB3, CB1 and CB2) This is the kind of rezoning we want to see in our neighborhoods.

Please access the full plan via this link:

<http://chinatownworkinggroup.org/2014-01-01%20Pratt%20Report%20to%20CWG.pdf>

This document is a crucial part of my comments, please read the whole document.

3. The upzonings present in MIH and ZQA are not considering the colateral damage in crowded public transportation, schools, etc. Council Member Antonio Reynoso also pointed to this in his testimony at the hearing, citing examples of this problems in Williamsburg, Brooklyn.

4. I contest the notion that the Federal Government can't be of help in addressing our housing crisis. (There's more than 75,000 homeless people in NYC and thousands one pay check away from homelessness, full time workers that are still homeless). As long that there is money and resources to fight wars abroad and built state of the art facilities to store our private information, there should be resources to address the lives of people here. That's what we want our government to do, to help us make a better place for all, not just for the rich.

"Encroaching, speculative market rate development, primarily consisting of hotels and luxury condominiums, and rising property values threaten the loss of this vibrant, mixed-use, affordable urban environment and of the low- and moderate-income residents and small businesses that have inhabited and worked in these neighborhoods for generations. While development and growth are important for the city as a whole, the wave of gentrification that is consuming many older neighborhoods, particularly in Manhattan, has severe implications for the City in terms of affordability, displacement and increasing economic segregation. Unfortunately, despite substantial incentives very few developers have taken advantage of the City's voluntary inclusionary housing program and few affordable units have been developed."

Quoted from the Chinatown Working Group Plan Rezoning for Chinatown and the Lower East Side

Thank you again
for reading my testimony.

Francisca Benitez
New York, NY 10002, US

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.

Judith Stonehill
New York, NY 10014

Dear Speaker Mark-Viverito

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Nancy Kremsdorf
New York, NY 10011



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DELORES RUBIN
Chair

JESSE BODINE
District Manager

**Testimony to the New York City Council public hearings about
Mandatory Inclusionary Housing and Zoning for Quality and
Affordability Text Amendment proposals
February 12, 2016**

Written by

Jean Daniel Noland, Chair, Clinton\Hell's Kitchen Land Use Committee
Betty Mackintosh, Co-Chair, Chelsea Land Use Committee
Joe Restuccia, Co-Chair of the Housing, Health, and Human Services
Committee
Christine Berthet, Chair, Transportation Planning Committee

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Introduction

Manhattan Community Board 4 (MCB4) would like to first thank Council Member Donovan Richards Jr. and the other members of the Committee on Zoning and Franchises for the opportunity to deliver testimony on the Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA) Text Amendments. This testimony was drafted by five representatives of MCB4 and is meant to be a summary of the issues raised in MCB4's official response to the Department of City Planning, which are included and can be found [here](#).

MCB4 Testimony on Mandatory Inclusionary Housing (MIH) Testimony writing by Christine Berthert, Manhattan CB4

Manhattan Community Board 4 is in favor of increasing the share of affordable apartments to 30% - Thus we support the MIH. However, we suggest that the program as proposed have some unfortunate and unnecessary limitations.

Manhattan should not be economically stratified for the very wealthy and lowest income only: Economic Integration should be the goal. Since 2006 in MCB4, the Voluntary Inclusionary Housing Program has produced over 2500 units of affordable housing, of which 93.7% are 60% AMI or below.

Affordable housing in MCD4 should be available to a range of incomes to include all New Yorkers. The Workforce Option targets households, which includes firefighters, civil servants, and persons working in service, health and hospitality industries.

Therefore, the Workforce Option, which permits a broader range of incomes, must be available in MCB4 and must make up 30% of each development.

In the same vein we are also opposed to offsite provision of affordable housing. Manhattan and its Westside have been historically and should continue to be economically integrated communities.

Further MCB4 request that, in projects with multiple affordability bands, no gaps in affordability be permitted, as such gaps restrict access to a broad range of New Yorkers

Since 2007, MCB4 has reviewed 26 Voluntary Inclusionary Housing applications, in its direct experience, MCB4 has requested, and developers have agreed to an average of affordable apartment distribution in 80 % of the floors.

Manhattan Community Board 4 requests that the requirement for distribution of the affordable housing remains at a minimum of 65% of the floors of a building instead of being reduced to 50%, a concession not necessary to the success of the program.

Finally, we are looking to strong anti-harassment provisions, which have been successful in MCB4, in order to counter any unintended consequences from this zoning.

Manhattan Community Board 4 (MCB4) supports the goals of the proposed MIH Text Amendment, particularly the goal to increase the share of affordable apartments per development site to 30%. However, the program as proposed has some unfortunate and

unnecessary limitations.

MCB4 Testimony on Zoning for Quality and Affordability

Part I: Chelsea

Testimony by Betty Mackintosh, Manhattan CB4

There are a number of worthy measures in the current ZQA proposal but it ignores years of rezoning efforts in Manhattan CD4 which sought to balance new development on wide streets while maintaining the low-scale character in other areas. Manhattan Community Board 4 (MCB4) voted to recommend denial of the ZQA proposal unless a number of modifications are made. We urge that the proposal for two areas in Chelsea be modified.

East Chelsea

The East Chelsea area (a 64-block area east of Sixth Avenue between West 14th and West 34th Streets) is increasingly faced with development pressures as building sites in West Chelsea are becoming scarcer. A 1996 rezoning for this East Chelsea area, based on an adopted 197-a plan, created housing opportunities on the avenues, and balanced new development with the preservation of neighborhood context on side streets. The ZQA proposal, if approved, would override the zoning regulations for the building height and street wall limits on the side streets, measures that were carefully crafted with DCP's support to preserve the neighborhood context.

Therefore, MCB4 requests that the ZQA proposal include zoning text consistent with the height and setback limits established by the 1996 East Chelsea rezoning.

Special West Chelsea District

The Special West Chelsea District (SWCD) was adopted in 2005 for a 17-block area, governing the transfer of development rights from the Highline. The western portion of West 23rd Street fronting 11th Avenue was included. However, the eastern portion of the West 23rd Corridor (mid-block West 22nd to West 24th Streets) remained governed by the underlying zoning (C6-2A and C6-3A) because this zoning reflected the community context. The ZQA proposal would increase street wall and building heights by varying amounts in this Corridor and would not respect the community context.

Therefore, MCB4 requests that the ZQA proposal be modified so that the original zoning regulations (98-423 and 98-50) with the height and setback limits on the eastern West 23rd Street Corridor -- as agreed on in 2005 -- replace the currently proposed measures in ZQA.

Ground Floor Heights

We also request that the increased ground floor height text be removed. The ZQA proposal recommends an increase of the permitted ground floor height in buildings with residential units on the ground floor to elevate unit windows above street level and to allow for the addition of retail spaces which require heights greater than the current permitted maximums. MCB4 believes that this proposal, if adopted, would create out of scale first floors that would not be in context with the surrounding existing buildings.

Many new buildings in CD4 have been constructed with ground floor commercial spaces on both avenues and narrow streets. A wide variety of businesses, constructed within the current zoning regulations, are thriving. Therefore, MCB4 requests that the text proposing changes to permitted ground floor heights be deleted from the ZQA proposal – at least for CD4.

MCB4 Testimony on Zoning for Quality and Affordability

Part II: Clinton/Hell's Kitchen

Testimony by Jean Daniel Noland, Manhattan CB4

Thank you for the opportunity to speak on the current ZQA proposal. I am here with other colleagues from Community Board 4, co-chairs of our Chelsea Land Use and our Health, Housing, and Human Services Committees, who will speak on the MIH proposal as well. We come to praise the Mayor's proposed text amendments, not to bury them.

Well, not entirely to praise them, but to suggest how they can become praiseworthy.

We found worthy initiatives in the ZQA proposal. But we found others of such serious concern to our community that Manhattan Community Board 4 (MCB4) voted to recommend denial of the ZQA proposal unless modifications are made.

First we need to take a step back and ask: doesn't encouraging affordable residential development require different tools for Jerome Avenue in the Bronx, Atlantic Avenue in Brooklyn, or Eleventh Avenue in Hell's Kitchen?

In our district, the proposed ZQA zoning text ignores the context of decades of rezoning efforts on the Westside of Manhattan in both the Chelsea and Hell's Kitchen neighborhoods. Since 1969, for nearly 50 years, our community has worked with the Department of City Planning and the City Council on rezoning and development proposals, balancing increased density and preservation of context, in order to allow the City to grow while managing change, ensuring neighborhood survival, and increasing affordable housing

Zoning and planning for the Westside of Manhattan in MCB4 must be developed within that context and with that same clear vision on how communities really work, and grow, and thrive.

Let me be specific.

In 2009, as part of the rezoning of Western Railyards, the Mayor and the Department of City Planning agreed to study rezoning West Clinton, a manufacturing area primarily west of Tenth Avenue, from West 43rd to West 54th Streets. The goals of such rezoning, long requested by the community were to:

- promote residential development and increase affordable housing;

- increase neighborhood preservation; and,
- ensure neighborhood context through height limits and street wall requirements.

The agreement also called for the rezoning application to be jointly submitted by DCP and MCB4. After a two-year study process, with careful and thoughtful negotiation by both parties, an application was certified and adopted in 2011.

This ZQA text amendment now proposes to undo that two-year effort along with the community and political compromises it represents.

It proposes to impose new zoning which does not take into consideration the "built context" of our neighborhood.

It proposes to impose new zoning without an adequate review process, without ample engagement with the community, without serious consultation with the community board.

Claims that text changes are needed to allow development to be successful may be the case in some areas of the City. But these claims do not hold in the west side of Manhattan. We have a patent on the words: "affordable housing."

The development model that works best is one based on community participation and incorporating the community's aspirations into the final design of a project. The Gotham West site in Hell's Kitchen is one such model. The success of the project was due to substantive discussions over a number of years with the community, MCB4, our Councilmember, the Department of City Planning, and HPD and the developer's willingness to respond specifically and concretely to the community's concerns.

The site encompasses almost an entire city block between West 44th and West 45th Streets, between Tenth and Eleventh Avenues. The project resulted in over 1,200 residential units of which nearly half are permanently affordable. The height of the building was carefully calibrated to work with the scale and context of the neighborhood. And the community was not only able to preserve the 100-year old P.S. 51: it was able to get a new 600-plus seat addition to the school.

We call on the Council to fix the Mayor's proposal. To make it better. How?

In this specific instance, by modifying SCD 96-31 to include Zoning Text to establish height and setback limits in Subarea C2 of the Special Clinton District consistent with the adopted West Clinton Rezoning.

And in general, the proposal needs the modifications suggested in our letter to the Department of City Planning — to make it responsive to our community's needs, context, and viability.

MCB4 Final Summarizing Statement on MIH and ZQA

By Joe Restuccia, MCB4

The proposed Zoning Text Amendments—Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)—while centered around laudable goals, do not take into consideration the individual needs of the diverse communities across New York City. In Manhattan Community Board 4 (MCB4), members of the community have worked for decades to ensure that growth in our neighborhood balances real estate development with continued affordability for our residents. These proposals threaten to undo some of this work, while also making it difficult for Community Boards to influence development within their districts.

Mandatory Inclusionary Housing

Affordable Housing Income Bands

While both Option One, which requires that developers provide at least 25% of their residential floor area to households at an average of 60% AMI, and Option Two, which required that developers provide at least 30% of their total residential floor area to households at an average of 80% AMI, provide some affordability options to MCB4, the exclusion of Option Three, a “Workforce Option” that requires 30% of residential floor area at 120% AMI, ignores District’s needs. **93.7% of all affordable housing created in our community since 2006 has been for families and individuals earning 60% AMI or below.** Our community thrives when it contains residents across a broad spectrum of incomes. Excluding middle income families and individuals from most of Manhattan make vibrant and diverse communities more unattainable, and it is antithetical to the larger goals of affordable housing and equality in our city.

Local Affordable Housing Fund

The proposed Affordable Housing Fund should be closely monitored to ensure that developers do not use the Payment in Lieu option as an easy way out. It is not enough to limit this option to developments less than 12,500 square feet. **City agencies must work to ensure that contributions to this fund reflect current construction costs, and they must review the contribution formula to ensure that this fund can adequately provide for the construction of affordable housing.**

Economic Integration- Distribution

The current proposal before the City Council is weak when it comes to ensuring economic integration for the affordable units that will be built as part of MIH. The distribution requirement to locate the affordable units in 50% of the floors, is lower than the 65% required under the current VIH program. The argument that this is to ensure the financial feasibility of these projects does not stand. **MCB4 has ensured that the last 26 developments built in our district to agree to, on average, distribute their affordable units across 83.4% of the floors.**

Economic Integration- Amenities

Affordable units should, in addition have the same finishes and appliances as market rate units. Their residents should also be able to use the same building amenities as the market-

rate residents. Allowing developers to do otherwise only creates a stark contrast between affordable and market rate units in these buildings.

Public Review Process

MCB4 has achieved a higher standard for affordable housing under the current VIH program thanks to the 45-day Community Board public comment and review period. **This review process must be maintained in order to ensure that new developments provide affordable housing that truly responds to communities' needs.**

HPD/MIH Program Guidelines

Waiving the MIH requirement for infrastructure or transit improvements offers a “path of least resistance” for developers that is simpler and less costly. This provision would be used frequently and with little concern for the needs of CD4.

Zoning for Quality and Affordability

Affordability Time Limits

The proposed zoning text does not guarantee the permanent affordability of nonprofit senior residences and long-term care facilities that receive an as-of-right 20% FAR increase. **The FAR increase is permanent. Therefore, the affordability of these units should be permanent.** Similarly, there must be zoning text guaranteeing the permanent affordability of senior housing built through developments that receive FAR increases in districts R3 through R10 as-of-right and developments that receive an increase in floor area in R8 through R10 districts.

Wholesale Changes to Building Envelopes

The proposal outlines blanket changes to the Zoning Resolution, which allow for increasing maximum base heights in some districts as well as increasing maximum building heights in R9 and R10 districts. These broad stroke changes do not have the requisite consideration to preserve the character and built environment of CD4. Instead, they are posed to introduce tremendous changes to the kinds of developments that are built in our district. **One size does not fit all. It is essential that ZQA, while enabling the construction of housing for the elderly, also allow communities to shape the ways in which this development is facilitated.**

The proposed zoning text amendment needs to either exclude CD4's special zoning districts, or be rewritten in a way that does not undercut the work that the Board has done to preserve our neighborhoods. In a letter dated November 30, 2015, MCB4 provided proposed additional zoning text for the Special Clinton District, the Special Hudson Yard District, the Special West Chelsea District, and a portion of East Chelsea. These proposed texts would establish building and streetwall height limits in order to preserve their respective neighborhoods.

Conclusion

MCB4 has extensive community planning experience and has spent over 40 years working to foster a harmony between new development and the preservation of affordable housing,

our buildings, and neighborhood character. The Board looks forward to working with city agencies, elected officials, and community stakeholders to ensure that the proposed zoning text amendments respond to our community's needs and our desire to provide affordable housing that fits into our community preservation goals.



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Christine Berthet
Chair

Jesse R. Bodine
District Manager

November 25, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Vicki Been
Commissioner
Department of Housing Preservation & Development
100 Gold Street 10038

Re: **Mandatory Inclusionary Housing**
NI60051ZRY (zoning text amendment)

Dear Chair Weisbrod and Commissioner Been,

At its full board meeting on November 4th, 2015, Manhattan Community Board 4 (MCB4) reviewed the application by the New York City Department of City Planning (the "Applicant") for the proposed Citywide Zoning Text Amendment to create a Mandatory Inclusionary Housing Program (MIH).

The Board by a vote of 39 in favor, 0 opposed, 0 abstentions and 0 present but not eligible **recommended to approve with conditions** the proposed text amendment.

Background—MCB4 Affordable Housing Preservation & Production

Manhattan Community Board 4 has been an affordable housing advocate for decades. From the 1970's when the City was plagued by disinvestment and abandonment, through gentrification and tenant displacement in the 1980's and 1990's, and the major rezoning actions and luxury rental and condo development of the early 2000's, MCB4 has always sought flexibility and creativity from the City government and the private sector to develop and preserve affordable housing.

In 2015, MCB4 developed an Affordable Housing Plan for Manhattan Community District 4, with the goal of fostering the development and preservation of 10,966 units of affordable

housing. The plan is a living document that guides its efforts to support affordable housing.

MCB4 believes that Economic Integration is the only way to help keep Chelsea, Hudson Yards, and Clinton/Hell's Kitchen the thriving neighborhoods they are today. The Board will work to ensure that any changes to Zoning Regulation establish the requirements, standards, and support necessary for developing the housing that is crucial to maintaining our diversity.

Application

The application is for a proposed city-wide text amendment that would apply to any new residential development, enlargement or conversion that requires rezoning. At the point of such a rezoning action, MIH will be mapped over the rezoned underlying zoning. (It will not apply to any development not subject to these actions.) In the proposed Zoning text amendment, The City of New York would make the provision of permanently affordable housing a requirement in any development that falls under these parameters.

Elements of the Application

Applicability

- The zoning text amendment would apply to any new residential development, enlargement, or conversion that requires a rezoning.
- The requirement will also apply to neighborhoods that undergo large-scale rezonings.

Income bands

- The City Planning Commission, along with the City Council will have the discretion to apply one of three affordable housing options to a development.
- Option One requires developers to provide ***at least 25% of their total residential floor area to households at an average of 60% of the Area Median Income*** (AMI).
- Option Two requires developers to provide ***at least 30% of their total residential floor area to households at an average of 80% AMI***.
- Option Three, called the Workforce Option, requires developers to provide ***at least 30% of the residential floor area as housing for households of an average 120% AMI***.
- All options mandate that no affordable unit exceed 130% AMI.

Affordable Housing Fund

- For developments that are ***between 10 and 25 units, or 12,500 to 25,000 square feet***, the developer must make a payment to an affordable housing fund (in lieu of constructing affordable apartments).
- The payment will be calculated by multiplying the number of affordable units required of the development by a factor that is based on the cost of providing an affordable unit in the particular community where the market rate development will be constructed.
- The funds will be used for construction, rehabilitation, preservation and other affordable housing purposes as defined by HPD guidelines.
- The funds will be used for projects within the same community district or within a half mile radius of the market rate development.
- If the payment cannot be spent within the number of years set forth in HPD guidelines, the funds would become available for use in a broader area.

Economic Integration--Affordable Housing Apartment Distribution Within a Building

- Affordable Apartment distribution will be decreased from 65% of the floors of building to 50% of the floor
- Affordable Apartment distribution (at the decreased 50%) will not apply to condominium and co-op developments when affordable units are rentals
- Equal apartment distribution will not be required for senior or supportive housing units, given the need for social service program requirements

Economic Integration--Equality in Apartment Finishes and Appliances--for Market Rate and Affordable Housing Residents

- MIH is silent on this matter and contains no proposed zoning text.

Economic Integration--Equal Access to Building Amenities--for Market Rate and Affordable Housing Residents

- MIH is silent on this matter and contains no proposed zoning text.

Location of Affordable Units

- Units can be located in the same building as the development, in a separate building on the same zoning lot as the market rate development, or on a separate zoning lot within the same community district or within a half mile of the market rate development.
- Units that are built as part of off-site developments not on the same zoning lot will not be eligible for a 421-a real estate tax abatement.

Unit Sizes—Changes in Standards

- The minimum unit sizes would be as follows: 400 square feet of floor area for a zero-bedroom unit; 575 square feet of floor area for a one-bedroom unit; 775 square feet of floor area for a two-bedroom unit; 950 square feet of floor area for a three-bedroom unit.
- When the average floor area of an apartment of a particular apartment size (studio, one-bedroom, etc.) is smaller than the minimum unit size requirement, the smaller floor area standard would apply.
- The bedroom mix of the affordable units will have to either match the market rate units or have at least 50% of units that are two bedrooms or more, with 75% or more being one bedroom or more.

Public Review and Comment by Community Boards

- MIH removes the required 45-day public comment and review period for Community Boards. This zoning provision has been in the Voluntary Inclusionary Housing program since 1987.

BSA Special Permit

- There will be a hardship exemption under which developers can go before the Board of Standards and Appeals to modify their affordable housing requirements.

Additional Programs

- Developments may be able to meet their affordable housing requirements if they offer a homeownership option, similar to the one currently available under the Voluntary Inclusionary Housing program
- There would be no preservation option, whereby bonus floor area can be used to meet affordable housing requirements
- Developers whose affordable units are supportive housing could locate those units in a building separate from the market rate units
- A tenant who has lived in a site that is to be demolished for an MIH development may live in one of the affordable units provided by the development, even if their household income exceeds the qualifications set by the program.

Regulatory Agreement

- The regulatory agreement between the developer and HPD would contain an MIH application, which would be a standardized form that would be required for all MIH sites that would specify compliance with the MIH guidelines
- The developer must submit a copy of the MIH application to the local Community Board
- HPD will provide a list of pre-qualified monitoring agents who can oversee compliance with the MIH regulatory agreement.

HPD/MIH Program Guidelines

- Distribution requirements can be changed in situations where a development has too few units to meet the requirements.
- The method used by which HPD measures the square footage of affordable units will be changed so that it conforms to the method used by the Department of Buildings.

MCB4 Proposed Actions and Recommendations

Applicability

MCB4 supports the applicability of the proposed text amendment, which will entail any new residential development, enlargement, or any conversion that requires a rezoning.

Affordable Housing Income Band--Proposed Options

MCB4 supports:

- Option One, under which developers are required to provide ***at least 25% of their total residential floor area to households at an average of 60% AMI.***
- Option Two, under which developers are required to provide ***at least 30% of their total residential floor area to households at an average of 80% AMI.***

MCB4 supports with conditions:

- Option Three, the Workforce Option, under which developers are required to provide ***at***

least 30% of the residential floor area as housing for households of an average 120% AMI (with no households earning more than 130% AMI).

This option is currently proposed to be excluded in CD's 1-8 in Manhattan.

MCB4 requests the Workforce Option be available in MCB4. Manhattan and its Westside have been historically and should continue to be economically integrated communities. The Workforce Option targets households (from 1 to 4 persons) with annual household incomes ranging from \$36,300 to \$112,190. This income group includes firefighters, civil servants, and persons working in service, health and hospitality industries.

Since 2006 in MCB4, the Voluntary Inclusionary Housing Program (VIH) has produced 2,571 units of affordable housing, of which 93.7% are 60% AMI or below¹. The rest of the units are as follows:

AMI	Number of Units	Percent of Total Units	Income Range (for 1 – 4 persons)
40%	187	7.3%	\$24,200-\$34,520
50%	1,574	61.2%	\$30,250 - \$43,150
60%	647	25.2%	\$36,300 - \$51,780
80%	64	2.5%	\$48,350-\$69,050
100%	27	1.1%	\$60,500 - \$86,300
130%	27	1.1%	\$78,650-\$112,200
165%	47	1.8%	\$99,850-\$142,400
>165%	8	0.3%	\$99,900 and above

Total: 2,571

Affordable housing in MCD4 should be available to a range of incomes to include all New Yorkers. **Economic Integration should be the goal, not economic segregation.** Manhattan should not be economically stratified for the very wealthy and lowest income only. Therefore the Workforce Option, which permits a broader range of incomes, must be available in MCB4.

Given the strong real estate market in Manhattan, it is financially feasible for a market rate development to support a greater percentage of affordable housing. **Therefore MCB4 recommends that the Workforce Option requirement for Manhattan be 30% or more**².

Further MCB4 request that, in projects with multiple affordability bands, no gaps in affordability are permitted, such affordability gaps restrict access to broad range of New Yorkers.

Local Affordable Housing Fund-- Payment in Lieu Contributions for Developments less than 12,500 square feet

¹ See Appendix attached (list of VIH buildings forthcoming)

² Given the new 421A requirement for 25% affordability @ 80% AMI or below, for projects using this option and 421A, the Workforce Component will be effectively an 5% increment of such housing

For developments that are *between 10 and 25 units, or 12,500 to 25,000 square feet*, the developer can make a payment to an affordable housing fund (in lieu of construction affordable apartments).

MCB4 supports contribution to a Local Affordable Housing Fund provided that:

- ***The Contribution Standard should be based on current actual costs for constructing housing in that Community District***
- ***Proposed zoning text must include an annual review of the contribution formula and standard.***
- ***Use of the Local Affordable Housing Fund should be determined by HPD in consultation with the local Community Board and Councilmember and Borough President.***

Economic Integration-- Affordable Housing Apartment Distribution within a Building

The proposed MIH zoning proposes:

- Allowing Supportive or Senior Housing to be clustered in a portion of a building
- Decreasing the requirement for distribution of the affordable housing from 65% to 50% of the floors in a building
- Waiving the requirement for distribution of the affordable housing in Condo buildings with affordable rental units

MCB4 supports:

- ***Allowing Supportive or Senior Housing to be clustered in a portion of a building.*** Such housing often has specific social services or programmatic needs (such as activity rooms, health care facilities and/or social service offices). Therefore the need to cluster such affordable units benefits the residents of those apartments and required to better meet their needs.

MCB4 cannot support:

- ***Decreasing the requirement for distribution of the affordable housing from 65% to 50% of the floors of a building***

Since 2007, MCB4 has reviewed 26 Inclusionary Housing applications, containing 3,516 affordable units. In its direct experience in reviewing Inclusionary Housing applications in the Voluntary Inclusionary Housing Program (VIH), ***MCB4 has requested, and developers have agreed, to affordable apartment distribution 67% to 100% of the floors.***

Inclusionary Housing in MCB4—Inclusionary Apartment Distribution within Buildings

Project	Address	Year	Required Distribution	Distribution Agreement
Caledonia	450 West 17th Street	2006	65%	65%
TF Cornerstone	455 West 37th Street	2007	65%	65%
Clinton Housing	505 West 51st Street	2007	100%	100%
Douglaston Development	316 11th Avenue	2007	65%	65%
Emerald Green	310-328 West 38th Street	2007	65%	100%
River Place II	600 West 42nd Street	2007	65%	65%
Atlantic Development	303 10th Avenue	2008	65%	65%
TF Cornerstone	505 West 37th Street	2008	65%	65%
Avalon Bay	525 West 28th Street	2009	65%	100%
Tower 37 LLC	350 West 37th Street	2009	65%	73%
Crystal Green	330 West 39th Street	2010	65%	72%
Gotham West	550 West 45th Street	2011	65%	80%
Mercedes House	770 11th Avenue	2011	65%	100%
Lalezarian	515 West 28th Street	2012	65%	80%
Related Companies	500 West 30th Street	2012	65%	85%
Arker Companies Development	424 West 55th Street	2013	100%	100%
DHA Capital	546 West 44th Street	2013	65%	71%
Extell Development	551 10th Avenue	2013	65%	80%
Moinian	605 West 42nd Street	2013	65%	67%
Iliad Development	509 West 38th Street	2014	65%	84%
Elad	505 West 43rd	2014	65%	60% ¹
Manhattan West	401 West 31st Street	2014	65%	69%
Taconic/Ritterman	525 West 52nd Street	2014	65%	83%
TF Cornerstone	606 West 57th Street	2014	65%	85%
Site 7	540 West 53rd	2014	100%	100%
Lalezarian	515 West 36th Street	2015	65%	79%

Average 83.4%

1 –number of inclusionary units too low to meet 65% distribution requirement

The development community is properly focused on maximizing return on investment. More Market Rate units on higher floor bring higher per square foot rents or higher per square foot purchase prices.

The City of New York, through it Department of Housing Preservation and Development and City Planning Commission, should focus on maximizing social investment. The MIH proposal should foster not only affordable housing but also Economic Integration, truly integrating all income groups within a building.

The higher floors and increased floor area will only exist due to the proposed Mandatory Inclusionary Zoning. **Higher income New Yorkers' apartments should not sit on the shoulders of Lower Income households.**

MCB4 requests the affordable housing distribution requirement be increased from 50% to 80% of all floors within a building.

Segregating and or relegating affordable units to lower floors creates, not a Poor Door, but a Poor Floor.

MCB4 cannot support:

- ***Waiving the requirement for distribution of the affordable housing in Condo or Co-op buildings with affordable rental units***

In the VIH Program, affordable units are required to be integrated on 65% of the floors of the development.

In its MIH presentation to MCB4, HPD stated the reason for waiving the requirement for Economic Integration for Co-ops and Condos which contain affordable housing rental units was that they presented difficulties in management and operation.

MCB4 rejects this rationale as unfounded in longstanding real estate practice and operation. Since the 1960's, thousands of buildings throughout the City of New York have been converted from rental housing to home ownership in the form of Coops or Condominiums. In nearly every instance, rent stabilized or rent controlled renters have continued to live side by side with new owners (either prior tenants or new buyers). The majority of such buildings has been and continues to be successfully managed by the private sector. Managing a mixed building of market rate condos or coops and affordable rental housing is the same circumstance.

MCB4 requests that the affordable housing distribution remain as a requirement for Co-op and Condominiums buildings and the distribution requirement be 80% of all floors within a building.

Segregating affordable units onto lower floors creates, not a Poor Door, but a Poor Floor, and in the case of Coops or Condos, creates the impression that the City of New York values homeowners over renters.

Furthermore, MCB4 is both surprised and distressed that this proposal is silent with regards to access to amenities, finishes, and appliances for affordable units. These issues must be addressed in order to ensure that the residents of these affordable units do not become the victims of stigmatization. The need to set standard requirements for affordable units has become clear to MCB4, which in its years of evaluating applications, has seen an overwhelming number of developers who have sought to create separate standards for affordable units. This has been the key issue in the Community Board's reviews of these applications.

Economic Integration--Equality in Apartment Finishes and Appliances--for Market Rate and Affordable Housing Residents

Economic Integration demands equality in apartment finishes (flooring, tile, countertops, plumbing and lighting fixtures) and appliances. Such finishes should be the same in all market rate and affordable units. The goal of Economic Integration is ensuring that tenants or owners in the same building live in the same standard of housing. *Creating a separate but not equal apartment finish standards leads to stigmatization.*

All residents should be in the same housing; some apartments just rent or sell for less. The quality of the apartments should not be secondary; the affordable housing residents must not be treated as second class citizens. Their lower income housing creates the financial benefit of the additional height and or bulk directly resultant from MIH, and in turn increases the return for the investment of the private sector. Additionally, MCB4 recommends that this standard also apply to the current Voluntary Inclusionary Housing Program (VIH). MCB4, in its review of 26 VIH applications has achieved the following:

Inclusionary Housing in MCB4—Equality in Apartment Finishes

Project	Address	Floors	Countertops	Cabinets	Appliances	Paint	Wall Tile	Doors/ Hardware	Baths	In unit washer/dryer
Caledonia	450 West 17th Street	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
TF Cornerstone	455 West 37th Street	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Clinton Housing	505 West 51st Street	S	S	S	S	S	S	S	S	S
Douglaston	316 11th Avenue	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Emerald Green	310-328 West 38th Street	S	S	S	S	S	S	S	S	S
River Place II	600 West 42nd Street	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Atlantic Development	303 10th Avenue	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
TF Cornerstone	505 West 37th Street	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Avalon Bay	525 West 28th Street	S	S	S	S	S	S	S	S	S
Tower 37 LLC	350 W. 37th Street	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Crystal Green	330 West 39th Street	S	S	S	S	S	S	S	S	S
Gotham West	550 West 45th Street	(2)								
Mercedes House	770 11th Avenue	S	S	S	S	S	S	S	S	S
Lalezarian	515 West 28th Street	(3)								S
Related Companies	500 West 30th Street	(1)	(1)	S	(1)	(1)	(1)	S	S	S
Arker Companies	424 West 55th Street	(4)								
DHA Capital	546 West 44th Street	D	D	D	(1)	(1)	(1)	(1)	(1)	S
Extell Development	551 10th Avenue	D	S	S	S	S	(1)	(1)	D	S
Moinian	605 West 42nd Street	S	D	S	D	S	S	(1)	(1)	S
Iliad Development	509 West 38th Street	(5)								S
Elad	505 West 43rd	S	S	S	S	S	S	S	S	S
Manhattan West	401 West 31st Street	S	D	S	D	S	S	(1)	(1)	S
Taconic/Ritterman	525 West 52nd Street	S	S	S	S	S	S	S	S	(1)
TF Cornerstone	606 West 57th Street	D	D	S	D	(1)	(1)	(1)	(1)	S
Site 7	540 West 53rd	S	S	S	S	S	S	S	S	S
Lalezarian	515 West 36th Street	S	S	(1)	S	(1)	(1)	(1)	S	S

S – Same; D – Different

(1) Information not available

(2) "Same as the finishes in the moderate- and middle-income units"

(3) Quality not less than hardwood, porcelain, stone or ceramic

(4) Oak strip wood flooring, ceramic tile, and wood cabinets

Given its record in achieving a better degree of Equality of Apartment Finishes and Appliances, ***MCB4 requests the proposed MIH Zoning Text be amended to include requirements for MIH developments for the same level of Apartment Finishes for Market Rate and Affordable Apartments. Such Equality in Apartment Finishes and Appliances should also be met if Affordable Apartments are built off site.***³

MCB4 also requests post-construction compliance inspections be made by HPD to ensure that Apartment Finishes and Appliances are equal for Market Rate and Affordable Apartments.

Additionally, MCB4 would like to point out that in many new multifamily developments use a fan blower to supply heat to a unit. Fan blowers use electrical power, and in some cases have created a cost burden on affordable housing tenants, forcing them to choose between heat and an unaffordable electric bill. MCB4 has received multiple complaints from Inclusionary Housing tenants are unable to meet utility costs to keep heat running in winter. ***MCB4 requests HPD to take the utility cost of fan blowers in account in its calculation of utility allowances for affordable housing tenants.***

Economic Integration--Equal Access to Building Amenities--for Market Rate and Affordable Housing Residents

Economic Integration also demands equal access to building wide amenities such as:

- children's playrooms and outdoor playrooms
- outdoor patios
- roof decks
- party rooms and kitchens
- libraries and game lounges
- storage lockers
- screening rooms
- bike rooms
- gyms

Access to such building wide amenities (except in the case of gyms which require a separate paid membership) should be equally accessible to all market rate and affordable apartment residents. The goal of Economic Integration is ensuring that tenants or owners in the same building are able to enjoy and mix socially in the building-wide amenities. **Restricting or limiting use of building-wide amenities creates two classes of residents through the Zoning Resolution and bakes in income inequality leading to stigmatization.**

MCB4 in review of 26 VIH applications has achieved the following:

³ Affordable developments built with monies from the Affordable Housing Fund will have no direct nexus with the market rate project contributing to the Fund, therefore this requirement would not apply to units using these funds.

Inclusionary Housing in MCB4—Equal Access to Building Amenities

Project	Roof deck	Gym	Amenity Lounge	Bike Parking	Playroom
Caledonia	(1)	(1)	(1)	(1)	(1)
TF Cornerstone	(1)	(1)	(1)	(1)	(1)
Clinton Housing	Yes	(1)	Yes	(1)	(1)
Douglaston Development	(1)	(1)	(1)	(1)	(1)
Emerald Green	(1)	(1)	(1)	(1)	(1)
River Place II	(1)	(1)	(1)	(1)	(1)
Atlantic Development	(1)	(1)	(1)	(1)	(1)
TF Cornerstone	(1)	(1)	(1)	(1)	(1)
Avalon Bay	(2)	(2)	(2)	(2)	(2)
Tower 37 LLC	(1)	(1)	(1)	(1)	(1)
Crystal Green	(1)	Yes	Yes	(1)	(1)
Gotham West	(1)	Yes	Yes	(1)	Yes
Mercedes House	(1)	(1)	(1)	(1)	(1)
Lalezarian	Yes	Discounted	(1)	(1)	(1)
Related Companies	Yes	Discounted	(1)	(1)	(1)
Arker Companies	(1)	(1)	(1)	(1)	(1)
DHA Capital	Yes	Discounted	Yes	Fee	(1)
Extell Development	Discounted	Discounted	Discounted	Discounted	Discounted
Moinian	Discounted	Discounted	Discounted	Discounted	Discounted
Iliad Development	Yes	Yes	Yes	Yes	Yes
Elad	Yes	Yes	Yes	Yes	Yes
Manhattan West	(3)	(3)	(3)	(3)	(3)
Taconic/Ritterman	(4)	(4)	(4)	(4)	(4)
TF Cornerstone	Yes	Yes	Yes	(1)	(1)
Site 7	Yes	Yes	(1)	(1)	Yes
Lalezarian	Yes	Lower fee	Yes	Yes	(1)

(1) Information not available

(2) “Affordable rates”

(3) "All of these amenity spaces will either be free and open to all residents of the building or will be available to the low-income tenants of the building"

(4) “Free or reduced fee”

Given the record in achieving a better degree of Equal Access to Building Wide Amenities, ***MCB4 requests the proposed MIH Zoning Text be amended to include requirements for MIH developments to provide Equal Access to Building Wide Amenities for Market Rate and Affordable Apartments.***⁴

⁴ For gym facilities, open to all tenants, discounted rates affordable to Inclusionary tenants would apply. However, for gyms that require a separate paid membership This requirement would not apply.

Location of Affordable Units

MCB4 supports with conditions establishing options that allow developers to place affordable housing units in the same development as the market rate units, in a separate building on the same zoning lot as the market rate development, on a separate zoning lot within the same Community District, or within a half mile of the market rate development only for Supportive or Senior Housing. Additionally, eliminating affordable units built on off-site developments from the 421-a program ensures that developers will not receive unwarranted financial benefits.

Unit Sizes—Changes in Standards

MCB4 supports the proposed unit size minimums, and the built-in flexibility that would allow developments with market-rate units that are of smaller size to provide corresponding affordable units that are also equal in size. Additionally, maintaining equality in bedroom mix is important. The requirement that at least 50% of units be two bedrooms or more (with at least 75% being one bedroom or more) will make these affordable units open to a wider range of households in our community.

Public Review and Comment by Community Boards

MCB4 requests proposed MIH zoning text be amended to retain the VIH provisions⁵ for the 45 day public comment and review by Community Boards

MCB4 has reviewed 26 Inclusionary Housing Plans since 2007, the greatest number of any in the any Community District in the city. That review process is integral for public information and ensuring developer compliance. Maintaining the 45 day Community Board Public Comment Period for MIH applications as it exists in VIH ensures the public and local Community Board can provide meaningful comment. MCB4's work in Inclusionary Housing review has provided significant improvements in economic integration with improved affordable housing distribution, equality in apartment finishes, and equal access to building wide amenities for affordable housing tenants.

Reducing the requirement to notification, with no 45 day public review and comment period, reduces transparency for neighborhoods and their Community Boards, promoting development at the cost of public involvement.

BSA Special Permit

MCB4 supports having a procedure in place for developers who face unusual challenges to meeting the affordable housing requirements. The Board expects that such requirements will be justifiably modified to give developers allowances while still holding them responsible to the affordable housing goals of the proposed amendment.

Additional Programs

MCB4 supports the consideration of other programs with regards to affordable units provided under MIH. Such consideration allows multiple programs, like the homeownership option, and MIH requirements to work in harmony. The community Board also supports eliminating the preservation option and enabling supportive housing units, whose residents have a range of special needs, to be placed in a separate building from the contributing development.

⁵ New York City Zoning Resolution – Inclusionary Housing Section 23-961, d (3)

Furthermore, MCB4 is in agreement with the support of grandfathered tenants in the proposed amendment. Protecting existing tenants through grandfathering is key to protecting the long-term resident and character of our community.

Regulatory Agreements

MCB4 supports including a standardized application as part of the MIH process, as well as the monitoring of the affordable units to ensure that developers comply with the MIH regulatory agreement.

HPD/MIH Program Guidelines

MCB4 supports the flexibility that the proposed text would provide for developments with too few units to meet distribution requirements. Furthermore, it applauds the proposal to standardize square footage calculations across both HPD and DOB.

MIH Requirements Waiver for Infrastructure or Transit Improvements

MCB4 cannot support waiver of MIH requirements for infrastructure or transit improvements Until 1990 the CSD contained zoning text for density bonus options—either the provision of public open space or affordable housing. While the open space option was used by the development community, the affordable housing option was never used. After the deletion of the open space option in 1990, Inclusionary Housing began to be built or preserved in the CSD. **When less costly or simpler bonus options exist, simpler than the provision of affordable housing, the development community will choose the economic path of least resistance,** and essentially buy out one time capital improvements, as opposed to the initial capital investment coupled with long social investment that affordable housing requires.

Other considerations

Increased funding is needed for DOB/HPD enforcement to penalize owners who neglect affordable housing. Stronger regulations for buildings with occupied units undergoing renovations or re-construction are needed. In September 2015, the City Council introduced a series of local laws that place greater scrutiny on owners who repeatedly approach tenants with buyout offers and labels such actions as harassment of tenants. Currently, the City Council is considering a bill that would also classify illegal apartment conversions as harassment. In order to be properly enforced, the City will need funding to HPD and DOB to provide adequate staff capacity to respond to these abuses.

Conclusion

The proposed MIH zoning text is a serious effort to extend the provision of Inclusionary Housing to rezoned areas throughout the entire City of New York. However, it contains serious flaws. As with the ZQA proposed zoning, it is a one-size-fits-all approach for a complex city made up of diverse neighborhoods and districts, each with different and fine-grained needs. MIH makes the assumption that all communities' affordable housing needs are the same.

The need for lowest income housing in parts of Bedford Stuyvesant or Mott Haven is matched by the needs for moderate and middle income housing on the Upper West Side or Clinton/Hell's Kitchen. These needs are not competing but complementary. The city is simply not one

demographic group, neighborhoods must be able to ensure MIH serves the long term residents of each neighborhood, not some abstract citywide ideal.

MCB4 finds it especially disturbing that DCP and HPD believe only Manhattan below 110th Street on the West side and 96th Street on the East side, in Community Boards 1 through 8, is not an appropriate area for Workforce Housing, for families and individuals earning between \$76,440 and \$93,240. Manhattan has always had the City's greatest income inequality—we have 5th Avenue and Double 5th (that is 10th Avenue), sprawling apartments with Central Park views and walk ups with Lincoln Tunnel traffic views. But Manhattan has tens of thousands of moderate income residents who deserve increased opportunities to remain in their neighborhoods as was accomplished by the Mitchell Lama rental and cooperative programs in the 1960's. MIH should not create greater income inequality in affordable housing.

While many of elements of MIH address and improve on deficiencies in procedure and policy in VIH, the lack of focus on Economic Integration is most disturbing. MIH not only lessens affordable apartment distribution requirements from 65% of the floors to 50% but eliminates the requirement entirely for coops and condos. Further is silent on Equality in Apartment Finishes and Appliances--for Market Rate and Affordable Housing Residents and Equal Access to Building Amenities. Such a citywide proposal must acknowledge the Economic Integration is a central value to creating healthy mixed income communities. Poor doors are not only physical, but a state of mind. As long as zoning text and program regulation, permit two classed of apartments, there will be two classes of tenants. **The point of Inclusionary Housing is to include, not exclude onto lower floor, with cheaper floors and countertops and limited or no access to building amenities. The statement of how the City values Inclusionary Housing is made by its actions, MIH's reduction of Economic Integration or silence on Apartment Finishes and Access to Amenities speaks volumes by such an omission.**

MCB4 looks forward to continuing discussions with both the Department of City Planning and the Department of Housing Preservation and Development in order to ensure that the proposed Mandatory Inclusionary Housing program adequately addresses the needs of Manhattan Community District 4.

Sincerely,



Christine Berthet
Board Chair



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee



Lee Compton, Co-Chair
Chelsea Land Use Committee



Joe Restuccia, Co-Chair
Housing, Health & Human Services Committee

[Signed 11/25/2015]
Barbara Davis, Co-Chair
Housing, Health and Human Services Committee

cc: J. Nadler, U.S. Congress
B. Hoylman, State Senator
A. Espaillat, State Senator
D. Gottfried, State Assemblymember
L. Rosenthal, State Assemblymember
C. Johnson, City Councilmember
H. Rosenthal, City Councilmember
V. Been, HPD
L. Carroll, HPD
D. Hernandez, HPD
E. Hsu-Chen, DCP
F. Ruchala, DCP
K. Grebowiec-Hall, DCP



CITY OF NEW YORK

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Christine Berthet
Chair

Jesse R. Bodine.
District Manager

November 30, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Re: **Zoning for Quality and Affordability**
N160049ZRY (proposed zoning text amendment)

Dear Chair Weisbrod,

At its full board meeting on November 4th, 2015, Manhattan Community Board 4 (MCB4) reviewed the application by the New York City Department of City Planning (the "Applicant") for the proposed Citywide Zoning Text Amendment to create a Mandatory Inclusionary Housing Program (MIH).

The Board by a vote of 39 in favor, 0 opposed, 0 abstention and 0 present but not eligible **recommended to deny unless** the following modifications changes are made to the proposed Zoning for Quality and Affordability zoning text amendment (ZQA).

Background and Context

The Community Board has long understood the importance of affordable and senior housing in the communities of Chelsea, Hudson Yards and Clinton/Hell's Kitchen. Our concerns are based on 40 years of community planning and the creation of four Special Zoning Districts.

Special Clinton District

Adopted by the Board of Estimate¹ in 1973, the Special Clinton District ("SCD") was one of the first Special Purpose Districts created. The SCD allowed dense residential and commercial to proceed in the Perimeter Areas (along 8th Avenue and West 42nd Street) while establishing a Preservation Area, with specific height limits, in the neighborhood's core (west of 8th Avenue to west of 10th Avenue, from West 43rd to West 56th Streets) Notably, the SCD was the first district to feature a zoning bonus for the creation of affordable housing as well as the first to include protections against tenant harassment. The SCD's tenant anti-harassment provisions (requirements for Certificates of No Harassment (CONH)) prevented owners from altering or

¹ Until 1990, the Board of Estimate was the precursor body to the City Council for final approval of zoning actions.

demolishing building in which harassment had been documented. That provision has been an ongoing deterrent against wholesale tenant displacement.

The Chelsea Plan—rezoning of East Chelsea

Adopted as a rezoning by City Council in 1996, the Chelsea 197-a Plan the community was community initiative to craft compromises and trade-offs to balance the competing needs for development and preservation in East Chelsea, a 64-block area between 14th and 34th Streets west of Sixth Avenue. The Chelsea Plan was a set of recommendations for zoning changes intended to create housing opportunities and to balance new development with the preservation of neighborhood context. The Plan embraced contextual zoning, establishing requirements for streetwalls, height and setback and building heights. These provisions were carefully calibrated on 6th, 7th and 8th Avenues and the side streets dependent on upon the built context which ranged from lofts and 6 to 8 story apartment buildings to 5 to 3 story tenements and brownstones.

Special Hudson Yards District

Adopted by the City Council in 2005, the Special Hudson Yards District (SHYD) was created to foster commercial and residential development west of 8th Avenue from West 30th to West 41st Streets in a former manufacturing zone. The SHYD allows the highest density of commercial development of any district in the City of New York. It established a series of zoning mechanisms and bonuses to create revenue for the city's Hudson Yards Infrastructure Corporation service bonds used primarily for the construction of #7 line subway extension and its station on West 34th Street. After negotiations with the MCB4 and the City Council, the SHYD was amended to include provisions for affordable housing production and development, through Inclusionary Housing, demolition restrictions and anti-harassment provisions (requirements for Certificates of No Harassment (CONH) in the final zoning text. In 2009, The SHYD was amended to include the Western Railyards (WRY), the site of the failed football stadium plan. That amendment included further provisions for affordable housing both on and off site. During both zoning actions, height, set back and court and streetwall provisions were carefully calibrated among all subdistricts in the SHYD.

Special West Chelsea District

Adopted by the City Council in 2005, the Special West Chelsea District (SWCD) was created to facilitate the Highline Park and foster commercial and residential development in Chelsea west of 10th Avenue from West 23rd to West 15th Streets in a former manufacturing zone. The SWCD also established a series of zoning mechanisms for transfer of development rights for properties encumbered by the Highline. After negotiations with the MCB4 and the City Council, the SHYD was amended to include provisions for affordable housing production and development, through Inclusionary Housing, demolition restrictions and anti-harassment provisions (requirements for Certificates of No Harassment (CONH)) in the final zoning text. During both zoning actions, height, set back and court and streetwall provisions were carefully calibrated for all subdistricts in the SWCD

Application

The City proposes city-wide amendments to the Zoning Resolution that will:

- Increase available floor area for developments that include affordable senior housing

- Remove parking requirements for affordable housing developments
- Modify height and setback restrictions in contextual districts

Elements of the Application

Senior Housing

Affordable Senior Housing

- Change name of the zoning definition “non-profit residence for the elderly” to “affordable independent residence for seniors”
- Allow approximately 20% more floor area for “non-profit residences for the elderly” in R8 through R10 districts and numerous medium density contextual districts
- Increase permitted unit density in “affordable independent residence for seniors”

Long-Term Care Facilities

- Create a new definition for “long term care facilities” and add this designation to Use Group 3, Community Facilities
- Allow all “long-term care facilities” in R3 through R10 districts, including nursing homes, as-of-right
- Extend proposed FAR increase for “affordable independent residences for seniors” to “long term care facilities” in districts R3 through R10 as-of-right
- Require special permits for development of “long-term care facilities” in R1 and R2 districts

Mixing of Residence and Care Facilities

- Clarify calculations for requirements and floor area deductions under Quality Housing
- Allow use of residential FAR caps for mixed developments with residential units and Non-profit Institutions with Sleeping Accommodations and Long-Term Care Facilities, instead of typical reduced FAR for mixed use facilities in order to provide a ‘spectrum of care’ for senior residents
- Clarify calculation of dwelling unit factor in buildings with residential and community facility uses
- Remove restriction that community facilities cannot be on the same floor or above residential uses in special districts. Maintain restriction for commercial uses

Height and Setback Modifications

Affordable Senior Housing and Long-term Care Facility Building Envelopes

- Increase permitted FAR by approximately 20% in R6 through R10 districts for affordable senior housing and long term care facilities
- Permit greater height and number of stories for uses other than residential where higher FAR is permitted for buildings with 20% or greater affordable senior housing and long term care facility uses
- Increase base height to conceal increase in overall additional building height
- Permit shared accessory spaces for affordable senior housing in rear yards and ground

floors in districts other than “B” districts

- Remove the height restriction of the width of abutting street and change to maximum permitted by the contextual envelope for narrow buildings (less than 45 feet)
- In R6 through R10 non-contextual districts, permit a more flexible “alternative Quality Housing building envelope” for sites where infrastructure creates barrier

Inclusionary Housing Building Envelopes

- Permit greater maximum height for full use of FAR available through the IH program
- Increase base height to conceal increase in overall additional building height
- Permit shared accessory spaces in rear yards and ground floors in districts other than “B” districts
- Remove the Sliver Law height restriction of the width of abutting street and change to maximum permitted by the contextual envelope for narrow buildings (less than 45 feet)

Ground Floors

- Increase ground floor height to allow buildings with residential units on the ground floor to elevate unit windows above street level and to allow for the addition of retail spaces which require heights greater than the maximums currently in place.
- Increase maximum height of Quality Housing buildings by 5 feet if the second floor begins at 13 feet or higher in all contextual zooming districts except R7B and R8B
- Allow a floor area exemption of up to 100sf for ramps in a residential floor lobby

Street Walls

- For medium density contextual districts, require buildings to locate their streetwall only in relation to directly adjacent buildings
- Reduce maximum setback from 15 feet off of the property line to 10 feet
- Clarify line-up provisions for buildings with architectural features such as bay windows in “B” districts
- Add street wall requirements beyond 50 feet of a wide street in high density districts
- Permit window recesses and structural expression within one foot from the street wall
- Allow deeper projections for a limited percentage of the street wall’s overall width
- In R6 through R10 districts, modify required width to depth ratio to 1:1 for courts less than 30 feet and remove restrictions for courts wider than 30 feet
- Add streetwall requirements beyond 50 feet of a wide street in high density commercial districts
- Wholly residential buildings must comply with more stringent streetwall commercial regulations in commercial districts
- Remove special line-up provision whereby narrow buildings in a commercial district have to line up with adjacent buildings so that they may better conform to conditions in the area.

Corner Buildings

- Increase maximum permitted lot coverage to 80% to 100% for buildings within 100 feet of a corner in R6 through R10 districts
- Allow portions of buildings in a high density district that are also within 25 feet of a low

density district to build either a maximum height of 75 feet or the maximum base height of the zoning district, whichever is less

Setback Requirements

- Remove rear yard setback requirements from Quality Housing buildings
- Reduce required front setback above base height by 1 foot for every foot it is set back from the property line, but maintain a 5 foot minimum setback

Building Envelopes and Number of Stories

- Increase maximum base height in some districts by 5 feet, consistent with maximum overall height increase
- Establish a maximum number of stories that can be built in a zoning district in concert with maximum building height
- Increase maximum building height by 5 to 10 feet in R9 and R10 districts
- Align Quality Housing optional regulations on wide streets with comparable “A” districts and narrow street regulations in “B” districts
- Allow for Quality Housing option building envelope in former study areas in non-contextual areas
- Adjust building envelopes in Special Zoning Districts where special building envelope and maximum FAR rules are not explicitly stated so that the maximum building envelopes are in line with the changes proposed for Quality Housing.

Unit Size and Configuration

- Remove 400sf minimum apartment size to provide greater unit type flexibility and allow unit density factor to govern
- Reduce density factor in R8 through R10 districts to 680sf
- Remove various double-paned window requirements from Zoning Resolution as they restrict use of higher efficiency window and are already mandated by building code
- Allow the Office of Environmental Remediation to modify sound-attenuated window requirements based on site conditions

Irregular Site Conditions

- Adjust rear yard and lot coverage requirements to allow for shallower rear yards and higher lot coverage
- Provide greater flexibility for street walls on acutely angled lots
- Reduce lot slope requirement from 10% to 5% for use of sloping base plane
- Reduce separation of multiple buildings on a single lot from 60 feet to 40 feet
- Create a new BSA special permit for Quality Housing on an irregular lot with additional flexibility for sites with predominately affordable housing

MCB4 Proposed Actions and Recommendations

Senior Housing

The provision of a wide array of housing options for seniors is essential to fostering communities in which seniors can receive a spectrum of services as they age in place. These proposed changes will ensure that senior housing meets the diverse needs and capabilities of our seniors.

MCB4 supports:

Affordable senior housing

Updating the definition of Senior Housing brings current usage into the Zoning Resolution. Promoting affordable housing through increased density in bulk and unit density makes development more financially feasible. However, such incentives to meet the need for affordable housing for seniors must be tempered by neighborhood context. Such bulk and height increases are not appropriate to all districts in a neighborhood. Social needs should not be met at the expense of light and air, livable streets and neighborhood scale.

- *Changing name of the zoning definition “non-profit residence for the elderly” to “affordable independent residence for seniors”*
- *Increased unit density for non-profit residences for the elderly*

Long-Term Care Facilities

Allowing long-term care facilities to be developed, with fewer restrictions, will remove barriers to providing much needed care for seniors in our community. However, such incentives to meet the need for long term care facilities must be tempered by neighborhood context. Such bulk and height increases are not appropriate to all districts in a neighborhood. Social needs should not be met at the expense of light and air, livable streets and neighborhood scale.

- *The new definition in the Zoning Text of long-term care facilities*
- *Allowing all “long-term care facilities” in R3 through R10 districts, including nursing homes, as-of-right*

The mixing of residential and care facilities

This set of changes enables facilities; with mixed uses that address the changing care needs senior have over time, to be developed.

- *Clarification of calculations for requirements and floor area deductions under Quality Housing and calculation of dwelling unit factor in buildings with residential and community facility uses*
- *Allowing use of residential FAR caps for mixed developments with residential units and Non-profit Institutions with Sleeping Accommodations and Long-Term Care Facilities, instead of typical reduced FAR for mixed use facilities in order to provide a ‘spectrum of care’ for senior residents*
- *Removing restrictions prohibiting community facilities not to be on the same floor or above residential uses in special zoning districts. (this restriction will be maintained for commercial uses*

Height and Setback Modifications

MCB4 supports:

Affordable Senior Housing and Long-term Care Facility Building Envelopes

These zoning text changes will enable better use of rear yards and ground floors for senior housing and more flexible building envelopes.

- *Shared accessory spaces for affordable senior housing in rear yards and ground floors in districts other than “B” districts*
- *In R6 through R10 non-contextual districts, permit a more flexible “alternative Quality Housing building envelope” for sites where infrastructure creates barrier*

Inclusionary Housing--building envelopes.

These zoning text changes will enable better use of rear yards and ground floors for senior housing.

- *Shared accessory spaces for affordable senior housing in rear yards and ground floors in districts other than “B” districts*

Ground Floors

These zoning text changes will enable ground floors at lower than street level by exempting a limited FAR for accessible ramps.

- *A floor area exemption of up to 100sf for ramps in a residential floor lobby*

Street Walls

These zoning text changes will enable corner buildings to better fit into their neighborhood context on 7th and 9th Avenues in Chelsea, on 9th Avenue lower Hell’s Kitchen and on 11th Avenue from West 42nd to West 54th Streets.

- *For medium density contextual districts, requiring buildings to locate their streetwall only in relation to directly adjacent buildings*
- *Reducing maximum setback from 15 feet off of the property line to 10 feet*
- *Clarifying line-up provisions for buildings with architectural features such as bay windows in “B” districts*
- *Adding street wall requirements beyond 50 feet of a wide street in high density districts (R8 through R10).*
- *Permit window recesses and structural expression within one foot from the street wall*
- *Allow deeper projections for a limited percentage of the street wall’s overall width*
- *In R6 through R10 districts, modify required width to depth ratio to 1:1 for courts less than 30 feet and remove restrictions for courts wider than 30 feet*
- *Add streetwall requirements beyond 50 feet of a wide street in high density commercial districts*
- *Requiring wholly residential buildings to comply with more stringent streetwall commercial regulations in commercial districts*
- *Removing special line-up provision whereby narrow buildings in a commercial*

district have to line up with adjacent buildings so that they may better conform to conditions in the area.

Corner Buildings

These zoning text changes will enable corner buildings to better fit into their neighborhood context on 7th and 9th Avenues in Chelsea, on 9th Avenue lower Hell's Kitchen and on 11th Avenue from West 42nd to West 54th Streets.

- *Increasing maximum permitted lot coverage to 80% to 100% for buildings within 100 feet of a corner in R6 through R10 districts*
- *Allowing portions of buildings in a high density district that are also within 25 feet of a low density district to build either a maximum height of 75 feet or the maximum base height of the zoning district, whichever is less*

Setback Requirements

These allowances will grant flexibility in setback modifications while also preserving the quality of street life, which is the overarching goal of setback requirements.

- *Removing rear yard setback requirements from Quality Housing buildings*
- *Reducing required front setback above base height by 1 foot for every foot it is set back from the property line, but maintain a 5 foot minimum setback*

Building Envelopes and Number of Stories

Aligning the set of options and regulations that govern the various districts in MCB4 allows for simpler, more accessible guidelines.

- *Aligning Quality Housing optional regulations on wide streets with comparable "A" districts and narrow street regulations in "B" districts*
- *Allowing for Quality Housing building envelope option in former study areas in non-contextual areas*
- *Adjusting building envelopes in Special Zoning Districts where special building envelope and maximum FAR rules are not explicitly stated so that the maximum building envelopes are in line with the changes proposed for Quality Housing.*

Unit Size and Configuration

These zoning text changes will provide for greater flexibility in unit sizes, greater density and allow for a wider array of household sizes in buildings. The window requirements are now embodied Building Code and Office of Environmental Remediation requires flexibility in sound attenuation requirements.

- *Removing 400sf minimum apartment size to provide greater unit type flexibility and allow unit density factor to govern*
- *Reduce density factor in R8 through R10 districts to 680sf*
- *Remove various double-paned window requirements from Zoning Resolution as they restrict use of higher efficiency window and are already mandated by Building Code*
- *Allow the Office of Environmental Remediation to modify sound-attenuated window requirements based on site conditions*

Irregular Site Conditions

These zoning text changes will enable more flexibility to develop shallow and acutely angled lots.

- *Adjust rear yard and lot coverage requirements to allow for shallower rear yards and higher lot coverage*
- *Provide greater flexibility for street walls on acutely angled lots*

MCB4 cannot support the following provisions of the ZQA unless the modifications and conditions below are met:

Affordability Time Limits on Senior Housing

In the City's current proposed ZQA zoning text, there is no permanent affordability restriction for non-profit residences for the elderly or long-term care facilities that are not also Inclusionary Housing.

- *MCB4 recommends that non-profit residences for the elderly or long-term care facilities which receive as of right 20% FAR increases should be permanently affordable. If the additional bulk is permanent, the affordability should be permanent as well.*

Affordable Senior Housing and Long-term Care Facility Building Envelopes

Absent zoning text guaranteeing permanent affordability, **MCB4 cannot support:**

- *Extending proposed FAR increases for “affordable independent residences for seniors” to “long term care facilities” in districts R3 through R10 as-of-right*
- *The proposed increases in floor area in R8 through R10 districts as a method of fostering the development of affordable senior housing.*

Inclusionary Housing Building Envelopes

These provisions curtail MCB4's efforts to ensure that the character of our neighborhoods is preserved and opens the door for out-of-scale developments and sliver buildings. **MCB4 cannot support:**

- **Removing the Sliver Law height restrictions of the width of abutting street and change to maximum permitted by the contextual envelope for narrow buildings (less than 45 feet)**

Building Envelopes and Number of Stories

The changes below will threaten MCB4's efforts to ensure that quality, contextual buildings of adequate scale continue to be built in our neighborhood. **MCB4 cannot support wholesale zoning text changes to:**

- *Increasing maximum base height in some districts by 5 feet, consistent with maximum overall height increase*
- *Establishing a maximum number of stories that can be built in a zoning district in concert with maximum building height*
- *Increasing maximum building height by 5 to 10 feet in R9 and R10 districts*

However, MCB4's support is qualified as noted below.

For the Special Zoning Districts and areas noted below affected by the proposed Zoning Text Modifications in the ZQA, MCB4 requests the City Planning Commission modify the proposed Zoning Text to include to **establish hard Building and Streetwall Height Limits in the:**

- **Special Clinton District**—Subarea C2 in the SCD (11th Avenue, West 43rd and West 44th Streets, 10th 11th Avenues)
- **Special Hudson Yards District**—Subareas D4 & D5 (Hell’s Kitchen Subdistrict) of the SHYD
- **Special West Chelsea District**—West 23rd Street between 10th and 11th Avenues
- **East Chelsea**—an irregular geographic area in East Chelsea from West 14th to West 30th Streets, from the west side of 6th Avenue to the east side 10th Avenue rezoned under the 1996 Chelsea Plan (197-a and 197-c).

Special Clinton District (SCD) –in 2009, as part the rezoning of Western Railyards, the Mayor and the City Council agreed to study rezone West Clinton, a manufacturing area primarily west of 10th Avenue, including 11th Avenue from West 43rd to West 54th Streets and 43rd/44th Street corridor between 10th and 11th Avenues. The goals of such rezoning, which had long been requested by the community, were:

- promoting residential development, with accompanying provisions for affordable housing through Inclusionary Housing
- neighborhood preservation by extending of the Preservation Area in midblocks
- ensuring neighborhood context through heights limits and streetwall requirements

The agreement also called for the rezoning application to be jointly submitted by the Department of City Planning and MCB4.

After a 2 year study process, marked by careful and thoughtful negotiation by both parties, an application was certified and adopted in 2011. The midblocks were put in the Preservation Area with height limit of 66 feet, the east side of 11th Avenue was rezoned to R8A, with height limit of 120 feet and streetwalls between 60 and 80 feet to respect and tie into the adjacent Preservation Area, and the 43rd/44th corridor, provided a transition block between the high density C6-4 corridor on West 42nd and the Preservation Area to the north. The blocks west of 11th Avenue, requested by the community to be rezoned residential, remained manufacturing but with a height limits of 135 feet and use restrictions prohibiting hotel use.

Ever since that action, The Clinton/Hell’s Kitchen community has been vigilant in monitoring compliance to those zoning changes. The proposed ZQA proposes to undo that 2 year effort along with the community and political compromises it represents. MCB4 cannot support such an action.

Instead MCB4 requests that SCD 96-31 be modified to include Zoning Text to establish height and setback limits in Subarea C2 of the SCD consistent with the adopted 2011 West Clinton Rezoning.²

² Attached proposed SCD Zoning text amendment (**Appendix A**)

East Chelsea—MCB4 requests the establishment of Building and Streetwall Height Limits in a geographic area of East Chelsea in areas rezoned under the 1996 Chelsea Plan. The Chelsea Plan, adopted by the City Council in May 1996, was a set of recommendations for zoning changes intended to create housing opportunities and to balance new development with the preservation of neighborhood context within a 64-block area between 14th and 34th Streets west of Sixth Avenue. With the Chelsea Plan the community undertook the task of deciding what compromises and trade-offs best balanced the two competing needs.

East Chelsea was subjected to the same intensive review that West Chelsea received during the subsequent creation of the Special West Chelsea District (SWCD). The designated subareas in the SWCD, which have text-based height limits, are not affected by the proposed ZQA Zoning Text Amendment. However, the areas rezoned³ through Chelsea Plan (197-a and 197-c), would be fully subject to the proposed building height and setback increases.

MCB4 requests that a geographic area⁴, previously rezoned under the Chelsea 197-a Plan (as modified by DCP and adopted as a 197-c rezoning by the City Council on May 22, 1996), establish height and setback limits in the Zoning Text consistent with that 1996 plan.⁵

Special Hudson Yards District (SHYD)—In 2005, after working with MCB4 from 2001, the City Council adopted rezoning of 38 blocks of former manufacturing area on the Westside of Manhattan to create the SHYD. The 196 pages of zoning text are extremely detailed and specific regulations governing the transfer of development rights from the Eastern Railyards, establishing a District Improvement Bonus, providing for subway improvements and sidewalk widening, acquiring park land and new streets and establishing Inclusionary Housing zones. The text even specifically calls out requirements for percentage of glass in storefronts.

A main effort of the Clinton/Hell's Kitchen community was the preservation of the neighborhood's main street, 9th Avenue, and the residential tenement midblocks between 9th and 10th Avenues from West 35th to West 41st Streets.

All these efforts were codified in an agreement between the Mayor and City Council, the Hudson Yards Points of Agreement (HYPOA)⁶. In that agreement, the reduction of proposed height and establishment of streetwall requirements to respect the context of the existing 4 and 5 story tenements in those blocks was accomplished through mapping an R8A zone in the Hell's Kitchen Subdistrict (areas D4 and D5 of the SHYD). The existing tenements were also protected from demolition under 93-91, and therefore will continue to be the built context. Whereas in Special West Chelsea District (SWCD) hard heights were embedded in the zoning text, in the SHYD, Hell's Kitchen Subdistrict, heights are a function of the underlying zoning.

The R8A zone was a compromise since its height limit of 120 feet well exceeded the heights the 4 and 5 story tenements, at 50 and 60 feet respectively. But the R8A streetwall requirement, at 60 to 80 feet, made reinforced the built context. Two sites, (one on West 39th and 9th, the other

³ Attached affected rezoned areas with height and setback increases (**Appendix B**)

⁴ Attached East Chelsea affected zoning boundary map (**Appendix C**)

⁵ Attached 1996 Chelsea Plan (**Appendix D**)

⁶ HYPOA attached, dated January 10, 2005 (**Appendix E**)

midblock on West 37th) have been completed to date, with two other large sites on West 35th currently under construction. These 4 sites comprise 603 new apartments completed or currently under construction.

Increasing the height limit, even by 5 feet, in district which currently creates buildings twice the size of neighboring buildings, is simply not needed to ensure constructability. Even more damaging to neighborhood context would be the proposed increase in streetwall heights, currently 60 to 80 feet, to 100 feet. Such streetwalls would be double the height of adjacent 5 story tenements, dwarfing them in scale. Such a streetwall height is more appropriate to a loft district, not a medium density residential district, where infill will occur in protected built context.

MCB4 requests that SHYD, 93-542 be modified to include Zoning Text to establish height and setback limits consistent those established in the 2005 Hudson Yards Rezoning.⁷

Special West Chelsea District (SWCD)—Also in 2005, after working with MCB4 from 2003, the City Council adopted a rezoning of 17 blocks of former manufacturing area in West Chelsea Manhattan to create the SWCD. The 96 pages of zoning text are extremely detailed and specific regulations governing the transfer of development rights from the Highline, establishing subdistricts for bonuses or requirements for Highline access or improvements, acquiring park land and establishing Inclusionary Housing zones. The text even specifically calls out Highline adjacency volumes and permitted massings.

The main effort of the Chelsea community was balancing the proposed new development with establishing height limits and street wall requirements to respect the existing neighborhood context along 10th and 11th Avenues and the side streets from West 15th to West 30th Streets. The result was a SWCD with 10 subdistricts each setting forth specific and exacting requirements for massing, height and streetwalls.

All these efforts were codified in an agreement between the Mayor and City Council, the West Chelsea Points of Agreement (WCPOA)⁸. In that agreement, the western portion of West 23rd Street fronting 11th Avenue was rezoned and became part of Subdistrict C to include the height and streetwall requirements of the 11th Avenue corridor. However, the West 23rd Street corridor (from midblock West 22nd to West 24th Streets, 10th Avenue to 150 feet east of 11th Avenue) remained governed only by the underlying zoning. That zoning is a combination of C6-2A and C6-3A zones, R8A and R9A equivalents respectively⁹.

ZQA would increase in the C6-2A zone the streetwalls from the current 60 to 85 feet to 105 feet, an increase of 2 stories, but in the C6-3A only an increase of 3 feet. It would also increase the overall building height in of C6-2A from 120 feet to 125 feet and in the C6-3A from 145 feet to 155 feet, also an increase of 1 story. Again, as part of the overall negotiation on the SWCD, this corridor was left in the underlying zoning, without hard streetwall and height text limits, since the underlying zoning met community context. Changing the underlying zoning changes the

⁷ Attached proposed SHYD Zoning text (**Appendix F**)

⁸ Attached, dated June 20, 2005 (**Appendix G**)

⁹ Attached underlying zoning map, West 23rd Street Corridor (**Appendix H**)

context.

MCB4 requests that SWCD 98-423 and 98-50, be reverted to the original zoning text which includes height and setback limits in the West 23rd Street Corridor established and consistent with the agreements made in 2005 West Chelsea Rezoning.¹⁰

Ground Floors

MCB4 has seen extensive new construction throughout our entire district. A great deal of that construction has included ground floor commercial space, both on avenues and narrow side streets. These spaces have been occupied by all types of businesses (see appendix J), which are successful within the existing building envelopes and height controls. ***The ability to have successful commercial space is a function of the local retail market, not ceiling height.***

Creating higher ceiling heights for commercial spaces will create out of scale first floors to the context of surrounding existing buildings. Context creates one city of different style and periods, zoning should seek to harmonize, not emphasize their difference. MCB4 cannot support:

- ***Increase ground floor height to allow buildings with residential units on the ground floor to elevate unit windows above street level and to allow for the addition of retail spaces which require heights greater than the maximums currently in place.***
- ***Increase maximum height of Quality Housing buildings by 5 feet if the second floor begins at 13 feet or higher in all contextual zoning districts except R7B and R8B***

This proposed text should be deleted from the proposed ZQA.

Conclusion

The proposed ZQA zoning text is flawed at best. It is a one-size-fits-all approach for a complex city made up of diverse neighborhoods and districts, each with different and fine-grained needs. The approach is a blunt instrument for different communities whose real estate markets are simply not same. Encouraging residential development, for both market and affordable housing, requires different tools for Jerome Avenue in the Bronx, Atlantic Avenue in Brooklyn or 11th Avenue on the Westside of Manhattan.

The proposed ZQA zoning text ignores the context of decades of rezoning efforts on the Westside of Manhattan in the Chelsea, Hell's Kitchen and Clinton neighborhoods. All of these efforts balanced increased density and preservation of context in order to allow the city to grow while ensuring neighborhood survival and managing change. Since 1969, for nearly 50 years, our communities have worked in depth with rezoning and development proposals. Zoning and planning for the Westside of Manhattan in MCD4 must be developed within that context.

ZQA lumps together needed text changes to encourage the development of affordable senior housing with wholesale changes to contextual zones throughout the city. Its companion proposal, MIH, demands permanent affordability for a zoning bonus for bulk, yet grants the same bonus

¹⁰ Attached proposed SWCD Zoning text (**Appendix I**)

for senior housing with no such requirement. Such a basic contradiction of housing policy seeking permanent affordability makes no sense.

Proposed Changes in height, setback, and streetwall take into account only the current zoning district, not the built context within it. Running throughout the proposed text are the claims that such text changes are needed to allow for successful development. That may be the case in some areas of the city. However, residential development is galloping ahead under the current regulations in West Chelsea and Hudson Yards. It states ground floor commercial spaces cannot be properly developed within the current zoning envelope, when the reality is that on the Westside, recent developments include commercial spaces that are currently occupied by stores paying premium rents.

The proposal needs extensive revision to make it responsive to the diverse needs of the hundreds of communities which make up the City of New York.

MCB4 looks forward to continuing discussions with the Department of City Planning, the Manhattan Borough President and the City Council on the proposed Zoning for Quality and Affordability zoning text. With revisions and modifications, taking the historical context of the past 10 years of city and private sector initiated zoning actions into account, MCB4 believes we can all work together to adequately address the needs and concerns of Chelsea, Hell's Kitchen and Clinton communities of the Westside of Manhattan.

Sincerely,



Christine Berthet
Board Chair



Jean-Daniel Noland, Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Betty Mackintosh, Co-Chair
Chelsea Land Use Committee



Lee Compton, Co-Chair
Chelsea Land Use Committee



Joe Restuccia, Co-Chair
Housing, Health & Human Services Committee

[Signed 11/25/2015]
Barbara Davis, Co-Chair
Housing, Health and Human Services Committee

cc: J. Nadler, US Congress
B. Hoylman, State Senate
A. Espaillat, State Senate
D. Gottfried, State Assembly
L. Rosenthal, State Assembly
C. Johnson, City Council
H. Rosenthal, City Council
V. Been, HPD
L. Carroll, HPD
D. Hernandez, HPD
E. Hsu-Chen, DCP
F. Ruchala, DCP
K. Grebowiec-Hall, DCP

To the Members of the City Council:

I object to the current application, Zoning for Quality and Affordability a/k/a "ZQA", Land Use # N160049, based upon the following :

1) CEQRA 232.1 - Notice of the Public Scoping Meeting - Community Board 9 in Brooklyn did not receive a notice of public scoping for the instant application and the public was denied an opportunity for scoping. Citizen participation was denied. As this is an Environmental Impact Area, environmental justice requirements were not followed. I personally reviewed the ZQA file and there was no public scoping notice. I was with a witness at the time.

2) CEQRA 232.1 - Notice of Public Scoping Meeting - A motion was made by the CB 9 ULURP committee for further study recently and has been prejudiced to be properly noticed of said scoping meeting.

3) CEQRA 130 - SEGMENTATION - ZQA (N160049) was segmented from two other actions, Mandatory Inclusionary Housing (N160051) a/k/a "MIH", as well as Vision Zero actions.
(Exhibit A)

Before going through the eight questions recommended by the CEQRA Technical Manual, I wish to focus on the correct standard of scrutiny and public disclosure and information.\

I am sure the members of the commission are familiar with the "hard look" that must be taken. I wish to focus that in addition to Citizen Participation, ENVIRONMENTAL JUSTICE requires more studies, information and disclosure in minority or low income neighborhoods.

I submit that level of scrutiny regarding segmentation is higher from the possible environmental impacts from two or more separate projects.

I answer the following in the sequence of the segmentation questions which I attach as Exhibit A for your convenience.

a. Both land use actions, ZQA and MIH have a common purpose and goal of increased density and increased affordable housing.

b. Increased density and affordable housing are the common reasons each action is being completed at the same time.

c. There is a common geographic region for both ZQA and MIH; citywide applicability.

d. The activities of both actions contribute toward significant cumulative or synergistic impacts. As is stated in # 7 below, ZQA can effect MIH and produce synergetic impacts.

ZQA's loosened parking requirements in the transit zone help MIH achieve the increased density which can occur through MIH's various provisions. (See MIH 23-96 reducing minimum size for senior units, and for affordable units by HPD waiver. Also see MIH 23-952 through Section 23-664 for increased height.) But you will never get the height unless you have ZQA's loosened parking and other zoning regs.

e. Both actions, ZQA & MIH, are under the control and direction of City Planning Commission, through the Department of City Planning as lead agency.

f. Both actions are part of an identifiable plan, which is to provide an additional 200,000 affordable units in the next ten years.

g, The interrelated phases of various projects appear to be independent, but are not functionally independent.

Without ZQA's changes in its many zoning regulation changes (for example reduced parking requirements in transit zones), MIH will never be able to produce buildings up to

130 feet tall as MIH 23-952 aspires. MIH provisions aspires for increased density, as in MIH 23-96 (d), where minimum unit size can be waived by HPD for affordable units, or where affordable senior citizen units have no minimum size. However, MIH functionally needs ZQA's loosened transit zone parking requirements to functionally achieve its purpose in increasing density.

h. The approval of ZQA does not require MIH, but MIH functionally needs ZQA to be effective. The first page of the Proposed Mandatory Housing Zoning Text references ZQA in cross references and overlap. I have circled those overlapping provisions in the land use publications on LUCATS.

In addition to ZQA and MIH being segmented, the new transportation initiative VISION ZERO, is related and increases pedestrian walkways and decreased roadway which has a negative impact on traffic. Further traffic study is necessary and should be mandated by CEQRA, SEQRA, NEPA and ULURP. City Planning's own drafts indicate that when you change the City Map's roadway and pedestrian space, you must initiate a Map Change as per charter.

4) LACK OF FEDERAL ENVIRONMENTALS & FONSI - ZQA & MIH have failed according to NEPA to provide federal environmental and federal community block grants are involved in these applications for affordable housing and supportive housing (federal funds to NYS to HCR and OMH for local projects). LIHTC (Low Income Housing Tax Credits Are also involved).

5) NYS Objectives -Reducing unit size in senior housing units is contrary to NYS objectives as per NYS Housing Manual which says that senior housing units should be one bedroom at least since seniors stay at home

more. <http://www.nyshcr.org/Publications/DesignHandbook/DesignHandbookSeptember2014.pdf> -
(See 1.02.03 F Dwelling Unit Space for Seniors p. 6)

6) Civil rights law - Civil rights law does not allow the disabled to be segregated in low income and minority neighborhoods. Yet ZQA's changing ZQ 22-42 makes R3-R10 as of right for nursing homes and health related facilities. The City Planning Commission has stated that supportive housing for the mentally ill can fall under health related facilities in Oceanview Manor Home. <http://archive.citylaw.org/wp-content/uploads/sites/31/cpc/2013/04.15.13/130107-ZSK.pdf> ZQA has reduced the special permit Section 74-90 to rubble. Previous supportive housing guidelines as well as City Planning Guidelines required a FAIR SHARE residential beds analysis which has been removed and insults community character in low income minority neighborhoods. City Planning Datasets reference Supportive housing as a mental health care facility. http://www1.nyc.gov/assets/planning/download/pdf/data-maps/open-data/selfac_datainfo.pdf -
(See page 8 Residential Facilities). MIH seeks to reinforce the loophole of supportive housing being classified as a non-profit with sleeping accommodations by making this law. (See page 20 of MIH definitions for Supportive Housing). Previously it was just a DOB Bulletin which gave direction. http://www.nyc.gov/html/dob/downloads/bldgs_bulletins/bb_2011-003.pdf . What the Commissioners should realize is that supportive housing, is not licensed and takes on off premises clients in residential neighborhoods. There was a FAIR SHARE test which is being removed. See - p 101 http://www.nyc.gov/html/dcp/pdf/pub/fair_share_guide.pdf . The City's Fair share does not work today because most supportive housing is private and the city's fair share law refers to city owned facilities. Changing ZR 22-42 will have a negative effect on the residential character of low income neighborhoods and will segregate the disabled.

There is a known case which has been ignored. 918 East New York Ave, Brooklyn NY 11203 is an 8 story building proposed to go up in the middle of a 2 story block of row houses. If ZQA is passed it can be 10 stories. If its a MIH zones...it can be a 13 story building. (See MIH 23-952)

The community district beds analysis is being removed as a gift to supportive housing but will commercialize the city's low income minority neighborhoods in violation of federal law. I recommend a SUPPLEMENTAL EIS to deal with this immediately.

7) Potential Misrepresentation by DCP, in their Housing Presentation that senior citizens don't need or use cars in the quote by Catholic Charities stated low income seniors do not have a waiting list for parking spots. Unfortunately sources have indicated a mistake in that Catholic Charities mostly has very low income at 30% AMI which refers to about 8% of the very low income population, NOT LOW INCOME population. This needs to be addressed. (See Exhibit C)

8) Potential Conflict of Interest or the Appearance of a Conflict of Interest - The Akerman Law Firm, LLP, who is also a NYC Lobbyist, contributed to the citywide MIH Market and Financial Study NYC Mandatory Inclusionary Housing study (September 2015) and had recently (March 16, 2015) acknowledged that they were representing real estate developers in the ENY public scoping. (See Exhibit B).

9) Transit Zones May Have a Disparate Impact on Members of Protected Classes - \

The creation of transit zones was arbitrary and unintentionally discriminated against members of protected classes, in that extended transit zones may have had a disparate impact on minorities and families in violation of HUD's new Affirmative Furthering Fair Housing Rule.

a) Families are discriminated under Fair Housing Laws since the MIH minimum bedroom size requirement is 0,1 and 2 bedrooms hardly enough for a family of four individuals having two children of the opposite sex.

b) Minorities, as protected classes under Fair Housing Laws, may be displaced as a result of underdeveloped FAR in extended transit zones and further study is necessary using mapping software. The public has not been provided with the public advocate's opinion and input during scoping as per her website. Environmental justice and citizen participation requirements require mapping prior to further approval.

c) Minority Senior citizens in arbitrary extended transit zones may lose their right to drive and use licenses based upon where they live which is a violation of Equal Protection Laws.

d) Transit zones discriminate against poor people since poor people own less cars.

10) City planning should have done a visual on the supply of parking spaces available and not the demand....There is currently a shortage and community board 9 and 17 have indicated such in their city planning study request letters.

11) This must go back to community boards for further review of any city council changes/modifications as per City Charter on Zoning Text changes.

I request the application be denied and for an explanation of why the PUBLIC ADVOCATE was not noticed on the Public Scoping Notice.

Her website has not one TWEET or comment on either of these groundbreaking proposals.

The public has been denied the advocacy that the CITY CHARTER was supposed to provide.

(See Attachments)

Jay Sorid,
Brooklyn CB 9 ULURP

- Exhibit - A -



PROCEDURES AND DOCUMENTATION

130. SEGMENTATION

One of the early steps in the CEQR process is to define the scope of the project that is the subject of the environmental review (see also Chapter 2, "Establishing the Analysis Framework"). Segmentation, "the division of the environmental review of an action such that various activities or stages are addressed . . . as though they were independent, unrelated activities, needing individual determinations of significance," 6 NYCRR 617.2(ag), generally is not permissible. An example that raises segmentation issues is the construction of a highway in phases or sections when, until joined together with other sections of the highway, the individual sections would serve no purpose. If these separate actions were reviewed individually, the combined effects of the total project might be inadequately addressed.

In certain limited circumstances, it may be permissible to segment a review; however, an agency must be careful to avoid improper segmentation. To permissibly segment a project, each of the segments should also have independent utility and not commit the agency to continuing with the remaining segments. See 6 NYCRR 617.3(g)(1). If the lead agency believes segmented review may be permissible, it must document in its environmental review: (i) the reasons segmentation is warranted under the circumstances; (ii) the reasons for proceeding in a segmented manner; and (iii) a determination that the segmented review is no less protective of the environment than would be an unsegmented review. The lead agency must also identify and fully discuss the other segments in the individual environmental reviews for each segment.

The determination whether to segment a project may require expert guidance, particularly for the purpose of understanding judicial decisions that address this issue. One reference for guidance on this issue is the SEQR Handbook published by NYSDEC, which offers the following eight criteria that are considered in determining whether individual agency actions should be reviewed together:

1. Is there a common purpose or goal for each action?
2. Is there a common reason for each action being completed at about the same time?
3. Is there a common geographic location involved?
4. Do any of the activities being considered contribute toward significant cumulative or synergistic impacts?
5. Are the different actions under the same ownership or control?
6. Is a given action a component of an identifiable overall plan?
7. Can the interrelated phases of various projects be considered "functionally independent?"
8. Does the approval of one phase or action commit the agency to continuing with other phases?

As an example, the construction of a new highway interchange and additional widening of the highway may be interrelated to such an extent that the two actions must be examined together. In this example, it would be relevant to consider whether: (i) the highway is being widened for the sole purpose of accommodating the additional traffic entering the road via the new highway interchange; (ii) both actions are being completed at about the same time and in general proximity to each other; (iii) the additional traffic entering the highway via the new interchange greatly increases the congestion on that part of the highway just past the portion that has been widened; (iv) the same entity owns or operates the road areas where both actions are being conducted; (v) there is an overall plan to improve or increase the capacity of the highway system of which these two projects are each a component; and (vi) each of the actions would serve its purpose, even if the other one is never executed.

PROPOSED MANDATORY INCLUSIONARY HOUSING ZONING TEXT

9-23-15

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Sections 12-10 and 23-91;

* * * indicates where unchanged text appears in the Zoning Resolution

[NOTE: Cross-references to Sections and Section titles may reflect the proposed text amendment, Zoning for Quality and Affordability (ZQA – ULURP No. N 160049 ZRY). Section 23-154, paragraphs (a) through (c), are provided for information purposes and are part of ZQA. Section 23-154, paragraph (d) is proposed in this MIH Zoning Text Amendment.]

ARTICLE I GENERAL PROVISIONS

Chapter 2 Construction of Language and Definitions

* * *

12-10 DEFINITIONS

* * *

Incidental alteration – see Alteration, incidental

Inclusionary Housing area, Mandatory – see Mandatory Inclusionary Housing area

Inclusionary Housing designated area

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth for such areas in Section 23-90 (INCLUSIONARY HOUSING), inclusive. The locations of ~~such~~ #Inclusionary Housing designated areas# are identified in APPENDIX F of this Resolution or in Special Purpose Districts, as applicable.

* * *



Land Use Application Record

Application Summary

Land Use Application ID: N 160049 ZRY

Project Name:	ZONING FOR QUALITY & AFFORDABILITY				
Borough:	CITY WIDE				
CEQR #:	15DCP104Y				
Related Items:					
CP/DCA/LPC Items:					
Location:	CITYWIDE				
Applicant:	DCP				
Applicant Rep.:					
Description: (Land Use)	CITYWIDE TEXT AMENDMENT TO PROMOTE AFFORDABLE HOUSING INCLUDING: MANDATORY INCLUSIONARY HOUSING, CONTEXTUAL HEIGHT & SETBACK CHANGES, MODIFICATIONS TO SENIOR & SUPPORTIVE HOUSING REGULATIONS, AND PARKING REQUIREMENTS.				
Community Districts:	A00	K00	M00	Q00	R00 X00
Zoning Resolution	*	.37-33	11-23	12-10	13-22
Sections:	13-221	15-012	15-021	15-024	15-025
	15-026	15-111	15-20	15-41	15-60
	22-12	22-13	22-14	22-22	22-42
	23-01	23-011	23-012	23-10	23-14
	23-141	23-142	23-143	23-144	23-145
	23-146	23-147	23-148	23-149	23-15
	23-151	23-152	23-153	23-154	23-155
	23-156	23-16	23-17	23-18	23-21
	23-22	23-221	23-23	23-24	23-25
	23-31	23-35	23-44	23-462	23-47
	23-52	23-532	23-533	23-534	23-543
	23-544	23-60	23-61	23-62	23-621
	23-63	23-631	23-632	23-633	23-634
	23-635	23-636	23-64	23-65	23-651
	23-66	23-661	23-662	23-663	23-664
	23-665	23-67	23-671	23-672	23-673
	23-674	23-692	23-693	23-71	23-711
	23-841	23-842	23-843	23-844	23-851
	23-852	23-861	23-863	23-892	23-911
	23-931	23-932	23-95	23-951	23-952
	23-953	23-954	24-011	24-012	24-013
	24-10	24-111	24-112	24-113	24-13
	24-16	24-161	24-162	24-163	24-164
	24-20	24-33	24-381	24-382	24-50
	24-521	24-522	24-523	24-53	24-54
	24-55	24-552	24-56	24-592	24-593

25-021	25-025	25-027	25-16	25-161
25-21	25-211	25-212	25-23	25-231
25-241	25-25	25-251	25-252	25-26
25-261	25-31	25-33	25-521	25-811
25-85	28-00	28-01	28-02	28-03
28-10	28-11	28-12	28-13	28-14
28-20	28-21	28-22	28-23	28-24
28-25	28-30	28-31	28-32	28-33
28-40	28-41	28-42	28-43	28-50
28-51	28-52	28-53	32-123	32-32
32-423	32-431	32-432	32-433	32-434
32-435	32-442	32-45	33-011	33-012
33-12	33-121	33-23	33-40	33-431
33-432	33-433	33-44	33-451	33-493
34-011	34-112	34-22	34-225	34-233
34-24	35-011	35-012	35-22	35-23
35-24	35-31	35-311	35-32	35-35
35-40	35-50	35-51	35-61	35-62
35-63	35-64	35-65	35-651	35-652
35-653	35-654	35-655	36-021	36-026
36-21	36-231	36-31	36-311	36-312
36-313	36-314	36-341	36-342	36-35
36-36	36-362	36-421	36-711	36-75
37-00	37-30	37-31	37-311	37-32
37-34	37-35	37-36	37-38	37-40
42-485	43-621	43-623	43-624	43-625
43-626	62-133	62-135	62-321	62-322
62-323	62-341	62-62	63-22	63-23
63-24	63-25	64-331	64-A312	64-A321
64-A36	73-122	73-123	73-43	73-433
73-434	73-435	73-623	74-53	74-531
74-532	74-634	74-743	74-81	74-90
74-901	74-902	74-903	74-91	81-061
81-067	81-231	81-634	81-635	81-746
82-12	82-23	82-36	82-60	83-03
84-11	84-12	84-13	84-43	85-04
86-11	86-13	86-14	86-15	86-23
87-12	87-13	87-21	87-50	88-11
88-12	88-131	88-30	88-33	88-332
88-41	91-05	91-23	93-053	93-123
93-131	93-132	93-14	93-15	93-16
93-161	93-17	93-171	93-18	93-19
93-222	93-223	93-23		

Zoning Maps:

Alteration Maps:

Zoning Districts:

CPC Action:

City Council Action:

Project Address/Geography

Land Use Application ID: N 160049 ZRY

No geography or property addresses available for this Land Use application.

Milestones

Land Use Application ID: N 160049 ZRY

CEQR #: 15DCP104Y

Milestones include Land Use application milestones as well as related CEQR application milestones. Some milestones may have links to related documents.

Milestone Date(s)	Milestone Detail
01/28/15	EAS (PDS) RECEIVED IN DEPT CITY PLANNING
02/20/15	CEQR DETERMINATION: POSITIVE DECLARATION ISSUED
02/20/15	SCOPING MEETING SCHEDULED.
02/20/15	DRAFT SCOPE OF WORK ISSUED BY DCP
09/18/15	PROPOSAL RECEIVED BY DEPT. OF CITY PLANNING
09/18/15	REVIEW SESSION SCHEDULED FOR
09/18/15	CEQR: NOTICE OF COMPLETION DRAFT EIS (DEIS) ISSUED
09/21/15	APPLICATION REFERRED TO COMMUNITY/BORO BOARD, BORO PRES. FOR REVIEW
09/21/15	NOTICE OF CERTIFICATION TO COMM/BORO BOARDS, BORO PRES., CITY COUNCIL
09/29/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
09/30/15 - 11/30/15	60-DAY COMMUNITY BOARD REVIEW PERIOD
10/16/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
10/27/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
10/28/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
10/28/15	BROOKLYN COMMUNITY BOARD 15 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
10/29/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/04/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
11/05/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/09/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/18/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
11/19/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/23/15	BROOKLYN COMMUNITY BOARD 05 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 11 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	BRONX COMMUNITY BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 04 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 05 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 06 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 14 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	MANHATTAN COMM BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/01/15	BROOKLYN COMMUNITY BOARD 16 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/01/15	QUEENS COMMUNITY BOARD 05 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/02/15	CITY PLANNING COMMISSION PUBLIC HEARING SCHEDULED/POSTED/NOTICE SENT
12/03/15	BROOKLYN COMMUNITY BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BROOKLYN COMMUNITY BOARD 02 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BROOKLYN COMMUNITY BOARD 18 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	QUEENS COMMUNITY BOARD 14 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BRONX COMMUNITY BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BRONX COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	BROOKLYN COMMUNITY BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	BROOKLYN COMMUNITY BOARD 08 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	BROOKLYN COMMUNITY BOARD 10 RECOMMENDATION RECEIVED BY CALENDAR OFFICE



Land Use Application Record

Application Summary

Land Use Application ID: N 160051 ZRY

Project Name:	MANDATORY INCLUSIONARY HOUSING					
Borough:	CITY WIDE					
CEQR #:	16DCP028Y					
Related Items:						
CP/DCA/LPC Items:						
Location:	CITYWIDE					
Applicant:	DCP					
Applicant Rep.:						
Description: (Land Use)	A ZONING TEXT AMENDMENT TO ESTABLISH A REQUIREMENT FOR AFFORDABLE HOUSING AS PART OF NEW DEVELOPMENT OVER 10 UNITS WITHIN A "MANDATORY INCLUSIONARY HOUSING AREA".					
Community Districts:	A00	K00	M00	Q00	R00	X00
Zoning Resolution Sections:	12-10	23-154	23-90	23-91	23-911	
	23-912	23-913	23-92	23-93	23-931	
	23-932	23-933	23-934	23-94	23-95	
	23-951	23-952	23-953	23-96	23-961	
	23-962	62-80	62-83	62-831	62-832	
	62-833	62-834	62-835	62-836	62-837	
	62-838	73-624	74-00	74-01	74-30	
	74-31	74-32				
Zoning Maps:						
Alteration Maps:						
Zoning Districts:						
CPC Action:						
City Council Action:						

Project Address/Geography

Land Use Application ID: N 160051 ZRY

No geography or property addresses available for this Land Use application.

Milestones

Land Use Application ID: N 160051 ZRY

CEQR #: 16DCP028Y

Milestones include Land Use application milestones as well as related CEQR application milestones. Some milestones may have links to related documents.

Milestone Date(s)	Milestone Detail
09/18/15	PROPOSAL RECEIVED BY DEPT. OF CITY PLANNING
09/18/15	REVIEW SESSION SCHEDULED FOR
09/18/15	EAS (PDS) RECEIVED IN DEPT CITY PLANNING
09/18/15	CEQR: CPC ISSUES NEGATIVE DECLARATION
09/21/15	APPLICATION REFERRED TO COMMUNITY/BORO BOARD, BORO PRES. FOR REVIEW
09/21/15	NOTICE OF CERTIFICATION TO COMM/BORO BOARDS, BORO PRES., CITY COUNCIL
09/29/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
09/30/15 - 11/30/15	60-DAY COMMUNITY BOARD REVIEW PERIOD
10/16/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
10/27/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
10/28/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
10/28/15	BROOKLYN COMMUNITY BOARD 15 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
10/29/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/03/15	BRONX COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/04/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
11/05/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/09/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/18/15	COMMUNITY BOARD ISSUES UNFAVORABLE RECOMMENDATION
11/19/15	COMMUNITY BOARD PUBLIC HEARING SCHEDULED FOR
11/19/15	BOROUGH BOARD ISSUES UNFAVORABLE RECOMMENDATION
11/23/15	BROOKLYN COMMUNITY BOARD 05 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	MANHATTAN COMM BOARD 11 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/25/15	BRONX COMMUNITY BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 04 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 05 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
11/30/15	BROOKLYN COMMUNITY BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/01/15	BROOKLYN COMMUNITY BOARD 16 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/02/15	CITY PLANNING COMMISSION PUBLIC HEARING SCHEDULED/POSTED/NOTICE SENT
12/03/15	BROOKLYN COMMUNITY BOARD 02 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BROOKLYN COMMUNITY BOARD 18 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/03/15	BRONX COMMUNITY BOARD 07 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	BROOKLYN COMMUNITY BOARD 10 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	MANHATTAN COMM BOARD 04 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	QUEENS COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/08/15	BROOKLYN COMMUNITY BOARD 12 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	REVIEW SESSION SCHEDULED FOR
12/09/15	BROOKLYN COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	BROOKLYN COMMUNITY BOARD 13 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	MANHATTAN COMM BOARD 12 RECOMMENDATION RECEIVED BY CALENDAR OFFICE

12/09/15	QUEENS COMMUNITY BOARD 14 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	STATEN ISLAND COMM BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/10/15	BROOKLYN COMMUNITY BOARD 14 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/10/15	STATEN ISLAND COMM BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/16/15	CITY PLANNING PUBLIC MEETING SCHEDULED FOR



CEQR Application Record

Application Summary

CEQR #: 16DCP028Y

Project Name:	MANDATORY INCLUSIONARY HOUSING
Borough:	CITY WIDE
BSA #:	
Related Items:	160051 ZRY
Location:	
Applicant:	NYC - DCP
Applicant Rep.:	BETH LEBOWITZ
Description: (CEQR)	CITY-WIDE ZONING TEXT AMENDMEN TO CRATE A MANDATORY INCLUSIO NARY HOUSING PROGRAM WITHIN THE EXISTIN INCLUSIONARY HOUSING PROGRAM
Community Districts:	A00 K00 M00 Q00 R00 X00
Issues:	
Land Use:	
Zoning Maps:	
Zoning Districts:	

Project Address/Geography

CEQR #: 16DCP028Y

No geography or property addresses available for this CEQR application.

Milestones

CEQR #: 16DCP028Y

Milestone Date(s)	Milestone Detail
09/18/15	EAS (PDS) RECEIVED IN DEPT CITY PLANNING
09/18/15	CEQR: CPC ISSUES NEGATIVE DECLARATION

12/04/15	MANHATTAN COMM BOARD 04 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/04/15	QUEENS COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/08/15	BROOKLYN COMMUNITY BOARD 12 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	REVIEW SESSION SCHEDULED FOR
12/09/15	BROOKLYN COMMUNITY BOARD 09 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	BROOKLYN COMMUNITY BOARD 13 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	MANHATTAN COMM BOARD 12 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/09/15	STATEN ISLAND COMM BOARD 01 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/10/15	STATEN ISLAND COMM BOARD 03 RECOMMENDATION RECEIVED BY CALENDAR OFFICE
12/16/15	CITY PLANNING PUBLIC MEETING SCHEDULED FOR

MIH Zoning Text Amendment EAS Attachments

significant number of additional dwelling units. The CPC could reduce, modify or waive the MIH requirements for such special permits where it finds that the project would facilitate significant investments in public infrastructure or public facilities that address broader community needs that are not generated by the proposed development. The requirements could also be modified for special permits that enable a site to receive transferred development rights pursuant to the Hudson River Park Act.

Relationship to ZQA Text Amendment

DCP is proposing a separate but concurrent zoning text amendment (Zoning for Quality and Affordability or "ZQA"), to encourage better quality buildings and support the creation of affordable housing, affordable senior housing and long-term care facilities. For a full description of the ZQA proposal, see ULURP application N160049ZRY.

The ZQA text amendment is the subject of a separate but concurrent review. The full project description and potential impacts are described in the DEIS for that proposed action (see CEQR No. 15DCP104Y). The zoning text for MIH has been drafted to be consistent with the proposed ZQA zoning text. However, the MIH program can function independent of the ZQA text in the event that it is not enacted and can be modified to reflect any changes to the ZQA proposal during the public review process. [Indeed, this EAS incorporates the ZQA proposal into the assumptions for the analysis of what the potential future effects of the proposal would be after its adoption, called the "Future With-Action scenario."]]

The ZQA text amendment includes a number of changes to the structure, numbering and defined terms within the ZR. Because both proposals are intended to be adopted concurrently, the structure, numbering, and terminology of the proposed ZQA text amendment are carried over to the proposed MIH text amendment. For instance, the ZQA text amendment would revise the definitions for affordable senior housing which have not been updated in over 30 years. As described in the ZQA DEIS, the definitions currently referenced in the ZR for senior housing are outdated and inconsistent with the current practices. As such, the ZQA proposal includes a new defined term "affordable independent residences for seniors" ("AIRS") to replace "non-profit residences for the elderly". Provisions of the MIH text that apply to affordable senior housing reference this new definition.

Affordability Requirements

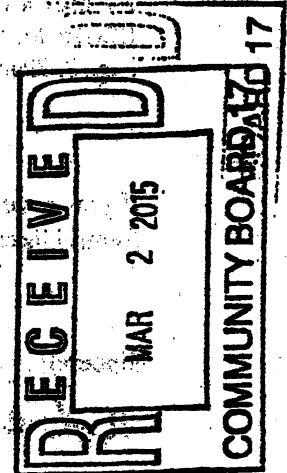
The proposed MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility tradeoff inherent between income levels and size of the affordable set-aside. When MIH is applied, the applicant, CPC and City Council would choose one or more of the two primary options based on a consideration of area housing conditions, needs and income levels within and near the area covered by the proposed action.



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, Director
Department of City Planning



February 20, 2015

Beth Lebowitz, Director
Zoning Division
New York City Department of City Planning
22 Reade Street
New York, NY 10007

Re: Zoning for Quality and Affordability Text Amendment
CEQR No. 15DCP104Y
ULURP No. Pending
Positive Declaration

Dear Ms. Lebowitz:

Under City Environmental Quality Review, it is required that if the lead agency determines that a proposed action may have a significant effect on the environment, it shall issue a Positive Declaration and request that the applicant prepare a Draft Environmental Impact Statement.

Based upon review, the Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has found that the proposed action falls within this category and that an Environmental Impact Statement (EIS) will be required. Accordingly, enclosed is the Positive Declaration for CEQR No. 15DCP104Y, Zoning for Quality and Affordability Text Amendment proposal.

A public scoping meeting has been scheduled for Wednesday, March 25th, 2015, at 4 pm and will be held at Spector Hall, 22 Reade Street, New York, New York, 10007. Written comments will be accepted by the lead agency until the 5pm on Monday, April 6, 2015.

Enclosed are the Environmental Assessment Statement, Positive Declaration, Draft Scope of Work, and Public Notice of a Scoping Meeting.

Robert Dobruskin, AICP, Director
Olga Abinader, Deputy Director
22 Reade Street, New York, N.Y. 10007-1218 Room 4E (212) 720-3420
FAX (212) 720-3485
rdobrus@planning.nyc.gov

Zoning for Quality and Affordability Text Amendment
CEQR No. 15DCP104Y
Page 2, Transmittal of Positive Declaration

If you have any questions regarding this application, please contact the Project Manager,
Evren Ulker-Kacar, AICP, at (212) 720-3419.

Sincerely,

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc: Carl Weisbrod, Chairman
City Planning Commissioners
All Borough Presidents
All Borough Boards
All Community Boards
Raju Mann, City Council
Owen Wells, DPR
Naim Rasheed, DOT
Patrick Blanchfield, HPD
Gina Santucci, LPC
Olga Abinader
Evren Ulker-Kacar
Mehdi Amjadi
Mauricio Garcia
Pat Bussey
Susan Wong
Frank Ruchala

Jacquelyn Harris
Purnima Kapur
Howard Slatkin
Eric Kober
Anita Laremont
Alison McCabe
Sarah Goldwyn
James Merani
James Miraglia
Jeffrey Shumaker
Michael Marella
Len Garcia-Duran
John Young
Edith Hsu-Chen
Winston Von Engel
Carol Samol

State Environmental Quality Review Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the _____ as the Lead or an Involved Agency makes the following findings.

Name of Action:

Description of Action:

Location:

Agency Jurisdiction:

Date Final Environmental Impact Statement Filed:

Facts and Conclusions Relied on to Support the Decision:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

- Name of Agency

Name of Responsible Official

Date _____

Figure 1 consists of a 10x10 grid of scatter plots. The horizontal axis (X-axis) represents the number of children in the household, ranging from 0 to 9. The vertical axis (Y-axis) represents the number of children in the neighborhood, ranging from 0 to 9. Each plot in the grid shows a set of data points representing different households. The plots are arranged such that the top row shows the relationship for 0 children in the neighborhood, and the bottom row shows the relationship for 9 children in the neighborhood. The plots are labeled with the number of children in the neighborhood on the Y-axis and the number of children in the household on the X-axis.

cc: Other Involved Agencies
Applicant

Certification To Deny :

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have not been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that does not avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse impacts will not be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will not achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Name of Agency

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Address of Agency

[Empty box for Address of Agency]

cc: Other Involved Agencies
Applicant

Re-Set Form

- Exhibit B -

Market and Financial Study NYC Mandatory Inclusionary Housing

Prepared for:
New York City Housing Development Corporation

Prepared by:
BAE Urban Economics, Inc.
BJH Advisors
James Lima Planning + Development
Mark A. Levine, Esq., Akerman LLP

September, 2015

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as of 02/16/2016

Registration Number: 1611367

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E-mail Address:

Year Admitted in NY: 1971

Appellate Division

Department of Admission: 2

Law School: NEW YORK UNIVERSITY

Registration Status: Due to reregister within 30 days of birthday

Next Registration: Mar 2016

Disciplinary History: No record of public discipline

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The Detail Report above contains information that has been provided by the attorney listed, with the exception of REGISTRATION STATUS, which is generated from the OCA database. Every effort is made to insure the information in the database is accurate and up-to-date.

The good standing of an attorney and/or any information regarding disciplinary actions must be confirmed with the appropriate Appellate Division Department. Information on how to contact the **Appellate Divisions** of the Supreme Court in New York is available at www.nycourts.gov/courts.

If the name of the attorney you are searching for does not appear, please try again with a different spelling. In addition, please be advised that attorneys listed in this database are listed by the name that corresponds to their name in the Appellate Division Admissions file. There are attorneys who currently use a name that differs from the name under which they were admitted. If you need additional information, please contact the NYS Office of Court Administration, Attorney Registration Unit at 212-428-2800.

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Steven M. Sinacori



March 16, 2015

Carl Weisbrod
Chairman
NYC City Planning Commission
22 Reade Street
New York, NY 10007-1216

RE: Scoping Comments for East New York Rezoning Proposal

Dear Chairman Weisbrod:

Akerman LLP ("Akerman") represents the new owner of Arlington Village Site, 3100 Atlantic LLC and 3124 Atlantic LLC respectively, an affiliate of The Bluestone Group (the "Owner"). The site consists of Blocks 3974 and 3975 Lot 1 (see attached surveys) for each block (collectively, the "Site"). The Owner has directed Akerman to submit the following comments.

The Owner is fully supportive of City's public policy as detailed in the Sustainable Communities East New York ("SCENY") study (the "Study"). As detailed on page 49 of the Study, the Site consists of two (2) full blocks, approximately 312,000 square feet or approximately 7.2 acres. The Site has been significantly under-occupied for decades and is in a significant state of neglect and disrepair.

The Owner is also fully supportive of the City's effort to revitalize the host community and to expand the availability of affordable housing. We urge the City to prioritize and commit financial resources to insure that the City and community vision for affordable housing can be achieved.

The Owner supports the proposed commercial overlay districts for Atlantic and Liberty Avenues. A vibrant retail experience will serve the existing and future residents.

We have reviewed the Draft Environmental Assessment Statement ("EAS") dated February 2, 2015 (CEQR No. 15DCP102K). The Owner generally supports the zoning recommendation found on Figure A-1, but make the following suggested amendments.

akerman.com

- For Atkins Avenue, 100' from Atlantic and Liberty Avenues, instead of mapping R6A, Atkins Avenue should be mapped R7A.
- For Liberty Avenue, from Berriman Street to Montauk Avenue, instead of mapping R7A, Liberty should be mapped R8A.

It is rare in New York City, and more specific to the East New York neighborhood, for a development site to consist of 7+ acres. The redevelopment of the Site would have a significant catalytic impact on (i) revitalizing the community and (ii) implementing the vision as articulated in the SCENY.

The above proposed amendment would permit on Atkins Avenue approximately 104,000 additional square feet, approximately 104 dwelling units, of which (pursuant to the existing affordable housing program) approximately 21 dwelling units would be affordable. For Liberty Avenue, the above proposed amendment would permit approximately 116,000 additional square feet, approximately 116 dwelling units, of which approximately 23 dwelling units would be affordable. Together, the proposed amendment would permit approximately 220,000 additional square feet, approximately 220 dwelling units, of which (pursuant to the existing affordable housing program) 44 dwelling units would be affordable.

The difference between the proposed R6A and the R7A on Atkins Avenue is 5' in the required building base, 10' in maximum height (pursuant to existing bulk regulations) and 1.0 FAR. The difference between the proposed R7A and the R8A on Liberty Avenue is 20' in the required building base, 40' in maximum height (pursuant to existing bulk regulations) and 2.6 FAR.

The Owner believes the above amendments are desirable for the following reasons:

- The additional proposed zoning square footage and dwelling units should not impact the environmental analysis contained in the EAS. Owner is willing to provide the additional environmental analysis to supplement the EAS.
- The additional density will provide a greater construction cost economy of scale in order to provide additional affordable housing.
- The additional density on Atkins Avenue will facilitate financing design elements to support the north/south connectivity along Berriman Street, as detailed in the SCENY.
- The additional density on Atkins Avenue will make for a more interesting and varied urban design that will permit the middle block of the Site (Atkins Avenue) to slightly step up from R6A bulk proposed for Berriman Street and Montauk Avenue.
- The additional density on Liberty Avenue will support the proposed retail corridor.

The Owner looks forward to working with the City regarding the number of affordable dwelling units and level of affordability. The Owner will also explore the potential provision of a supermarket on Site. The Owner is open to a discussion with the School Construction Authority ("SCA") regarding the siting of a school on the Site on the provision that SCA waives the zoning regulation so that a potential school does not subtract from the proposed as-of-right zoning entitlements.

Definition of Projected and Potential Development Sites

To produce a reasonable, conservative estimate of future growth, the development sites have been divided into two categories: projected development sites and potential development sites. The projected development sites are considered more likely to be developed within the 15-year analysis period for the Proposed Actions (i.e., by the 2030 analysis year), while potential sites are considered less likely to be developed over the same period. Potential development sites were identified based on the following criteria:

- Slightly irregularly-shaped lots or otherwise encumbered parcels that would make as-of-right development difficult.
- Lots with ten or more commercial tenants, which may be difficult to dislodge due to long-term leases.
- Active businesses, which may provide unique services or are prominent and successful neighborhood businesses or organizations unlikely to move.
- Sites divided between disparate zoning districts.

Based on the above criteria, a total of ~~187-185~~ development sites (~~81-80~~ projected and ~~106-105~~ potential) have been identified in the rezoning area. Figures 46a through 46d show these projected and potential development sites, and the detailed RWCDs tables provided in Appendix 2A to this document identify the uses expected to occur on each of these sites under future No-Action and future With-Action conditions. Appendix 2B includes “snapshots” of each projected and potential development site identified in the RWCDs. Table 1, below, provides a summary of the RWCDs for each analysis scenario.

The EIS will assess both density-related and site-specific potential impacts from development on all projected development site. Density-related impacts are dependent on the amount and type of development projected on a site and the resulting impacts on traffic, air quality, community facilities, and open space.

Site-specific impacts relate to individual site conditions and are not dependent on the density of projected development. Site-specific impacts include potential noise impacts from development, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the potential development sites in the foreseeable future. Therefore, these sites have not been included in the density-related impact assessments. However, review of site-specific impacts for these sites will be conducted in order to ensure a conservative analysis.

Development Scenario Parameters

DWELLING UNIT FACTOR

The number of projected dwelling units in apartment buildings is determined by dividing the total amount of residential floor area by 1,000 and rounding to the nearest whole number.

AFFORDABLE HOUSING ASSUMPTIONS

Additionally, the number of affordable dwelling units assumed was estimated based on known development proposals, past and current development trends, the City, State, and Federal programs that support the construction of affordable housing, and the proposals in Housing New York, the Mayor’s ten-year housing plan, that aim to significantly increase the amount of affordable housing created and preserved in the five boroughs.

East New York has not experienced market-rate multifamily construction in recent years. It is possible that by the time of the analysis year, changes in the housing market may result in this type of construction occurring. In this event, the proposed ~~mandatory MIH regulations program as discussed above~~ will ensure that a share of new housing is affordable. However, for the immediate future, it is anticipated that new multifamily development will resemble recent multifamily development in the broader area, which has utilized public subsidy and been affordable to low-income households. While a new ~~mandatory Inclusionary Housing MIH~~ program would set a

HPD. This study is being undertaken to inform a set of zoning text amendments to establish a mandatory Inclusionary Housing program to be applied citywide in conjunction with zoning changes that encourage housing production, which will be initiated by DCP as an independent action. The mandatory Inclusionary Housing provisions proposed for East New York will be consistent with the broader mandatory IH proposal.

DCP is proposing a citywide zoning text amendment to authorize a Mandatory Inclusionary Housing (MIH) program. The East New York Rezoning will be the first mapping of an MIH area and is the subject of a separate but concurrent land use review and environmental review process to the citywide MIH zoning text amendment. Since affordable housing guarantees are a key component of the East New York Plan, the East New York rezoning includes a related action for a zoning text amendment to create an MIH program applicable only to East New York. This will provide a guarantee of an MIH program in East New York in the event that the citywide MIH zoning text is either not approved or is approved after the East New York rezoning is implemented. The East New York MIH zoning text mirrors the citywide MIH zoning text. Any changes to the Mandatory Inclusionary Housing text amendment would be expected to be made applicable to the East New York Rezoning, and duly reflected in this environmental review. For a full description of the MIH proposal:

Specifically, DCP is proposing a zoning text amendment to apply a mandatory Inclusionary Housing Program (MIH) to portions of the rezoning area, including where zoning changes are promoting new housing. The MIH would apply within the following districts: M1-4/R6A, M1-4/R7A, M1-4/R7D, M1-4/R8A, R6B, R6A, R7A, R7D, R8A, C4-4D, C4-4L, and C4-5D districts within the rezoning area (see Figure 4). This program would require permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs).

The program would require permanently affordable housing set-asides for all developments over 10 units or 12,500 zoning square feet within the MIH designated areas or, as an additional option for developments between 10 and 25 units, or 12,500 to 25,000 square feet, a payment into an Affordable Housing Fund. In cases of hardship, where these requirements would make development financially infeasible, developers may apply to the Board of Standards and Appeals (BSA) for a special permit to reduce or modify the requirements. Developments, enlargements or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area will be exempt from the requirements of the program.

The proposed MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility tradeoff inherent between income levels and size of the affordable set-aside. For the East New York Rezoning, the designated MIH Areas will follow the requirements of option one, described below:

Option One: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130% of AMI. Qualifying households would be limited to no more than three income bands and at least 15 percent of the residential floor area must be provided to households with income at or below 40 percent of AMI.

Enhanced Commercial District

The Department of City Planning proposes a Zoning Text amendment to establish an Enhanced Commercial Districts in the rezoning area along portions of Atlantic Avenue, Pitkin Avenue, Fulton Street, and Pennsylvania Avenue (refer to Figure 5). The Enhanced Commercial District would foster a safe and engaging pedestrian experience along these corridors by establishing regulations governing requiring non-residential ground floor use, requiring minimum levels of transparency on the ground floor and limiting curb cuts, among potential other regulations and requiring setbacks along corridors with elevated trains.

Special Mixed Use District

The Special Mixed Use District (MX) is a special zoning district that is mapped in several locations throughout the city. It combines a light industrial (M1) district with a residential district, and permits a mix of selected light

Good evening my name is Robert Santiago and I am the Executive Director of the Highland Park Community Development Corporation. We are members of the *Coalition for Community Advancement: Progress for East New York and Cypress Hills* and I wish my testimony to be linked to the Coalition's written response which we will submit to City Planning by the March 16th deadline. I am testifying on Fair Housing, Displacement and Task #3 Socioeconomic Conditions.

The Draft Scope of Work does not mention the City's fair housing obligations or even the phrase "fair housing." The Draft only mentions "disparate effects" once on page 28. We feel the City needs to show their compliance, or planned compliance, with its fair housing obligations in this EIS process.

The EIS should clearly articulate its standard for affordable housing. We strongly recommend that the AMI of East New York (\$34,249 for Community Board 5) should be used when assessing affordability and *not* city-wide AMI. Further, the significant adverse effects that would result from the use of city-wide AMI as opposed to local AMI should be clearly shown.

The impact of the rezone on the primarily Latino and African American, low and moderate income residents of the community should be assessed in your analysis.

As a recipient of federal housing funds, the City of New York has an obligation under the Federal Fair Housing Act to "affirmatively further fair housing" when rezoning or developing housing. In order to comply with its obligations, under federal regulations, we urge the City to conduct an analysis of impediments to fair housing choice in our area, describe how its proposed action will be tailored to overcome those impediments, and maintain records of these studies.

We ask now: what, if any, analysis of impediments to fair housing choice has the City conducted or will it conduct for East New York? Has it studied the residential segregation in our area? Have you studied how this proposed rezoning would ameliorate or exacerbate segregation? Has DCP kept any records of this? Where are those records? Can they be published—as part of the scope of work and EIS? We recommend that the DCP scope of work discuss the ways the City's intends to comply with federal fair housing obligations.

-Exhibit C-

Good Afternoon Ulurp Committee,

FYI from John Mangin, one the DCP presenters from Tuesday night's meeting. He's following up on specific questions and providing more of his perspective on the proposals.

Please review. Thanks.

Michael Liburd
CB 9 Land Use Chair


----- Forwarded message -----

From: "John Mangin (DCP)" <JMANGIN@planning.nyc.gov>
To: "'timothyjamesthomas@gmail.com'" <timothyjamesthomas@gmail.com>
Cc: "'mliburd@griffinward.net'" <mliburd@griffinward.net>
Subject: MIH/ZQA Follow-Up
Date: Thu, Nov 12, 2015 5:57 PM

Hi Tim – Good to talk with you after the meeting on Tuesday, and I wanted to follow up on a couple things that we talked about.

First, you'd asked where the senior advocates are on ZQA. Throughout this process, senior advocates from groups like LiveOn and Catholic Charities have been some of our biggest supporters. They have spoken on our behalf and provided research and statistics that have augmented our own and helped explain and advocate for our proposal. If you want to get the advocate perspective on ZQA, you can contact:

Andrea Cianfrani, Esq.
Deputy Director of Public Policy
LiveOn NY (formerly CSCS)
49 West 45th Street, 7th Floor
New York, NY 10036
P: 212.398.6565 x.233 F: 212.398.8398 Email: acianfrani@liveon-ny.org
www.liveon-ny.org



It was another advocate from Catholic Charities who related to us that they have hundreds of people on the waiting list for senior housing, hundreds of people on the waiting list for community gardens, and ZERO people on the waiting list for parking. The data from CD09 bear this out – based on DMV, census, and facility data, the Kings County Senior Residence in CD09 has 173 units and 4 residents with cars. This is largely because the seniors in such facilities are typically very poor – at or below 30% AMI. This population has very low car ownership, and requiring parking just reduces the amount of drastically needed affordable senior housing to build empty parking lots instead. This can't be emphasized enough, though I know you understand the issue.

I read the CD09 comments on ZQA and it seems that CD09 objects to almost every measure that we've included to encourage the production of affordable senior housing. (If the CB is implacably opposed to affordable senior housing, then I suppose that makes it hard to sell the proposal...) I just want to reiterate a few things: First, affordable senior housing is not something that gets built without construction subsidies and operating subsidies. Giving affordable senior housing a higher Community Facility or Inclusionary FAR merely gives us the opportunity to maximize the number of units on the rare occasions when such housing gets developed. Because it's not a market-rate use that developers can profit from, and because subsidies are very limited, a higher FAR for affordable senior housing does not incentivize its development over other options that are profitable. It certainly does not incentive teardowns of million-dollar townhouses or other types of structures. Affordable senior housing developments will still be few

and far between; ZQA will just get us more bang for the buck when they do happen. There is absolutely no way that neighborhood character will be destroyed by rampant development of affordable senior housing.

Also worth repeating that the removal of the certification in 22-42 and the special permit in 74-90 affects only nursing homes and assisted-living facilities and NOT drug-treatment facilities, homeless shelters, housing for the mentally ill, regular old adult homes, etc. As much as that would be a worthy goal, this proposal does not do that. The only thing this proposal does is to eliminate the special permit for nursing homes. This is a special permit that has been sought a few dozen times and granted every single time. All the provision has accomplished is increasing costs for (and thereby discouraging) the production of badly needed nursing homes and assisted living facilities.

Also – just want to point out that a lot of things that CB09 objects to on preservation grounds have been included in ZQA specifically because they will create buildings that are more contextual and more historically appropriate than current regs allow. Height factor zoning all but outlawed courts as part of the '61 resolution. Courts are great, people like them, and we want to bring them back on pre-1961 terms. The courts will enable better layouts, windows in kitchens and baths, more three-bedroom apartments, more light and air for everybody. The adjustments to ground floor heights would enable buildings to lift the ground floor units so that residents aren't eye-to-eye with people on the sidewalk, or they'd create nice Class B retail space – ideal for neighborhood retail and not high enough for big national chains. The corner lot provisions would enable corner buildings to wrap the corner and regard both street frontages, unlike the awful buildings current regs dictate. The corner buildings would still be subject to 30' by 30' rear yard req'ts and so could not achieve 100% lot coverage. The line-up provision clarifications would also enable bay windows or oriels while allowing buildings to line up with the buildings on either side of them. (Current regs have forced buildings to choose one or the other.) Etc. etc.

Finally, I wanted to provide my own answer to the question you asked about what we think of the argument that ZQA is a corrupt giveaway to developers. I didn't answer because Beth and Anna answered and I was already sick of hearing myself talk.

First, it's simply false. These proposals are what they purport to be – initiatives to create more affordable and affordable senior housing. It's gobsmacking to me that we can be accused of shilling for developers while introducing a mandatory inclusionary housing program and a set of proposals that do not increase market-rate FAR by so much as a square foot.

Second, the argument that these affordable housing initiatives are corrupt giveaway for developers becomes a stalking horse for straight-up opponents of affordable housing. It gives exclusionary neighborhoods a way to argue against these proposals (in bad faith) while still claiming to fight the good fight. It pains me when I see low-income neighborhoods, with a very different set of problems, making the same arguments. Paul Graziano's constituency, for instance, is in lower-density neighborhoods in Queens – mostly older people alarmed by neighborhood change. Based on feedback we've received from those parts of the City, they do not want affordable housing there. It makes sense, then, that they're not necessarily jazzed about MIH and ZQA, even though it will have limited impact in low-density neighborhoods.

CD09, on the other hand, isn't *afraid* of low-income people, it *is*, by and large, low-income people. It needs and wants affordable housing. As Juan, Suki, and others noted at the meeting, CD09 is facing A LOT of affordability and displacement issues. If these initiatives are defeated, the pressures creating these issues will continue – high demand in CD09, and not enough housing – but nothing will be done to address the pressures and the problems will get worse and worse. We need more housing across the city to alleviate some of these pressures, whether or not it's in CD09, and we need more affordable housing because we can't simply build our way out of the housing crisis. Happy to talk about this more. I get personally upset when I see people like Paul trying to convince low-income communities that they share interests with opponents of affordable housing in very different parts of the city.

Thanks, Tim – don't hesitate to call or email if you have further questions.

John Mangin
ASSISTANT COUNSEL
NYC DEPARTMENT OF CITY PLANNING
22 READE STREET
t 212.720.3454
www.nyc.gov/planning

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Brooklyn, NY 11225
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718-778-9279 (Tel)
718-467-0994 (Fax)
email: bk09@cb.nyc.gov
website: www.communitybrd9bklyn.org

Why Does Zoning Need to Change?

Catholic Charities of Brooklyn and Queens, the largest developer of affordable housing for low-income seniors in New York City:

“We have thousands and thousands of low-income seniors on our wait lists for housing. We even have wait lists for our tenant gardens. We do not have a single wait list for parking.”

Supply Is Not Meeting Demand

- There are nearly one million households who earn less than 50 percent of Area Median Income (AMI), or just under \$42,000 for a family of four
- There are only 425,000 housing units available with rents suitable for that income level

Things must change. A bold approach to increasing and protecting the supply of affordable housing is needed for New York City to retain the diversity and vitality of its neighborhoods and its edge as the world's leading destination for opportunity. And it is needed to house the incredible and multidimensional talent pool that attracts employers and drives the City's economic growth.

Housing New York is a five-borough, ten-year strategy to address the City's affordable housing crisis. The plan, which was created through coordination with 13 agencies and with input from over 200 individual stakeholders, outlines more than 50 initiatives to support our goal of building or preserving 200,000 units of high-quality affordable housing to meet the needs of more than 500,000 people. We will do this by:

- **Fostering diverse, livable neighborhoods**
- **Preserving the affordability and quality of the existing housing stock**
- **Building new affordable housing for all New Yorkers**
- **Promoting homeless, senior, supportive and accessible housing**
- **Refining City financing tools and expanding funding sources for affordable housing**

What is Affordable Housing?

Income Band	Percentage of AMI	Monthly Rent Required to Prevent Rent-Burden	Annual Income (for a four-person household)
Extremely Low Income	0- 30%	Up to \$629	< \$25,150
Very Low Income	31 - 50%	\$630 - \$1,049	\$25,151 - \$41,950
Low Income	51 - 80%	\$1,050 - \$1,678	\$41,951 - \$67,120
Moderate Income	81 - 120%	\$1,679 - \$2,517	\$67,121 - \$100,680
Middle Income	121 -165%	\$2,518 - \$3,461	\$100,681 - \$138,435

or
30%
AMI

Promoting homeless, senior, supportive, and accessible housing

- **Shift funding from high-cost homeless shelters to lower-cost permanent housing**

The City will pilot programs to reallocate a portion of shelter funding to finance lower-cost permanent housing for homeless individuals and families.

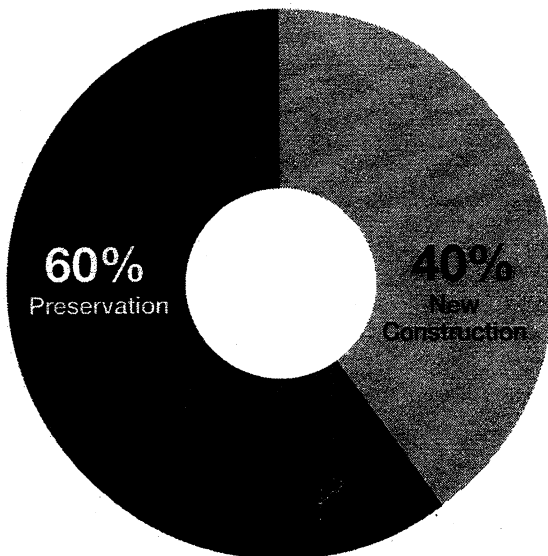
- **Develop more supportive housing to improve health outcomes and save public dollars**

Investment in housing that is accompanied by supportive services can improve outcomes for people with mental health and substance abuse issues, while yielding significant taxpayer savings by reducing demand for high-cost shelters, hospitals, and other emergency resources. The City will seek to renew its partnership with the State to expand the supply of supportive housing and to broaden the target populations it serves.

By the Numbers

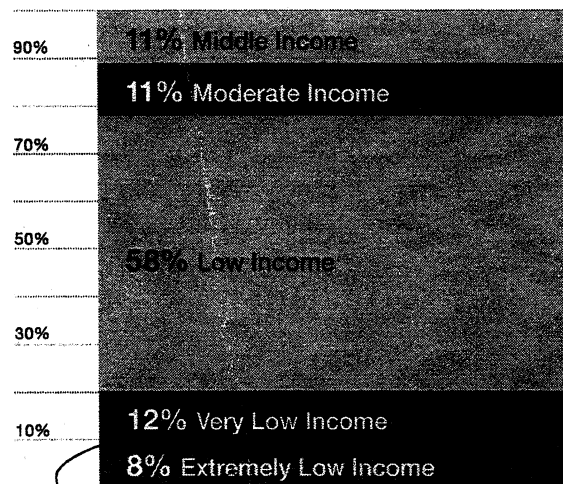
This plan lays out targets for new construction / preservation and the incomes of households we will serve. The Plan will focus on households falling into four income categories: Very Low Income (below 50 percent of AMI) (including Extremely Low Income, or below 30 percent of AMI); Low Income (50 to 80 percent of AMI); Moderate Income (81 to 120 percent of AMI); and Middle Income (121 to 165 percent of AMI).

New Construction vs Preservation



Households Served

Share of Housing Units Created or Preserved by Income Band





Testimony Prepared for the City Council of New York, Subcommittee on Zoning and Franchises

**Public Hearings for Zoning for Quality and Affordability – Application No. 20160049 ZRY and
Mandatory Inclusionary Housing – Application No. 20160051 ZRY**

February 16, 2016

Since 1992, the Women’s Housing and Economic Development Corporation (WHEDco) has been dedicated to the simple idea that all people deserve healthy, vibrant communities. We approach the two proposals currently before the City Council – Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH) – with the perspective of over two decades of affordable housing development and community revitalization in the South Bronx. While we support the intentions of ZQA and MIH, we have concerns about the consequences of these proposals for residents of the South Bronx and other poor New York City neighborhoods.

New York City is facing a neighborhood improvement paradox. Adding new and better housing and services to a community sometimes results in an influx of wealthier residents, which in turn can cause displacement. Yet the alternative – moving low-income people to high-income neighborhoods to take advantage of better services there – is also displacement. Both options run the risk of destroying neighborhood networks and cultures, and hardly take into account the desires and aspirations of low-income residents.

We’ve seen this cycle before, in the Meatpacking District, in Dumbo and Williamsburg. But the decades-old question remains: how do we create racially and economically integrated communities in New York City, where all people have a chance to prosper? As we tackle this challenge, we should not reject all change for fear of gentrification, but we cannot ignore the needs and fears of current residents of low-income neighborhoods on the brink of change.

ZQA and MIH provide some means of developing contextually appropriate affordable housing in neighborhoods that probably should see some increase in density. But once again, the same old question arises: affordable to whom? The income ranges targeted by MIH – 60% and 80% AMI – are simply not low enough to meet the needs of rent-burdened New Yorkers. In the Bronx, almost 55% of the current rental housing stock already rents at levels close to the 70-80% AMI range, but almost 60% of Bronx renters make less than 60% AMI. In other words, MIH doesn’t help the majority of Bronx residents because it is too expensive, and the housing market here is already providing apartments affordable to Bronx residents in the MIH target range. MIH should go further in providing deeper levels of affordability; do not simply require an average of 60% or 80% AMI for affordable units, but require a

percentage of affordable units at 30% or 40% AMI. Deeper affordability will make a true difference to poor New Yorkers.

Besides ZQA and MIH, a critical tool for providing affordable housing to poor New Yorkers is currently at risk. Community preference, which allows 50% of new affordable housing units to be set aside for residents of the community board in which they are built, is being challenged in court as we speak. The charge is that by preferring local residents, community preference can have a discriminatory impact. In some cases, this is true: if a new affordable housing development were built on the Upper East Side, the majority white community residents would have an advantage, creating a discriminatory effect. However, if a new affordable housing development were built in East Harlem, the majority African American and Latino residents would have an advantage, an effect that preserves the community's racial diversity and gives local residents an opportunity to stay in their neighborhood. Without community preference, poor residents have to compete with poor residents from across the City, not just across the street, for a limited number of affordable units. We can only anticipate that any new affordable housing built under MIH will see the same mindboggling level of competition among applicants – tens of thousands of applications for tens of apartments. Even with MIH in place, it will be harder for poor New Yorkers to find affordable apartments in their own neighborhoods.

The fight to build truly affordable housing is important, and it must continue, but New York City should consider an alternative method for improving the quality of life and outcomes for the poor: dedicate resources to helping poor people where they are, to improving their neighborhoods and making it possible to succeed no matter where one lives. The end goal is the same: we want families to live in communities with good schools, low crime, and beautiful homes. People should not have to leave behind their families, homes, businesses, and rich local networks in order to enjoy basic amenities.

It is possible to improve neighborhoods and bring in diverse residents without displacement. In the Bronx, long the poster child for urban decay, we are seeing the results of place-based investments. When community development, including housing, is driven by the aspirations of striving neighborhoods, there is a compounding effect. Housing serves as civic anchors. Retail – and jobs – follows new residents. Schools improve as parents advocate for their kids' futures. On Southern Boulevard, we've seen meaningful change in streetscape improvements, new shops, even a new Girl Scout troop. This model has succeeded in communities around the country, without the need to uproot low-income families.

The key is long-term government investment, stewarded by trusted community development organizations, to build on the assets already rooted in poor neighborhoods. Mission-driven, community-based organizations have the knowledge and the track record to identify and meet community needs. New York City should prioritize non-profit developer's projects and require for-profit developers to partner with non-profits to improve community services. In doing so, we can tackle entrenched poverty without relying solely on a method that displaces families and furthers the cycle of disinvestment in low-income communities of color.



February 16, 2015: Testimony of the New York City Community Land Initiative on Mandatory Inclusionary Housing (Application No. 20160051 ZRY)

To the City Council Committee on Land Use, Subcommittee on Zoning and Franchises:

Thank you for the opportunity to comment on the proposed zoning amendments that would create the Mandatory Inclusionary Housing program if passed.

The New York City Community Land Initiative, or NYCCLI, is a three-year old coalition of 17 housing and homeless grassroots organizing and advocacy organizations, social-justice groups, and affiliated academics who regard Community Land Trusts (CLTs) as a promising tool in the fight to address the root causes of homelessness and displacement, and to create and preserve truly affordable housing over the long term, and under community control. CLTs are nonprofit, community-based organizations that own land and lease the land for 99-year leases to affordable housing providers (nearly always nonprofit, in the case of multifamily housing), keeping public and community stewardship over land use, strengthening communities, and ensuring the durability of affordability restrictions.

We are concerned that the proposals for Mandatory Inclusionary Housing do not adequately meet the needs of residents of low-income neighborhoods and threaten, instead, to add to the housing stress, instability, and displacement of low-income residents, accelerating the city's already staggering rates of homelessness. We urge the Council to amend the Administration's proposals to prioritize deeper affordability and retention of the City's leverage over key land and housing resources going forward.

The Mandatory Inclusionary Housing proposal, as it now appears, is a more ambitious effort than any in the past 20 years to ensure that market-rate development is tied to the development and preservation of affordable housing.

But saying this is setting the bar very low, indeed.

The past 20 years have been marked by a deference to private, market-rate development, and affordable housing construction and preservation have been targeted to those income levels that make their inclusion in market-rate packages most appealing to for-profit developers; i.e., the income targets typically have been well above the median incomes in the neighborhoods in which the housing has been developed, and the definition of affordability has been linked to Area Median Incomes in ways that exclude those in the most greatest need of affordable housing. In East Harlem, for example, of the more than 5,000 units of affordable housing developed under Mayor Bloomberg, *ninety-four percent* were unaffordable to the median renter household in the neighborhood.

The Administration's proposal does little to change this. Against this record, modest changes are still inadequate, and they are so precisely because of our missed chances to do better in the past.

NYC community land initiative



Fighting for vibrant, equitable and sustainable housing and neighborhoods through community ownership of land

There is nothing wrong, in principle, with programs which seek to create diverse and mixed-income neighborhoods. The problem lies in the fact that those at the bottom of the income distribution have both systematically had their needs ignored for the last twenty years, and face new perils when for-profit development moves into their neighborhoods. These perils are twofold. First, life-events require that people move from time to time: loss of an income in the household or the addition of a new household member can strain already-stretched financial resources. In the poorest neighborhoods, some of which are slated for rezoning and development with Mandatory Inclusionary Housing, an increase in neighborhood rents will mean that these poor households will literally have nowhere left to go. This will mean increased crowding and doubling-up and more pressure on the front-end of the homeless services system. Even if these households are not displaced and stay, they will be subject to increased economic hardship, along with social and personal stress, as they dedicate ever higher proportions of their low incomes to pay rent than they already do. Second, an influx of higher-rent developments—even if officially affordable—that are out of line with neighborhood rents will prompt speculation and displacement pressures in existing housing that will most harshly affect those with the least ability to pay and those with the fewest personal and social resources to withstand landlord pressure and harassment.

Supporters of the Administration's plans—even critical ones—often say that the plans represent an opportunity to maintain leverage over development on the increasingly scarce resource of vacant land in the city and that we should not let the "perfect be the enemy of the good." They also point out that the Administration will work with individual projects to supplement the subsidies in order to bring the rents down to more affordable levels.

NYCCLI agrees that there is no perfect solution, particularly not in the present subsidy environment. Nevertheless, we might say, instead: let us not let the *marginally better* be the enemy of the *much better*.

NYCCLI members have been working since 2012 to create tangible alternatives to a zoning and private-market based approach to developing and preserving affordable housing for low-income households left behind by both the housing market and the administration's affordable housing plans. We believe that it is possible to address the city's extreme affordable housing needs through investment in tried and proven models such as CLTs and Mutual Housing Associations (MHAs), creating housing opportunities in greater quantity and at deeper affordability than what is supported through the MIH proposal.

On the Lower East Side, the Cooper Square CLT/MHA has maintained truly affordable housing (serving households at 25% to 36% of AMI) in one of the fastest-gentrifying neighborhoods in the city. In East Harlem, a neighborhood anticipating rezoning, the East Harlem CLT/MHA presents an opportunity to invest city resources into an affordable housing pilot that will truly address the needs of East Harlem's population, where the majority of residents earn well below 60% of AMI. An investment of city land, property and financing in the East Harlem CLT/MHA has the potential to create housing opportunities that are truly affordable to East Harlem residents without contributing to already significant gentrification and displacement in the neighborhood.



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This is a model replicable on a city-wide scale, and one worth serious exploration by the city. Picture the Homeless, a member of NYCCLI, recently introduced the **Gaining Ground Pilot Project**, a city-wide proposal which seeks to utilize CLTs and MHAs to preserve and create mixed-income affordable housing. Housing built under this pilot would include units at rents affordable to homeless households, many of whom earn well below 30% of AMI and are currently unaccounted for in both the Mayor's housing plan and the MIH program. In the Bronx, Queens, and Brooklyn, local community groups are exploring the model as a way to promote development without displacement in gentrifying areas.

We know that these solutions are a plausible alternative to MIH, creating truly affordable housing opportunities without tying sorely needed low-cost units to market rate development. As a result, we question why MIH—which does not currently address the needs of many residents of areas anticipating rezoning—must be the cornerstone of our administration's affordable housing program.

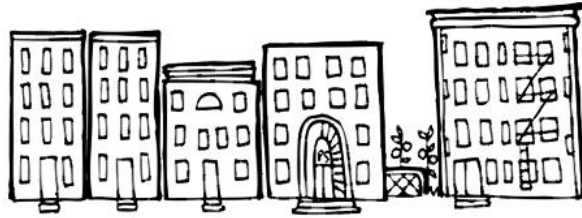
And we are not alone. Nearly three quarters of the city's 59 community boards have voted against the plan, yielding to community pressure, importantly in many of the communities that the Administration purports will "benefit" from the Mandatory Inclusionary Housing proposal.

While we believe that community-controlled, non-profit housing models are a preferred alternative to MIH, we recognize that there are substantive ways to improve the proposal to better address the needs of rezoned communities.

Accordingly, NYCCLI suggests that the following principles should guide the Council's changes to the MIH proposal:

1. The Zoning Amendment text should provide that City-owned vacant land to be redeveloped in a rezoned area should be developed with a nonprofit developer with commitments to produce 100 percent affordable housing, with at least 50 percent of the housing targeted to incomes at or below 30 percent of Area Median Income, with significant shares of units targeted to households at 10%, 15%, and 20% AMI. This would ensure that new units created under in rezoned areas are inclusive of households living on fixed incomes (including seniors and the disabled,) and affordable to many currently homeless households.
2. The overall income targets for MIH must be lowered across the board. This should include:
 - a. the "Deep Affordability" option of 30 percent at 30 percent of AMI option proposed by the Association of Neighborhood and Housing Development (ANHD);
 - b. the requirement that at least 15 percent of all units be affordable at 30 percent AMI across all of the MIH options;
 - c. the creation of an option for 20 percent at 40 percent of AMI and 10 percent for households at or below 15% of AMI (affordable to fixed-income earners on SSI or welfare); and
 - d. the elimination of "Option C," which allows for development that is plainly unaffordable to most New Yorkers, and the elimination of a "hardship" provision for developers.

NYC community land initiative



Fighting for vibrant, equitable and sustainable housing and neighborhoods through community ownership of land

3. The proposal by the Real Affordability for All Coalition to reduce as-of-right density and to offer a Floor Area Affordability Bonus (FAAB) in exchange for meeting neighborhood-based standards for deeper affordability and local-hiring in good jobs should be implemented.
4. Developers should have the option of locating affordable housing offsite *only* if they do so on land held by an existing or emerging community land trust, or a similar structure that could ensure that the development of this housing could be permanently affordable and under the stewardship of community residents in the long term. Off-site housing built in this context must be 100% affordable and include units at deeper levels of affordability, responsive to locally-determined requirements.
5. In order to receive a building permit, developers should be required to obtain a certificate of non-harassment that applies to *all* properties under their ownership or in which they are partners, including but not limited to properties in the rezoned area; the definition of this certificate is laid out in the bill proposed by Council Member Lander (Int. 0152-2014) and is in effect in several special districts.

NYCCLI believes that these guidelines would make a MIH plan more equitable than the current proposal does. Once a plan is put in place, and once neighborhoods are up-zoned, it is difficult to try to “get it right” if we miss this opportunity to do so. Failure to link rezoning to efforts to stem displacement and to efforts to provide permanent and stable affordable housing means that we will exacerbate the pressures on our city’s poor, rent-burdened households.

Finally, NYCCLI wishes to reiterate that we will not be able to develop our way out of our housing crisis with or without Mandatory Inclusionary Housing if development remains deferential to for-profit developers, even when forcing them to accept some inclusionary units. NYCCLI urges the City Council and the Administration to reinvigorate the community-based nonprofit and cooperative housing sectors that, in partnership with the City, rescued many neighborhoods now being considered for up-zoning and as ripe for capital reinvestment. Community land trusts offer legal and institutional mechanisms for stabilizing these efforts over the long term and should be a cornerstone for neighborhood-based efforts to develop housing that is truly affordable to our city’s most at-risk households.



WORKING FOR QUALITY
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City Council of New York
The Subcommittee on Zoning and Franchises
City Hall, Council Chambers
New York, NY 10007

February 12, 2016

Testimony on Zoning for Quality and Affordability

Dear City Council,

CIVITAS, a community based non-profit organization that focuses on quality of life issues on the Upper East Side and in East Harlem, is retaining BFJ Planning to examine Zoning for Quality and Affordability, review the potential impacts on Community Boards 8 and 11 and work with our Board of Directors to recommend changes. While developing recommendations CIVITAS met with the Community Board, fellow non-profits, elected officials and the Department of City Planning. Below are our recommendations for Zoning for Quality and Affordability:

- Increased FAR or height should be bonusable in exchange for creation of affordable housing, except for minor changes (5' to 10') for technical purposes related to Citizen's Housing and Planning Council (CHPC) building envelope constraints;
- Proposed "Zoning for Quality and Affordability" and bulk changes should not apply to historic districts;
- Proposed "Zoning for Quality and Affordability" and bulk changes must maintain the building height difference and proportion between wide and narrow streets. Buildings on narrow streets that are the same height as those on the avenues negatively affect light and air to the sidewalk and surrounding buildings.
- Encroachment in the rear yards should not be allowed, as it would negatively affect enjoyment of the remaining open space amenity; and CD8's community facilities FAR should be brought in parity with the rest of the city;
- Unlimited as-of-right FAR zoning lot mergers and zoning districts that do not currently have height limits should have a height limit mechanism. One example would be to create a maximum height limit of 400 feet. Another would be to change the C1-9 zone on the avenues to a contextual C1-9X that would require a tower on a base;
- Development of 197-a and 197-c Plans for both Boards 8 and 11 should be accompanied by an urban design element to provide a 3-dimensional urban design context to any proposed zoning changes. Zoning changes should be based upon these plans;
- Current Sliver Rule regulations, which restricts the construction of narrow and tall buildings on zoning lots, should be retained; and
- DCP's proposed reduction in off-street parking requirements in East Harlem should be applied to all affordable housing in the CD11 Transit Zone, and to market rate housing within 1,200 feet of subway stations.

To read the full CIVITAS report, please visit: http://civitasnyc.org/live/wp-content/uploads/2016/01/CIVITAS-ZQA_MIH-Report_1.15.16.pdf. Funding for the study was provided by: the CIVITAS Board, Advisory Board, NYC City Council Member Ben Kallos and coalition members, East Sixties Neighborhood Association and East 86th Street Merchants/Residents Association.

Thank you for your consideration.

Sincerely,

Emma Bologna
CIVITAS Executive Director

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 2QA Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: Vicki Been

Address: _____

I represent: NYC HPD

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. 2QA Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: Purnima Kapur

Address: _____

I represent: NYC DCP

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. 22A Res. No. _____

☐ in favor ☒ in opposition

Date: 2-10-16

Name: Barry Weinberg (PLEASE PRINT)
Address: 604 Riverside Dr Apt 20 (1003)

I represent: MCBA

Address: _____

21

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: _____

Name: Emily Kurtz (PLEASE PRINT)
Address: 217 W 10th Ave 11234

I represent: RBSCC

Address: same

24

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

Name: ROBERT CASSARA (PLEASE PRINT)
Address: 973 - BAY RIDGE PKWY 11228

I represent: BROOKLYN HOUSING PRESERVATION
Address: ALLIANCE BAY RIDGE 102

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: _____

Name: _____

(PLEASE PRINT)

Andrew Berman

Address: _____

232 E 11 NY NY

I represent: _____

GUSHIP

Address: _____

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: 2/10/16

Name: _____

(PLEASE PRINT)

Lauren Snetiker

Address: _____

232 E 11th St

I represent: _____

GUSHIP

Address: _____

27

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 20A Res. No. _____

☐ in favor ☒ in opposition

Date: _____

Name: _____

(PLEASE PRINT)

Sam Moskowitz

Address: _____

25 Montg Overl St. 10002

I represent: _____

GUSHIP

Address: _____

232 E. 11th St. 10003

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: 2/10/2015

(PLEASE PRINT)

Name: Sarah Bean Apmann

Address: 232 E 11th St

I represent: GVSHIP

Address: Same

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: Matthew Morawitz

Address: 383 Henry Street, 11201

I represent: Greenwich Village Society for Historic Preservation

Address: 232 E. 11th St, 10003

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: Ted Mineau

Address: 232 East 11th Street

I represent: GVSHIP

Address: Same

31

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: SEAN KHORSAUDI

Address: 45 W 67th ST

I represent: LANDMARK WEST!

Address: _____

32

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: JEAN STANDISH

Address: 308 E. 6th St, #6 NYC 10003

I represent: BOWERY ALLIANCE OF NEIGHBORS

Address: _____

34

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

(PLEASE PRINT)

Name: Christine Hunter

Address: 42 W 3rd St, #1 NY

I represent: Magnusson Architecture & Planning

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: 2/10

(PLEASE PRINT)

Name: Gregg Vasquarrelli

Address: 728 Broadway 4th Fl NY

I represent: Stlop Architects

Address: _____

36

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10

(PLEASE PRINT)

Name: David Levine

Address: 1385 Broadway 15th Fl NY

I represent: Dattner Architects

Address: _____

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: 2/10/16

(PLEASE PRINT)

Name: Michael Belzer

Address: 213 Hudson Ave Apt 2 Br

I represent: Active Citizen

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: 2/10/16

Name: Stechman Beakler (PLEASE PRINT)

Address: 1203 Phyllis Ave Apt 2 R

I represent: Urban Council Community Bd 9

Address: _____

39

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ZQA Res. No. _____

☐ in favor ☒ in opposition

Date: 2/10/16

Name: Rachel Levy (PLEASE PRINT)

Address: 966 Lexington Ave 3E NY, NY 10021

I represent: FRIENDS of the Upper East Side Historic

Address: Districts

410

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: _____

Name: James Rodriguez (PLEASE PRINT)

Address: 417 E 95th St 1B

I represent: GOLES, Good Old Lower East Side

Address: 269 Ave. D

411

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 29A Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Sarah Watson

Address: 47 Broadway

I represent: CHPC

Address: 47 Broadway

412

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: Charles Anderson - Assemblymember Deborah Glen

Address: 853 Broadway

I represent: NY State Assemblymember

Address: Deborah J. Glen

413

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: LESLEY DOYLE

Address: PO BOX 1315 Old Chelsea Station NYC

I represent: SAVE CHELSEA 10011

Address: ABOVE

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: _____

(PLEASE PRINT)

Name: Hilda Regier

Address: 325 W. 22nd St., NYC 10011

I represent: Victorian Society New York

Address: 232 E. 11th St. NYC

45

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: Paiman Lodhi

Address: _____

I represent: Real Estate Board of NY

Address: _____

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: 2/10/16

(PLEASE PRINT)

Name: Steven Yearwood

Address: 120 Dekruif Place, Bronx New York

I represent: 32BJ-SEIU

Address: 25 West 18th New York

Please complete this card and return to the Sergeant-at-Arms

417

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: Jay Cenigz

Address: _____

I represent: Slate Property Group

Address: _____

418

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 76A Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10/2016

(PLEASE PRINT)

Name: Simon Bacinus

Address: _____

I represent: The Arker Companies

Address: _____

419

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: TSU LTRIM SANGMO

Address: 31-25 75th St East Elmhurst

I represent: HTC NY 11370

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. ZQA Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10/2016

(PLEASE PRINT)

Name: J Davidson

Address: _____

I represent: SBTSS

Address: _____

51

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ZQA Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Agnes Koffman

Address: _____

I represent: The Hudson Companies

Address: _____

53

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ZQA Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: EDWARD UBIERA

Address: SAME as below

I represent: LOCAL Initiatives Support Corp

Address: 501 7th Ave NY NY 10018

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: 2.10.16

(PLEASE PRINT)

Name: H. 411 / 1000 9th Ave

Address: 4 1000 9th Ave

I represent: SCM

Address: _____

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: 2/10/16

(PLEASE PRINT)

Name: Jahangir Kabir

Address: _____

I represent: BK CBS / East NY

Address: _____

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: Nikki Lucas

Address: _____

I represent: BK CBS / East NY

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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 **2QA**

Date: _____

(PLEASE PRINT)

Name: KATE SLEVIN

Address: 488 MADISON AVE, SUITE 1900

I represent: MUNICIPAL ART SOCIETY

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: 2/10/16

(PLEASE PRINT)

Name: dei Fong

Address: 705 4th St. Brooklyn

I represent: Coalition to Protect Chinatown &

Address: the Lower East Side

59

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: Lewis Barnes

Address: 1236 Pacific St, Brooklyn, NY

I represent: National Mobilization Against Sweatshops

Address: 345 Grand St, NYC, NY

Please complete this card and return to the Sergeant-at-Arms

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: FEB 10, 2016

(PLEASE PRINT)

Name: JENNIFER KLEIN
Address: 5417 PALISADE AVE, BRONX, NY 10471
I represent: RIVERDALE COMMUNITY COALITION
Address: STAKE

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: 2/10/16

(PLEASE PRINT)

Name: Laura Spalter
Address: 5480 Mosholu Avenue, Bx
I represent: Broadway Community Alliance And
Address: Coalition against the Mayor's
Rezoning Plan

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: 2/10/16

(PLEASE PRINT)

Name: Andrea Goldwyn
Address: 1 Whitehall St
I represent: NY Landmarks Conservancy
Address: _____

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: _____

Name: Mel Wynn (PLEASE PRINT)

Address: 120 W 70

I represent: CB7

Address: 250 W 91

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: _____

Name: MARK DILLER (PLEASE PRINT)

Address: 171 W 79 ST MANHATTAN

I represent: COMMUNITY BOARD 7/M

Address: 250 WEST 87 ST M

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: _____

Name: Page Cowley (PLEASE PRINT)

Address: 120 W 70

I represent: CB7

Address: 250 W 87

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: 2/10/16

(PLEASE PRINT)

Name: John Napolitano
Address: 49 W 45th ST NY NY 10036
I represent: HANAC, Inc.
Address: same

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: _____

Name: Jim MAMANUS (PLEASE PRINT)
Address: Catholic Charities Brooklyn
and Queens
I represent: Catholic Charities Brooklyn and
Queens
Address: Queens

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: _____

(PLEASE PRINT)

Name: Tim MAMANUS
Address: Catholic Charities Brooklyn
and Queens
I represent: and Queens
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: 2/10/16

(PLEASE PRINT)

Name: Olive Karen Stamm

Address: 366 B'way NY 10013

I represent: my neighborhood - E.T. board

Address: _____

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: Minerva Soto

Address: 232 Rte 17 S. Rutherford

I represent: _____

Address: _____

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: _____

(PLEASE PRINT)

Name: Page Cowley

Address: _____

I represent: CB 7 Manhattan

Address: 250 West 87th Street

Please complete this card and return to the Sergeant-at-Arms

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:

Patricia Baker

Address:

35 Crown Street, Bklyn, NY 11225

I represent:

Community Board 9

Address:

890 Abstrand Ave. Bklyn, NY

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:

FRANCISCA BENITEZ

Address:

62 EAST BROADWAY, NYC 10002

I represent:

NMASS (National Mobilization against Sweatshop)

Address:

320 GRAND ST. NYC 10002

76

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ZOA Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name:

Summer Alnamash

Address:

I represent:

Heritage Architecture Planning

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: 2/10/16

(PLEASE PRINT)

Name: Ed Jaworski

Address: _____

I represent: Madison Marine Homecrest Civic

Address: _____

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: Melissa Chapman

Address: 2515 Glenwood Road, Brooklyn NY 11229

I represent: Brooklyn Chamber of Commerce

Address: 335 Adams St., Ste. 2700 Brooklyn NY 11221

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: Alexa Pearce

Address: ~~45 W 67th St~~ 17 St. Marks Pl., Apt. 11

I represent: Landmark West!

Address: 45 W 67th St.

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: 2/10/16

(PLEASE PRINT)

Name: ZORAINA LIRA

Address: 1390 5th Ave #8-D NYC 10026

I represent: N/A Myself

Address: _____

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: 2/10/16

(PLEASE PRINT)

Name: Betty Ann Lerbouitz

Address: 200 W. 86 St, 3D, NYC 10024

I represent: Hamilton House

Address: 141 W. 73rd St.

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: Say Ceriz

Address: 850 3rd Ave #16B NY NY 10017

I represent: Myself as a Brooklyn Resident

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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: _____

Name: Lynn Ellsworth (PLEASE PRINT)

Address: 1165 Duane

I represent: New Yorkers for a Human-Scale City

Address: _____

84

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: _____

Name: Susan Simon (PLEASE PRINT) Landmark West

Address: 370 Central Park West NY

I represent: Landmark West

Address: _____

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: _____

Name: Alan Yu (PLEASE PRINT)

Address: 434 South 5th Street Brooklyn, NY 11211

I represent: Southside United HDFC - Los Angeles

Address: _____

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: 2/10/2016

(PLEASE PRINT)

Name: FRANK LOWE

Address: 363 W 19th St. NY 10011

I represent: My Family & Friends

Address: _____

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: 2/10/16

(PLEASE PRINT)

Name: Soledad Hiciano

Address: _____

I represent: ACDP Association of Progressive

Address: Dominicans

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: 2/10/16

(PLEASE PRINT)

Name: Jose Tejada

Address: _____

I represent: Dominican American Society

Address: _____

Please complete this card and return to the Sergeant-at-Arms

89

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 294 Res. No. _____

☐ in favor ☒ in opposition

Date: 4/10/16

(PLEASE PRINT)

Name: CHRISTABEL BOUGH
Address: 45 TUDOR CITY PLACE #1815 NY NY 10017
I represent: SOCIETY FOR THE ARCHITECTURE OF THE CITY
Address: 45 CHRISTOPHER ST NY NY 10014

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: Shai LAUROS
Address: 2966 Fulton Street
I represent: CHLDC
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: Green Goodman
Address: 152 E 100 St
I represent: NYC 10029
Address: SE



Please complete this card and return to the Sergeant-at-Arms



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: FEB 10/2016.

(PLEASE PRINT)

Name: SHERIDA PAULSEN

Address: _____

I represent: RNP.

Address: RIVERDALE DELMONTE HOUSE
BLONX COM. BOARD

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: ERMELL ABDEL - HAKIM

Address: 240 Park Hill Ave. S.I.N.I. 10304

I represent: North Shore community

Address: _____

105

**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: JONATHAN KIRSCHENFELD

Address: 45 E 20 ST

I represent: JONATHAN KIRSCHENFELD ARCHITECT

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: _____

(PLEASE PRINT)

Name: Guillermo Zelaya

Address: _____

I represent: New York City ^{Youth} Council District 5

Address: 345 W 58th Street

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: _____

(PLEASE PRINT)

Name: ENSLEY Humphreys

Address: 840 Broadway

I represent: _____

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: _____

(PLEASE PRINT)

Name: Juan Oliver

Address: 840 Broadway

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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: 2-10-16

(PLEASE PRINT)

Name: ROSEMARY GINTI

Address: 3333 H. HUDSON PKWY

I represent: - SELF -

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: 2/10/16

(PLEASE PRINT)

Name: Dan Padernacht

Address: 3605 Sedgwick Avenue, Bronx, NY

I represent: Bronx Community Board No 8

Address: 5676 Riverside Avenue, Bronx, NY

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: Peter ANDERSON

Address: 201 LEXINGTON Ave Bldg

I represent: myself

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:

Jose Trejeda

Address:

40-27 97TH ST - CORONA, NY 11368

I represent:

Dominican American Society of Queens

Address:

40-27 97TH ST. CORONA, NY 11368

1121

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: _____

Name:

Minister John Williams

Address:

1488 New York Ave

I represent:

New Creation Ministries Inc

Address:

1488 New York Ave Bklyn

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: _____

Name:

Stephen A. Cooper

Address:

321 Beach 46 Street Far Edge more NY 11691

I represent:

Frank Ave Civic Assn of Edge more

Address:

EB #14 member Same as ABOVE

Please complete this card and return to the Sergeant-at-Arms

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: 02 - 10 - 2016

(PLEASE PRINT)

Name: ANNE KETTERER

Address: _____

I represent: _____

Address: _____

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: _____

(PLEASE PRINT)

Name: Soledad Hiciano

Address: 3940 Broadway, 2nd floor

I represent: A.C.D.P.

Address: 3940 Broadway, 2nd floor, N.Y.C.

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ZQA Res. No. _____

☐ in favor ☒ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: Hon Gale Brewer

Address: Manhattan Borough President

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

91

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

ZQA ☒ in favor ☐ in opposition

Date: 02/10/2016

(PLEASE PRINT)

Name: Michael Adams

Address: ~~SAGE~~ 305 7th Ave - 15th

I represent: SAGE Floor NTC

Address: 305 7th Ave, 15th Fl. NTC 10001

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

ZQA

Date: Feb. 10, 2016

(PLEASE PRINT)

Name: Jay Marcus

Address: _____

I represent: Fifth Avenue Committee

Address: 621 Degraw Street

93

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 7QA Res. No. _____

☐ in favor ☒ in opposition

Date: 2-10-2016

(PLEASE PRINT)

Name: Lo van der Valk

Address: _____

I represent: Carnegie Hill Neighbors

Address: 170 E 91st St, NY NY 10128

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: 2/10/2016

(PLEASE PRINT)

Name: ELIZABETH ASHBY

Address: 8 EAST 96TH STREET

I represent: DEFENDERS OF THE HISTORIC

Address: UPPER SIDE

95

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 201 Res. No. _____

☐ in favor ☒ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: SIMON BANISH

Address: 232 E 11 Street

I represent: HOC

Address: _____

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: ZACHARY WINESTINE

Address: 92 HORATIO ST NYC 10014

I represent: GREENWICH VILLAGE COMMUNITY TASK

Address: 119 MORTON ST # 6A

FORCE

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: Cheick Diabatté

Address: 750 E 179th Ave IC Bronx

I represent: 10457

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: 2/10/16

(PLEASE PRINT)

Name: CAROL CRUMP

Address: 144-78 23rd St LIC NY 11100

I represent: East Village Community Coalition

Address: 143 Ave B 10007

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: Miho Watabe

Address: 124 Wherry Pl NY, NY

I represent: Class Size Matters

Address: See above

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: BEN DARCHE

Address: 39 GREAT JONES ST #3

I represent: MYSELF & SPOUSE

Address: _____

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: SUIMA ARZU-BROWN

Address: 159 E 116TH ST

I represent: NYC Hispanic Chamber of

Address: 159 E 116TH STREET NYNY Commerce

102

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: KITTY GUDERMAN

Address: 100-4 67 ROAD

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: 2-10-16

(PLEASE PRINT)

Name: Sarah Watson

Address: _____

I represent: CHBC

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: 2-10-16 2-10-16

(PLEASE PRINT)

Name: ~~Sarah Watson~~ Rev. Que English

Address: _____

I represent: ~~CHBC~~ Bronx Christian Fellowship Church
Union Theological Seminary

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: 2-10-16

(PLEASE PRINT)

Name: Fred Davie

Address: _____

I represent: Union Theological Seminary

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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: _____

(PLEASE PRINT)

Name: PETER FORTANES

Address: _____

I represent: NATIONAL HISPANIC CONSTRUCTION ASSOCIATION

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: RYCE LOGO

Address: _____

I represent: NYC WOMEN'S CHAMBER OF COMMERCE

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: QUEENIA ABREU

Address: _____

I represent: NYC WOMEN'S CHAMBER OF COMMERCE

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: MELISSA RICE MIRANIDA

Address: _____

I represent: BK CHAMBER OF COMMERCE

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: MELISSA CHAPMAN

Address: _____

I represent: BK CHAMBER OF COMMERCE

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: 2-10-16

(PLEASE PRINT)
Name: Brenda Rosen

Address: _____

I represent: Breaking Ground

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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: 2-10-16

(PLEASE PRINT)

Name: Ben Prostkyberg

Address: _____

I represent: AIANY Ginsberg Architects LLP, C

Address: _____

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: 2-10-16

(PLEASE PRINT)

Name: Mark Ginsberg

Address: _____

I represent: Ginsberg Architects LLP PC

Address: _____

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: 2-10-16

(PLEASE PRINT)

Name: Jonathan Kirschenfeld

Address: _____

I represent: Jonathan Kirschenfelds Architect PC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

11

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. MIH Res. No. ZSA

☒ in favor ☐ in opposition

Date: 2-10-16

(PLEASE PRINT)

Name: Jonathan Marvel

Address: _____

I represent: Marvel Architects

Address: _____

10

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: _____

Name: LISA (PLEASE PRINT)
JOLIE MILSTEIN

Address: L + M

I represent: NY SAFAH

Address: _____

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: CHIEF LISA WILSON GOMEZ

Address: _____

I represent: AHIZ

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

8

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 WILCOX~~ ANDY MYERS

Address: _____

I represent: ~~AAARP~~ SELF HELP

Address: _____

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: ~~ZANDY MYERS~~ BOBBIE SACKMAN

Address: _____

I represent: ~~SELF HELP~~ COALITION

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: _____

(PLEASE PRINT)

Name: ~~GILBERT MOORE~~ BOBBIE SACKMAN

Address: _____

I represent: ~~LIVE ON~~ COALITION

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: 2-10-16

(PLEASE PRINT)

Name: Gifford Miller

Address: _____

I represent: Miller strategies

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: 2-10-16

(PLEASE PRINT)

Name: Michael Brady

Address: _____

I represent: SoBro

Address: _____

3

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: Joe Rosenberg

Address: _____

I represent: Catholic Charities

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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: 2-10-16

(PLEASE PRINT)

Name: Jerilyn Perine

Address: _____

I represent: CHPC

Address: _____

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: 2-10-16

(PLEASE PRINT)

Name: Martin Dunn

Address: _____

I represent: Dunn Development

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 20A Res. No. _____

☒ in favor ☐ in opposition

Date: 2/10/16

(PLEASE PRINT)

Name: Clark Weisbrod

Address: _____

I represent: NYC DCP

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: _____

(PLEASE PRINT)

Name: Julie Rapaport

Address: 341 W 24th St NY 10011

I represent: _____

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: _____

(PLEASE PRINT)

Name: Daniel McCole

Address: 419 Clement Avenue

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆