



March 25, 2015

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

**Re: Zoning for Quality and Affordability Text Amendment – CEQR No. 15DCP104Y**

Dear Chair Weisbrod:

We write today to express our concerns with the proposed citywide text amendment entitled “Zoning for Quality and Affordability” and the Draft Scope of Work for its associated environmental review. As elected officials representing the Borough of Manhattan, we share the administration’s goal of producing quality affordable housing for all New Yorkers. Every neighborhood in our borough is facing an acute affordability crisis and we hear every day from constituents who are rent burdened or who are at risk of losing their homes. We thank this administration and your agency for putting forward plans that could help ease this burden. We fear, however, that in the rush to solve the problem of housing supply we are both leaving behind the principle of sound neighborhood planning and forgoing an opportunity to fix the voluntary Inclusionary Housing program without truly gaining affordable units.

This proposal seeks to spur new housing development across the city, but it is important to prevent an unintended cost of that new development: the loss of rent stabilized units. From 2002 to 2012, Manhattan lost nearly 100,000 rent stabilized units – almost 20 percent of its rent stabilized housing stock.<sup>1</sup> While the proposed zoning text will make it easier to create new apartments in contextual districts, there is a real concern this will create development pressure on existing buildings. In order to build those new, market-rate units, rent stabilized tenants may have to be displaced, resulting in a net loss of affordable units. Therefore, we are troubled that this plan is being put forward without a corresponding plan for protection of rent stabilized tenants in contextual districts where new development is being directed. Without new protections, this proposal could unduly put those tenants at risk. The Scope of Work for this environmental review should evaluate the impact of this proposal on rent stabilized buildings in contextual districts.

In Manhattan, contextual districts make up almost half of our neighborhoods. These contextual zones were mapped due to the hard work of community advocates, and were often the result of hard compromises: neighborhoods trading increased density for height limits, or neighborhoods agreeing to large upzonings in one area in exchange for contextual protections in another. By increasing height limits across the board, this administration is undermining these agreements made between previous administrations and neighborhood residents. While it may be true that the constraints of the contextual building envelope are stifling the production of housing, we are

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<sup>1</sup> Furman Center State of New York City’s Housing and Neighborhoods 2013

not convinced that the proposed adjustments are the perfect solution. It could be that adjusting street wall, setback, rear yard, and court requirements could provide the flexibility this proposal seeks without the need for increasing height limits by up to 15 feet. The environmental review for this proposal should evaluate the impacts and benefits of this alternative. We understand that there may be special consideration given to height limits in some special districts, but at this time we have no way to judge the extent of any exceptions and note that any such exceptions would likely only apply to a small number of contextual districts in special districts. The administration should consider more targeted actions that could keep contextual height limits in place in neighborhoods where they are working, especially in historic districts.

The proposed zoning text change will allow buildings taking advantage of both the voluntary and the new Mandatory Inclusionary Housing program to use a taller height limit. In neighborhoods utilizing the new Mandatory Inclusionary Housing program this makes sense, as these neighborhoods will be rezoned with the new height limits in mind. Furthermore, because the use of Inclusionary Housing will be mandatory in these neighborhoods, the higher limits will be used by all developments, creating a consistent context. In neighborhoods with the voluntary Inclusionary Housing program, some but not all developments will be built to the higher height limits, undermining the entire purpose of contextual districts to create neighborhoods with a cohesive built environment.

This new height limit for projects utilizing the voluntary Inclusionary Housing program is especially troubling given the significant limitations of that program. In effect, this proposal seeks to make inclusionary developments more likely and more profitable, without ensuring that they provide a reasonable amount of affordable housing. This administration is focused on creating the new Mandatory Inclusionary Housing program, but in the meantime the voluntary program, along with the original R10 program, is mapped over 11 of 12 Manhattan Community Districts, and continues to be used to create thousands of market rate units a year. The program needs to be strengthened to ensure the best value and highest amount of affordable housing, and this zoning text change is the perfect time to do it.

The voluntary program should be amended so that the amount of affordable housing reflects the value of the floor area bonus. Currently, the same 20 percent of affordable housing is required regardless of whether the floor area bonus is located in a neighborhood that makes the market value of that bonus astronomical. Further, the program is typically used in conjunction with the 421-a tax abatement. This double dipping allows buildings to use both the zoning bonus and the tax abatement without a requirement to provide any additional units. In areas where the bonus is worth more, and when the program is coupled with other subsidies like 421-a, more affordable units should be required. More and more, the existing Inclusionary Housing program is being used to create so-called “two-door” buildings that segregate low-income tenants into separate building segments. While this administration has said that it intends to fix this problem, it has taken no concrete, long-term measures to do so. The only way to permanently prevent two-door buildings is to amend the zoning text for the Inclusionary Housing program. The existing R10 program in particular allows off-site units to create transferable development rights, but does not prevent those off-site units from being built on sites that previously housed rent stabilized tenants. In some cases the number of new affordable units created by the program is less than the number of affordable units that were on the site before being vacated in order to make way for

the new development. As this proposed zoning text amendment advances, it must be altered to include these fixes to the Inclusionary Housing program in order to create balanced benefits to developers and our communities. The Scope of Work should be amended to reflect these changes to the voluntary program.

Despite these real concerns with the proposal, we support the proposals for senior housing and parking. Fourteen percent of Manhattan's population is seniors, and housing for this population is too expensive and too rare. This proposal seeks to make it easier and more predictable to build senior housing. Also, in the Manhattan Core there are currently no minimum parking requirements for residential developments. So far, this is working well. The proposed text amendment would no longer require parking for affordable housing developments throughout the rest of the borough. If we were to choose between parking spaces and affordable apartments, we would all choose the apartments, and we appreciate that this proposal would make this possible.

To give the public ample opportunity to review and comment on this proposal we request that the text be made available far in advance of the referral of this application to community boards. Furthermore, community boards should have a minimum of 90 days to analyze and respond to this proposal.

We thank you for the opportunity to comment on this proposal at this early stage. For any change of this magnitude, success will depend on the fine print. While the goals of this proposal are shared by all, its specific application to our neighborhoods deserves to be studied in its entirety.

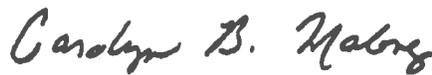
Sincerely,



Gale A. Brewer



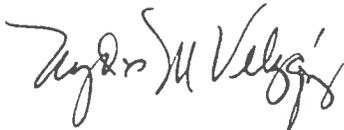
Congressman Charles Rangel  
13<sup>th</sup> Congressional District (NY)



Congresswoman Carolyn Maloney  
12<sup>th</sup> Congressional District (NY)



Congressman Jerrold Nadler  
10<sup>th</sup> Congressional District (NY)



Congresswoman Nydia Velazquez  
7<sup>th</sup> Congressional District (NY)



NYS Senator Bill Perkins  
30<sup>th</sup> Senate District



NYS Senator Jose Serrano  
29<sup>th</sup> Senate District



NYS Senator Liz Krueger  
28<sup>th</sup> Senate District



NYS Senator Brad Hoylman  
27<sup>th</sup> Senate District



NYS Senator Daniel Squadron  
26<sup>th</sup> Senate District

Assembly Member Rebecca Seawright  
76<sup>th</sup> District

Assembly Member Dick Gottfried  
75<sup>th</sup> District

Assembly Member Brian Kavanagh  
74<sup>th</sup> District

Assembly Member Guillermo Linares  
72<sup>nd</sup> District

Assembly Member Keith Wright  
70<sup>th</sup> District

Assembly Member Daniel O'Donnell  
69<sup>th</sup> District

Assembly Member Robert Rodriguez  
68<sup>th</sup> District

Assembly Member Linda Rosenthal  
67<sup>th</sup> District

Assembly Member Deborah Glick  
66<sup>th</sup> District

Council Member Inez Dickens  
9<sup>th</sup> District

Council Member Mark Levine  
7<sup>th</sup> District

Council Member Helen Rosenthal  
6<sup>th</sup> District

Council Member Ben Kallos  
5<sup>th</sup> District

Council Member Daniel R. Garodnick  
4<sup>th</sup> District

Council Member Corey Johnson  
3<sup>rd</sup> District

Council Member Rosie Mendez  
2<sup>nd</sup> District

Council Member Margaret Chin  
1<sup>st</sup> District



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

May 15, 2015

Hon. Gale Brewer  
Borough President  
Manhattan Borough President's Office  
1 Centre Street – 19<sup>th</sup> Floor  
New York, New York 10007

Dear Borough President Brewer,

As you know, the Department of City Planning is in the process of preparing a targeted set of citywide zoning text amendments (“Zoning for Quality and Affordability” - ZQA) to promote affordable housing and better quality buildings. While we continue to work on drafting the text amendment itself, I want to provide you with an update about some important adjustments we are making to the process and to the proposal.

In February, we released information about the proposal to enable the public to understand the issues we are addressing and our proposed solutions, as well as to set forth the elements of the proposal that will be assessed in the environmental review process.

During these initial stages of the public conversation we received helpful feedback on the substance of the proposal, but also reactions about the process.

On process, we heard that communities should have more time to consider the proposal, and more detailed information regarding how it would affect their specific neighborhoods. Therefore, as a first step, we extended the comment period for the environmental scope for almost an additional month (to April 30<sup>th</sup>), and held information sessions for Community Board leadership in each borough.

We are committed to a transparent and open process that enables full and knowledgeable input from the public. In this regard, we have offered meetings to all 59 Community Boards to discuss the proposal with them prior to the formal public review process. These meetings will take place in late May and June.

Carl Weisbrod, Director  
Department of City Planning  
22 Reade Street – 2N, New York, N.Y. 10007-1216  
(212) 720-3200 FAX (212) 720-3219  
[www.nyc.gov/planning](http://www.nyc.gov/planning)

In addition, we are creating individual profiles for each Community Board that highlights those elements of the proposal that would or would not apply in their communities. These will be publicly available on the City Planning website shortly so each community can understand what the proposal means for it.

As for the formal public review process itself, we are committed to allowing the full customary two months for Community Boards and Borough Presidents (and Borough Boards) to review the proposal following their scheduled summer recesses. And of course, we will make the draft proposed zoning text on our website prior to the start of the formal public review process.

With respect to the substance of the proposal, many of the comments we received expressed concern that the changes in height limits proposed for certain contextual zoning districts might have unintended effects (such as unduly encouraging enlargements of existing buildings) that are not consistent with the proposal's core housing and design objectives.

DCP is incorporating into the proposal a set of refinements to the proposed height changes for R6B, R7A and R8B zoning districts, which will focus the proposal more squarely on our core goals of promoting affordable housing and better quality buildings. With these changes, over 95 percent of medium and high density contextually zoned areas would experience height limit changes of 5 feet or less for all buildings. For buildings providing Inclusionary or affordable senior housing, height limits would change by zero, one, or two stories in over 95 percent of these areas. Specifically, these changes are as follows:

In R8B districts – Maintain the current maximum height of 75 feet that exists today (the proposal previously identified an increase to 85 feet).

In R7A districts – Allow a basic maximum height of 85 feet (a 5 foot increase, instead of the 15 foot increase previously proposed), and 105 feet for buildings providing affordable senior housing or Inclusionary Housing. With this change, only buildings that provide affordable housing would be permitted additional stories.

In R6B districts – Allow a maximum height of 55 feet for all buildings (a maximum of 65 feet was previously proposed for affordable senior housing or Inclusionary Housing). This height is sufficient to accommodate all permitted floor area with flexibility for better quality buildings.

The Department will continue to provide updated information about the proposal on our website, at:

<http://www.nyc.gov/html/dcp/html/zoning-qa/zoning-for-affordability-1.shtml>

If you have any questions or comments about this proposal, please feel free to contact the project team at [AHOUSING@planning.nyc.gov](mailto:AHOUSING@planning.nyc.gov).

Best Regards,



Carl Weisbrod