



Rubén Díaz, Jr.  
Borough President

## **BRONX COMMUNITY BOARD NO. 10**

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Martin A. Prince  
Chairperson

Kenneth Kearns  
District Manager

November 4, 2015

Hon. Bill de Blasio, Mayor  
Of the City of New York  
City Hall  
New York, NY 10007

Re: Zoning for Quality and Affordability and Mandatory Inclusionary Housing

Dear Mayor de Blasio:

Bronx Community Board # 10, at its Public Hearing of October 27, 2015, rejected the above proposals. The proposals were rejected for the following highlighted reasons:

1. The Zoning for Quality and Affordability Text Amendment, or ZQA, if adopted, will result in a serious threat to the downsizing efforts that this Board had put into place. The plan paves the way for the up-zoning of the Board.
2. The decisions regarding the construction of housing under the Mandatory Inclusionary Housing Text Amendment, or MIH, vest the authority in making decisions regarding housing squarely with the City Council and the City Planning Commission. The Community Boards are shut out of the process.
3. The ZQA envisions the construction of senior and affordable housing without parking. This aspect of the plan ignores the fact that seniors (who are defined as 55 years of age and above for eligibility for the Ft. Schuyler House assisted living facility in my Board area) own cars. In Bronx CB #10, we are dependent on the bus system to deliver commuters to the #6 Train. In many cases the communities of our Board are geographically isolated. This system is subject to the vagaries of MTA funding, which three years ago saw drastic cuts in service, necessitating a long and arduous battle to restore service. This experience further cemented in the minds of residents the need for car ownership, which bespeaks a need for parking.
4. The ZQA speaks of locating this housing along transit routes. The #6 train is the only subway line operating in the Board's service area. It only has two stations that are equipped with escalators and elevators. The other five stations along the line require commuters to climb four flights of stairs to reach train platforms. Seniors and those who are physically challenged will have to take buses to the train stations that are equipped with these amenities, exposing them to long commutes.

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5. The proposed MIH envisions housing developments that are linked to an economic formula that supposedly will ensure that the developments will have a healthy income mix. Quite frankly, we do not see this happening in our Board area. What we see are large buildings featuring desirable apartments with a 70/30 ratio and no one being able to move in; rent at the 70 percent level is too high for working people, who by the way, will also be ineligible for any subsidy because they make too much. This will leave the property being inhabited solely by those in the 30 percentile, thus defeating the purpose of an economic mix.
6. We are told at every opportunity that there are 68,000 homeless, mostly women and children in our City. Your administration, as well as past administrations has used any and every resource to house people, yet the policy is severely wanting, because it is too expensive, offering little more than basic accommodation in an often unsavory environment. The system is unfair because not every Community Board shares the burden of having shelters. Some have many, and others none.

Under a free market system, several buildings have been built as of right on the sites of former 1-3 family homes in our Board service area. Aside from the fact that they have altered the context of the community forever, they are economic failures, and in the case of one, originally marketed as a condominium, it was flipped overnight into a shelter. This was done without any warning to the Community Board or the electeds. The presence of advocacy groups that work with the real estate community to identify properties in distress and will work to fill the properties with either formerly homeless people or those transitioning out of other settings is a reality. Neither the ZQA nor the MIH discuss the issue of the necessity of providing quality social services to these residents.

7. The literature for both the ZQA and MIH allude to how experts were brought in to develop the Text Amendments. This is a top down plan and not organic in scope. The Community Boards were never consulted, and now the plan is being imposed on the City by power elite.

Attached to this letter you will find a Resolution that was passed by the full Board and a series of bullet points. Each of the points represents a sentiment that was articulated at our Public Hearing. As Chairman of Bronx Community Board #10, I respectfully ask that you read this letter with a critical eye, and not respond with a perfunctory response. The issue of housing is a thorny one and we commend your administration for taking it on.

All we ask is that you be more inclusive and actively solicit the inputs of the Community Boards. We, above all know the needs of our communities, and we stand ready to assist you. After all, our true name is Community PLANNING Board; let us help you to re-design this plan.

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Thank you for your attention and assistance in this matter.

Sincerely,



Martin Prince, Chairman  
Bronx Community Board #10

Cc: L. James, NYC Public Advocate  
S. Stringer, NYC Comptroller  
Members of the NYC Council  
Members of NYC Community Boards

C: #4



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*Borough President*

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**Martin A. Prince**  
*Chairperson*

**Kenneth Kearns**  
*District Manager*

October 27, 2015

**“Resolved...**At the Recommendation of the Housing and Zoning Committee of Bronx Community Board #10, that the Committee’s no vote on the Zoning for Quality and Affordability Text Amendment and the Mandatory Inclusionary Text Amendment, be communicated by letter accompanied by a list of recommendations, to all of the elected officials in the City government and each Community Board.”



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*Borough President*

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### **JOINT MEETING WITH BRONX COMMUNITY BOARDS #10 and #11**

**October 22, 2015**

**Present:** M. Prince; P. J. Sullivan; A. Chirico; R. Barbarelli - Board #10; J. McManus;  
J. Rubino; J. Warneke -- Board #11;  
M. Rivadeneyra- Council member Vacca

**Staff:** K. Kearns

The purpose of this session was for the leadership of both Boards to come together to discuss the upcoming Mayor's Housing Plan and its affect upon the communities served by both Boards. There was a thorough examination of the Zoning for Quality and Affordability Text Amendment and the Mandatory Inclusionary Housing Program. Also discussed was the Borough President's recent meeting with Community Boards, where each Board spoke about their position regarding the Plan. The Borough President suggested that in the event a community board voted no, that the no vote be accompanied with a series of suggestions. This suggestion was discussed among last night's meeting attendees, and it was determined that this was a viable strategy. Briefly the Plan is as follows:

1. There are two portions of the Mayor's Housing Plan, one is the Zoning for Quality and Affordability Text Amendment or ZQA and the other is the Mandatory Inclusionary Housing Text Amendments or MIH.
2. The ZQA reviews all of the City's existing zoning regulations and removes those regulations that are outdated and replaces them with new ones that foster housing growth and affordability.
3. The MIH allows developers to provide high quality housing that features mixed income tenancy. The MIH establishes targets for developments that will receive tax abatements for the construction of affordable housing. It creates an opportunity to build permanency for affordable housing into the development of each project if it is over 10 units and it establishes an affordable housing fund to foster development. The MIH creates two options that pair set aside percentages, with different affordability levels for apartments. When the MIH is applied, the City Planning Commission and the City Council would choose one or more of the two primary options, Option 1. That 25% of the residential floor area shall be deemed affordable to households in the 60% of Area Median Income Index (AMI) with no unit targeted to a level exceeding 130% of the AMI. Option 2, at least 30% of the residential floor area shall be provided as affordable housing to households at an average of 80% of the AMI, with no unit targeted to a level exceeding the AMI of 130%. In areas where housing subsidies to developers are not usually applicable and where the City wants to encourage economic diversity a Workforce Option exists that requires at least 30 % of the residential floor area be provided to households at an average of 120%

of the AMI, with no single household exceeding 130 % of the AMI. This option would apply mainly to Manhattan CB's 1-8. However, it could have applicability in Board #10 and #11.

4. The MIH has no applicability to a zoning district, unless the City Planning Commission authorizes it and after it is subject to a public review.

This discussion gave impetus to a larger conversation, regarding the issues that are not addressed in the ZQA or MIH, which are inclusive of the following:

- The problem with the description of the AMI in the MIH, is that it is highly technical and it is not easy to read or understand, its applicability only allows for interaction with the Council member and the City Planning Commission, leaving out the community boards and civic groups, it does not describe the origin of, or the mechanism for the application of the proposed subsidies for developers or the administrative requirements that will be placed on tenants to ensure that they are eligible (i.e. income affidavits).
- The Plan essentially makes all of this housing "as of right", severely limiting the ability of the community board structure to comment.
- The Plan is a direct reversal of the Board's efforts to downzone its area, thus preserving its low-density quality.
- The Plan is discriminatory, in that it exempts certain neighborhoods and community boards. This is a citywide plan and all communities should be treated equally.
- The Plan rewards developers for increasing the affordability factor of a building, by allowing them to build higher or to put more apartments in the building. This will serve to increase the density of neighborhoods.
- There is a lack of parking in both the senior and affordable housing complexes; this will have an adverse affect upon the elderly and those with handicapping conditions. They will have to park and walk to their homes.
- The plan does not only affect traditional housing, but it also addresses nursing homes and assisted living facilities. The renovation of older housing for seniors can be conducted under the provisions of these plans. However, with respect to the renovation of older buildings housing seniors, renovations can be conducted in buildings without elevators or which are not compliant with the Americans with Disabilities Act. This will have a negative effect upon the elderly and those with handicapping conditions.
- The literature for the plans contains no discussion on whether the buildings envisioned will be compliant with the Americans with Disability Act. Again, the Plan is disrespectful to the elderly and the handicapped.
- The Program in its present form appears to be a gift to developers who will not only rake in the subsidies associated with the housing, but will also be allowed to develop anywhere and in any way they choose.
- The Plan does not appear to allow for any community benefit packages for a neighborhood to accept a development.

- The Program allows for the development of side or angled lots and increases the Floor Area Ratio or FAR for all buildings. Floor Area refers to the gross area of each floor of a building, excluding the space that holds the (mechanicals i.e elevator equipment), cellar space, floor space in open balconies, elevators or stairwells in most cases, except for projects built under the Mayor's Housing Plan, parking that is located less than 23 feet above curb level. The Floor Area Ratio (FAR) is the main bulk related regulation controlling the size of buildings. The FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has a FAR assigned to it. The FAR when multiplied by the lot area of the specific zoning lot, produces the maximum amount of floor area allowed on that lot. Example – on a 10,000 square foot zoning lot in a zoning district with a maximum FAR 1.0, the floor area of the zoning lot cannot exceed 10,000 square feet. Some of these buildings will be built on side lots and both Boards are concerned about zero lot line issues, where a multiple dwelling will be built right up against an existing 1-3 family home, occupying the entire lot and obliterating light and air from one wall on the neighboring house.
- The program has no veterans' housing component.
- There is no definition of what a transit hub really is.
- If the buildings are built along transit hub, seniors and physically challenged residents who use public transportation will be forced to take buses (which are handicapped accessible), to the nearest subway stations that are equipped with handicapped accessible amenities. (In the case of Bronx Community Board #10, only two stations, the terminal stop for the #6 line at Pelham Bay have an elevator and escalator and Parkchester has an escalator. The Pelham Parkway Station on the #2 line in Board #11 has an elevator and escalator). This will prove to be difficult for those who are elderly or handicapped.
- In transit corridor starved districts like Board #10, there is a reliance on buses. There are very few bus shelters in this Board. These shelters are needed for the seniors and the challenged, to wait in, during inclement weather and the construction of such shelters should be part of the senior and affordable housing components.
- Boards like #10 and #11 have a significant amount 1-3 homes in areas that are zoned for low density districts. In the case of Board #10, the eastern half of the Board has been downzoned on several occasions. Additionally, Board #10 has benefitted from the Lower Density Growth Management Area (LDGMA) as well as a Special Zoning District on City Island. Neither Community Board #10 or #11 is interested in having these areas upzoned. The belief is that if the Mayor's Housing Plan goes through, the upzoning will arbitrarily take place. The upzoning of these areas to accommodate multiple dwellings will forever alter the character of these communities and it is not wanted.
- In some instances, senior housing will be constructed without access to elevators.
- The plan makes only vague reference to the upgrading of City services such as infrastructure improvements, new schools, sanitation, fire and police services.

- No reference is made to using local city labor contractors or suppliers to build any of the senior or affordable housing developments. Nor is any reference made to employing New York based minority or women owned firms, in furnishing the supplies or workers for the buildings' construction.
- It seems that the Mayor is not making the project a prevailing wage initiative.
- The plan makes no reference to support services offered to residents of any supportive or transitional housing that will be built under the program.
- The Plan makes no reference to the possibility of developers turning a property that has failed economically, over to social service agencies. This has happened in the past in our Board's area.
- There was a concern about the material used in the construction of so called "quality housing".
- There is no provision in either plan guaranteeing green space, or front or rear yards.
- The plans envision raised entrances off the sidewalks for multiple dwellings and the development of retail space at the sidewalk level. Given that the plans provide for no parking, how will deliveries be accomplished? Will the entrances to the buildings be handicapped accessible?
- The description of the plans makes no mention of EMMA, an initiative that benefits extremely low income tenants, even though we have spoken to City officials that stated EMMA would be part of this Plan.
- Due to the fact that neither the senior, nor the affordable housing programs provide parking for the buildings, no provision exists for vehicular turn arounds to drop tenants off at the front entrances of the buildings. Under the present scenario, tenants will be dropped on busy streets. This will prove to be difficult for senior and the handicapped.
- It was determined that each respective Board would attach suggestions (those presented above for Boards 10 and 11) to their decision. It should be noted that Bronx Community Boards 11 and 12 have subsequently turned down the plans. It was further felt that the Boards should send a letter to every elected official expressing their reservations.