NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

BOROUGH PRESIDENT RECOMMENDATION

Pursuant to the Uniform Land Use Review Procedure

Application #: **N160051ZRY**	Project Name: **MANDATORY INCLUSIONARY HOUSING**
CEQR #: **16DCP028Y**	Borough: **STATEN ISLAND**
	Community District(s): **1, 2 & 3**

Please use the above application number on all correspondence concerning this application

Docket Description:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York to create a Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable.

Recommendation:

- ☐ Approve
- ☐ Approve with Modifications / Conditions
- ☐ Disapprove
- ☒ Disapprove with Modifications / Conditions

Explanation of Recommendation, Conditions or Modification:

See explanation of Modifications and Conditions on Page 2
See Borough Board Resolution Addendum on Page 3

Related Applications:

Contact:
Address questions about this recommendation to:
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Staten Island, NY 10301
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James S. Oddo
President, Borough of Staten Island

10/15/15
Date

Explanation of Recommendations, Conditions or Modification (continued):

The Department of City Planning has proposed a citywide text amendment to facilitate Mayor de Blasio's five-borough, ten-year plan to build and preserve affordable housing throughout New York City known as "Mandatory Inclusionary Housing" (MIH). MIH is intended to promote economic diversity in neighborhoods where the City plans for growth by ensuring that new housing meets the needs of a wider range of New Yorkers. Production of affordable housing would be a condition of residential development when developers build in an area zoned for Mandatory Inclusionary Housing, whether rezoned as part of a City-initiated neighborhood plan or a private rezoning application.

• On November 24, 2015, Community Board 3 unanimously adopted a Resolution recommending the disapproval of Department of City Planning Application #N160051ZRY – Mandatory Inclusionary Housing (MIH)

• On December 8, 2015, Community Board 1 overwhelmingly adopted a Resolution recommending the disapproval of Department of City Planning Application #N160051ZRY – Mandatory Inclusionary Housing (MIH)

• On December 9, 2015, Community Board 2 unanimously adopted a Resolution recommending the disapproval of Department of City Planning Application #N160051ZRY – Mandatory Inclusionary Housing (MIH)

• On December 10, 2015, the Staten Island Borough Board overwhelmingly adopted a Resolution (appended hereto) recommending the disapproval of Department of City Planning Application #N160051ZRY – Mandatory Inclusionary Housing (MIH) (appended hereto)

After extensive review of the proposed text, communication with Chair Weisbrod and his staff on numerous occasions, and after discussing specific neighborhood concerns with local communities, I communicated my opinion and specific concerns to the Chair in a letter dated November 30, 2015.

I have now considered explanations, responses and additional clarifications articulated by Chair Weisbrod as well as the conditions outlined in the various resolutions of the Staten Island Borough Board and affected Community Boards.

I therefore recommend the **DISAPPROVAL** of the proposed application with the following modifications and conditions:

1. Establish a clear and predictable framework for the application of special floor area provisions for zoning lots in Mandatory Inclusionary Housing Areas:

• Section 23-154(d)(3)(i)(ii)(iii)(iv) ZR – Inclusionary Housing

2. Clarify program criteria and administration for neighborhoods with an existing diverse spectrum of income levels.

3. Provide guidelines for the application of future "City Neighborhood Planning" efforts and processes to be undertaken to determine feasibility of MIH applications.

• *A clear process should be identified to better understand the planning rationale associated with the methodology. This process cannot be driven by discretionary actions sought by the private-sector. The City must have a clearer and more thoughtful strategy established before pursuing this application.*

4. Identify strategies and funding streams to implement long-term planning associated with new potential MIH zones. MIH Text Amendment will divide neighborhoods. Without a sufficient level of infrastructure, public services, schools and public transportation options, regardless of economic diversity, neighborhoods could be exposed to a depletion of their quality of life.

5. A community-based review should be added to the MIH process to obtain feedback ensuring that decisions are being made with an appropriate level of local neighborhood input to better inform the process of community needs and priorities

6. Restrict all Board of Standards and Appeals (BSA) filings to conditions that exhibit real, practical difficulties or true unnecessary hardship. The BSA should not become a clearinghouse for developers seeking to circumvent established policy through a distortion of the terms associated with variance findings.

I look forward to continued conversations with Chair Weisbrod and staff to further address modifications necessary to protect the quality of life in all Staten Island communities.

Copy of Borough Board Resolution, adopted 12/10/2015:

Staten Island Borough Board Resolution

At a meeting on December 10, 2015, the Staten Island Borough Board adopted the following Resolution:

Whereas, the Department of City Planning has proposed two Citywide text amendments to facilitate Mayor de Blasio's five-borough, ten-year plan to build and preserve affordable housing throughout New York City known as "Zoning for Quality and Affordability" (ZQA) and "Mandatory Inclusionary Housing" (MIH); and,

Whereas, the Department of City Planning, working with the Department of Housing Preservation and Development and others, has developed these strategies to address zoning barriers thought to constrain the creation of new housing and add unnecessary costs; and,

Whereas, these amendments seek to advance a vaguely-defined framework to provide citywide guidelines for affordability that do not sufficiently address how the plan might be implemented in existing healthy communities throughout the Borough; and,

Whereas, these amendments seek to unilaterally address senior housing development opportunities without regard for existing neighborhood context, Borough dependency on the automobile, or the character of the built-environment; and,

Whereas, the long-term strategies associated with future "City Neighborhood Planning," including much-needed infrastructure improvements, has not been addressed; and,

Whereas, the Department of City Planning has notified Community Boards 1, 2 and 3 regarding the ZQA-MIH text amendment applications, and as all affected Community Boards have overwhelmingly recommended to disapprove the proposed changes for their respective districts;

Therefore, be it resolved, that the Staten Island Borough Board hereby unanimously approves this Resolution in opposition of the aforementioned zoning text amendment proposals.

By: James S. Oddo

James S. Oddo
Staten Island Borough President
Chairperson, Staten Island Borough Board