



BRONX COMMUNITY BOARD NO. 8

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November 12, 2015

Carl Weisbrod, Chair
NYC Planning Commission
22 Reade Street
New York, NY 10007

Re: Mandatory Inclusionary Housing DCP Land Use Review Application No. N160051ZRY

Dear Chair Weisbrod:

At its regular Board meeting held on November 10, 2015, Bronx Community Board No. 8 approved the following resolution by a vote of 35 in favor, 0 opposed and 2 abstentions to disapprove the above referenced application:

WHEREAS, the Mayor has proposed a plan entitled Housing New York which is a ten-year plan for 80,000 new units of affordable housing and preserving 120,000 units of affordable housing;

WHEREAS, the range of initiatives the Mayor has set forth includes two, city-wide zoning text proposals, one of which is Mandatory Inclusionary Housing ("MIH");

WHEREAS, the proposed zoning text amendment known as MIH was certified to Bronx Community Board 8 ("CB 8") on September 21, 2015;

WHEREAS on October 14, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning ("DCP") and public comment on MIH, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a special understanding of the unique character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 conducted extensive public outreach to develop a community-wide comprehensive 197-a Plan entitled CD8 2000: A River to Reservoir Preservation Strategy, which included the stated goals of the creation of affordable housing, the protection of the area's unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003, the New York City Council adopted a Resolution enacting into law the same 197-a Plan;

WHEREAS, the MIH as presented is not a product of community-based planning, nullifies the advances of the 197-a Plan, and does not take into account the special character of any neighborhood within the City of New York;

WHEREAS, the MIH is a one-size-fits-all approach to planning and in an attempt to finance affordable housing through zoning, places our communities at peril for generations to come;

WHEREAS, the DCP was asked to demonstrate how and in what particularized respects the MIH will, as represented by DCP, advance the integration of communities, particularly given the suggestion by DCP that the presently contemplated communities targeted for implementation are areas such as East New York, Brooklyn, and potentially Inwood, the South Bronx and other like communities, as contrasted with, more affluent areas, of Manhattan:

WHEREAS the Environmental Assessment Statement ("EAS") fails to demonstrate that consideration has been given to issues such as gentrification in areas such as East New York and, despite request to DCP, to provide a showing that such consideration was specifically addressed, none has been forthcoming;

WHEREAS, the MIH requires the inclusion of 25-30% of units in a development to be affordable by increasing the floor area ratio for such developments, increasing density, height and number of units across the City of New York which will diminish air, light and space to all New Yorkers;

WHEREAS, the MIH's draft EAS was not written and reviewed by an independent third party but rather by the Department of City Planning which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, the Department of City Planning's self-certified conclusion is a "negative declaration" meaning that any resulting affordable units will not have any effect on the public health, safety and welfare of our city, and no basis has been shown for the merit of such a certification and, indeed, the DCP has failed to demonstrate, in response to direct questioning and request, that such is the case;

WHEREAS, the requirement, that the mandated percentage of affordable units in a development be distributed over more than 50% of the floors of a building so as not to stigmatize the residents of those units, is suspended and dispensed with for senior citizens;

WHEREAS, the MIH allows developers to construct apartments as small as 250 square feet for senior citizens;

WHEREAS, the MIH text creates a new Board of Standards & Appeals (“BSA”) special permit that allows developers to request waivers to each and every MIH requirement, upon a claim of failure to make a reasonable return, but the newly- drafted findings required for the grant of this BSA special permit omits a standard finding of no adverse impact on community character;

WHEREAS, the EAS is silent on the number of affordable housing units expected as a result of the zoning text changes;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how the MIH will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development (“HPD”) and the NYC Housing Development Corporation (“HDC”);

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor’s initiative for Housing New York to create 80,000 units of affordable housing and preserving 120,000 units by the year 2025 but takes issue with the means used, especially the Zoning mandates of MIH, to effectuate the desired result;

WHEREAS, the MIH as written does not include evidence of or a mandate for inter-agency cooperation that would be required to accommodate new residents attracted by developer incentives in already resource-deprived areas of CB 8;

WHEREAS, Bronx CB 8 believes that any resources spent on MIH could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports all city and state programs that rehabilitate and preserve affordable housing including the Article 8A Loan Program which creates low interest loans for owners to preserve affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants to remain in their apartments;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet, especially for our senior citizens;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Mandatory Inclusionary Housing zoning text amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Padernacht', written in a cursive style.

Daniel Padernacht
Chairman

Original letters sent to:

Mayor Bill de Blasio
Carl Weisbrod, Chair, NYC Planning Commission
New York City Speaker Melissa Mark-Viverito
Bronx Borough President Ruben Diaz, Jr.

Carbon Copy sent to:

Members of New York City Council
New York City Community Boards



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November 12, 2015

Carl Weisbrod, Chair
NYC Planning Commission
22 Reade Street
New York, NY 10007

Re: Zoning for Quality and Affordability Text Amendment DCP Land Use Review Application No. N160049ZRY

Dear Chair Weisbrod:

At its regular Board meeting held on November 10, 2015, Bronx Community Board No. 8 approved the following resolution by a vote of 35 in favor, 0 opposed and 2 abstentions to disapprove the above referenced application:

WHEREAS, the Mayor has proposed a ten-year plan for affordable housing that recommends the construction of 80,000 new units and the preservation of 120,000 units;

WHEREAS, among a range of initiatives, the Mayor has set forth two, city-wide zoning text changes, one of which is Zoning for Quality and Affordability ("ZQA");

WHEREAS, the proposed zoning text amendment known as ZQA was certified to Bronx Community Board 8 ("Bronx CB 8" or "CB 8") on September 21, 2015;

WHEREAS on October 28, 2015 and November 9, 2015, the Land Use Committee of CB 8 held hearings on and received both Department of City Planning ("DCP") and public comment on ZQA, following prior circulation to Board Members of a link to or a copy of the text thereof;

WHEREAS, Bronx CB 8 believes that each community board has a unique understanding of the special character of its neighborhoods and is in the best position to determine the impact of zoning text changes;

WHEREAS, in 1997 Bronx CB 8 undertook an extensive public outreach process with the goal of developing a community-wide comprehensive 197-a Plan entitled “CD8 2000: A River to Reservoir Preservation Strategy” with many stated goals, including the creation of affordable housing, the protection of the area’s unique character and natural assets and the enhancement of the economic, cultural and social opportunities for its residents;

WHEREAS, on October 22, 2003 the New York City Planning Commission adopted a Resolution confirming the 197-a Plan submitted by Bronx CB 8;

WHEREAS, on November 19, 2003 the New York City Council adopted a Resolution enacting into law the 197-a Plan submitted by Bronx CB 8;

WHEREAS, the ZQA was not a product of community based planning, nullifies many of the advances of the 197-a Plan created by Bronx CB 8 and does not take into account the special character of CB 8;

WHEREAS, the ZQA is a one-size-fits-all approach to planning, attempting to finance affordable housing through zoning to the detriment of and without regard to the character or changing character of communities for generations to come;

WHEREAS, the ZQA allows developers to construct affordable senior citizen apartments as small as 250 square feet for its residents across the City of New York;

WHEREAS, the ZQA increases the density, floor area, height and dwelling unit count of affordable senior housing across the City of New York, which will significantly diminish air, light, open space and living space;

WHEREAS, the ZQA reduces or entirely eliminates the required parking for these new developments across the City of New York ignoring the different and critical transportation needs of neighborhoods within the City of New York and the ability or willingness of government to provide sufficient and efficient public transportation to meet the needs of residents—present and prospective;

WHEREAS, ZQA identified “transit zones” with diminished parking that are located within one half-mile of subway stations but fails to note that only one subway station in CB8, at West 231st Street, is accessible to those with disabilities and senior citizens with impaired mobility,

WHEREAS, ZQA, in an unprecedented action, allows an otherwise impermissible use, which increases dwelling unit count and building height, by permitting multiple dwelling unit buildings called Continuing Care Retirement Community (“CCRC”), to be located in single family R1 and R2 Districts without any necessity for affordable units;

WHEREAS, ZQA, while claiming that the new CCRC use is not as-of-right, allows these multiple dwelling unit buildings in R1 and R2 Districts by only a City Planning Commission authorization, thereby avoiding ULURP, the community board and City Council review;

WHEREAS, the ZQA's draft environmental impact statement ("DEIS") was not certified by an independent third party but rather by the Department of City Planning, which has a vested interest in its approval, thereby creating the appearance of a conflict of interest, if not a conflict;

WHEREAS, City Planning was specifically asked to submit and has failed to establish how and in what particular respects the ZQA will significantly advance the creation of affordable housing, particularly in the context of current initiatives and accomplishments of the Department of Housing Preservation and Development ("HPD") and the NYC Housing Development Corporation ("HDC");

WHEREAS, the DEIS concludes that there are no issues in need of mitigation disregarding the real infrastructure needs of the affected communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city;

WHEREAS, the DEIS is silent on the number of affordable housing units expected as a result of the zoning text changes and has failed to demonstrate how the ZQA will significantly advance the creation of affordable housing;

WHEREAS, the ZQA impairs the goals of contextual zoning which were embodied in Bronx CB 8's 197-a Plan by increasing height, eliminating yards, allowing construction in rear yards and reducing the distance between buildings;

WHEREAS, the changes to contextual zoning are proposed for aesthetic reasons only and do not produce any affordable housing units;

WHEREAS, many of the proposed zoning changes will increase pressure on acquisition and demolition of underdeveloped property for purposes of redevelopment resulting in the likely removal of already affordable housing, thus changing the character of our neighborhoods;

WHEREAS, Bronx CB 8 believes that resources that would be spent on the ZQA could be used more efficiently in other plans rooted in community planning to create and preserve affordable housing;

WHEREAS, Bronx CB 8 supports the underlying general principles of the Mayor's initiative to create 80,000 new units of affordable housing and preserving 120,000 units of affordable housing as outlined in his plan, Housing New York;

WHEREAS, Bronx CB 8 supports all housing programs including the Article 8A Loan Program which create low interest loans and other financial incentives for owners to preserve already existing affordable housing;

WHEREAS, Bronx CB 8 supports the increase of the bonding cap for NYCHDC which creates low interest loans for developers to create new affordable housing;

WHEREAS, Bronx CB 8 supports the funding of city and state programs that protect the rights of tenants of rent-stabilized and other affordable housing units to remain in their homes;

NOW, THEREFORE,

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that does not set a minimum unit size at 400 square feet;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that permits multiple dwelling unit buildings to be created in single-family districts;

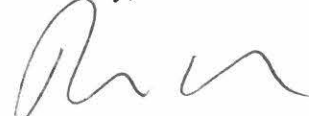
BE IT RESOLVED THAT, Bronx Community Board No. 8 is opposed to any zoning text amendment that increases the height for contextual buildings and eliminates yards, allows rear yard construction and lessens distance between buildings;

BE IT RESOLVED THAT, Bronx CB8 is opposed to any zoning text amendment that increases the floor area ratio of buildings as of right;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to any zoning text amendment that reduces or eliminates parking;

BE IT RESOLVED THAT, Bronx CB 8 is opposed to the Zoning for Quality and Affordability text amendment.

Sincerely,



Daniel Padernacht
Chairman

Originals sent to:

Mayor Bill de Blasio
Carl Weisbrod, Chair, NYC Planning Commission
NYC Council Speaker Melissa Mark-Viverito
Bronx Borough President Ruben Diaz, Jr.

Carbon Copy sent to:

New York City Council
New York City Community Boards