



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.¹ 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

¹ 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.

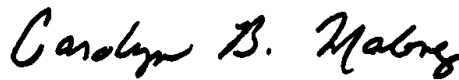
Sincerely,



Gale A. Brewer



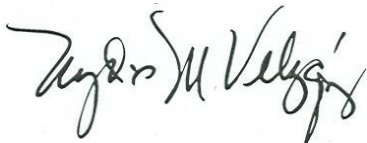
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13th Congressional District (NY)



Congresswoman Carolyn Maloney
12th Congressional District (NY)



Congressman Jerrold Nadler
10th Congressional District (NY)



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