

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF THE LAND USE COMMITTEE MEETING
HELD ON OCTOBER 28, 2015, AT RIVERDALE JEWISH CENTER
3700 INDEPENDENCE AVENUE**

PRESENT

Community Board No. 8

C. G. Moerdler, Chair, Land Use Committee, S. Alexander, B. Bender, A. P. Creaney, L. Daub, M. Donato, P. Ellis, R. Fanuzzi, A. G. Feldmeier, N. Friedman, P. Friedman, R. Ginty, A. Guzman, M. Heller, D. Kornbluh, D. Padernacht, L. Parker, K. Pesce, R. Press, J. Rather, A. J. Robateau, G. Santiago, L. Spalter, M. Wolpoff, H. Young

ABSENT

L. Baez, L. Croft, M. Felix, S. Froot, D. Fuchs, M. Galvin, D. Gellman, M. Goodman, R. Pochter Lowe, M. Marquez, D. McCord, A. Moore, O. Murray, J. O'Brien, J. Pilsner, J. Reyes, S. Sarao, I.W. Stone, D. Toledo, S. Villaverde, M. Yamagata

Staff

P. Manning – District Manager

Elected Officials / Representatives

J. Dinowitz – Assemblyman, A. Cohen – Councilman, C. Samol, J. Horstman – Bronx Department of City Planning, A. Castano, Office of Assemblyman Jeffrey Dinowitz, J. Stephenson, K. Theobald, A. Sandler, J. Stephenson - Office of Councilman Andrew Cohen

Community Members

J. Klein, RC Coalition, A. Delorbe – Marble Hill Houses, P. Caplan, B. Klein, M. Turlam, P. Moerdler, L. Liebman, V. Oleen – Sopher Realty, R. Spalter – BCA, H. Jerome, S. Corber – SPT, S. Law, R. Weinstein, W. A. Sherman, M. Allina, A. Shahmon, F. Anelante, S. Paulsen – RNP, J. Dougherty

Committee Chair Moerdler convened the meeting at 7:40 PM. He announced that P. Ellis, Housing Committee Chair would co-chair.

1. Before hearing the presentation on the Zoning for Quality and Affordability Text Amendment (ZQA), Chair Moerdler referred to pending matters left over from the City Planning's presentation on the Mandatory Inclusionary Housing (MIH) held on October 14, 2015 wherein C. Samol presented. He asked C. Samol for response to question posed at that meeting re information respecting the requirement that is being abolished in the proposed MIH section – Character of the Neighborhood as a requirement under 73-624 of the Board of Standards and Appeals Special Permit section of the MIH section. City Planning have three of the four proposals required under 7221, but left out "Character of the Neighborhood. He questioned the reason for that omission.

C. Samol stated that a response had been sent to the Board related to that question. The BSA Special Permit is proposed as part of the MIH to provide relief to the property owner who make

the case for hardship created by the MIH program after it is mapped in a certain area. Chair Moerdler and C. Samol engaged in further discussion on the question of the MIH general application proposed City-wide rather on a neighborhood case basis. Chair Moerdler again questioned the need for the Affordable Housing proposal when the Housing Development Corporation (HDC) has the ability to fund such programs without using tax-payer subsidy. He listed many recent approvals of HDC financing of millions of dollars directed toward the development of “pure” affordable housing. C. Samol stated that this proposal is only a small tool being used to accomplish the Mayor’s ambitious plan to build or preserve 200,000 units in the next ten years. Chair Moerdler discussed the Blackstone Group application to HDC for \$144 million under Affordable Housing for Peter Cooper/Stuyvesant Town when in fact this is really middle income housing, as residents there have incomes over one hundred thousand. He gave a further example of HDC’s ability to fund affordable housing. This year HDC will provide to private developers over \$1 billion for affordable housing. He further questioned if this proposal is the right tool being applied toward the problem of affordable housing.

2. Chair Moerdler turned the Chair over to P. Ellis for the presentation on the Zoning for Quality and Affordability Text Amendment (ZQA) – Department of City Planning Land Use Review Application No. N160049ZRY

P. Ellis stated that as Chair of the Housing Committee it was important to underscore the importance of affordable housing, certainly to himself and some other members of the committee. He cannot purport to speak for the entire committee, but it is an important issue for the Housing Committee. To that end, the Committee recently had a meeting on Mitchell Lama Housing and ways to both support the creation of Mitchell Lama Housing and preservation of existing units, established a Working Group on the Housing Committee to look for ways to support preservation and creation of units in a manner that is consistent with the unique character of the neighborhood. Other efforts are underway with a forum on the definition and financing of affordable Housing. He asked C. Samol to address the question dealing with increased density of the proposal as it relates to ancillary services for schools, transportation, fire, and police. C. Samol advised that where there is growth promotion, capital dollars will be brought to ancillary services.

3. D. Kornbluh directed question to Chair Moerdler to ask why HDC has not been successful in off-setting the housing crisis. Chair Moerdler explained that there are limitations with the funding caps and bonding. However HDC does fund at the maximum limit allowed. Developers are encouraged to develop at low interest loans and there is no shortage of interest. He reviewed some of the more recent inquiries for development proposal interests in The Bronx. He let it be known that he is committed to voluntary development rather than development that change the character of neighborhoods.
4. R. Ginty expanded on the problems with the Affordable Housing proposal. First, the proposal is very dense with over 1,000 pages. She provided history on how New York City government plugged the hole to create Affordable Housing. Various programs were developed to address the problem. Former Mayors Koch used \$4.4 Billion of Capital money to develop 180,000 units, Giuliani and Dinkins 175,000, and Bloomberg 188,000. The issue has existed for over a century. Affordable Housing is a problem because it is not financially viable. This is the first time “zoning” is being used to plug the hole. News reports indicate that the side effects to zoning are

gentrification, density, job lost, height, and parking. It was noted that no community is saying no to affordable housing, that New York City has always supported Affordable housing.

5. C. Samol presented on the ZQA as follows:

- What is Housing New York – Mayor’s de Blasio’s plan to address the affordable housing crisis. The plan aims to build or preserve 200,000 affordable units over the next ten years.
- What is Affordable Housing – It is affordable when a household spends no more than one-third of its income on rent and utilities. NYC 2015 Area Median Income (AMI) is \$77,700 for a family of three.
- Goals of Proposed Citywide Zoning Text Amendment –
 - Allow better ground floors, better residential floor to ceiling heights
 - Allow more greenery and building articulation.
 - Support Affordable Housing, Senior Housing and long term care.
 - Support prudent use of subsidies by allowing optional parking for low income housing in areas near transit.
 - Support efficient well designed buildings in inclusionary housing.
- What the Proposal Would Not Do:
 - Not a rezoning - No elimination of any contextual zoning district or re-mapping of any zoning district
 - No additional market-rate residential floor area; no change to parking requirements for mark-rate housing
 - No additional commercial floor area; no change to commercial parking requirements
 - No change to maximum community facility floor area; no change to most community facility parking requirements
 - No provisions that encourage tear-downs
 - No effect on Landmarks Preservation Commission review
 - No change to as-of-right residential rules in 1 and 2 family districts
 - No reduction in the amount of green or open spaces required for buildings
 - Proposal would not produce dramatic changes in development in any neighborhood
 - Does not change the Special Natural Area District regulations

Discussed the Contextual Building Envelopes

This Envelope is required in districts R6 and R6-7A

- Quality
 - Allow additional five feet of building height for better ground floors
 - Modify street wall line up and court provisions to permit bay windows, recesses, courtyards, and other forms of articulation found in traditional building stock
 - Modify setback regulations to encourage more planted, open space in front of buildings and more efficient upper story units
 - Modify corner lot coverage provisions to permit buildings on corner lots to wrap their façade around the corner and better blend with neighboring buildings
 - Set maximum number of stories to safeguard against misusing new flexibility

- Modify density controls to allow greater mixing and variety of housing units
- Affordable Independent Residences for Seniors (AIRS) – residential use; age and income restricted:
 - R1/R2 – No as-of-right changes; Retain and refine discretionary approvals for LTC (also subject to NYS DOH approval). AIRS not permitted.
 - R3-1/R3A/R4A – Permit LTC as of right (still subject to NYS DOH approval); retain discretionary approval for LTC to exceed existing permitted FAR and envelope. AIRS not permitted.
 - R4/R5 – Permit LTC as-of-right (still subject to NYS DOH approval). For AIRS/LTC uses only: Balance LTC/AIRS floor area ratios to permit mixing; Create predictable, stricter envelope – 4-6 stories.
 - R6/R6A – Allow +5 feet in height if taller ground floor in contextual building; Permit LTC as-of-right (still subject to NYS DOH approval). For AIRS/LTC uses only: Balance LTC/AIRS floor area ratios to permit mixing; Allow +10 feet/1 story; For contextual buildings to accommodate FAR.
 - R7/R7A – Allow +5 feet in height if taller ground floor in contextual building; Permit LTC as-of-right (still subject to NYS DOH approval); For AIRS/LTC uses only: Balance LTC/AIRS floor area ratios to permit mixing; Allow +10-20 feet/1-2 story for contextual buildings to accommodate FAR.

C. Samol noted the need to update definitions in the zoning resolution and that “Assisted Living” does not appear in the resolution. With regard to nursing homes, New York City has an 8,000 nursing home bed shortage, and only 19 new nursing homes were built in the City in the last 14 years. Community Board 8 has not had a new nursing home since 1975.

- Transit, Cars
Seniors, Affordable Housing Residents own fewer cars. Parking spaces cost is \$50,000 per space. Elimination of spaces is a cost saving to HPD.

In review, C. Samol further elaborated on “Street Wall” rule changes articulation of building to line up with neighbors. Proposed basic height changes for contextual envelope is only on wider streets. Unit density controls does not apply to Community Board 8. Mid Density Districts – No changes in R6 narrow streets. Low Density creates stricter envelopes. No changes in R1, 2, 3-1/3A, R4-A.

6. Chair Moerdler responded to C. Samol’s presentation. He advised that the new use group CCRC Zoning proposal would garner approval of the previously rejected application of the Hebrew Home to go forward with high rise construction; The reduction of 400 sq ft living space to 250 sq ft for seniors reverts back to the era when SRO’s were a single factor for drug addiction, crime, and prostitution. He discussed his part in closing down over 1,000 of those units; Parking - low income residents rely on their cars for traveling to their jobs that are often at great distance and they are entitled to a parking space; He informed that all Bronx community boards had opposed the Housing New York proposal at the initial presentation to community boards in May 2015 on the grounds that it would impede job opportunities. Chair Moerdler referenced C. Samol’s comments that CB8 had no new

applications for nursing homes since 1975. He related that CB8 had been designated by law as having an over-abundance of nursing homes thereby curtailing new construction. Chair Moerdler commented on the street wall proposal and gave an example of its flaws explaining that this is the very problem residents at the Bonnie House, 3720 Blackstone, are faced with presently wherein the building construction at 640 West 238th Street is right up against the window wall of the Bonnie House that will block light and air to residents. Further, Chair Moerdler commented on the street level ground floor proposal. He advised that developers make this design choice. He pointed out several recent developments in CB8 that applied the street level ground floor building design. He does not agree with new proposal that would require 5ft additional height to raise ground floors.

7. P. Ellis asked about the 250 sq ft senior unit's size. C. Samol responded that this would rely on Building code and HPD.
8. Assemblyman Dinowitz expressed concern about seniors' small room size.
9. A. Feldmeier asked about rear yard space requirement. C. Samol advised that yard space will remain 30 ft.
10. Councilman Cohen stated that he has been in regular contact with City Planning for many months and therefore would not take speaking time away from the Board.
11. B. Bender asked about the aspect of "Quality" being a factor in creating Affordable Housing? C. Samol replied it does not, it is an aesthetic feature.
12. Chair Moerdler informed that the MTA had earlier that day adopted a Capital funding plan for four new train stations in the East Bronx that would create a Transit Oriented District. He discussed the possibility of development of housing units on property located between the stations by building housing on platforms over the rail yards, which is already a proposal of Borough President Diaz. The MTA is open to this discussion. He suggested there would be space for 10,000 units of Affordable Housing.
13. B. Bender asked about the Transit Zone proposal which states "Existing Affordable Senior Housing development would be allowed to remove existing parking as of right." C. Samol advised this would apply only in Transit Zone.
14. R. Press asked about omissions of zoning changes for CB8's Special Natural Area and Historic Districts. C. Samol advised no re-zoning in those districts. R. Press asked about parking requirements for nursing homes. No parking changes proposed for nursing homes.
15. R. Fanuzzi stated that the Transit Zone proposal is designated for neighborhoods that are already affordable. He suggested that elimination of parking has nothing to do with seniors who don't drive or affordable housing recipients not having cars, rather he sees this as a bonanza for developers getting more rental space. He does not see public policy objective with the proposal. He sees this as penalizing places already economically diverse.
16. L. Daub asked about Affordable Housing universal design elements for seniors that would allow them to be able to really age in place. C. Samol advised this is a question for HPD and a representative was not present. L. Daub discussed Parking for Independent Living residences. She explained the importance socializing for senior's good health and having cars and parking, not just for themselves but for family members, visiting nurses, and paid caregivers who will all need parking. Apartment size is a major concern and will be discussed in great detail. With respect to CCRC she asked about the possibility of swapping out space from Assisted Living to Independent Living. C. Samol advised not possible due to State mandates.
17. R. Ginty stated that confusing answers were being given regarding CCRC zoning. She asked C. Samol to confirm the following:
 - ✓ In an R1 District you can only have Use Group 1 and Use Group 3

- ✓ Use Group 1 is Single-family Detached Housing
 - ✓ Use Group 3 is Community Facilities
 - ✓ You are not allowed to have Use Group 2 Multi-family Housing - not allowed in R1
Hence you say you have not changed the zoning in the Natural Area District, you have not changed the R1 Zoning, but what you did by creating a new use by defining it the way you defined it, you have changed the zoning in R1. You have created a CCRC which is Multi-family housing, and instead of putting it in Use Group 2, where it should be, you made it Use Group 3, which automatically allows it to go into R1.
18. J. Rather stated that the information in both the ZQA and MIH is too dense. He asked if there could be a better process in dissemination of the information. He thought perhaps that moving forward such information could begin on a smaller scale to the community.
19. M. Wolpoff commented on the age factor concerning seniors need for cars. As a senior, because of his health, he could never be able to walk to transit if he lived in a location like Amalgamated Houses. He referred to the presentation from June 2015 on Affordable Housing where it was stated no set-backs, no side yards, no green space, etc. However, this presentation proposes plans for all mentioned. C. Samol stated that she did not recall giving that information. However they are trying to improve their communication skills.
20. D. Gellman stated that the senior age of 62 is not feasible for giving up cars. Maybe senior ages of 75 or 80 would be more realistic. Although staff at the facilities definitely do drive. The absence of parking will impact on the neighborhood. C. Samol re-stated that elimination of parking in transit zones is only for senior affordable housing and parking for health facilities will not change.
21. D. Kornbluh discussed problems with explaining the proposal. Need affordable housing but private market and HUD will not solve problem. He related that over 200,000 people are on the waiting list for NYCHA, and certainly there is a housing crisis.
22. A. Feldmeier stated that if family gets affordable Housing this may provide a way to afford a car.
23. D. Padernacht asked for confirmation that the maximum FAR is not changing. However he has seen that the building envelope on many properties prevents the developers from using the maximum FAR. C. Samol stated that today affordable senior housing already have this but not the envelope. He asked if this was true for contextual housing. No, because they have two options where they can use everything or leave something on table. D. Padernacht stated this would allow the affordable senior housing to use more of the envelope to create more density. No, because developers can ask for more envelope and it would be given. He listed three big items that enhance quality housing: Room size, open space between buildings, and parking. These items are scaled back in the proposal. C. Samol stated that room size is not being changed. Chair Moerdler disputed that point. C. Samol clarified that unit size is being eliminated.
24. L. Spalter discussed the severe impact of elimination of parking in the neighborhood. It is not just about the seniors parking, but considering makeup families, there will be lots of cars belonging to Affordable Housing residents. Her understanding is that parking will be reduced in proportion to affordable housing units. 80/20 buildings is not just seniors building or low income. As it stands now there is already a problem with finding parking in the Transit Zones or otherwise. The Board has always fought for parking. Merchants complain about the lack of parking. This will cut into the tax revenue base. She asked about cross analysis in place that would pay for these initiatives to make up for loss of taxes.

25. S. Paulsen asked for clarification of the CCRC and R1 and R2 zones. Referred to C. Samol statement that it is discretionary but the text also includes provision for Authorization for sites larger than 10 acres. C. Samol advised yes, true. She advised that it would be referred out to community board.
26. Ms. McGowan advised to consider that the train transportation ends at West 242nds Street, not West 246th Street. She expressed deep concern with the pending destruction of the stone wall from Henry Hudson Parkway to Broadway by developer for building construction at 5278 Post Road.
27. S. Balicer asked C. Samol to invite the Mayor to the November 9th Public Hearing on the ZQA and MIH Zoning Text Amendment.
28. W. Sherman stated the issues with the proposal are not only about parking. He discussed the negative impact it will have both economically and culturally.

Before adjourning, Chair Moerdler announced the Public Hearing going forth on November 9th to hear from the public on the Quality and Affordability, and Mandatory Inclusionary Housing Zoning Text Amendment proposal.

Chairman Padernacht announced that the Board is seeking nominations for the New York Yankees Youth Leadership Award.

Meeting adjourned 10:00 PM.

Respectfully submitted,

Patricia Manning
District Manager