



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Eric Adams
Borough President

Gary G. Reilly
Chairperson

Craig Hammerman
District Manager

November 27, 2015

Carl Weisbrod
Chairperson
City Planning Commission
120 Broadway, 31st floor
New York, New York

Dear Chairperson Weisbrod:

I am writing to advise you that at its November 10, 2015 general meeting Brooklyn Community Board 6 resolved by a vote of 21 in favor, 8 against with 2 abstentions to conditionally approve of the proposed Zoning for Quality and Affordability (ZQA) text amendment (ULURP No. N1600049ZRY).

In a separate action, we also resolved by a vote of 24 in favor, 5 against with 2 abstentions to conditionally approve of the proposed Mandatory Inclusionary Housing (MIH) zoning text (ULURP No. N160051ZRY).

Our primary basis for supporting these actions is rooted in an acknowledgement that we must do more to keep our City affordable for everyone. And while the debate continues on how best to do this, and by no means do we feel that these proposed zoning actions present a perfect solution, they at least begin to move us from discussion to action. They are a starting point, not an end unto themselves. By voicing our support we are also expressing a desire to remain engaged in the conversation moving forward.

We hope you will consider and incorporate our conditions to the greatest degree possible. We arrived at them through thoughtful and constructive deliberation which involved several presentations by the department, an extremely well-attended public hearing sponsored by our Land Use committee on October 22, 2015, and many opinions expressed to us by civic groups, special interest groups and members of the public.

Zoning for Quality and Affordability (ZQA) text amendment (ULURP No. N1600049ZRY)

We want to acknowledge that the revision of your original proposal did a lot to move this in what we believe was a positive direction. Limiting the allowable height bonus on the ground floors in

our district to five feet, from what was originally proposed as a range of five to fifteen feet, was more in keeping with the built form of our existing housing stock. The contextual zoning in place here, which we lobbied long and hard to get, was done to protect the built form. And it is not uncommon for brownstone buildings in our district to be constructed with taller floors at the parlor level. Allowing a five foot height bonus at the ground floor is generally in keeping with the spirit of our urban design features.

We still reserve some mild concern about how and whether the proposed text amendment could undermine elements of our contextual zoning, because the shape of our buildings is such an important signature characteristic in many of our neighborhoods, but we find that offering the ground floor height bonus—limited to five feet—gives developers more options to build closer to our actual built form. The current rezoning imposes restrictions that make it more difficult to achieve the building envelopes we actually want to see.

Our condition on the ZQA action relates to the proposed designation of our entire Community District as a “Transit Zone.” We generally have favored the City’s taking a more refined approach to parking requirements as we find that the existing regulations encourage the creation of a surplus of off-street parking spaces which, we believe, can ultimately do more to harm than good for a community. To put a finer point on the proposal to include us in the Transit Zone, however, we must dispute the underlying assumption that our entire district has equal and convenient access to good transit options. We suggest that our Red Hook neighborhood is in fact a transit-challenged community. The Department of City Planning has conducted its own studies on this basis; so we know we aren’t telling you something you don’t already know. To that end, as a condition for our support, we ask that the proposal be modified to exclude Red Hook from the Transit Zone designation for our district.

Mandatory Inclusionary Housing (MIH) zoning text (ULURP No. N160051ZRY)

On the MIH proposal we have several conditions because some of the proposal’s elements left us uneasy as currently written. Part of our uneasiness lies in the fact that there are still aspects of this proposal which have not as yet been solidified such as the “Payment in Lieu of Participation” option described more fully below. We believe some further refinements and adjustments are in order and suggest the following for further consideration.

First, we understand the concept behind offering developers a “Payment in Lieu of Participation” option and while some people believe that mandatory inclusionary housing should in fact be mandatory, on balance we believed that offering such an option does make sense but that there needed to be more accuracy and fairness in the value-basis on which such payments would be calculated. As currently conceived we understand that payment formulas are still being worked out but that developers would likely be assessed based on construction cost differentials. We assert that this would be letting the developers off on the cheap and, instead, that such values should be based on such factors as the construction costs, present value of projected profits, and even the value of any zoning changes which may be an essential part of a developer’s proposal. Considering these factors as a basis would, to us, be a much fairer way of assessing payment options for developers.

Second, the current proposal would allow for the construction of off-site housing to satisfy the mandatory inclusionary housing component. Allowing off-site affordable housing development, to us, means that developers would then have the option of building rich and poor buildings. They could building rich buildings in areas with good public transit options, good school districts and access to healthy and nutritious food markets. They could also build poor buildings in areas, perhaps even within a stone's throw of the rich building, that would have lesser transit options, lesser performing schools and starved for healthy food. We do not think that developers should have the option of constructing off-site affordable housing units. This proposal must seek to integrate not aggravate the segregation we are already challenged by in this City.

Lastly, we continue to experience a high degree of skepticism whenever the term affordable is used. Affordable, yes, but affordable for whom? Since we are all-too-familiar with how the use of the Federal definition of Area Median Income fails to adequately and accurately depict real-life living conditions in New York City, we are challenging you to come up with a better model, a better definition that includes integration and diverse income levels as an overarching goal. Lower income residents should not be hurt by this proposal. They must be protected.

Thank you for your attention and consideration in this matter. We stand ready to continue this conversation and welcome the opportunity for further dialogue.

Sincerely,

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Gary G. Reilly
Chairperson

cc: Hon. Bill de Blasio
Hon. Eric Adams
Hon. Steve Levin
Hon. Carlos Menchaca
Hon. Brad Lander
Winston Von Engel, Director, DCP/Brooklyn
Community Boards Citywide