



Community Board Ten

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OFFICE OF THE
CHAIRPERSON

DEC 3-2015
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District Manager

November 19, 2015

Mr. Carl Weisbrod
Director
New York City Planning Commission
22 Reade Street
New York, NY 10007

Dear Mr. Weisbrod:

At a duly publicized meeting of Community Board Ten held on Monday, November 16, 2015, members voted overwhelmingly to support the recommendation of the Zoning and Land Use Committee regarding the proposed Department of City Planning Text Amendments, Zoning for Quality and Affordability and Mandatory Inclusionary Housing. Community Board 10's adopted statement is attached.

Thank you for your consideration to the Board's concerns. Please do not hesitate to contact me if I can be of further assistance.

Sincerely

Josephine Beckmann
District Manager

JB:dg
Att.

cc: Council Member Gentile
R. Jacobs – DCP
CB 10 Zoning and Land Use Committee



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ZONING FOR QUALITY AND AFFORDABILITY Brooklyn Community Board 10 Statement ZQA 11/16/15

Few would deny the need for a fair and comprehensive plan that would address the pressing need for affordable and senior housing in New York City. Certainly Community Board 10 recognizes this need. Upon due consideration, within the review time allotted, the Members of Brooklyn Community Board 10 conclude that the Zoning for Quality and Affordability (ZQA) initiative, now before us, is not that plan.

At a duly publicized meeting of Community Board Ten held on November 16, 2015, members voted “no” on the initiative. There were 38 members present with 35 voting in the affirmative; 2 voting against and one recusal.

Community Board Ten holds the vision of maintaining neighborhood character with respect to density and scale. We ascribe to maintaining and enhancing the essential low-scale, sometimes varied, sometimes uniform, streetscape. Neighborhood character, although perhaps an overused and elusive term, is the very reason why existing residents stay and new residents come.

Community Board Ten has long recognized that, although made of bricks and mortar, the character of our neighborhood is nonetheless extremely delicate and can be easily eroded without vigilance.

Density in the built environment requires balance – balance within the capacities of mass transit, balance in the number school seats in safe and well-constructed schools, balance within the capacity of the vehicular streets and pedestrian sidewalk traffic, balance in the containment and removal of garbage, balance with the manpower of the city agencies charged with enforcement and compliance and balance with many other increasingly overburdened aspects of the neighborhood infrastructure, aspects which need to be in place prior to considering increased density.

Scale in the built environment requires control to ensure that buildings work in compatibility side by side with each other and that they contribute to an overall aesthetically and functionally pleasing presence along the streets and sidewalks. Scale can be tempered by architectural detailing and articulation but it is still largely determined by size, height and proximity to adjacent buildings and the street.

Community Board Ten recognizes that our city planning concerns cannot end at our district boundary lines. We are part of NYC as a whole, and share a common destiny with the entire borough and the city. CB10, because of the hard-won contextual zoning applicable in most of the district, would certainly be less impacted by the proposed ZQA than many other areas in the city although our large scale “soft-sites” may still not be adequately protected.

Community Board Ten

Page - 2 -

Overall, we disagree with the direction of ZQA and the increased density and scale that will inevitably result, and thus, we disagree, in large part, with the content of the ZQA. We do not concur with the City Planning Commission (CPC) statements that ZQA will not produce dramatic changes in development and that it will not encourage tear-down of existing buildings.

The schedule for this review process was rushed, especially given the broadness and complexity of the amendments. These text amendments were first summarized in the spring, with the official plans not realized until the end of September, giving two months for review.

The community boards and the public deserved more time to understand and evaluate these text amendments and given the breath of their hard work on these amendments, even the City Planning Commission itself, deserved that we have more time to consider their proposals.

Nevertheless, ZALUC was assigned a task within a condensed time-frame and found numerous issues that are concerning. Our negative vote is based on many concerns including the following:

Concern that lower density contextual zones would have insufficient control over placement of long term care facilities, yielding incompatible uses and bulk and also without adequate buffering between long-term care facilities and the adjacent residences.

Concern about the proposed height, setback and bulk increases in the non-contextual, low-density zones, altering the essential character of these neighborhoods, which have a predominance of detached and semi-detached existing homes.

Concern that the placement of long-term care facilities, as-of-right, in any detached or semi-detached district, will have a negative impact on existing built communities.

Concern about the increased building heights and setback changes in the higher density residential districts, as well as the elimination of existing provisions, which limit exceedingly tall sliver type of buildings on narrow lots.

Concern, in general, about uncharacteristic proposed bulk of senior housing and care facilities, in that these facilities are also essentially businesses, with a significant employment presence.

Concern about the 100% lot coverage for corner lot buildings in quality housing developments and about changes in the shallow lots regulations, reducing the depth of rear yards.

Concern about allowing rear extensions to fill the rear yard up to 15' in height in denser contextual zones, intruding on the collective rear yards.

Concern about the reduction of minimum distances between two or more buildings, applying a lower standard for light and air for dwelling units and to the increasing of building heights in the transitional areas between divergent zoning districts.

(With respect to PARKING)

Concern about elimination or reductions in parking requirements for new senior development, in all zones, both within and outside the transit zones. The reduction in parking requirements exacerbates overall parking shortages and ignores the parking needs of the facility residents, staff, and visitors.

ERIC ADAMS, BOROUGH PRESIDENT

Community Board Ten

Page - 3 -

Concern about retroactive elimination or reduction in parking requirements with respect to existing residential facilities for seniors, not only with respect to the parking, but more importantly, providing the opportunity for further development on these already densely populated sites.

Concern about elimination or reductions in the parking requirements for new affordable housing and about the retroactive removal of current parking requirements for existing affordable housing, in all zones, both within and outside the transit zones. Similarly for both existing and new senior and affordable housing, we are concerned about any decrease in the number of parking spaces, whether resulting from an increase the parking waiver limits or resulting from reduction in the number of parking spaces currently required.

Even in the transit zones, parking spaces are important to the quality of life, not only for the immediate residents in these zones but also for those living outside the zones who may drive to access public transportation.

Concern that even the architectural quality aspects of the ZQA, that could result in better designed buildings, (aspects such as higher ceiling heights at ground levels, more articulated street facades, more flexible regulations related to setbacks, bay windows and other features typical of the city's older buildings), are merely encouraged by ZQA. These design mechanisms are not set forth as mandatory zoning regulations.

For all of the above reasons, Brooklyn Community Board Ten recommends a NO Vote to the ZQA text amendment currently proposed by the City Planning Commission.

It is our hope that the CPC will revamp the ZQA to the extent necessary to attract widespread support from Community Boards across the city including Brooklyn CB10.



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MANDATORY INCLUSIONARY HOUSING Brooklyn Community Board Ten Statement MIH 11/16/15

Few would deny the need for a fair and comprehensive plan that would address the pressing need for affordable and senior housing in New York City. Certainly Community Board 10 recognizes this need. Upon due consideration, within the review time allotted, the members of Brooklyn Community Board Ten conclude that Mandatory Inclusionary Housing (MIH) initiative, now before us, is not that plan.

At a duly publicized meeting of Community Board Ten held on Monday, November 16, 2015, members voted “no” on the MIH initiative. There were 38 members present with 36 voting in favor; 1 against and 1 recusal.

Community Board Ten holds the vision of maintaining neighborhood character with respect to density and scale. We ascribe to maintaining and enhancing the essential low-scale, sometimes varied sometimes uniform, streetscape. Neighborhood character, although a perhaps overused and elusive term, is the very reason why existing residents stay and new residents come.

Community Board Ten has long recognized that, although made of bricks and mortar, the character of our neighborhood is nonetheless extremely delicate and can be easily eroded without vigilance.

Community Board Ten recognizes that our city planning concerns cannot end at our district boundary lines. We are part of NYC as a whole, and share a common destiny with the entire borough and the city.

Community Board Ten understands that as of now, the City has no plans to initiate any MIH plans within our boundary; however we cannot predict the future and are mindful of many of our large scale “soft-sites” which do not, as yet, enjoy protections from potential overdevelopment.

Overall, Community Board Ten believes strongly that all new development should include mandatory affordable housing; however, we disagree with the direction of this particular MIH plan and the process leading up to our vote.

The schedule for this review process was rushed, given the broadness and complexity of the amendments. These text amendments were first summarized in the spring; the official plans were not realized until the end of September, giving two months for review. The community boards and the public deserved more time to understand and evaluate these text amendments and given the breath of their hard work on these amendments, even the City Planning Commission itself deserved that we have more time to consider their proposals.

Community Board Ten

Page - 2 -

Nevertheless, Community Board Ten was assigned a task within a condensed time-frame and found numerous issues that are concerning. Our negative vote is based on many concerns including the following:

Concern: MIH will not achieve the affordable housing that this city and its communities need. City Planning described its plan, which although it may very well be the most rigorous of any major U.S. City, may not be rigorous enough for New York City. The plan provides options for percentages of affordable units at either 60% or 80% AMI (average median income) and an additional workforce option for those averaging 120% AMI.

For many communities these options do not take into account a large number of households that make fewer than 60% AMI. For other communities such as Community Board 10, there are many of households that make 130% AMI but are still truly rent-burdened by the Market Rate housing made available to them. AMI is based on income before taxes and does not take into account other economic burdens that face young families such as growing student debt.

In order for MIH to work, developments must have a breakdown of available units that accurately reflect the needs of residents in each Community Board.

Concern: MIH includes provisions that may deter the development of quality affordable housing. The first such provision is the “second building” option. This option allows the affordable housing to be accommodated in a building separate from the market rate housing building. There is nothing within the plan that guarantees consistency in the quality standards between the market rate building and the affordable rate building.

The second provision is the “payment in lieu of” option, which allows developers who do not include affordable housing in a given project, to contribute to a fund which would be dedicated to increasing the number of affordable units elsewhere. The city’s plan on the collection and distribution of these funds is not defined. Although it was explained that HPD would have a role, no details have been provided, and thus no guarantee can be made that the funds can be collected and how the funds will be used. It is also unclear as to whether or not the Community Boards will have a say in how best the funds can serve the community.

The third provision is the opt-out “hardship appeal” which one can make to the BSA. There is no framework at present for an appeal and as in most BSA appeals, the advantage is with the developers and not the Community Board recommendations.

Concern: Any housing developments of 10 units or less would be exempt from mandatory inclusionary housing. This is a problem because since 2000, public records show that about 95,000 units were built citywide in buildings with less than 10 units, out of almost 300,000 units total. That means a third of all the apartments built in the last 15 years would be exempt from mandatory inclusionary zoning. This could greatly reduce the number of affordable housing units built.

Concern: Another concern is the administration of the program. There is no single agency that oversees the process. For example, the NYC Department of Finance dispenses the tax breaks while HPD can revoke them while Rent Stabilization is overseen by a NYS agency, etc.

Community Board Ten

Page - 3 -

For all of the above reasons, Brooklyn Community Board Ten recommends a NO Vote to the MIH text amendment proposed by the City Planning Commission. It is our hope that the CPC will revamp the MIH to the extent necessary to attract widespread support from Community Boards across the city including Community Board 10.