



Diane Collier  
*Chair*

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## COMMUNITY BOARD ELEVEN

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### RESOLUTION

**Date: November 23, 2015**

**Committee of Origin: Executive**

**Full Board Vote: 29 In Favor, 1 Opposed, 2 Absentions, 0 Present/Not Voting**

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#### **Resolution on proposed Mandatory Inclusionary Housing Plan**

**WHEREAS**, the development of new and the preservation of existing affordable housing is one of the foremost concerns for East Harlem and New York City (“NYC”) at-large;

**WHEREAS**, the cost of living in NYC has been increasing, the demand for housing has outpaced the supply of housing and the growth and desire for luxury development has posed immense hardships for many NYC—and specifically East Harlem—residents who desperately wish to remain members of their community;

**WHEREAS**, Community Board 11 of Manhattan (“CB11”), on behalf of the East Harlem community, has persistently advocated to local, state and federal officials that affordable housing must be both expanded and preserved;

**WHEREAS**, CB11 outlined and recommended a mandatory inclusionary housing program in 2013 in conjunction with its Park Avenue rezoning recommendations;

**WHEREAS**, governmental and political leaders desire to address the lack of affordable housing by promoting increased development of affordable housing units through changes to the NYC Zoning Resolution as well as through other initiatives that comprise “Housing New York,” NYC Mayor Bill de Blasio’s housing plan;

**WHEREAS**, the NYC Department of City Planning (“DCP”) has designed and proposed the implementation of a Mandatory Inclusionary Housing program (“MIH”) that will make affordable housing a mandatory component of new residential development as well as to guarantee the permanency of affordable housing;

**WHEREAS**, CB11 has consulted with various stakeholders, including representatives of DCP and other NYC agencies, and has evaluated the proposal in consultation with members of the public, including residents, neighbors and friends of East Harlem;

**WHEREAS**, a public hearing on this matter was held on November 9, 2015, where CB11 heard from other members of the public and their views of MIH;

**WHEREAS**, CB11 has recognized the historic import of MIH and the benefits it offers to the East Harlem community but has also identified a number of deficiencies in MIH that, if addressed and corrected, would substantially improve MIH and further benefit the East Harlem community;

**THEREFORE BE IT**

**RESOLVED**, MIH's proposed option to increasing new, permanently affordable units by permitting developers to provide the requisite affordable units in different zoning lots but in the same Community District or within ½ mile of the project must not be implemented as it exacerbates socioeconomic segregation and is clearly contrary to the MIH's planning goal of fostering economically diverse communities;

**FURTHER RESOLVED**, MIH's proposed "on-site, separate building" option to increasing new, permanently affordable units by permitting developers to provide the requisite affordable units on the same zoning lot but in a separate building must not be implemented as it exacerbates socioeconomic segregation. Additionally, no waivers should be provided to allow for "poor doors" or any type of separate entrances or buildings that could be interpreted as stigmatizing to residents;

**FURTHER RESOLVED**, MIH's proposed "payment-in-lieu option" must only be used within the Community District so as to guarantee that any payment made is used within a closer geographic proximity to the development site for which such payment is being made, in order to reduce the likelihood that such affordable units are disparately located and isolated from the market-rate developments. Additionally, allocations from the payment-in-lieu fund must be overseen by the Community Board and directed towards housing affordability measures including new construction, rehabilitation, or preservation of existing affordable housing. The vague "or other affordable housing purposes" clause must be removed from the MIH text;

**FURTHER RESOLVED**, MIH's minimum level of affordable housing production and the affordability of those units do not meet the need of the East Harlem community. MIH should require new MIH buildings to follow a 50/30/20 Mixed-Income Program, where 50% of the units would be market rate, 30% of the units would be for moderate incomes and 20% of the units would be for low and very low incomes, based on the Neighborhood Median Income of Community District 11. Implementation of this type of Mixed-Income Program would significantly increase the amount of affordable housing produced and also reach to lower levels of Area Median Income that better reflect the East Harlem community.

**FURTHER RESOLVED**, that CB11, on behalf of the East Harlem community and upon extensive consideration of MIH's potential effects on East Harlem, does not support or express approval of MIH, unless the articulated concerns in the foregoing resolutions are met.

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### RESOLUTION

**Date: November 23, 2015**

**Committee of Origin: Executive**

**Full Board Vote: 29 In Favor, 2 Opposed, 1 Absentions, 0 Present/Not Voting**

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#### **Resolution on the Proposed Zoning for Quality and Affordability Plan**

**WHEREAS**, the development of new and preservation of existing affordable housing is one of the foremost concerns for East Harlem and New York City (“NYC”) at-large;

**WHEREAS**, the cost of living in NYC has been increasing, the demand for housing has outpaced the supply of housing and the growth and desire for luxury development has posed immense hardships for many NYC—and specifically East Harlem—residents who desperately wish to remain members of their community;

**WHEREAS**, affordable senior housing is a particularly grave concern as East Harlem’s and NYC’s senior population require both improved and increased affordable housing dedicated to their population;

**WHEREAS**, Community Board 11 of Manhattan (“CB11”), on behalf of the East Harlem community, has persistently advocated to local, state and federal officials that affordable housing must be both expanded and preserved;

**WHEREAS**, governmental and political leaders desire to address the lack of affordable housing by promoting increased development of affordable housing units through changes to the NYC Zoning Resolution as well as through other initiatives that comprise “Housing New York,” NYC Mayor Bill de Blasio’s housing plan;

**WHEREAS**, the NYC Department of City Planning has proposed the implementation of the Zoning for Quality and Affordability Plan (“ZQA”) to improve and modernize the Zoning Resolution, specifically to promote the development affordable senior housing and related care facilities as well as to improve the quality of residential and commercial development that reflect current development practices and improve the urban environment;

**WHEREAS**, CB11 has consulted with various stakeholders, including representatives of DCP and other NYC agencies, and has evaluated the proposal in consultation with members of the public, including residents, neighbors and friends of East Harlem;

**WHEREAS**, a public hearing on this matter was held on November 9, 2015, where CB11 heard from other members of the public and their views of ZQA;

**WHEREAS**, CB11 has recognized the benefits ZQA offers to the East Harlem community but has also identified a number of deficiencies in ZQA that, if addressed and corrected, would substantially improve the purpose of and anticipated result of ZQA and further benefit the East Harlem community;

**THEREFORE BE IT**

**RESOLVED**, that ZQA’s proposal to permit the removal of existing parking in a “transit zone” that meets the parking requirements for all housing units should be subject to review by the New York City Board of Standards and Appeals so as to ensure a standardized process for the removal of all types of existing parking requirements, as well as to require community board input on such decisions;

**FURTHER RESOLVED**, that affordable senior residences outside Mandatory Inclusionary Housing areas developed using ZQA’s floor area bonus should have permanent affordability as is provided to affordable housing that created under the Mandatory Inclusionary Housing program.

**FURTHER RESOLVED**, that ZQA’s reliance on transit zones should be reevaluated to further consider the appropriateness of including northern Manhattan, including East Harlem, within the same transit zone definition as the outer boroughs; northern Manhattan, including East Harlem, is generally higher density with better access to, and use of, transit and a finer grained approach to the goals of the transit zones is appropriate in East Harlem, especially as it relates to parking requirements for market-rate housing;

**FURTHER RESOLVED**, the minimum unit dwelling size of 400 square feet should be restored, and no smaller minimum unit dwelling size should be proposed under ZQA.

**FURTHER RESOLVED**, that ZQA’s proposed revision to the Zoning Resolution to reduce the required spacing between residential buildings –on the same zoning lot should not extend to zoning lots currently owned and/or operated by NYC agencies, including developments owned and/or operated by the New York City Housing Authority, and, instead, any such revisions to the Zoning Resolution should be addressed separately as part of a broader community-driven plan specific to such zoning lots; and

**FURTHER RESOLVED**, that CB11, on behalf of the East Harlem community and upon extensive consideration of ZQA’s potential effects on East Harlem, does not support or express approval of ZQA, unless the articulated concerns in the foregoing resolutions are met.

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