

**CB9M**

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**COMMUNITY BOARD #9, MANHATTAN**

Via Email: [cweisbrod@planning.nyc.gov](mailto:cweisbrod@planning.nyc.gov)

November 24, 2015

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*Eutha Prince  
District Manager*

Mr. Carl Weisbrod  
Chairman  
Department of City Planning  
22 Reade Street  
New York, New York 10007

**Re: DCP ULURP Application Nos...  
N160049ZRY Zoning for Quality and Affordability Text Amendment  
N160051ZRY Mandatory Inclusionary Housing Text Amendment**

Dear Chairman Weisbrod:

At its regularly scheduled General Board meeting held on Thursday, November 19, 2015, Community Board No. 9 (CB9) Manhattan approved the following **Resolution to Disapprove Text Amendments for Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA)** by a vote of 28 in favor, 1 opposed, 3 abstentions and 2 Present not entitled to vote.

Whereas on September 21, 2015 the City Planning Commission (DCP) started the public review process for the above referenced text amendments by referring them to Community Boards giving them until November 30, 2015 to respond. CB9 views this as an unusually truncated timetable for such major changes.

Whereas, in order to receive feedback from our community, CB9 held public meetings of the Housing, Land Use and Zoning Committee (10/13/15 and 11/9/15), the Executive Committee (10/8/15) and General Board (10/15/15) at which these text amendments were presented by DCP, and HPD, and discussed and open to the public for comment. Even with these local efforts, we do not believe that such sweeping changes in zoning rules across the city should be undertaken without a more thorough investigation and further community outreach and input.

Whereas CB9 strongly agrees that there is a critical need for affordable housing, both owner-occupied and rental, in our community, as well as in the rest of the City. CB9 also recognizes that significant increases in the affordable housing stock in our community and others will not be achieved on a project-by-project basis or through one-off deal-making, but instead primarily by changing the mechanisms by which housing is financed and secondarily by zoning improvements. Critically, development of affordable housing in our community must be mandatory, integrated, and permanent, as we have too often seen developers opt out of current inclusionary housing initiatives, segregate residents of affordable units, build affordable units off site or leave affordable housing programs like Mitchell-Lama after an initial period of incentives expires.

**SERVING HAMILTON HEIGHTS/MANHATTANVILLE & MORNINGSIDE HEIGHTS**

Whereas CB9 called for Mandatory Inclusionary Zoning in specific areas within our community district in our 197-a Plan (dated October 18, 2004. Revised June 17, 2005 and September 24, 2007).

Whereas CB9 understands that the DCP's MIH proposal includes "affordable" homeownership as an option in addition to affordable rental units. CB9 believes that homeownership should not be an option open only to those able to afford the often astronomical housing market prices in New York, and permanently affordable means-tested owner-occupied housing should be encouraged, either through limited-equity ownership or other mechanisms.

Whereas CB9 commends portions of the MIH proposal that require all applications for developments be submitted to the Community Board in which a development is proposed at the same time they are submitted to HPD. The continued involvement and voice of the community, through the Community Boards, must be included to ensure that the public interest is not harmed by new developments.

Whereas CB9 believes that our seniors are vital to our community, and that senior residents in the community ought to be able to continue to reside in this community as they age. CB9 supports making it easier for developers to construct permanently affordable senior housing.

Whereas additionally, CB9, while not endorsing taller building heights, supports many of the stated goals in the Zoning for Quality and Affordability (ZQA) proposal, including higher floor to floor heights and encouraging more interesting street wall articulation, which would be sympathetic to many of the early 20th century buildings in the District, as well as encouraging a livelier street life by making it easier for developers to include space suitable for retail uses on the ground floor of developments;

Whereas, despite our support of the above, CB9 has serious misgivings with the relatively short amount of time allotted for public review of what is one of the largest and most sweeping zoning text amendments ever proposed. Many of the provisions undercut restrictions found in contextual zoning and Quality Housing Regulations that help prevent out of control development that would destroy the character and livability of our communities. More time must be allowed for the public to study the over 500 pages of zoning text amendment that are included in the MIH and ZQA proposals. Additionally, there are many questions regarding the potential for these changes to incentivize the destruction of existing affordable housing, undercutting the very purpose of the proposed changes.

**Therefore, be it resolved** that, CB9 believes that many of the provisions contained in the proposals threaten to undo hard-won protections against out of context development or would result in construction of "affordable" units that remain out of reach for a majority of the community's residents.

Per 2012 ACS data, 25.5% of households in Community District 9 (CD9) earn less than \$15,000 per year in both income and benefits, and 46.6% earn less than \$35,000 per year. However, the lowest Area Median Income (AMI) band included in the MIH proposal caps housing costs at those appropriate for households earning 60% of AMI (\$46,620 for a family of three). For truly affordable housing for CD9 residents, a band closer to 40% of AMI (\$31,080 for a family of three), would have to be included in an MIH proposal.

Be it further resolved that CB9 does not support provisions in the MIH text amendment that would allow developers to receive more than 20% Floor Area Ratio bonuses for less than 20% of the building being devoted to affordable units.

While CB9 is not opposed, in principle, for additional FAR to be awarded to developers building affordable senior housing, such housing should be permanently affordable and not allowed to return to market rates after an initial period of 30 years seeing as the additional FAR cannot be withdrawn after the same 30-year period.

Be it further resolved that CB9 also opposes provisions in the ZQA text amendment that remove the distinction between the development allowed on narrow streets vs. wide streets. While bulkier, denser development may be appropriate on 125th or 145th Streets, such developments would be wholly out of context on many of the less dense blocks of townhouses or apartment buildings found throughout CD9.

CB 9 also strongly opposes lifting restrictions on side-street lots of 45' or less ("sliver lots") limiting the height of buildings constructed on such lots to the width of the street or 100', as these restrictions prevent out-of-context and aesthetically inappropriate buildings on residential side streets.

Furthermore, the Board has reservations about removing requirements for backyard space for buildings. These requirements preserve access to light and fresh air for many residents, who under the current proposal could find multi-story walls of new developments directly abutting their rear yards. Rear yards also help divert storm water runoff away from the sewer system, which is a major concern for a community which regularly must deal with pollution and sewage releases during heavy rains.

Be it further resolved that both the ZQA/MIH proposals do not speak specifically to the role that there will be inter-agency assurance that the already threatened and dwindling affordable housing stock that exists will not be further threatened by these potential development pressures. And that there will be sufficient anti-harassment measures in place to counter those.

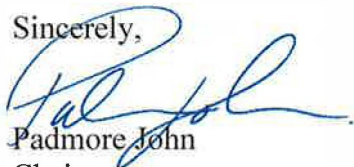
Be it further resolved that CB9 requests that the period for public comment be extended to allow for additional study, particularly of the possible impacts the proposals may have on existing affordable units and of the possibility that the proposals could encourage the tearing down of existing high-quality housing stock already in our community.

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*In conclusion, be it resolved that CB9, while supporting and lauding many of the goals that the Mandatory Inclusionary Housing and Zoning for Quality and Affordability text amendments seek to achieve, cannot support the proposals in their current forms.*

If you have any questions please feel free to contact me or District Manager, Eutha Prince at (212) 864-6200.

Sincerely,



Padmore John  
Chair

cc: Hon. Bill DeBlasio, Mayor  
Hon. Charles Rangel, Congressman  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Bill Perkins, State Senator  
Hon. Adriano Espaillat, State Senator  
Hon. Keith Wright, Assemblymember  
Hon. Daniel O'Donnell, Assemblymember  
Hon. Herman D. Farrell, Jr., Assemblymember  
Hon. Mark Levine, City Councilmember  
Hon. Inez Dickens, City Councilmember  
Community Boards Nos. 1-58  
Beth Lebowitz, Director, Zoning Division-DCP  
Edwin Marshall, Planning-DCP  
James Caras, General Counsel/Director, Land Use, MBPO  
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