



The City of New York

COMMUNITY BOARD 17

4112 Farragut Road, Brooklyn, NY 11210
Tel: (718) 434-3072 Fax: (718) 434-3801

Executive Officers

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Jorge Tait
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CB17 Response to Zoning for Quality and Affordability and Mandatory Inclusionary Housing

Community Board 17 is concerned that the proposed standards for single-family detached home, detached home R1 and R2 Districts, for Long-term care facilities, permitted subject to the provisions of a modified ZR 22-42 (Long-Term Care Facilities), does not provide for similar standards applicable to R3A, R3X, R4A and R5A detached home Districts as a means to restrict the placement of Long-term care facilities in such districts. Community Board 17 seeks to restrict incompatible use and bulk from detached home areas.

CB 17 EXPECTS TO HAVE SOME OF THESE DISTRICTS MAPPED IN THE NEXT FEW YEARS AS PART OF ITS REQUEST TO THE DEPARTMENT OF CITY PLANNING FOR A REZONING, SO IT WOULD LIKE SUCH PROTECTIONS IN PLACE NOW FOR THESE ZONING DISTRICTS.

ZR 12-10 Affordable independent residences for seniors

Community Board 17 is concerned that such use of affordable independent residences for seniors would be pursuant to a regulatory agreement to occupancy by low income households for a minimum of 30 years in lieu of the City having right to impose extended duration options. Community Board 17 seeks to prevent generous additionally floor area and relaxed parking requirements from being converted to market-rate housing without first giving the City the opportunity to provide operating subsidies.

ZR 22-13 Use Group 3 Community Facilities

Community Board 17 is concerned that the proposed standards for single-family detached home R1 and R2 Districts, for Long-term care facilities, permitted subject to the provisions of a modified ZR 22-42 (Long-Term Care Facilities) according to footnote #1, does not provide for similar standards applicable to R3A, R3X, R4A and R5A detached home Districts as a means to restrict the placement of Long-term care facilities in such districts. Community Board 17 seeks to restrict incompatible use and bulk from detached home areas.

ZR 22-22 Uses Permitted by Special Permit by the City Planning Commission

Community Board 17 is concerned that the requirement to obtain discretionary approval for long-term care facilities (except as provided in ZR 22-42 (Long-Term Care Facilities) is limited to R1 and R2 detached single-family home Districts, while allowing long-term care facilities in R3A, R3X, R4A and R5A detached home Districts as-of-right.

Community 17 seeks that such use be pursuant to a Special Permit or City Planning Commission Authorization as a means to provide standards of findings and Community Board input.

ZR 22-42 City Planning Commission Special Permit for Long-Term Care Facilities

Community Board 17 understands that the proposed lot sizes and distances from residents for locating a long-term care facility in R1 and R2 single-family home Districts would be too stringent for R3A, R3X, R4A and R5 A detached home Districts, though is concerned that the Commission findings regarding the use, its scale and placement of the building, would not alter the essential character of the neighborhood and of adequate buffering from adjacent residences are not part of the proposal for consideration for the locating of long-term care facility use for these detached home Districts. Community Board 17 seeks for the City Planning Commission to have authority according to either an Authorization or Special Permit to approve the placing of long-term care facilities in these detached home districts.

ZR 23-01 Applicability and General Purposes

Community Board 17 is concerned that there are no additional provisions for R3, R4 and R5 Districts where such residential development is significantly consistent where R3A, R3X, R4A and R5A detached home and R3-1 and R4-1 semi-detached Districts are now established as a means to preclude uncharacteristic proposed bulk of affordable independent residences for seniors and long-term care facilities on block fronts predominantly developed with detached homes. The Board seeks the establishment of provisions consistent with ZR 23-011 regarding the Quality Housing Program where according to ZR 23-011(c)(3), zoning lots occupied by a single, two or three-family detached or semi-detached residence where 70 percent or more of the aggregate length of the block fronts in residential use on both sides of the street facing each other are occupied by such residences. Community Board 17 believes that such provision would assure that perfectly-sound homes on such blocks are not demolished to develop such out-of-context facilities.

ZR23-153 Quality Housing Buildings Corner Lot Coverage

Community 17 Board is concerned that the maximum residential lot building coverage for a corner lot would be 100 percent, in lieu of the existing 80 percent provision, without regard to lot width. The Borough Board believes that the such design flexible promoted by 100 percent lot coverage could promote substandard room layouts/proximity to windows, including so called offices and dens that would not meet light and air standards for living and sleeping rooms. Community 17 Board seeks to retain the 80 percent corner lot provision, except for sections of corner lots with lot width not exceeding 30 feet which may have 100 percent coverage.

ZR 23-155 Affordable independent residences for seniors Floor Area Ratio

Community Board 17 is concerned that the maximum floor area for R8B remains 4.0 FAR while the equivalent residential floor area for R7A was increased to 5.01 for R7A without regard to whether the R7A is mapped on wide or narrow streets. Community Board 17 seeks for narrow street frontages to be treated the same by retaining 4.0 on both the R7A fronting narrow streets and R8B should be increased to match the R7A Inclusionary Zoning FAR standard of 4.6 FAR.

ZR 23-156 Special lot coverage provisions for shallow lots in R6-R10 Districts, ZR 23-52 (b)(2) Special Provisions for Shallow Interior Lots, ZR 23-533 Required rear yard equivalent for Quality Housing buildings and ZR 23-534 Special Provisions for Shallow Through Lots R6-R10 Districts

Community Board 17 is concerned that the changing the definition from 70 feet to 95 feet (Note: Lower Density Districts would remain at 70 feet) in depth to define a shallow lot and 190 feet to define a shallow through lot is too permissive towards achieving City Planning's intent towards quality design and achieving permitted floor

area without the need to obtain a Variance from bulk provisions and would result in overly permissive rear yard enlargements altering the character of the collective rear yards of a block. There are sections of Brooklyn blocks that are not characterized by the standard block width of 200 feet where lots are consistently 80 or 90 feet in depth with yard character well-defined that might be compromised by more liberal lot coverage if the existing shallow lot standard were increased from 70 feet to 95 feet of depth. The Borough Board seeks for shallow lot provisions to be increased from 70 feet to 80 feet and shallow through lots be defined by 180 feet as means to provide a degree of relief without the need for a Variance.

ZR 23-44 (b)(9) Permitted Obstructions in Required Yards or Rear Yard Equivalents in R6A and R7A Districts

Community Board 17 is concerned that permitting rear one-story building enlargements up to 15 feet in height might not be an appropriate intrusion for the character of the collective rear yards where R6A and R7A Districts are mapped along narrow street widths. Community Board 17 seeks for zoning lots located in an R6A or R7A District that fronts along a narrow street to be regulated consistent with R6B, R7B and R8B Districts, where such rear yard intrusion would not be applicable according to the proposed text.

ZR 23-631 (f) General Provisions Height and Setback Requirements in R5D Districts and ZR 23-662 Maximum height of buildings and setback regulations R6-R10 Districts for Quality Housing buildings

Community Board 17 is concerned that the level of adjoining sidewalk is an ill-defined reference term for zoning lots with sloped frontages to determine where the determination that the finished floor of the second story above grade is measured from as a means to establish a height of at least 13 feet has been provided in order to achieve the additional five feet of building height. Community Board 17 seeks to establish open space measurement from legal grade of the base plane or some equivalent standard.

ZR 23-631 (i) General Provisions Height and Setback Requirements in R3-2-R5 Districts Except for R4A, R4B, R4-1, R5A, R5B, R5D and Special Ocean Parkway Districts

Community Board 17 is concerned as noted on comments above regarding ZR 23-01 that there are no additional provisions for R3, R4 and R5 Districts where such residential development is significantly consistent where R3 A, R3X, R4A and R5A detached home and R3-1 and R4-1 semi-detached Districts are now established as a means to preclude uncharacteristic proposed bulk of affordable independent residences for seniors on block fronts predominantly developed with detached and semi-detached homes and that for others blocks the proposed building would be equally permitted to achieve a height of up to 6 stories or 65 feet beyond 25 feet from the street line without regard to the permitted floor area ratio being 0.95 FAR in R3-2 Districts, 1.29 FAR in R4 Districts and 1.95 FAR in R5 Districts. Community Board 17 seeks 3 stories or 35 feet in R3-2 Districts, 4 stories or 45 feet in R4 Districts and 5 stories or 55 feet in R5 Districts for zoning lots on blocks that do not meet that characteristics of defining detached or semi-detached homes.

ZR 23-664 (a) Modified height and setback regulations for certain buildings R6-R10 Districts for Quality Housing buildings providing affordable housing pursuant to the Inclusionary Housing Program and Table 1 Modified Maximum Base Height and Maximum Building Height for Certain Quality Housing Buildings

Community Board 17 is concerned that the maximum height and number of stories is proposed to be excessively increased in the intent to accommodate the Inclusionary Housing designated area permitted floor area ratio (FAR) and as a result undermines community led efforts to impose contextual height limits in areas rezoned to promote housing development as part of neighborhood-wide contextual rezoning that included contextual preservation-minded rezoning. Community Board 17 seeks to adjust corresponding Table 1 as it pertains to Maximum Height of Building with non-qualify ground floor/Maximum Height of Building with qualifying ground floor/Maximum Number of Stories as follows: R7A 90/95/9; R7D 110/115/1

ZR 23-711(b)(2) Standard Minimum Distance Between Two or More Buildings on a Single Zoning Lot R 3-R10 Districts for Two or more buildings on a single zoning lot

Community Board 17 is concerned that the more minimal standards of the New York State Multiple Dwelling Law to require not more than 40 feet between building walls of undefined length of overlap up to 125 feet in height does not adequately provide for light and air. Given the expectation of utilizing excess development rights of NYCHA campuses and existing affordable independent residences for seniors, there should be an expectation of quality light and air standards as opposed to provisions that allow less than desirable building placements. Community Board 17 seeks a maximum length where distance between buildings up to 125 feet in height when at least one wall contains legal windows, should have a maximum length of overlap within the standard of 40 feet and then require up to a maximum requirement of 60 feet between such building walls.

ZR 24-013 (a)(2) Special provision for certain community facility uses for buildings containing long-term care facilities in R3 through R5 districts except in R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, R5B and R5D Districts

Community Board 17 is concerned that the proposed as-of-right allowance of provisions for affordable independent residences for seniors to be applicable to long-term care facilities is too wide-spread for these zoning districts and could potentially result in out-of-context development of incapable intensity of use. This includes not having provisions for R3, R4 and R5 Districts where such residential development is significantly consistent where R3A, R3X, R4A and R5A detached home, R3-1 and R4-1 semi-detached and R4B, R5B and R5D attached Districts as a means to preclude uncharacteristic proposed bulk of long-term care facilities on block fronts predominantly developed with detached homes and semi-detached homes and along narrow streets where such long-term care facilities, which are essentially businesses with a significant employment presence seeking placement in low-density residential areas. The Borough Board seeks the establishment of provisions consistent with ZR 23-011 regarding the Quality Housing Program where according to ZR 23-011(c)(3), zoning lots occupied by a single, two or three-family detached, semi-detached residence and row house districts without front yard parking, where 70 percent or more of the aggregate length of the block fronts in residential use on both sides of the street facing each other are occupied by such residences. The Borough Board believes that such provision would assure that perfectly-sound homes on such blocks are not demolished to develop such out-of-context facilities. In addition such affordable independent residences for seniors to be applicable to long-term care facilities floor area and bulk envelop should not be applicable to zonings lots exclusively fronting along narrow streets.

ZR 24-164 Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses Location of Open Space Residential Portion R1-R9

Community Board is 17 concerned that the ground floor incentive to allowing building heights to be increased by five feet without adjusting the qualifying rear yard height, which is now up to 23 feet above curb level for meeting the required residential open space requirement upon the roof of the community facility portion of such building, might preclude use of the ground floor incentive or the provision of a two stories of community facility use extending into the rear yard. Community Board 17 seeks to modify the qualifying community facility rooftop residential open space height to 25 feet.

ZR 25-252 Required Accessory Off-Street Parking Spaces for Residences – Modification of Requirements Where Group Parking Facilities Are Required R1-R10 Districts for Affordable Independent Residences for Seniors

Community Board 17 is concerned that applying the elimination of parking requirements to existing affordable

independent residences for seniors within the transit zone does not reflect the utilization of such accessory group parking facilities and might result in a quality-of-life impact for the residents of surrounding blocks displacing existing off-street parking with the resulting added competition for on-street parking on surrounding streets. In addition, the Borough Board is concerned that outside the transit zone the proposed rate decrease from 35 percent in R3 and R4 Districts and 31.5 percent in R5 Districts to 10 percent is too much of a decline given that these locations might induce automobile trips associated with building staffing for such residences in combination with the number of senior households that might still own cars when relocating to such affordable independent residences for seniors and might have a degree of dependency on such automobiles for trips ranging from medical appointments, purchasing food and consumer goods and lifestyle in these less than assess able neighborhoods outside the transit zone. Community Board 17 seeks to modify by limiting the as-of-right reduction of the number of parking spaces in such existing group parking to fifty percent unless the resulting parking waiver would facilitate the elimination of such parking requirement, and for group parking facilities outside the transit zone, that in lieu of ten percent, to limit the reduction of parking requirement to 15 percent in R5 Districts and 20 percent in R3 and R4 Districts.

ZR 25-261 Waiver of Requirements for Small Number of Spaces for R7A Districts and ZR 25-33 Waiver of Requirements for Spaces below Minimum Number for Permitted Non-Residential Uses

Community Board 17 is concerned that the waiving of any parking requirements for development not exceeding 30 residences or where more than 25 parking spaces but not exceeding 40 spaces for community uses is excessive for neighborhoods in the outermost sections of Brooklyn where car ownership rates tend to reflect life styles where quality-of-life depends on the ability to find parking. Community Board 17 seeks to modify the residential waiver in certain R7A Districts from 15 spaces to the R6, R7-1 and R7B standard of five spaces and the community facility use waiver from 40 spaces to the R6, R7-1 and R7B standard of 25 spaces.

ZR 28-11 Elevated Ground Floor Units R6-R10 Districts

Community Board 17 is concerned that for Quality Housing buildings, excluding up to 100 square feet for each foot above curb level up from the definition of zoning floor area is nearly 40 percent more than necessary to equate the floor space required to comply with ADA ramp and standards, resulting up approximately up to 150 sf of free development rights. The Borough Board seeks to reduce the exemption to 70 feet per foot.

ZR 73-433 Reduction of (market-rate unit) parking spaces in the Transit Zone to facilitate affordable housing

Community Board 17 is concerned that finding (c) does not adequately define a distance to what might be considered the surrounding area and does not mention finding parking as what might have an undue adverse effect and does not contain similar factors as identified in ZR 73-434 Reduction of existing parking spaces for income restricted housing units for addition safeguard that might be imposed by the Board of Standards and Appeals. Community Board 17 seeks to define the surrounding area as up to 1,000 feet and BSA must consider the availability of parking in the surrounding area and the proximity of public transportation.

ZR 73-434 Reduction of existing parking spaces for income restricted housing units and ZR 73-435 Reduction of existing parking spaces for affordable independent residences for seniors

Community Board 17 is concerned that finding (c) does not mention finding parking as what might have an undue adverse effect and finding (c) and factors to be considered by the BSA does not adequately define a distance to what might be considered the surrounding area. Community Board 17 seeks to define the surrounding area as up to 1,000 feet.

ZR 73-623 Bulk modifications for Quality Housing buildings on irregular sites

Community Board 17 is concerned that existing site planning building placement, accommodation of parking requirements and underbuilding of height that resulted in much underutilization of permitted floor area and not listed as practical difficulties according to finding (b) in order to provide the BSA with more latitude when the ownership remains the same.

ZR 74-903 (a) (2) and (3) Special Permit for certain community facility uses in R3 to R5 Districts and certain Commercial Districts by the City Planning Commission to permit the community facility floor area provisions containing long-term care facilities or philanthropic or non-profit institutions with sleeping accommodations

Community Board 17 is concerned that the proposed City Planning Commission special permit allowance of provisions for affordable independent residences for seniors to be applicable to long-term care facilities is too wide-spread for these zoning districts and could potentially result in out-of-context development of incapable intensity of use. This includes not having provisions for R3, R4 and R5 Districts where such residential development is significantly consistent where R3A, R3X, R4A and R5A detached home and R3-1 and R4-1 semi-detached Districts as a means to preclude uncharacteristic proposed bulk of long-term care facilities on block fronts predominantly developed with detached homes and semi-detached homes and along narrow streets where such long-term care facilities, which are essentially businesses with a significant employment presence seeking placement in low-density residential areas. The Borough Board seeks the establishment of provisions consistent with ZR 23-011 regarding the Quality Housing Program where according to ZR 23-011(c)(3), zoning lots occupied by a single, two or three-family detached or semi-detached residence where 70 percent or more of the aggregate length of the block fronts in residential use on both sides of the street facing each other are occupied by such residence be incorporated into sub-sections (2) and (3). Community Board 17 believes that such provision would alleviate out-of-context facilities.

Appendix 1: Transit Zone

Community Board 17 is concerned that For Community District 17, west of East 93rd Street to south of east New York Avenue to Utica Avenue and east of Brooklyn Avenue should be removed from the Transit Zone.

R3-2, R4 and R5 District Developed with Primarily Detached and Semi-Detached Homes

Community Board 17 is concerned that many areas zoned R3-2, R4 and R5 are not receiving the same protection from the Zoning Resolution as Districts that preclude attached housing, such as bulk and height pertaining to affordable independent residences for seniors and to long-term care facilities. Community Board 17 seeks preliminary analysis of all R3-2, R4 and R5 Districts to determine where Districts such as R3A, R3X, R3-1, R4A, R4-1 and R5A are appropriate and then for the Department of City Planning to undertake such rezoning as part of City Planning's Comprehensive rezoning requested by Community Board 17.

Affordability Requirements

Community Board 17 is concerned that 55 percent of City renter households are rent-burdened. *In order to ensure that rent burdened households receive the maximum opportunity to secure regulated permanent Mandatory Inclusionary Housing Text facilitate housing, the Borough Board seeks to have AMI qualifications adjusted to include those who would reduce their rent burden.* The Board is concerned that there is no obligation to reach households at 40% AMI (or rent-burdened equivalent). *The Board seeks a mandated set-aside for percentage (determined individually by Community Districts) at 40% AMI for both the 60% and 80% average AMI options.*

Location

Community Board 17 is concerned that unlike the Voluntary Inclusionary Housing program, Mandatory Inclusionary Zoning not provide any opportunity preclude displacement. For those being displaced, lottery units do not guarantee lottery selection or even having the proper income to be eligible for such units. The Board *seeks to expand eligibility to a preservation option so that more tools are available to keep residents permanently in their apartments according to rent-regulated protection.*

BSA Special Permit

Community Board 17 is concerned that the findings to be made by the Board of Standards and Appeals... *In addition, the Board seeks to limit the amount of market rate floor area to the equivalent value of the non-bonused Floor Area Ratio of the Voluntary Inclusionary Housing Program (67% of FAR)*

Thank you.