



OFFICE OF THE BRONX BOROUGH PRESIDENT
THE BRONX COUNTY BUILDING
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

RUBEN DIAZ JR.
BOROUGH PRESIDENT

TEL. 718-590-3500
FAX. 718-590-3537
E-MAIL: rdiazjr@bronxbp.nyc.gov

November 30, 2015

Mr. Carl Weisbrod
Chairperson
New York City Planning Commission
22 Reade Street
New York, New York 10007

Dear Mr. Weisbrod:

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 (N 160051 ZRY), and;

In the matter of an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendments to various sections of the Zoning Resolution of the City of New York also known as Zoning for Quality and Affordability (N 160049 ZRY), I submit the following recommendations:

These text amendments pose an abundance of concerns and questions by my office, the community boards, advocacy groups, elected officials and others from all points on the spectrum of the development and public policy community. These concerns were underlined at the November 19, 2015, Bronx Borough Board meeting when not one member voted in support of these text amendments. The vote was 0 in the affirmative; 19 in the negative; and 1 abstention.

Among the most widespread and universal concerns are:

The submission of multiple text amendments at the same time is an unreasonable burden on the capacity of most community boards to adequately review and evaluate their local neighborhood impact. These text amendments will govern land use development for our city for decades to come and should not be adopted in such a short period of time. Our goal as a city should not be just to achieve a goal of 200,000 units, but to meet the individual needs of each and every community in this city.

Despite the impact these combined proposals will have on density, there are no mitigation plans identified to support the social and physical infrastructure necessary for the development for which this zoning plan allows. Some examples: How will additional seniors be serviced? Are there enough school seats for the children accompanying their parents as they move into new affordable units? What will be the impact on transportation in these communities?

Bronx residents have expressed concerns about a lack of green space provisions in the proposals. The proposals seek to increase density without a corresponding increase in public or green space in a given community. Green space is key to the well-being of all New Yorkers. Green space should be planned for in some form. Improved aesthetics, we know from experience, can go a long way towards lifting up individuals and improving neighborhoods. Additionally, the amendments as they stand make minimal mention of public space, and this should be revisited.

Another criticism has been that no serious discussion of job creation—and the types of jobs that would be created—to build any of the senior or affordable housing developments has taken place. Nor is any reference made to employing New York-based minority- or women- owned firms in furnishing the supplies or workers for building construction. These community objections should also be considered. New Yorkers have articulated their concerns about benefiting from the jobs the zoning proposals could create through new construction. We should examine the potential of working towards these ends through a variety of methods, including community benefits agreements, not-for-profit partnerships and further legislation on affordable housing, to name a few.

I find the Draft Environmental Impact Statement's conclusion that there are no issues in need of mitigation surprising, as there has already been discussion about the real infrastructure needs of the impacted communities and the environmental effects of the resulting new development on the public health, safety and welfare of our city.

Beyond that, there has been little discussion of the programmatic needs of affected communities. For example, it is often the case that a poor credit score will prevent an individual or family from being eligible for a new apartment. The administration should consider using some of the \$1 billion in funding set aside for infrastructure within future rezoning areas to implement credit repair education and other similar programming.

The “neighborhood-by-neighborhood” approach to planning has been very successful in The Bronx. The borough has adopted no less than 14 rezonings since 2009. These text amendments go against the grain of these successful approaches to community-based planning, including the borough's two 197A plans in Bronx Community Boards #3 and #8. I am deeply concerned about this broad brush approach to planning. One size does not fit all. Local planning efforts reinforce the principles of inclusion and transparency, while also mitigating displacement and preserving neighborhoods. These principles have been successful in previous rezonings, and they must be respected moving forward. One such example is the planning process for Jerome Avenue. Concerns were raised about the inclusiveness of this planning process and efforts have been made to address it. We must continue on this path to assure local input is prioritized. Here in The Bronx, the Jerome Avenue corridor stands as an example of where the current proposals would have the negative result of taking away from communities the ability to make sure that developers build at low or moderate income levels.

Additionally, as currently proposed, the Zoning for Quality and Affordability Text Amendment, or ZQA, if adopted, will result in a serious threat to the downsizing efforts that several Bronx community boards have put into place. The plan paves the way for the up-zoning of these neighborhoods. Despite presentations that there is no bonus associated with the proposed MIH, the inclusion of 25-30 percent of affordable units in a development will actually be realized by increasing the floor area ratio for such developments, increasing density, height and number of units across the City of New York. This will diminish air, light and space for all New Yorkers.

The amount of FAR increase in MIH should be based on levels of affordability in addition to the architectural context of a potentially rezoned area. This is a powerful policy tool that can be used to incentivize development for specific mixes of area median incomes in specific areas, and should be explored on a project-by-project, neighborhood-by-neighborhood basis.

There are also concerns with the lack of affordability options and flexibility under the proposed MIH Text Amendment, which could have a crippling impact on advancing the City's laudable affordable housing goals. These concerns center on the few options for tenants' income levels available, and whether or not limiting a developer to one option, regardless of who selects the option—the local Council Member or the City Planning Commission—would hinder the program. The community boards are further concerned that the MIH proposal in its present form leaves very little room for any community input in future projects as the affordability options will not be decided by communities.

Groups such as CASA, ANHD, REBNY and others have all expressed concerns about the number of affordability options the way the current MIH options are arranged. The Bronx could be left out of opportunities for moderate or middle-income housing. These proposals do not take into account the Department of Housing Preservation & Development's (HPD) capacity or willingness to fund such projects. We have experienced the challenge of reluctance by HPD to fund mixed-income projects, most recently on East 138th Street in particular areas, despite local support.

The Bronx has also raised a concern about realizing mixed-income housing for work force income households. The Work Force Option in the MIH proposal makes it difficult for such units to be built in The Bronx and other parts of the city, given the lack of subsidies. This option should also have the opportunity to be applied in The Bronx and elsewhere, along with the necessary subsidy support it would require.

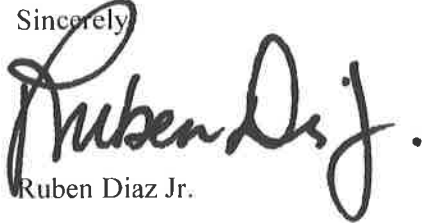
The language as it is currently written does not assure that the affordability options being offered to Council Members are actually financially feasible, or that adequate subsidies will be provided to implement them. Additionally, the options offered do not fully address the broad range of incomes, particularly the needs of very low-income residents. Options providing, for example, a mix of 40-60-80 percent, or something of the like within market rate developments, would create true mixed-income neighborhoods that this proposal hopes to achieve. It also gives the Council Member greater flexibility in tailoring proper affordability options for a particular rezoning.

The definition of transit zones and elimination of parking requirements have also been a proposal of particular concern. The half-mile distance proposed from subway stations is too far to be considered a convenient walking distance. Add to this ten block distance the topographic challenges in many of these neighborhoods, particularly those that feature step-streets, and you can further appreciate the difficulties of navigating access to rapid transit. The Zoning Resolution currently prevents affordable housing developments from renting surplus parking to the surrounding community. Enabling affordable housing developments to rent out existing spaces not only positively impacts the availability of parking in a given neighborhood, it supports the development itself by creating additional revenue for building reserves.

The Administration has said that MIH and ZQA are the only way to mitigate the problems of displacement that can come with gentrification in New York City. This is simply not the case. While affordable housing is key, these amendments as they stand are not the way to accomplish affordable housing for New Yorkers. There are multiple issues with the proposed amendments. We need to find a way to ensure that Bronx residents' needs and all New Yorkers' needs are met by new zoning, and this proposal does not achieve those ends.

As currently written, I cannot support these zoning text proposals - Mandatory Inclusionary Housing Program (N 160051 ZRY) and Zoning for Quality and Affordability (N 160049 ZRY) - and strongly recommend that the administration withdraw its submission to the City Planning Commission and the City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruben Diaz Jr.", with a stylized flourish at the end.

Ruben Diaz Jr.