

# Queens Borough President Recommendation

APPLICATION: ULURP #160051 ZRY

COMMUNITY BOARD: CW

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the NYC Charter, for a citywide zoning text amendment to establish a requirement for affordable housing as part of new development over 10 units within a "Mandatory Inclusionary Housing Area".

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 12, 2015, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were two (2) speakers in favor with three (3) against.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- Affordable housing would be mandatory in areas rezoned either by the city or as part of a private application. The rezoned areas would be mapped as Inclusionary Housing areas.
- Such affordable housing would be permanent. Annual filings would have to be made with the Department of Housing Preservation and Development identifying numbers and levels of affordability
- The City Planning Commission and finally the City Council would determine the neighborhood need and the mix of income mix options during the ULURP review process. The minimums would be:
  - 25% of total floor area would be set aside for residents with incomes averaging 60% of AMI (\$46,620 family of 3)
  - 30% of total floor area would be set aside for residents with incomes averaging 80% of AMI (\$62,150 family of 3)
- In specific areas, by City Council approval moderate-income affordable units that do not receive direct subsidy could be applied. 30% of total floor area for residents with incomes averaging 120% of AMI (\$93,240 family of 3)
- The new provisions are meant to be the floor or minimum number of units to be required. Developers would be encouraged to provide more than these minimal amounts of affordable housing.
- Community Board 1 approved this application with conditions by a vote of 33-0-0 at a public meeting held on November 12, 2015. The conditions of approval were: infrastructure must be upgraded in any rezoned area to accommodate the additional population and housing, affordable units must be distributed throughout the building and not clustered, building amenities must be available to all market and affordable rate residents, the rents must be truly affordable to area residents, replace term of the lease with term of tenancy to protect seniors who still might be subject rent stabilization increases, payment in lieu of providing affordable housing must be used to produce affordable housing in the same community district within a closer distance than the proposed ½ mile, community boards should be notified when such funding is proposed or used, community boards should be allowed to review and comment on the guidelines for the payment in lieu of providing affordable housing;
- Community Board 2 disapproved this application by a vote of 28-1-4 at a public meeting held on November 5, 2015. The conditions were: affordable units should be built on the same site of the contributing market rate site in one building, details on the use and administration of the payment in lieu of providing affordable housing in Community Board 2, affordable units should be distributed on every floor of the building, the AMIs of the buildings should more closely reflect the actual AMIs of the host community board, hardship exceptions to providing affordable housing should not be available;
- Community Board 3 approved this application by a vote of 16-11 at a public meeting held on November 12, 2015.;
- Community Board 4 disapproved this application by a vote of 17-3-8 at a public meeting held on November 10, 2015;
- Community Board 5 did not vote on this application.

- Community Board 6 disapproved this application by a vote of 16-8-3 at a public meeting held on November 12, 2015;
- Community Board 7 disapproved this application by a vote of 35-2-1 at a public meeting held on November 9, 2015.;
- Community Board 8 disapproved this application by a vote of 31-1-0 at a public meeting held on November 12, 2015.
- Community Board 9 disapproved this application by a vote of 33-0-1 at a public meeting held on November 10, 2015
- Community Board 10 waived their hearing on this application.
- Community Board 11 disapproved this application by a vote of 24-1-2 at a public meeting held on October 5, 2015.
- Community Board 12 disapproved this application by a vote of 29-0-0 at a public meeting held on October 21, 2015.;
- Community Board 13 disapproved this application by a vote of 32-7-0 at a public meeting held on October 26, 2015.;
- Community Board 14 disapproved this application by a vote of 32-0-0 at a public meeting held on November 10, 2015.;
- The Queens Borough Board disapproved this application by a vote of 12-2-6 at a public meeting held on November 16, 2015. The 6 abstentions were for cause.

#### RECOMMENDATION

Based on the above consideration, I hereby recommend disapproval of this application in its present form for the following reasons:

- Currently, in every rezoning application there are discussions in consultation with the local councilmembers to fine tune the proposals to address the concerns of each neighborhood's unique populations and conditions. Among the items discussed are the numbers and levels of affordable housing that would be appropriate for that community. This flexibility most recently was demonstrated during the public review process in coming to an agreement on the proposal with increased numbers of affordable units that was approved for Astoria Cove;
- Overall concerns that the proposed average AMIs will not reflect the actual AMIs in many of the Queens neighborhoods;
- There are concerns that the proposed new mandatory inclusionary housing may replace existing affordable housing with housing deemed affordable that is not within reach to the current residents and lead to displacement of longtime residents;
- Dissatisfaction with mechanisms that would be in place to assure that any payments in lieu of affordable housing are used to benefit the generating/host community district;
- Concerns that the existing and future housing programs and subsidies would not be enough to generate affordable housing;
- Concerns that the proposal would not withstand Fair Housing Act challenges;
- Affordable housing will only succeed if it is built by the most skilled and professional workers to assure the quality, durability and safety of the construction. This proposal does not address this requirement and may result in affordable housing that is substandard or delayed by work that is not done most efficiently.

  
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 PRESIDENT, BOROUGH OF QUEENS

  
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 DATE

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## PUBLIC HEARING

A Public Meeting was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Monday, November 16, 2015, at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation at the October 19, 2015 meeting of the Borough Board. The applicant was present at the November 16, 2015 Borough Board to respond to questions.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public meeting, the following issues and impacts have been identified:

- o Affordable housing would be mandatory in areas rezoned either by the city or as part of a private application. The rezoned areas would be mapped as Inclusionary Housing areas.
- o Such affordable housing would be permanent. Annual filings would have to be made with the Department of Housing Preservation and Development identifying numbers and levels of affordability
- o The City Planning Commission and finally the City Council would determine the neighborhood need and the mix of income mix options during the ULURP review process. The minimums would be:
  - 25% of total floor area would be set aside for residents with incomes averaging 60% of AMI (\$46,620 family of 3)
  - 30% of total floor area would be set aside for residents with incomes averaging 80% of AMI (\$62,150 family of 3)
- o In specific areas, by City Council approval moderate-income affordable units that do not receive direct subsidy could be applied. 30% of total floor area for residents with incomes averaging 120% of AMI (\$93,240 family of 3)
- o The new provisions are meant to be the floor or minimum number of units to be required. Developers would be encouraged to provide more than these minimal amounts of affordable housing.
- o Community Board 1 approved this application with conditions by a vote of 33-0-0 at a public meeting held on November 12, 2015. The conditions of approval were: infrastructure must be upgraded in any rezoned area to accommodate the additional population and housing, affordable units must be distributed throughout the building and not clustered, building amenities must be available to all market and affordable rate residents, the rents must be truly affordable to area residents, replace term of the lease with term of tenancy to protect seniors who still might be subject rent stabilization increases, payment in lieu of providing affordable housing must be used to produce affordable housing in in the same community district within a closer distance than the proposed ½ mile, community boards should be notified when such funding is proposed or used, community boards should be allowed to review and comment on the guidelines for the payment in lieu of providing affordable housing;
- o Community Board 2 disapproved this application by a vote of 28-1-4 at a public meeting held on November 5, 2015. The conditions were: affordable units should be built on the same site of the contributing market rate site in one building, details on the use and administration of the payment in lieu of providing affordable housing in Community Board 2, affordable units should be distribute on every floor of the building, the AMIs of the buildings should more closely reflect the actual AMIs of the host community board, hardship exceptions to providing affordable housing should not be available;
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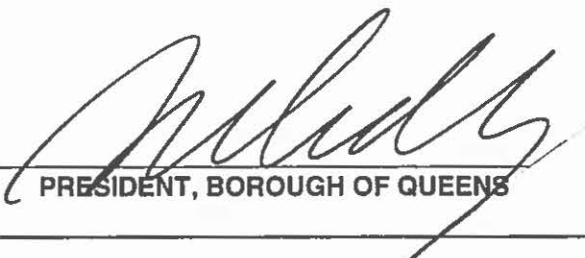


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#### RECOMMENDATION

Based on the above consideration, the Queens Borough Board hereby recommends disapproval of this application in its present form for the following reasons:

- It is unclear how effective this proposal would be in generating enough affordable and senior affordable housing to meaningfully address the shortages;
- Overall concerns that the proposed AMIs do not reflect the actual AMIs in many of the Queens neighborhoods
- There are concerns that the proposed new mandatory inclusionary housing may replace existing affordable housing with housing deemed affordable that is not within reach to the current residents and lead to displacement of longtime residents;
- Dissatisfaction with mechanisms that would be in place to assure that any payments in lieu of affordable housing are used to benefit the generating/host community district
- Concerns that the existing and future housing programs and subsidies would not be enough able to generate affordable housing
- Concerns that the proposal would withstand Fair Housing Act challenges

  
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 PRESIDENT, BOROUGH OF QUEENS

  
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