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November 25, 2015

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29018

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Mr. Winston Von Engel
Director, Brooklyn Borough Office
NYC Department of City Planning
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Brooklyn, NY, 11241

Re: ULURP No. N160049 ZRY - DCP Mandatory Inclusionary Housing (MIH) [ZR §23-154, paragraph (d) Text Amendment; and Citywide Zoning for Quality and Affordability (ZQA) ULURP No. N160049ZRY, CEQR No. 15DCP104Y

Dear Chief City Planners,

This letter is to request your close attention to the conditions Community Board 8 (CB 8) has placed on its support for the two above cited projects.

Support for MIH

At its November 12, 2015 meeting, CB 8 voted 30 in favor, two against, and one abstention to support the MIH project. Board members are concerned that the MIH will be ineffective in achieving its purpose unless requirements for accountability are included. Accountability measures must insure that: offsite affordable units are built on a predetermined schedule and within Community District (CD) 8; that the number of apartments and the rents are monitored for compliance; and that penalties are imposed for non-compliance.

CB 8 recognizes the value of permanent affordability as compared to rent control and rent stabilization where the numbers of apartments in the programs are shrinking from vacancy decontrol, and poor compliance where new apartments not being registered with DHCR.


Conditions for Supporting ZQA

At its November 12, 2015 meeting, CB 8 voted 24 in favor, four against, and one abstention against supporting the ZQA project unless the conditions attached to this letter are included for CD 8. The conditions ask DCP to carefully construct its plan for CD 8 so that these hastily formulated amendments do not wreak havoc on the lives of current residents. For example, the plan needs adequate regulatory agreements governing senior residences, and the specifics of corner lot coverage are needed; as are adequate techniques for measuring height above grade. Long-term care facilities should not be allowed on row-house blocks. CD 8 should not be part of the Transit Zone that would permit developers to omit off-street parking from larger projects. The backyard spaces providing light and air should be protected. The conditions also ask for changes that are not included in the DCP project, including side yards for new buildings abutting residential properties.

Your assistance is requested in addressing the conditions identified by CB 8 as delineated in the attachment to this letter. Comments made at CB 8's 11/12/15 meeting are also included herewith. It is our hope that DCP will apply the attention to particular details needed for a proposal as complex and far-reaching as ZQA. Similarly, the success of MIH will depend on DCP and HPD conceptualizing and effectuating plans for monitoring and enforcement, including meaningful penalties, from the outset.

We look forward to working closely with DCP to refine these proposals so that they achieve their stated goals.

Sincerely,



Nizjoni Granville
Chairperson

Attachment: Brooklyn CB 8 Conditions for Supporting Citywide Proposal
ULURP No. N160049ZRY Zoning for Quality and Affordability, 11/12/2015

cc:

Hon. Robert Cornegy
Hon. Laurie Cumbo
Hon. Darlene Mealy
Hon. E. Adams

Vicki Been, Commissioner, HPD
R. Bearak, Dir. Land Use, BBP 's Office
E. Tyus, CB 8 Housing/ULURP

Comments on MIH and ZQA at CB 8 11/12/2015 General Meeting

Atim Oton asked what AHND's (the Association for Housing and Neighborhood Development say) conclusion to the MIH plan was. She was informed by Ms. Tyus that the paper is suggesting that most development would be eligible for as of right 421-A, which is 35 years of affordability, not permanent as the Mayor claims in his proposal.

Mr. Dupree asked why the plan skips around income brackets. He specifically asked about the people that fall in between brackets. Dan Moran of HPD responded by stating that one of the features of MIH is income averaging and not just targeting certain people in an effort to get to as many levels and incomes as possible. Ms. Tyus also stated that for many years, this CB has asked that we use the average median income for this community district. The AMI is set on the federal level for the entire metropolitan area so it's skewed on the high side.

Leroy Reid inquired about employment opportunities for minorities in the housing being built. Mr. Moran stated that HPD created a program where in all of the affordable housing developments, they have asked the developers to go to Workforce 1 to get participants that could become employees.

Gib Veconi asked DCP to clarify whether or not there is a dependency between MIH and ZQA. There does not appear to be, but if there is, it needs to be spelled out. A representative from DCP did not directly answer the question but stated that DCP did extensive outreach when all of the proposals were identified 6 months ago. All the problems identified have been known for many decades. Building construction technology has evolved since 1961 and 1987 when the codes were last updated with the exception of zoning changes. These two plans seek to add some new breath to zoning law. HPD's Mr. Moran stated that they were 2 independent proposals.

Adam Sachs stated that the income levels and brackets cut off certain people. He asked if the units could be offered to other incomes. He was informed that units are offered across the band to get the average of 60% or 80% depending on which of the 3 plans is chosen. Different family sizes are also targeted to add as many strata as possible.

Sanmati Naik from DCP stated that the problem is that housing options are small. We cannot sit back and not do anything at all. The Housing New York plan has many initiatives to address the housing crisis and all of the initiatives are serving the same goals. MIH ensures that a percentage of housing is set aside for affordable housing permanently.

Mr. Witherwax asked if the averaging is how things are done now or if the averaging will only be brought about by MIH. He gave examples, asking is there can be someone with 150% AMI balancing someone with 120%? Mr. Moran stated that the cap is 120% with 60% band or 130% with the 80% band.

Liz Grefrath stated that nothing requires the developer from averaging and asked if they could just do 60%. She was informed that a developer could just do 60%, but that DCP is encouraging averaging because from a marketing standpoint, it would look better to have units at a range of incomes.

Ms. Tyus suggested that DCP take into account information from ANHD, which did a very well, deep, rich study on financial feasibility in the draft that is saying, for the production of this

proposal, AMI's under 60% in the areas that need it greatest were not studied. DCP only studied the 60-90% bracket. She asked how the rents asked will be monitored. A sufficient answer was not given to her question.

Mr. Mensah asked how the AMI is recorded. He was informed that it is recorded by family size.

Curtis Harris expressed his dissatisfaction with the proposal, stating that a lot of people are not approving the proposal. He brought up the fact that DCP acknowledged that developers could pay a fine and not have to provide affordable housing. He asked if there was a concrete amount that would be asked for as the fine and was told that there was not at this time. Mr. Harris went on to state that Crown Heights is saturated with developers and minorities are being priced out of the community. The stats say that 78% of the community is minority. We need to represent the interest of the constituency. Mr. Moran stated that what he is describing is displacement and gentrification. Right now, there is no requirement for developments to provide affordable housing. MIH provides a level of protection against displacement.

Diana Foster pointed out that no study was done concerning feasibility of AMI under 60% and asked why one was not studied. She further asked if the people making under 60% of the AMI should not be eligible for housing. DCP stated that the target is 60% because it is the average. Developers can break 20 units down into 10 units available at 30% Ami and the other 10 units at 90% AMI, which would create the 60% AMI average that is being sought. This is the reason the income bands were created so that a wider range of incomes could be reached.

Mr. Atkins asked, if 60% is the base level being used, what commissions and regulations were used to establish this as the baseline? He continued by stating that the people being pushed out were the ones here first because no one else wanted to be here. He urged DCP to take a closer look at the baseline. Ms. Naik stated that the city retains experts to make sure 60% is not an arbitrary decision. She reminded everyone that we have to realize we are talking about private property, not city property, and that the program has to match certain standards. One of the questions asked during the creation of the proposal was what AMI would make the program work and it was found to be 60%.

A resident stated that she noticed some unintended consequences of the averaging. She asked, if you have someone at the higher end of the AMI and they leave their unit, does that make the unit set aside for the high end permanently? She was informed by Mr. Moran that the 120% or 130% would be offset by someone with a very low AMI. HUD sets AMI standards and the numbers do change over time.

Yahya Raji asked if the proposal was for property rental or homeownership, because at these AMI's it would be difficult to get a mortgage. He was informed that it would most likely be rental properties.

Mr. Veconi made a motion that the full board support the MIH proposal being put forward with guidance that the city work toward affordability levels for markets that are at deeper affordability levels than are currently proposed and to make more units affordable in any particular development in MIH sites. The proposal results in additional influence for CB to act more in its advisory capacity. 2nd by Ms. Tyus

Mr. Mensah asked what the consequences are if we do not support this. He was informed that we would have nothing in place requiring affordable units.

Gail Branch Muhammad stated that she is not trusting that MIH will happen even if we support it.

Audrey Taitt-Hall asked what does landmark preservation means in terms of MIH since much of the district is landmark preserved. Ms. Tyus informed her that much of the land along the edges along the historic districts will be the area that is focused on, not the landmarked areas.

Ms. Oton stated that at this point, we have nothing. This is a start for a beginning of dialogue with city council members.

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ZQA:

Mr. Veconi stated that the 2 main components to this that would add additional height factor amongst most contextual zones of 5 feet or 10 feet as of right and, even more, 25 feet in the inclusionary zones along Franklin Avenue to add the 20% affordable housing in the existing envelope. From our perspective, we would be voting for an additional 25 feet in the R7A zone. It does not seem we have to give the extra 25 feet away in the zone. He is not confident that the additional 5 feet in all of our contextual zones will encourage better looking development. Ms. Naik stated that she appreciates the observations. There was a theme of architects, city planners, developers, and others, that found that floor to ceiling heights in commercial space of 8'8" was not high enough. We see all the time that there is no privacy for ground floor residents. The new buildings are like boxes. Zoning is in part responsible for the boxy appearance. Raising the floor by 3 feet gives more privacy to ground floor residents. ZQA gives for a few feet of horizontal flexibility that makes for a better streetscape.

Ms. Oton stated that the fact that this entire proposal was put together and brought to CBs in such short span of time basically says you have no interest in communities. This administration is an embarrassment because it has not really heard communities. You failed to ask communities what they would like first. As someone that came from the architectural industry, this is disrespectful. Ms. Naik stated that ZQA might not go as far as you would like, but it is an improvement over what is. Another DCP rep stated that this proposal was brought for public review in March 2015 for review. DCP extended the comment period from 30 days to 60 days. DCP and the City Council will hold public hearings on the items.

Mr. Witherwax thanked the Housing/ULURP Committee for coming up with 23 comments/criticisms in such a short time on ZQA. He stated that this proposal is not good enough and unlike with MIH where not good enough is better than nothing. He will not support the initiative as is.

Ms. Grefrath stated that a lot of buildings are going to be built and people are going to be living in them. After a while with 8'8" inches as your ceiling height, you start to feel closed in. She also stated that she can see into many living rooms and kitchens while walking down any given street with a new development and elevating ground levels is very important. Developers usually put

the lower incomes on the ground levels and these tenants require some consideration as well as market rate tenants.

Mr. Staton congratulated the committee for voting on this amendment. He stated that the proposal is not static; there will be public hearings for additional comments and concerns to be expressed.

Ms. Benn-James stated that the city recently had a house auction last month. She questioned why the city didn't they turn those buildings into affordable housing rather than auctioning them off to developers. Mr. Maron informed her that HPD has a host of properties that is all affordable rates.

Ms. Tanenbaum stated that one of the issues raised last week was the issue of seniors and parking. She informed DCP that they missed an opportunity when they looked at seniors and the parking issue, and that are not quite capturing the real experiences of seniors. She expressed concern that seniors will become isolated if you take away the parking spaces even though they don't themselves own the vehicle because they rely on people with vehicles to take care of them. There is a long gray area where seniors need people that have cars.

Phu Duong stated that as an architect, there are incentives for developers to take on some of the suggestions. The higher ceiling heights encourage opportunities to have more shops with better ventilation. He referenced sitting in a restaurant and exiting smelling like the restaurant. However, he cautioned that ZQA, in allowing for higher elevations, might impact commercial rentals and cause higher rents to be charged for commercial spaces. Yes, it will allow for a better street life and street experience, but those are two separate experiences that could be better presented.

Ms. Tyus added to the parking discussion that the reason DCP removed parking from the plan is the perceived wealth of public transportation in the district. If you're a senior living near Atlantic Avenue and need to go to the IRT subway on Eastern Parkway, it would be a long uphill trek. She stated that she would like DCP to remove CB 8 from the transit hub.

Mr. Atkins stated that we have focused too much on certain ages and are forgetting that we represent people from birth to death. All age ranges should be taken in consideration.

Mr. Sachs stated that parking is a very touchy subject. His understanding of the proposal is that it would remove parking on site but not off-street. There is a certain dollar figure that it costs developers to provide off-street parking in the development. By removing the parking requirement, it allows developers to create units at deeper affordability.

Ms. Oton added that when you add 25 feet of height on Franklin Avenue, it blocks out the sun. You will have great ground floor levels but no sun.

Mr. Witherwax made a motion not to support ZQA as proposed unless it incorporates the 23 conditions. 2nd Atkins.

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**Brooklyn CB 8 Conditions for Supporting Citywide Proposal
ULURP No. N160049ZRY Zoning for Quality and Affordability
11/12/2015**

1. ZR 12-10 Affordable independent residences for seniors

BCB 8 seeks assurances that additional floor area and relaxed parking requirements for affordable independent residences for seniors only be approved pursuant to a permanent or at least long-term regulatory agreements greater than 30 years requiring occupancy by low income households. *BCB 8 seeks to prevent affordable independent residences for seniors from being converted to market-rate housing without first giving the City the opportunity to provide operating subsidies.*

2. ZR 23-153 Quality Housing Buildings Corner Lot Coverage

BCB 8 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. BCB 8 believes that such design flexibility 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. Additionally, existing residents, who have lot line windows, will experience a diminution of their light, air and property value. *CB8 seeks to retain the 80 percent corner lot provision especially for sections of corner lots with lot width not exceeding 30 feet.*

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

BCB 8 is concerned that the residential floor area for R7A was increased to 5.01 without regard to whether the district is mapped on wide or narrow streets. *BCB 8 seeks for narrow street frontages, such as Lincoln Place to retain 4.0 FAR.*

4. 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 (NO)

BCB 8 is concerned that changing the shallow lot definition from 70 feet in depth to 95 feet and 190 feet to define a shallow through lot is overly permissive for City Planning's goal of encouraging quality design within permitted floor area without the need for a Variance from bulk provisions. This change will result in larger rear yard enlargements altering the character of the collective rear yards of a block, colloquially called "the doughnut hole." There are sections of blocks in CD 8 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 will be compromised by more liberal lot coverage if the existing shallow lot standard is increased from 70 feet to 95 feet of depth. *BCB 8 seeks for shallow lot provisions to remain at 70 feet to 80 feet and shallow through lots be defined by 145 feet to 160 feet to as means to provide a degree of relief without the need for a Variance.*

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

BCB 8 is concerned that permitting rear enlargements up to 15 feet in height for one-story buildings is an inappropriate intrusion for the character of the collective rear yards (doughnut holes) where R6A and R7A Districts are mapped along narrow street widths. *BCB 8 seeks for zoning lots located in an R6A or R7A District that front along narrow streets to be regulated consistent with R6B, R7B and R8B Districts, where such rear yard intrusions would not be applicable according to the proposed text.*

6. ZR 23-462 Side yards for all other buildings containing residences

R5 R6 R7 R8 R9 R10

Given the rapid development in BCB 8, in the districts indicated, the concern is for those homes abutting lots where new buildings are contemplated. Quality zoning should include provisions for sideyards for new buildings to preserve the light and air for current and new residents

7. 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

BCB 8 is concerned that as a point of reference for measuring building height, the level of the adjoining sidewalk in relationship to the base plane requires a spatially specific term for zoning lots with sloped frontages. The finished floor of the second story above grade as measured from the level of the adjoining sidewalk is proposed as a means to establish the maximum height of a building provided as a reference point in order to achieve the additional five feet of building height. *BCB 8 seeks to establish the measurement from legal grade of the base plane or some equivalent standard.*

8. ZR 23-641 Front setbacks in R6-R10 Districts without a letter suffix, corresponding table Maximum Height of Front wall and Required Front Setbacks, ZR 23-642 Alternate Front Setbacks and corresponding table Alternate Required Front Setbacks

BCB 8 is concerned that the level of street line is an ill-defined reference term for zoning lots with sloped frontages to identify where the determination of maximum height is measured from as a means to establish such height. *BCB 8 seeks to establish the measurement from legal grade of the base plane or some equivalent standard.*

9. ZR 23-662 (b) Maximum height of buildings and setback regulations R6-R10 Districts for Quality Housing buildings, building heights and number of permitted stories and corresponding Table 1 Minimum Base Height, Maximum Base Height, Maximum Building Height and Maximum Number of Stories for Contextual Districts and for Non-Contextual Districts

BCB 8 is concerned that the maximum height and number of stories is not reduced for R6-R10 Districts where such districts are in accordance with the provisions of Inclusionary Housing designated areas. Such designated areas have typically 11 to 16 percent less permitted floor area ratios than non-Inclusionary Housing designated areas, therefore there is no need to accommodate less provided floor area in the same height as non-designated areas. BCB 8 is in agreement with the Brooklyn Borough President that **the City should be leveraging the financial value of upper floors as an additional incentive to participate in the Inclusionary Housing Program. Holding back one to four stories**

(depending on district) of now permitted height unless the affordable housing bonus is used – as views have value -- turns added height into a financial incentive to participate in the incentive program. BCB 8 seeks to adjust corresponding Table 1 as it pertains to Maximum Height of Building with non-qualifying ground floor/Maximum Height of Building with qualifying ground floor/Maximum Number of Stories as follows: R6A 65/70/6; R7B 65/65/6; R7A 75/80/7; and R7D 90/95/9; and comparable provisions for equivalent non-contextual districts.

10. 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

BCB 8 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. BCB 8 seeks to adjust corresponding Table 1 as it pertains to Maximum Height of Building with non-qualifying ground floor/Maximum Height of Building with qualifying ground floor/Maximum Number of Stories, i.e.: R7A 90/95/9.

11. ZR 23-693 Special Height Limitations Special provisions applying adjacent to R1 through R6B Districts for R6-R10 districts

BCB 8 is concerned that the proposal intends to modify the height permitted within 25 feet when R6-R10 districts abut R1 through R6B Districts (such as Prospect Heights) from 35 feet in R1 through R5 Districts and R6B requirements (50 or 55 feet) for R6B Districts to a height of 75 feet. BCB 8 believes that this modification goes totally against the intent of the many neighborhood-wide contextual preservation-based rezonings where the community supported increased density in appropriate locations. BCB 8 seeks a rejection of this proposed text modification.

12. ZR 23-711(b)(1) Standard Minimum Distance Between Two or More Buildings on a Single Zoning Lot R3-R10 Districts for separated portions of a building above roof of connecting abutting building portion

BCB 8 is concerned that the more minimal standards of the NYS Multiple Dwelling Law are not appropriate for wall condition heights in excess of 50 feet to require not more than 40 feet between walls where legal windows are involved for building walls of undefined length of overlap. 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. BCB 8 seeks a maximum length where distance between building walls of connected buildings exceed 50 feet in height when at least one wall contains legal windows, with a maximum requirement of 60 feet between such building walls.

13. ZR 23-711(b)(2) Standard Minimum Distance Between Two or More Buildings on a Single Zoning Lot R3-R10 Districts for Two or more buildings on a single zoning lot

BCB 8 is concerned that the more minimal standards of the NYS 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. *BCB 8 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.*

14. 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 and R5D Districts

BCB 8 is concerned that the proposed as-of-right allowance of provisions for affordable independent residences for seniors could be applicable to long-term care facilities in R5A and R5D zoning districts and potentially result in out-of-context development with an incompatible intensity of use. This includes having provisions for R5A and R5D Districts that preclude uncharacteristic proposed bulk of long-term care facilities on block fronts predominantly developed with row houses without front yard parking featuring landscaped front yards 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. *BCB 8 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 row houses without front yard parking featuring landscaped front yards 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. BCB 8 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.*

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

BCB 8 is 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-story of community facility use extending into the rear yard. *BCB 8 seeks to modify the qualifying community facility rooftop residential open space height to 25 feet.*

16. 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

BCB 8 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 will result in a quality-of-life impact for the residents of surrounding blocks by displacing existing off-street parking with the resultant added competition for on-street parking on surrounding streets. *BCB 8 seeks to limit the as-of-right reduction of the number of parking spaces in such existing group parking to fifty percent or less.*

17. 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

Given that certain segments of BCD 8 have limited access to mass/rapid transit and are on significant geological inclines between Eastern Parkway and Atlantic Ave, BCB 8 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 sections of BCD 8 where car ownership rates tend to reflect lifestyles and where quality-of-life depends on the ability to find parking. *BCB 8 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.*

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

BCB 8 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. *BCB 8 seeks to reduce the exemption to 70 feet per foot.*

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

Given that certain segments of BCD 8 have limited access to mass/rapid transit and are on significant geological inclines between Eastern Parkway and Atlantic Ave, BCB 8 is concerned that finding (c) does not adequately define a distance to what might be considered the surrounding area and does not address searching for parking as an aspect of daily life that would 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 additional safeguards that might be imposed by the Board of Standards and Appeals. *BCB 8 should be excluded from the Transit Zone. Further, BCB 8 seeks to define the surrounding area as up to 1,000 feet and BSA must consider the availability or lack thereof of parking in the surrounding area and the proximity of public transportation.*

20. 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

BCB 8 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. *BCB 8 seeks to define the surrounding area as up to 1,000 feet.*

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

BCB 8 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.

22. ZR 74-532 Special Permit Reduction or waiver of parking requirements for accessory group parking facilities by the City Planning Commission in conjunction with large scale development in the transit zone

BCB 8 is concerned that finding (3) 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 give consideration to the availability of parking in the surrounding area and proximity to public transportation. *BCB 8 seeks to define the surrounding area as up to 1,000 feet and the City Planning Commission must consider 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.*

23. Appendix 1: Transit Zone

BCB 8 is concerned that while all of CD 8 is considered to be within the transit zone, access to either subway line can be 10 to 12 blocks away, and is uphill climb if you are walking South. For Community District 8, the rate of gentrification mitigates against removing the minimum parking requirements from any plans for affordable or market rate housing. Provisions for parking should be retained for the benefit of the current residents. *BCB 8 should not be included in the Transit Zone.*