

Community Board No. 4
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BUSHWICK

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Borough President

HON. ANTONIO REYNOSO
34th Council District

HON. RAFAEL ESPINAL
37th Council District

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Parliamentarian

November 30, 2015

City Planning Commission
Calendar Information Office
22 Reade Street Room 2E
New York NY 10007

To Whom It May Concern:

At the Wednesday, November 18, 2015 meeting and Public Hearing of Brooklyn Community Board #4 the full board voted yes on the Department of City Planning zoning text amendments with the following provisions.

MANDATORY INCLUSINARY HOUSING TEXT AMENDMENT N 160051 ZRY

1. Expedite the process of strengthening enforcement provisions because permanent is a long time.
2. Widen income bands so that the 60% average AMI does include 40% within the same and even lower so that there is a true average and a wide range within that average not just people earning 80% of AMI.

ZONING FOR QUALITY & AFFORDABILITY TEXT AMENDMENT N160049 ZRY

Community Board #4 continues to seek a rezoning to better reflect existing building heights combined with height limited designated areas for growth to provide for permanent affordable housing opportunities. Community Board #4 gives consideration to some of the benefits and precautions that would be necessary to be in place with eventual successful rezoning.

Affordable Independent Residence for Seniors Being Retained as a Resource

Community Board 4 is concerned that, but for zoning bonus enables floor area, there would be no obligation mechanism to prevent the conversion of affordable independent residences for seniors to market rate housing occupancy beyond the terms of its regulatory agreement (minimum of 30 years according to zoning definition for affordable housing). This is despite generous additional floor area and height, and relaxed parking requirements when compared to market rate housing. *Community Board 4 seeks for the zoning text to deter affordable independent residences for seniors from being converted to market-rate housing by providing the City an opportunity to provide operating subsidies to extend the regulatory period*

Height of Affordable Independent Residences for Seniors in R4 and R5 Zoning Districts

As Community Board 4 is seeking a rezoning to better reflect existing building heights combined with height-limited designated areas for growth. There are some blocks in Bushwick that might be candidates for R4 and/or R5 zoning designations. Community Board 4 is concerned that City Planning is proposing for both affordable independent residences for seniors and for long term care facilities to be as tall as six-stories (up to 65 feet) in R4 and R5 districts at a distance of 25 feet from the street line, as such height would be permit uncharacteristic height on block with two- to three-story homes.

Community Board 4 seeks to have the height for affordable independent residences for seniors and long term care facilities be limited to 4 stories or 45 feet in R4 Districts (1.29 FAR) and 5 stories or 55 feet in R5 Districts (1.95 FAR) so that these buildings would be less uncharacteristic with the existing two-to three-stories homes.

Height of Avenue Buildings Next to Adjacent Side Street Buildings

As Community Board 4 is seeking a rezoning to better reflect existing building heights combined with height-limited designated areas for growth. There are many mid-blocks in Bushwick that might be candidates for row-house R4B, R5B and R6B zoning designations. When these districts are adjacent to R6A and R7A Districts, the height of the Avenue building is restricted for the 25 feet next to the row-house districts to 35 feet in R4 and R5 Districts and 50 feet in R6B. City Planning is proposing to increase these heights to 75 feet. Community Board 4 is concerned that this modification goes totally against the intent of the many neighborhood-wide contextual preservation-based rezoning where the community supported increased density in appropriate locations.

Community Board 4 seeks a rejection of this proposed text modification

Height for Quality Housing Buildings In Inclusionary Housing Districts Where No Affordable Housing is Being Provided

Community Board 4 has an Inclusionary Housing Designated Area where the Rheingold Brewery was once located where the developer is able to build to a height of 80 feet whether or not the development includes affordable housing. If the buildings were constructed without providing for affordable housing the buildings would have about 15 percent less permitted floor area than non-Inclusionary Housing designated areas which permit the same height of 80 feet. Community Board 4 believes there is no need for the Rheingold site to accommodate a building 80 feet in height without providing for affordable housing less since it would be providing less floor area than similarly zoned non-designated areas.

Community Board seeks to reduce the maximum height of the building to 65 feet (not more than six-stories) in the R6A District and to 70 feet (not more than seven-stories) in R7A Districts unless the second floor meets the proposed height standard of at least 13 feet above the ground. If the second floor is sufficiently elevated, the height could be 70 feet in R6A and 75 feet in R7A

Height for Quality Housing Buildings In Voluntary and Mandatory Inclusionary Housing Districts Where Affordable Housing is Provided and for Affordable Independent Residences for Seniors

City Planning is proposing for the R7A zoned areas of the Rheingold rezoning area to permit a height of 100 feet (ten stories) with an additional five feet if the second floor is elevated. These heights would also pertain to future mandatory R7A upzoning of Bushwick. Community Board 4 would like to accommodate the affordable housing floor area though is

concerned that the maximum height and number of stories being proposed is too excessive of an increase to ensure accommodation of the Inclusionary Housing designated area permitted floor area. Community Board 4 believes such height undermines what the contextual height limits of Rheingold and would result in less community acceptance of upzoning.

Community Board 4 seeks to reduce the increase of the maximum height of the building to 90 feet (not more than nine-stories) in R7A Districts unless the second floor meets the proposed height standard of at least 13 feet above the ground. If the second floor is sufficiently elevated, the height could be 95 feet.

Corner Lot Coverage for Quality Housing Buildings

City Planning is proposing to allow residential buildings at corners to coverage the entire lot, in lieu of the existing 80 percent maximum coverage rule. Community Board 4 is concerned that promoting 100 percent lot coverage provides too much flexible which might result in substandard room layouts without containing any windows or with lot line only windows that could be blocked one day or having lot line windows adjacent to neighboring back yard. These so called offices and dens would not meet light and air standards for living and sleeping rooms.

Community Board 4 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.

Shallow lots and Shallow through Lots

City Planning is proposing to change the definition of what is a shallow lot from 70 feet to 95 feet in depth and 190 feet to define a shallow with the intent towards quality design and achieving permitted floor area without the need to obtain a Variance from bulk provisions. Community Board 4 is concerned that such change would result in building extensions that would altering the character of the collective rear yards of the block.

Community Board 4 seeks enable more lots to qualify as shallow though less intrusive as proposed by recommending increasing the standard of 70 feet to a new standard of 80 feet and shallow street-to-street lots be defined by 180 feet as means to provide a degree of relief without the need for a Variance.

Required Accessory Off-Street Parking Spaces for Existing Affordable Independent Residences for Seniors

The proposal would allow existing affordable independent residences for seniors to remove now required group parking lots in Community District 4. Community Board 4 is concerned that applying the elimination of parking requirements to existing affordable independent residences for seniors does not reflect the utilization residents, employees, frail elderly traveling providers, etc.) of these accessory group parking facilities and might result in a quality-of-life impact for the residents of surrounding blocks by displacing the existing off-street parking as it would result in added competition for on-street parking on surrounding streets.

Community Board 4 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 otherwise permit the elimination of such parking requirement.

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

As Community Board 4 is seeking a rezoning to better reflect existing building heights combined with height-limited designated areas for growth. Though Community Board 4 is concerned that these higher density zoning districts contain a more permissive waiving of any parking requirements for development not exceeding 30 market-rate residences, as

compared to the current standard of no parking required for ten or less apartments. For community uses, the requirement to have parking would jump from 25 or more parking spaces to at least 40 spaces before parking would be required. Community Board 4 believes this would be too many units of market rate housing to not provide parking and would negatively affect quality-of-life when it comes to long-time residents retaining the ability to find street parking.

Community Board 4 seeks to retain for Community Districts 4 the R6 residential waiver of up to five spaces for market-rate residential development and less than 25 spaces for community facility developments for its R7A Districts.

Special Permits to Reduce the Number of Parking Spaces

- Market-rate for developments containing affordable housing (Board of Standards and Appeals)
- Existing parking spaces for income restricted housing units and for affordable independent residences for seniors (BSA)
- Large scale development (City Planning Commission)

Community Board 4 is concerned that findings do not adequately define a distance to what might be considered the surrounding area and do not take into account the availability of parking as an adverse effect

Community Board 4 seeks to define the surrounding area as up to 1,000 feet and for consideration for the availability of parking in the surrounding area and the proximity of public transportation as addition factors in determining the amount of parking spaces to reduce or waive.

After much consideration, the board felt that the aforementioned is a positive move toward the housing needs for our community in the future.

Respectfully,

Nadine Whitted

Nadine Whitted
District Manager