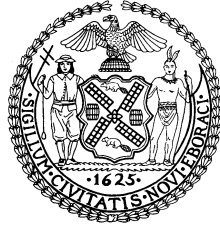


James G. Clynes
Chairman

Latha Thompson
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com - Website
info@cb8m.com - E-Mail

November 25, 2015

Carl Weisbrod, Chair
City Planning Commission
22 Read Street
New York, NY 10007

Re: Zoning for Quality and Affordability (ZQA) N 160049 ZRY and Mandatory Inclusionary Housing (MIH) N 160051 ZRY Text Amendments

Dear Chair Weisbrod:

I write to you on behalf of Manhattan Community Board 8 in regards to the proposed citywide text amendments currently under public review known as Zoning for Quality and Affordability ("ZQA") and Mandatory Inclusionary Housing ("MIH"). I previously wrote to you, in a letter dated April 29, 2015, to highlight the concerns that Community Board 8 had with the text amendments. The following represents the continuing concerns of Community Board 8 as expressed at our Land Use Committee meeting held on November 10, 2015.

1) ZONING FOR QUALITY AND AFFORDABILITY

- Exemption from the "Sliver" Law

Allowing buildings with affordable housing or senior housing to be exempt from the Sliver Law - ZR 23-692 will lead to irreparable damage to the character and streetscape of the Upper East Side and other affected residential neighborhoods. It will also lead to the loss of affordable housing that these narrow buildings now contain.

The increases in the height limit for a building less than 45 feet wide under ZQA are as follows:

R10 and R10A districts, the increase in height is from 100 feet to 235 feet.

R9X districts (Lexington Avenue), the increase is from 75 feet to 205 feet.

R8B districts, the increase is from 60 feet to 75 feet.

Special Madison Avenue Preservation District, the increase is from 80 feet to 210 feet.

Special Park Improvement District, the increase is from 100 feet to 210 feet.

Under ZQA there is no incentive to build affordable or senior housing on sites more than 45 feet wide. Exempting sites from the Sliver Law creates an incentive to demolish the narrow buildings, most of which currently contain affordable housing. The gains in market-rate housing for a building less than 45 feet wide under ZQA illustrate this point:

R10 and R10A districts, the increase in market-rate housing is from 100 feet to 188 feet.

R9X districts (Lexington Avenue), the increase is from 75 feet to 164 feet.

R8B districts, there is no change from 60 feet.

Special Madison Avenue Preservation District, the increase is from 80 feet to 168 feet.
Special Park Improvement District, the increase is from 100 feet to 168 feet.

We must protect the applicability of the Sliver Law as a tool to protect neighborhood context.

- Contextual Zones

ZQA and bulk changes should not apply to Contextual Zones. The height limits in Contextual Zones are already generous and exceed the height of buildings whose configurations they are intended to replicate. Prewar apartment buildings upon which R10A is modeled average 160 to 180 feet in height. In R10A districts, the limit is 210 feet. ZQA proposes to add 5 to 25 feet, which will bring new buildings out of context with their neighborhoods. Encroachment in the rear yards should not be allowed, as it would negatively affect the enjoyment of the remaining open space amenity known as the “historic donut”.

- R9X (Lexington Avenue)

If Lexington Avenue were only one foot narrower, it would qualify as a “narrow street”. ZQA proposes to increase the building height by 15-45 feet. The current height limit is 160 feet, which is the maximum of what is appropriate on such a narrow avenue. The proposed 205 feet would seriously impact the character of Lexington Avenue.

The ZQA and bulk changes must maintain the building height difference and proportion between wide and narrow streets. Buildings on narrow streets that are the same height as or taller than buildings on the avenues negatively affect light and air to the side walk and surrounding buildings.

- Affordable Housing Net Loss and Net Increase

The current system of giving bonuses for building affordable housing can be self-defeating because the amount of affordable housing already existing on the development site is not taken into consideration. This leads to, and has led to in the past, a net loss of affordable housing. A bonus should be awarded for a net increase in affordable housing.

There is an affordable housing crisis in Community Board 8 that outpaces the rest of the city. Based on property tax bills, between 2007 and 2014, Community Board 8 experienced a net loss of 26% of affordable units; compared to 6% in New York City overall. 70% of those units were located east of Third Avenue, highlighting the particular threat to affordable housing in the neighborhoods of Lenox Hill and Yorkville. The area located east of Third Avenue is not protected by Historic Districts in the way that the area located west of Third Avenue is. Therefore, the incentive to leverage ZQA will be concentrated east of Third Avenue. Since ZQA does not require a net positive gain of affordable units it will lead to a net loss of units as buildings are torn down and replaced with buildings housing larger apartments, totaling fewer units resulting in the construction of fewer affordable units.

- Senior Housing and Inclusionary Housing

The Upper East Side needs a range of permanent affordable senior housing and continuum of care facilities to meet the growing aging population. Senior housing is not permanent, yet the height and FAR increases are permanent. There is a need to clarify the range of housing planned, number of units, issue of hardship regarding the Bureau of Standards and Appeals, affordability,

expansion of FAR in districts R3-R10, as of right development for nursing homes and senior facilities and mixed use housing with the general population. The R10 Voluntary Inclusionary Housing programs are not fixed but they are being used as the qualifying programs for additional height.

- Shadows

The DEIS for ZQA states that a shadow study shows a potential result in significant adverse shadow impacts to our most precious resources; historic architecture and open space. The zones that will be most sensitive to development based on ZQA maps are the avenues and major cross streets which is where our historic resources and parks are located.

- 197-a and c Plans

Development of 197-a and 197-c Plans should be accompanied by an urban design element to provide a 3-dimensional urban design context to any proposed zoning changes. Zoning changes should be based upon these plans.

2) MANDATORY INCLUSIONARY HOUSING

It appears that this proposal could lead to cases of unfortunate spot zoning at the request of a developer. There are possible sites within Community Board 8 that could be eligible for MIH. The City will have the discretion to apply one of three affordable housing options. None of these options would meet our AMI standards. All options mandate that no affordable unit exceed 130% AMI. If the program needs to be universal, then the AMI options are not broad enough or deep enough to fit all neighborhood needs.

We are concerned with the payment-in-lieu option and the fund regarding threshold criteria, time frame for use in the community, management, transparency, oversight and the funds being spent in areas outside of the district. And the preservation and rehabilitation of units should be included as an option for fund use.

On-site separate buildings provisions may be creating poor floors and or poor buildings. There should be a requirement for equal access, equal amenities and finishes.

3) Conclusion

Based on the board's discussion and analysis of both proposals conducted at three Zoning and Development Committee meetings and at our Land Use Committee Meeting, Manhattan Community Board 8 does not support either text amendment as currently drafted.

Sincerely,

James G. Clynes