



**The City of New York
Bronx Community Board Three**

1426 Boston Road, Bronx, NY 10456
Telephone No.:(718)378-8054 – Fax No.:(718)378-8188/8226
E-mail Address: brxcomm3@optonline.net

DIAL	Government Services
311	& Information for NYC
Comm. Bd. Info go to: bronxmail.com	

**RUBEN DIAZ, JR.
BRONX BOROUGH PRESIDENT**

**GLORIA ALSTON
CHAIRWOMAN**

**JOHN W. DUDLEY
DISTRICT MANAGER**

November 25, 2015

MR. CARL WEISBROD
CHAIRPERSON
CITY PLANNING COMMISSION
CALENDAR INFORMATION OFFICE
22 READE STREET, ROOM 2E
NEW YORK, NY 10007

MR. CARL WEISBROD
CHAIRPERSON
CITY PLANNING COMMISSION
120 BROADWAY, 31ST FLOOR
NEW YORK, NY 10271

**RE: N 160049 ZRY
ZONING FOR QUALITY AND AFFORDABILITY
TEXT AMENDMENT**

**N 160051 ZRY
MANDATORY INCLUSIONARY HOUSING
TEXT AMENDMENT**

Dear Mr. Weisbrod:

The following commentaries and recommendations of Bronx Community Board Three, related to the above text amendments **N 160049 ZRY** and **N 160051 ZRY**, were approved by the full board at its meeting held November 10, 2015, in which there was a quorum of members present and entitled to vote.

ZONING FOR QUALITY AND AFFORDABILITY TEXT AMENDMENT (N160049ZRY)

The citywide text amendment, according to DCP, is aimed at targeting changes to zoning regulations which would address the needs of affordable housing, aid in the efficient use of housing subsidies and encourage higher quality residential buildings in NYC medium to high density neighborhoods. Despite the coordinated efforts of the citywide administration to construct and preserve 200,000 units of affordable housing in 10 years under "Housing New York", this recommended text amendment was developed by DCP, absent of a comprehensive and deliberate approach to educate local community boards in understanding the existing zoning text, and the development implications of the proposed text amendment related to individual districts with varying neighborhood characteristics and zoning designations.

EXECUTIVE OFFICERS

Rev. Bruce Rivera
1st Vice-Chairperson

Lind Kemp
2nd Vice-Chairperson

Gail Gadsden
Secretary

Leslie Phipps
Treasurer

Rita Jones
Sgt.-at-Arms/Parliamentarian

Of particular concern with ZQA, related to the administration's goal of promoting housing affordability, is the notion that city capital resources would be "freed-up" to create more affordable housing, by eliminating parking requirements for affordable, senior housing and voluntary inclusionary housing developments in transit accessible zones, which are areas within a ½ mile radius of public transportation. According to DCP, these developments would become less costly and easier to construct; nevertheless, there is no commitment under this amendment, that the capital resources would be assigned to other development projects within the respective community board from which the savings are realized through the optional waiver.

Bronx Community District Three, in its virtual entirety, has been identified as a transit zone, to make allowances for implementation of optional parking requirements for developers seeking to develop affordable, senior housing and voluntary inclusionary housing developments. Existing parking requirements under current zoning, make allowances for reduced parking utilization for affordable and senior housing to nearly ½ of what would be required for market rate housing. The contention that DCP data collected and verified by affordable housing providers, showing lower parking utilization rates for seniors and low income residents, is already established and accounted for through the existing zoning text. ZQA would serve to impose further restrictions through an optional waiver, adding to the suggestion that the ZQA text amendment is punitive on this issue of parking needs for low income residents, now and into the future.

Additionally, if the ZQA were approved, parking requirements within Transit Zones for existing affordable senior housing developments could be removed as of right, while other existing affordable housing could apply for a new Board of Standards and Appeals (BSA) special permit (Section 73-434), to remove previously provided parking that is not needed.

Furthermore, through a separate BSA special permit, other new buildings being constructed as mixed income developments, could apply to reduce or eliminate their parking requirements under the existing zoning text, provided it would not have an adverse affect on the surrounding area. The ZQA opens the possibility for unlimited complications resulting in on street parking demands, which would otherwise not be exacerbated under the existing zoning resolution.

The ZQA, if approved, would place considerable hardships on residents with mobility impairments and those living in two fare zones. Residents residing within the area of the recently completed Melrose Commons Housing Development have seen the number of vehicles parked on street skyrocket, wherein it may routinely take an hour to find local area parking in the evening.

The ZQA does not take into consideration other options for use of unused parking spaces at affordable, senior housing and voluntary inclusionary housing developments. Owners should be afforded the ability to market unused parking spaces for monthly rental to other community residents, while certain other unused spaces could serve as a resource for caregivers and other professionals attending to the needs of the elderly.

RECOMMENDATION: The Zoning Quality Text Amendment is **not recommended** for support due to the complexities of issues stated.

MANDATORY INCLUSIONARY HOUSING TEXT AMENDMENT (N160051ZRY)

The citywide text amendment, according to DCP, is designed to use zoning to require permanently affordable housing when future City Planning Commission actions encourage substantial new housing. This text amendment would require that for all public and private applications to CPC for re-zoning to encourage substantial new housing, the developer is required to elect one of three options:

- Provide 25% of housing at an average of 60% AMI
- Provide 30% of housing at an average of 80% AMI or in limited emerging or mid-market areas, provide 30% of housing at an average of 120% AMI—no subsidies under this option. (option not available in Manhattan CDs 1-8)

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Locations of inclusionary housing units can be on site in same building as market rate units and spread on at least half the buildings stories, with a common street entrance and lobby; on site, separate building, completely independent from the ground to the sky and off-site on a different zoning lot located within the same community district or within a half mile radius.

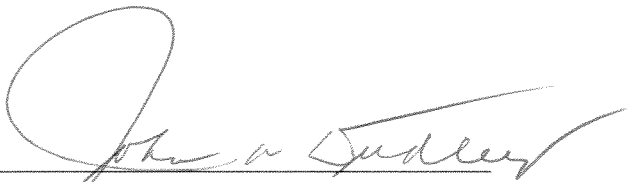
DCP has also provided other considerations including a payment in lieu option for buildings between 11-25 units, into a development fund. Requirements for affordable units could be reduced or waived through BSA, where they would make the development infeasible (legal requirement for hardship relief).

The concern with MIH relates to the consideration, under the text, that the affordable units could be created at a separate building or different zoning lot, which may or may not rest within the boundaries of the community district which is the subject of the re-zoning. These requirements undermine the spirit of the mixed income development options and foster isolation of market rate units from affordable units. Additionally, it is important to understand the means by which affordable developments that are constructed off site, will meet sufficient development timelines and be managed and maintained.

Most importantly as it relates to this proposed amendment, is the question as to how the payment in-lieu option funds will be allocated and spent and whether the payment in-lieu funds from the community board MIH sites, will be spent within the community board, on affordable housing projects.

Lastly, Bronx CB 3 has asked the NYC Department of HPD and HDC, to give consideration to re-evaluating affordable housing eligibility indexes, so that eligibility is based on income derived from census tracts within the county and proposed neighborhood where the project is to be located, as opposed to the NYC AMI which is greater. This approach will afford greater opportunities for admission by residents living in and around the proposed new affordable housing site.

RECOMMENDATION: The Mandatory Inclusionary Housing text amendment is **not recommended** for support due to the complexities of issues stated.



John W. Dudley
District Manager
Bronx Community Board Three

November 25, 2015

CC: Gloria Alston, Chairwoman
Hon. Ruben Diaz Jr., Bronx Borough President
Hon. Ritchie J. Torres, Councilman, 15th District
Hon. Vanessa L. Gibson, Councilwoman, 16th District
Hon. Maria Del Carmen Arroyo, Councilwoman, 17th District

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