



# THE CITY OF NEW YORK THE BOROUGH OF THE BRONX



Community Board #12 (The Bronx)

4101 White Plains Road

The Bronx, New York 10466

Telephone: 718 - 881 - 4455/56

Facsimile: 718 - 231 - 0635 Website: [www.nyc.gov/bronxcb12](http://www.nyc.gov/bronxcb12)

FATHER RICHARD F. GORMAN, ESQ.  
Chairman

GEORGE L. TORRES, II  
District Manager

27 November 2015

The Honorable Bill de Blasio  
Mayor of the City of New York  
City Hall  
New York City, New York 10007

**RE: HOUSING NEW YORK**

*Zoning for Quality and Affordability (Z.Q.A.) [Land Use Review Application #N160051ZRY]  
Mandatory Inclusionary Housing (M.I.H.) [Land Use Review Application #N160049ZRY]*

Your Honor:

At its Stated Meeting for October 2015, convened on Thursday evening, 22 October 2015 at 7:30 P.M. in Town Hall -- *i.e.*, 4101 White Plains Road in the Borough of The Bronx -- the membership of Community Board #12 (The Bronx) unanimously voted against a motion endorsing your Zoning for Quality and Affordability (Z.Q.A.) Initiative as well as against a motion endorsing your Plan for Mandatory Inclusionary Housing (M.I.H.). All TWENTY-SIX (26) Members of Community Board #12 in attendance voted in the **NEGATIVE** on the aforementioned motions with **NO** ("0") Members voting in the **AFFIRMATIVE** or to **ABSTAIN** or to **RECUSE**. **FOUR** (4) Members were **ABSENT WITH AN EXCUSE** and **SIXTEEN** (16) Members were **ABSENT WITHOUT AN EXCUSE**.

The aforesaid votes were conducted subsequent to a well-attended Public Hearing convened by the Standing Committee on Land Use of Community Board #12 (The Bronx) on Thursday evening, 15 October 2015 at Town Hall. Messrs. Shawn Brede, Deputy Director of the Bronx Borough Office of the New York City Department of City Planning (N.Y.C.D.C.P.) and Dana Driskell, an Associate at said Office, delivered a presentation on your **HOUSING NEW YORK** Text Amendments to both Members of Community Board #12 along with neighborhood residents. At the conclusion of the Public Hearing, the Standing Committee on Land Use voted to recommend to the entire Community Board that it vote against these two (2) proposals.



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**The ensuing list is an enumeration of the various reasons why Community Board #12 (The Bronx) is opposed to both Zoning for Quality and Affordability (Z.Q.A.) and Mandatory Inclusionary Housing (M.I.H.):**

- **Community Board #12 seriously questions the need for the aforesaid Plans. The stated objective of your Administration is the availability of two hundred thousand (200,000) units of affordable housing -- eighty thousand (80,000) new units to be created and one hundred twenty thousand (120,000) to be rehabilitated -- within a period of ten (10) years. The Board is of the opinion that HOUSING NEW YORK is a matter of overreach as its method and manner of generating approximately eight thousand (8,000) new units of affordable housing *per annum* is neither reasonable nor warranted, specifically its requirements to amend THE ZONING ORDINANCE OF THE CITY OF NEW YORK, negate progress achieved in contextual zoning and in the downzoning of Districts, and the further diminishment of the role of local government -- *viz.*, Borough Presidents and Community Boards -- in the planning process. Furthermore, the Community Board notes that the annual construction of eight thousand (8,000) units of affordable housing was nearly realized in prior years during previous Municipal Administrations without the aforesaid secondary effects as it also does with great admiration your recent arrangement to preserve five thousand (5,000) units of affordable housing in the purchase of Stuyvesant Town and Peter Cooper Village by The Blackstone Group. The aforementioned were all accomplished without resorting to the rather sweeping undesirable consequences that *HOUSING NEW YORK* involves.**
- **Community Board #12 invested a goodly number of years and energy endeavoring with the New York City Department of City Planning (N.Y.C.D.C.P.) to zone contextually our entire Community District. The slapdash and anarchic development that permeated Bronx Community District #12 during the 1990's and the initial years of the twenty-first century left our District devoid of open spaces and robbed many of our locales of their unique flavor and character. In their stead, tasteless, unattractive housing that crammed several families into a space formerly occupied by one appeared. The concomitant increase in population was not matched by a corresponding expansion of municipal services. HOUSING NEW YORK effectively annuls the advantages attained by contextual zoning and re-imposes prior detriments -- *viz.*, bigger buildings, more people, inadequate infrastructure, over-crowded transportation and educational facilities, greater insufficiency of parking, and**



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**overall denser neighborhoods. Peculiarly, neither of these Plans makes any precise mention of or allowance for the analogous provision of the municipal services necessitated by an augmented local population as they likewise fail to identify any actual material benefits that will accrue to a neighborhood as a consequence of participating in HOUSING NEW YORK.**

- **The overall effect of your HOUSING NEW YORK Formulas will be a spike in the general population of our Community Districts. As just remarked, HOUSING NEW YORK makes no concurrent commitment to amplify proportionally available municipal services as it further fails to indicate any parallel upgrade in local infrastructure, such as roadways and sewers. Providing folks a *place* to live may resolve one (1) issue, but it creates any number problems absent the aforementioned in affording people the *capacity* to live with a satisfactory quality of life.**
- **While touting Mandatory Inclusionary Housing (M.I.H.) and Zoning for Quality and Affordability (Z.Q.A.) as advantageous to those in need of housing at reasonable rents, these Initiatives are much more to the benefit of developers than tenants. The “*as of right*” stipulations to be written into THE NEW YORK CITY ZONING ORDINANCE relieves developers of the requirement to seek endorsement from agencies of local government -- *viz.*, Community Boards, Borough Presidents, and Borough Boards. In addition to shrinking the planning prerogatives of these local governmental actors as previously posited, it further eliminates the time and the cost of seeking variances and/or special permits and of bringing appeals before the New York City Board of Standard and Appeals (N.Y.C.B.S.A.). Making development of whatever sort under whatever rationale quicker, cheaper, and without adequate local review is big bucks in the pockets of developers and an injurious blow to the quality of life of citizens in our localities.**
- **Your HOUSING NEW YORK Initiatives neglect to include any provisions for the engagement of local labor, the payment of a living wage to workers, the hiring of a diversified work force, or incentives to assist the Veterans of our Armed Forces in procuring housing. The aforesaid are all worthy purposes embraced by Your Honor’s Administration. These glaring deficiencies are further evidence that your HOUSING NEW YORK Plans promote the welfare of powerful developers and real estate interests at the expense of us “*little folk*” who look to Government and to our elected officials to even up the playing field a bit for us.**

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- **Along this same argument, HOUSING NEW YORK does nothing to rescue the “working poor” -- *i.e.*, those New Yorkers with low or working class incomes or those surviving on disability, Social Security, or modest pensions. Those of our fellow New Yorkers who must contend with an increasingly more expensive cost of living while subsisting on fixed or diminishing incomes are astonishingly disregarded in your signature housing initiatives. Indeed, the issue of whether affordable housing is truly affordable must be carefully scrutinized. Recent articles in local newspapers, such as THE NEW YORK DAILY NEWS, report that nearly one-half (½) of all families who now reside in affordable housing are “rent-burdened” -- *i.e.*, expending more than thirty percent (30%) of their disposable income on housing. Even more shockingly, roughly fifteen percent (15%) fall into the category of “severely rent-burdened” with more than one-half (½) of their consumable income eaten up by rent. Apparently, incremental rent increases in affordable developments, many of which are in the Borough of The Bronx, were permitted to increase while tenant income shrunk or remained flat. One-third of affordable renters witnessed their rent growing by greater than twenty percent (20%) and more than one (1) in ten (10) were afflicted with a greater than forty percent (40%) hike in their rental charges. The aforementioned hikes significantly exceed the average rent increase City-wide in the last decade or so.**
- **Considerable apprehension exists on the part of Community Board #12 (The Bronx) as to the issue of what occurs if and when the affordable housing created under the formulations of HOUSING NEW YORK fails to be marketed. In Bronx Community District #12, we have had the unfortunate experience of a developer who constructed a vast array of affordable units -- having received affordable housing tax abatements from the New York City Department of Housing Preservation and Development (N.Y.C.D.H.P.D.) -- not being able to rent them and subsequently turning initially to the New York City Department of Homeless Services (N.Y.C.D.H.S.) and subsequently to not-for-profit (N-F-P) organizations to acquire said units as housing for the homeless. What ironclad guarantees will be given that housing units created for affordable purposes will not similarly be dangled before and gorged by a City with an exploding homeless population as a solution for sheltering the homeless? Kindly note in this regard that, despite assurances by the ranking leadership of N.Y.C.D.H.S. that all scatter site housing for the homeless would be identified for affected Community Boards and that the scatter site policies of the prior Municipal Administration would be terminated, neither commitment**



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**has been honored and recently N.Y.C.D.H.S. has announced, not only the perpetuation of the scatter site program, but its expansion in Community Board #12 (The Bronx).**

- The most glaring deficiency in your HOUSING NEW YORK Proposals is that, while endeavoring to augment the availability of affordable housing in the City of New York, it utterly ignores the flaws in the City's affordable housing program as currently devised. The rooms in affordable units are too small for comfortable living, especially if one has children. Moreover, these apartments have a paucity of closet space. They are, far and away, nothing as comfortable and as spacious as units in public housing or in developments such as Co-op City in The Bronx. Interestingly, in areas such as Community Board #12 (The Bronx), in which we have been burdened as referenced above with affordable housing schemes, we have simultaneously witnessed the construction of warehouse storage facilities, ostensibly because families in affordable housing want for sufficient closet and storage space.**
- A final trepidation relative to HOUSING NEW YORK, which is of critical concern to Community Board #12 (The Bronx), is the provision that all details of this proposal are subject to alteration by application to the New York City Board of Standards and Appeal (N.Y.C.B.S.A.) and/or to the Council of the City of New York. The intervention of said actors in Municipal Government negates the argument that your HOUSING NEW YORK Proposals will be adhered to in a uniform, reliable, consistent, and apolitical fashion. This Community Board has long suffered under the imperious decisions of N.Y.C.B.S.A., which have been indifferent and injurious to local neighborhoods. Furthermore, since undoubtedly any number of individual projects will undergo review by these bodies, why not allow the longstanding present practice of assessing each affordable housing project on an individual, case-by-case basis to continue? To continue to incorporate roles for N.Y.C.B.S.A. and the City Council maintains the privileged position of the wealthy, the well-lawyered, and the politically astute to the detriment of average, ordinary New Yorkers.**

**Particularly with reference to your Plan for Mandatory Inclusionary Housing (M.I.H.), Community Board #12 (The Bronx) raises the ensuing concerns:**

- Presentations and materials relative to M.I.H. supplied by the New York City Department of City Planning (N.Y.C.D.C.P.) do not supply reasonable and adequate demonstration of the precise manner in which the sound integration**

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**of neighborhoods, an objective of M.I.H. averred by N.Y.C.D.C.P., will be accomplished. The fear, in this instance, is that viable, healthy neighborhoods comprised of families with a diversity of income levels will neither be established nor sustained by this proposal.**

- Your Mandatory Inclusionary Housing (M.I.H.) does not involve all neighborhoods and areas universally and equally throughout the City of New York. Notably, affluent Districts, specifically Community Boards #1 through #8 in the Borough of Manhattan, are exempt from compliance with its strictures.**
- The draft Environmental Assessment Statement (E.A.S.) for the Mandatory Inclusionary Housing (M.I.H.) Text Amendment was neither composed, studied, or appraised by an independent, third-party entity, but by the New York City Department of City Planning (N.Y.C.D.C.P.) *per se*. The E.A.S. Form, with any supporting documentation, describes the proposed action and provides an initial analysis of its potential effects upon the environment. Its function is to aid the lead agency, in this case N.Y.C.D.C.P., in a determination as to whether any identified adverse impact on the environment may be significant enough to warrant further analysis in an Environmental Impact Statement (E.I.S.). The fact that the Department itself wrote the E.A.S. for M.I.H., since N.Y.C.D.C.P. has a palpable interest in the realization of this project, is an apparent conflict of interest at best and, in all likelihood, an egregious one. The draft Statement does not furthermore include any reference to issues such as gentrification and the Department has heretofore not deemed fit to provide any information that said subject matter was even contemplated.**
- The New York City Department of City Planning (N.Y.C.D.C.P.) self-certified its own conclusion that any units of affordable housing generated by Mandatory Inclusionary Housing (M.I.H.) will not have any bearing or consequence upon the public safety, health, and welfare of the various neighborhoods of New York City. No justification or rationalization for N.Y.C.D.C.P.'s "negative declaration" in this regard has been provided by the Department, despite various requests for it.**
- The possibility that housing units of a mere two hundred fifty square feet (250 sq. ft.) can be constructed for senior citizens under the provisions of Mandatory Inclusionary Housing (M.I.H.) is objectionable and unacceptable to Community Board #12 (The Bronx). It is, practically speaking, relegating our "golden agers" to an S.R.O.-style -- *i.e.*, Single Room Occupancy -- tenancy.**
- Rather than the Mandatory Inclusionary Housing Text Amendment, Community Board #12 (The Bronx) would prefer that existing programs and those**



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**ingrained in sound neighborhood planning that create and/or maintain affordable housing be utilized -- *e.g.*, the Article 8-A Loan Program that creates low-interest loans for owners to conserve affordable units; increasing the bonding cap of the New York City Housing Development Corporation (N.Y.C.H.D.C.) which will produce more low-interest loans to erect affordable housing; and the support of both Municipal and State Programs that enable tenants to remain in their homes, markedly those that assist and/or subsidize tenants in paying their rent.**

**Relative to Zoning for Quality and Affordability (Z.Q.A.), Community Board #12 (The Bronx) is in opposition to the subsequent stipulations provided in it:**

- Its ploy to do away with contemporary parking requirements is so ridiculous as to be unworthy of serious proposal or debate. To postulate that seniors and/or those meeting affordable housing requirements can do without any, or, at the very least, less, parking defies sound reasoning and planning. In areas such as Bronx Community District #12, the need for automotive availability is more than a trifling convenience and its absence can deprive one of the convenience of access needed for shopping, health care, and worship. Seniors and those with lower incomes do and must drive in Community Board #12 (The Bronx). They do and truly need to own a motor vehicle. Moreover, these residents do have family members, friends, and other social acquaintances who, in all likelihood, come to be with them. These visitors require and should have adequate opportunities for parking as well. In the course of discussions relative to this point, it was divulged that the New York City Department of City Planning (N.Y.C.D.C.P.) had relied in part upon the registration records of the New York State Department of Motor Vehicles (N.Y.S.D.M.V.) in order to arrive at its conclusions in this instance. This decision is a serious shortcoming as it should be recognized at this point that far too many City residents register their motor vehicle out-of-state for insurance purposes. The number of vehicles bearing license plates from such States as Florida, Pennsylvania, Ohio, and Georgia -- just to list a few -- are legion.**
- Zoning for Quality and Affordability (Z.Q.A.) identifies so-called "transit zones" that conform to subway lines and extend in area to one-half (1/2) mile on both sides of these routes. Including the line of reasoning just previously mentioned, it should be additionally noted that those Community Districts with more subways lines will be impacted to a greater extent by Z.Q.A. than those**

with less or none. Similarly, no consideration is given to the reality that not all subway stations are compliant with the stipulations of the Federal Americans with Disabilities Act (A.D.A.) and that even those stations that do comply with the law quite frequently are plagued by recurrent equipment failure. The aggravation and the annoyance to be inflicted upon senior citizens of advanced age and/or physical limitations as well as to younger individuals with children, especially those in strollers, by this circumstance will not be insubstantial.

- The argument advanced in my prior comments relative to the Mandatory Inclusionary Housing (M.I.H.) Initiative concerning the construction of units as small as two hundred fifty square feet (250 sq. ft.) for seniors applies equally with regard to the Zoning for Quality and Affordability Text Amendment (Z.Q.A.) as well.
- Zoning for Quality and Affordability (Z.Q.A.) promotes a greater density, floor area, height, and number of units for senior affordable housing projects throughout the City of New York. Such an allowance has adverse consequences for a proper enjoyment of air, light, and living space along with its reversal of the value of local contextual zoning efforts.
- Zoning for Quality and Affordability (Z.Q.A.) encourages the first-time and unparalleled utilization of a heretofore proscribed use by sanctioning the erection of multiple dwelling units labeled “Continuing Care Retirement Communities” (C.C.R.C.) in R-1 and R-2 Single-Family Districts without any stipulation for affordable housing. The consequence of this feature, which is without precedent, will be structures of greater height and overall number of units. Adding to the objectionable nature of this proposal is that such C.C.R.C.’s, despite the affirmations of the New York City Department of City Planning (N.Y.C.D.C.P.) that they are not being developed “as-of-right,” need authorization solely from the New York City City Planning Commission (N.Y.C.C.P.C.), a proviso that bypasses the Uniform Land Use Review Process (U.L.U.R.P.) that provides for review by local Community Boards, Borough Presidents, Borough Boards, and the New York City Council.
- The New York City Department of City Planning (N.Y.C.D.C.P.) itself certified the Draft Environmental Impact Statement (D.E.I.S.) for Zoning for Quality and Affordability (Z.Q.A.). This undertaking should have been the purview of an independent, third-party entity as N.Y.C.D.C.P. is not a disinterested party in the approval of the suggested Z.Q.A. Text Amendment. Hence, the statements made earlier relative to the Environmental Impact Statement (E.I.S.) connected with Mandatory Inclusionary Housing (M.I.H.) Initiative also



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apply in this instance -- *viz.*, that the Department has ensnared itself in an ostensible conflict of interest, if not an actual one.

- Furthermore, also with regard to the Draft Environmental Impact Statement (D.E.I.S.), it gives no indication of how Zoning for Quality and Affordability (Z.Q.A.) will bear upon such issues as infrastructure in impacted neighborhoods. While silent on the topic of how Z.Q.A. will meaningfully advance the construction of affordable housing and how many actual affordable units will be generated as a product of this Initiative, the D.E.I.S. utters nary a comment, too, relative to the manner in which new development spawned by Z.Q.A. will environmentally impact the public health, the safety, and the quality of life of all New Yorkers.
- In addition to the above-stated beliefs pertaining to the unwelcome repercussions of your HOUSING NEW YORK Text Amendments upon contextual zoning successes realized in Bronx Community District #12, it must equally be noted that the changes in contextually zoned areas engendered by Zoning for Quality and Affordability (Z.Q.A.) are for aesthetic and enhanced visual purposes only and do not, in any consequential fashion, contribute to a growth in the quantity of affordable housing units.
- Community Board #12 (The Bronx) proposes that the goal of more affordable housing in the City of New York can be achieved by reliance upon already existing Municipal and State programs that (1) seek to preserve presently existing affordable housing units -- *i.e.*, the Article 8-A Loan Program; (2) create low-interest loans for the building of more affordable housing -- *i.e.*, New York City Housing Development Corporation (N.Y.C.H.D.C.) bonds; and strategies that underwrite rent support, stabilization, and subsidization.

Community Board #12 (The Bronx) avers that it wholehearted concurs with the Municipal Administration's worthy and necessary objective to increase the availability and to insure the excellence of affordable and senior housing. The means to this end are that with which the Community Board takes exception. Notwithstanding the lofty goals sought, the burdens imposed by the proposed methods to realize these aims and the detrimental repercussions engendered by the methods recommended cannot be abided. Community Board #12 will support any affordable housing initiative that takes into consideration and respects the ensuing principles:

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- **The employment of City-based and of minority and women-owned businesses must be specified and statistically verified as must the payment of a living wage to labor and of incentives to house our Veterans.**
- **Any affordable housing initiatives must uniformly and proportionately impact all Community Boards in all five (5) Boroughs of New York City.**
- **All reviews, such as the Environmental Assessment Statement (E.A.S.) and the draft or final Environmental Impact Statement (E.I.S.) must be compiled by independent, third-party outfits extrinsic to the New York City Department of City Planning (N.Y.C.D.C.P.) in order to preclude a conflict-of-interest or the appearance thereof.**
- **Affordable housing development must not diminish the number of currently mandated spaces for parking.**
- **The elimination of local planning input by Community Boards, Borough Presidents, and Borough Boards by the creation of new-fangled “as-of-right” uses or by authorizations to develop solely on the basis of approval from the New York City City Planning Commission (N.Y.C.C.P.C.) must not be enacted.**
- **Local planning participation by Community Boards, Borough Presidents, and Borough Boards must not be constrained and reduced by a “one-size-fits-all” approach to neighborhood planning that inhibits or prohibits the singular contributions to be made by Community Boards and Borough Presidents due to their comprehension and estimation of the particular characteristics and needs of localities and of how planning amendments will shape them.**
- **No multiple housing development must occur in R-1 and R-2 Single Family Zones.**
- **Where it has been enacted, contextually-zoned Districts must not be impaired by “as-of-right” uses that eliminate structural height limitations, side and/or back yards, or contemporary Floor Area Ratio (F.A.R.) requirements.**
- **The construction of affordable units of less than four hundred forty square feet (440 sq. ft.) is to be prohibited unless specifically promoted and sanctioned by the local Community Board and the appropriate Borough President.**

**In conclusion, Your Honor, I express the disappointment of my colleagues in the family of New York City Community Boards relative to the mode in which your HOUSING NEW YORK Initiatives were forwarded to us by the New York City Department of City Planning (N.Y.C.D.C.P.). The mammoth magnitude of the papers and the documents to be absorbed merited way more than the sixty (60) days afforded to us and simultaneously to our five (5) Borough Presidents. Indeed, lumping review of the Text Amendments by the Community Boards and the Borough**




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**Presidents into a single, sixty-day period, was ill-chosen, ill-timed, and insensitive to local constituencies. Borough Presidents should have been afforded a separate and further sixty-day evaluation period subsequent to that of Community Boards. Since HOUSING NEW YORK entails issues and aspirations so wide-reaching, novel, and essential to the people of a great City, there is no need to rush to judgment, hurtling headlong into a new zoning paradigm *via* “document dump” and absent prudent reflection and sober evaluation.**

**I thank you for your kindness in considering the extensive comments contained in this correspondence and trust that they will contribute to formulating a concluded and comprehensive program to build and to maintain affordable and senior housing in the City of New York that is satisfactory and agreeable to all.**

**With respect,**

  
**FATHER RICHARD F. GORMAN, ESQ.  
Chairman**

**pc The Honorable Letitia A. James, Public Advocate for the City of New York  
The Honorable Scott M. Stringer, Comptroller of the City of New York  
The Honorable Ruben Diaz, Jr., Borough President of The Bronx  
The Honorable Eric L. Adams, Borough President of Brooklyn  
The Honorable Gale A. Brewer, Borough President of Manhattan  
The Honorable Melinda R. Katz, Borough President of Queens  
The Honorable James S. Oddo, Borough President of Staten Island  
All Members of the Council of the City of New York  
All Members of the New York City Planning Commission (N.Y.C.C.P.C.)  
All New York City Community Boards  
Files: Mayor, City Planning, land Use, Correspondence**