



# Community Board Ten

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July 2, 2024

Chair Dan Garodnick  
NYC Planning Commission  
120 Broadway  
New York, NY 10271

Re: City of Yes for Housing Opportunity Proposed  
Citywide Text Amendment, ULURP Number:  
N240290ZRY

Dear Chair Garodnick:

At a duly publicized meeting of Community Board 10 held on Thursday, June 24, 2024, members voted overwhelmingly to submit an unfavorable recommendation regarding the proposed City of Yes: Housing Opportunity text Amendment. We would like to take this opportunity to provide you with a summary of concerns identified during our review including:

- 1. Environmental Impact Statement (DEIS)** – The EIS failed to address several specific environmental concerns within Community District 10 as it was analyzed as a “generic action”. The Department of City Planning describes this zoning reform proposal as addressing the housing shortage by making it possible to build a little more housing in every neighborhood. This statement was not supported in the EIS completed for this text amendment.

*“Consistent with CEQR Technical Manual guidance, the Proposed Action will be analyzed as a “generic action” as its wide applicability throughout the City makes it difficult to predict the specific sites where development would be facilitated by the Proposed Action. According to the CEQR Technical Manual, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually, these actions affect the entire city or an area so large that site-specific description or analysis is not appropriate.”*

- 2. Town Center Zoning** – This allows flexibility and potential for growth without an increased need for parking. However, the Committee believes that buildings should be capped at no more than 3 stories above the commercial first floor.

ANTONIO REYNOSO, BOROUGH PRESIDENT

# Community Board Ten

Page - 2 -

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## 3. Transit Oriented Development

- a. Sections of Community District 10 eligible for transit-oriented development in this proposal are in fact locally referred to as “transit deserts.” Therefore, the definition must be changed to reflect the realistic transit infrastructure on a district-by-district basis.
- b. The Committee thinks the transit zone radius should be reduced from a half mile to a more realistic walking distance, especially for local seniors.
- c. One- and two-family homes within the R1 through R4 Districts should be exempted from this requirement.
- d. The “short end of the block” must be defined.

## 4. ADU – Accessory Dwelling Units

- a. DCP has not provided any documentation to this Board as it relates to interagency study, review, analysis or endorsement of this proposal.
- b. There was no information available as to the results of the NYC ADU Pilot Program
- c. The City Planning ADU illustration was not an accurate depiction of CB 10’s environment. It does not take into consideration:
  - o the safety of residents
  - o the built-out environment of the district’s garages or blocks
  - o the possibility of multiple ADUs on one block (all around--on 3 exposures)
  - o the encroachment of ADUs on the light and air of neighboring properties
  - o encroachments in backyards
  - o doors opening onto alleyways and shared driveways with cars
  - o hookups for sewer, water, and electric
  - o the possibility of less permeable space and resiliency because of a reduction in or paving of side and rear yards. Although permeable pavement is not required in the rear or side yard, the loss of permeable areas in this proposal is significant and should be included as part of the environmental review.
- d. It is not clear if ADUs will be used for multigenerational families, for rentals, or even for home occupations.
- e. It is unclear if building codes, safety codes, fire codes, or occupancy levels would be enforced.
- f. It is a one-size-fits-all plan. ADUs will be as-of-right. The Committee thinks this should require a special permit or variance in order that impacted neighbors can have a say in what happens on adjoining properties.
- g. Additionally, this component of the proposal has no tie to affordability.

## 5. District Fixes

Community Board 10 believes that 1- and 2- family homes are integral to keeping the district stabilized. It is important to maintain the mix of housing options in CD 10. These include 1- and 2- family homes, multi-family homes, condos, co-ops, and rent-stabilized apartments.

**ANTONIO REYNOSO, BOROUGH PRESIDENT**

# Community Board Ten

Page - 3 -

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DCP has not provided a thorough citywide district-by-district analysis as to why this proposal is needed or what it seeks to accomplish. Therefore, this section of the proposal should be removed for the following reasons:

- This as-of-right proposal fails to take into consideration the impacts on neighboring properties.
- The Committee thinks that this proposal incentivizes tear downs; that by creating more, smaller units and subdividing houses, land values will increase thereby making homes more expensive and less attainable. That this component of the proposal has no tie to affordability but it upzones every contextual district in CD 10.
- In 2016 CD 10 removed ZR 73-622 from consideration in the district as like the Housing Opportunity proposal, it was designed to allow for only modest expansion. However, it did not produce new units of housing, there were no ties to affordability, and it resulted in negative impacts to open space, streetscapes and neighboring properties.

## **6. Universal Affordability Preference – UAP**

The Committee thinks that 60% AMI is too high. Currently, Community District 10 ranks as one of the most affordable places to live in New York City. According to NYU's Furman Center Neighborhood Profile, the median gross rent in CD 10 falls below city and borough averages. Therefore, the concern is that additional bulk will be provided to developers for market rate housing.

## **7. Parking Mandates**

The Committee thinks that no proper analysis was provided in the Environmental Impact Statement and the proposal does not address impacts to the following:

- Loss of permeable surfaces in front yard.
- Lack of enforcement to currently protect provisions outlined in the Streetscape Text Amendment
- Long standing issues with illegal parking that will be exacerbated by the removal of parking mandates
- The transportation network is not sufficient. The removal of these mandates is not done in conjunction with a substantial increase in quantity and quality of public transportation options. There will be more cars on the street, making streets less pedestrian-friendly.

## **8. Convert non-residential buildings to housing**

This component of the proposal would be applicable to community facilities on potentially very large land lots allowing developers to gain added floor area with no parking requirements and with no promise of affordable housing.

## **9. Small and Shared Housing**

The Committee expressed opposition based on the following concerns:

- No specific study that identifies where small and shared housing can be built in CD 10.
- Small and shared housing units are similar to tenements and Single Room Occupancy housing or SRO's. In the past, within the district, there were problems with SROs including disorderly conduct, drug sales and use, overdose cases, and prostitution.

**ANTONIO REYNOSO, BOROUGH PRESIDENT**

# Community Board Ten

Page - 4 -

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- Health, safety, and security concerns
  - Over-occupancy concerns
  - No strong commitment to enforcing rules

## 10. Railroad Rights of Way

The Committee is concerned that this component of the Housing Opportunity proposal is **not tied to affordability** and removes the special permit requirement.

The Special Permit allowed further review of environmental issues, streetscape impacts and affordability requirements. These types of developments involve large swaths of land with many environmental issues. The Special Permit requirement must be maintained.

Additional concerns raised by the Board are included in the Zoning and Land Use Committee Report. See attached.

We want to close by emphasizing to you that zoning in Community District 10 has worked quite well, producing a diversity of housing while allowing significant room for growth. In fact, the proposal promises a little less than 1 unit per acre over 15 years. The zoning currently in place now allows for more than this proposal's projection.

It is for the reasons above that the members of Community Board 10 voted overwhelmingly to provide an unfavorable recommendation for City of Yes for Housing Opportunity.

Sincerely,

*Jaynemie Capetanakis*  
Chair

*Josephine Beckmann*  
District Manager

JC/JB:dg  
Att.

cc: Borough President Reynoso  
CM Alexa Aviles  
CM Justin Brannan  
CM David Carr  
CM Susan Zhuang

ANTONIO REYNOSO, BOROUGH PRESIDENT

**ZONING AND LAND USE COMMITTEE**  
**City of Yes for Housing Opportunity Public Hearing**  
June 20, 2024  
CB #10-Brooklyn  
Committee Report and Slide Presentation

**Intro: Slide 1, "1386 Pages"**

Community Board 10's Zoning and Land Use Committee hosted a Public Meeting on Tuesday, June 4th at 7PM at Fort Hamilton High School to present and discuss the City of Yes Housing Opportunity citywide proposal. Representatives from the Department of City Planning were also present in order to provide an overview of the proposal and to respond to questions and concerns from the public. Approximately 700 people were in attendance.

Following the DCP's presentation, the Zoning and Land Use Committee presented its review and analyses of the Housing Opportunity proposal. Tonight's presentation, an updated version of the Committee's June 4th presentation, focuses on those issues that are most germane to Community District 10 and its 14 residential zoning districts.

Over the course of several months and many meetings, the Committee reviewed the 1386-page proposal, the Environmental Impact Statement, additional City Planning materials, and considered the perspectives and concerns of CB 10 residents.

(Next)

Letter from Commissioner Garodnick : Slide 2

Based on its findings, the Committee will make its recommendation to the General Board this evening. As it did with the City of Yes Economic Opportunity recommendation, the Committee will include comments and concerns in its response to City Planning.

At that time, CB 10 provided an Unfavorable recommendation but outlined an extensive list of very specific concerns and suggestions for the City Planning Commission and the City Council. Many of our suggestions and modifications were incorporated into the final zoning text.

(Next)

Supply and Demand/Vancouver Quote: Slide 3

The Housing Opportunity Proposal seeks to increase the Supply of Housing in every Neighborhood in NYC in order to increase Affordability (or reduce rents)

There are many reasons for the affordable housing crisis. The Department of City Planning provided some studies (about 4) that support the claim that 'increases in housing supply slow rent growth and create greater affordability'. However, we have looked at other analogous studies that had different outcomes where average housing costs did not decrease or, in some cases, actually increased.

(Refer to quote) One of the Zoning and Land Use Committee's concerns is reflected in a Vancouver study that focuses on the results of a pro-density zoning policy. The study demonstrates that a significant increase in housing units and density led to a sharp increase in housing prices; the increase in capacity on land parcels, i.e. the ability to build more smaller units on a single lot, caused an increase in land values.

Ultimately, the Supply and Demand model depends on a competitive market which is subject to many forces. Although COYHO is intended 'to add a lot of housing overall but only a little in any given area', the market will determine the areas most advantageous for development of new housing. In areas of less market interest, little will happen.

We think that CB10, because of its attractive scale(for now), safe environment and vibrant commercial areas, will generate maximum market interest. Potentially there will not be just a little bit of new housing but a lot of development in the district.. However, this is uncertain because the proposal has not been fully analyzed and many of the market variables have not been considered in the proposal.

(Next)

## Housing Data in CB 10: Slide 4

This is a quick look at CB 10's current Housing and Community Character.

- The housing stock is very diverse. CB 10 has 1- and 2-family homes as well as mid to large size apartment buildings
- 61% of the housing units are in multi-family structures--including rent stabilized units
- The majority of the district residents are Renters
- CB 10 is among the most affordable communities in NYC
- In fact, in April 2023 the Brooklyn Paper reported that Bay Ridge had the lowest rent averages despite increasing prices

According to NYU's Furman Center Neighborhood Profile:

- The median gross rent in CB 10 falls below city and borough averages
- The overall rental vacancy rate in Bay Ridge & Dyker Heights was 4.0% in 2022
- CB 10 has a Diversity of Residents and Diversity of Income Distribution
- The residents who occupy lowest-density community districts (LDCDs) are of similar racial and ethnic diversity to residents across the city, contrary to the stereotype that low-density neighborhoods are exclusively high-income. <https://furmancenter.org/stateofthecity/view/new-york-citys-low-density-neighborhoods>

I'm happy to share the NYU Furman Center reports and other information which I have referenced.

(Next)



A Look Back at Community Based Planning - Zoning History in CB10” : Slides 5, 6 & 7

Taking a look back at CB 10’s Zoning History, the District experienced rezoning: in 1978, with the establishment of the Special Bay Ridge District; in 2005 in Bay Ridge; and in 2007 in Dyker Heights.

One of the most noteworthy and significant features of these rezonings, is that they were community-based collaborative processes. Rezonings in CB10 were widely supported, not only by local elected officials and the Borough President, but by the Community as well. (Next)

The City Planning Commission, in speaking about the Bay Ridge and Dyker Heights rezonings, stated in 2005 and 2007 respectively, that they “believe that the proposed lower density and contextual zoning districts together with the Special Bay Ridge District amendments provide the best possible protection to preserve the scale and character that are so highly valued by Bay Ridge residents” and “that the rezoning proposal for 159 blocks...of Dyker Heights and Fort Hamilton would preserve neighborhood character, scale and density by replacing existing zoning districts with lower density and contextual zoning districts, ensuring that future residential and commercial development would be more consistent with the existing built environment.” This has worked well for CB 10

These rezonings provided district wide planning to preserve residential streetscapes, prevent tear downs in mid-blocks, and prevent haphazard development while also allowing future growth and development. (Next)  
As a result of these rezonings there is still significant, as-of-right development potential in CB 10 today. The district has 1,062 parcels of land that have the potential for 50% more development. Under current zoning regulations CB 10 has the potential and capacity to create “a little less than 1 unit per acre over 15 years” as per the Department of City Planning’s estimates under the new proposal. (See FAQs)

(Next)

The Environmental Impact Statement: New Slide or Slide 20

After its review of the Environmental Impact Statement, the Zoning and Land Use Committee concluded that, contrary to DCP's claims, the EIS has not provided a comprehensive or thorough analysis of the potential impacts of the Housing Opportunity proposal. The EIS has not clarified Purpose and Need, particularly with regard to many of the technical changes. It is not clear what the purpose of several rules is; why the changes are needed; what may happen as a result of the new rules; who is expected to utilize the new provisions; under what circumstances the new provisions would be used; how these changes lead to affordable housing; where development will take place; why some areas may be developed and others not; what the impacts will be to each community in the city and where the impacts will be greatest. (Next)

Very telling is the following paragraph from Chapter 24 of the Environmental Impact Statement:

*"As such, the Proposed Action would result in the potential for unavoidable adverse impacts with respect to public elementary schools, early childhood programs, open space, shadows, archaeological resources, architectural resources, visual resources, natural resources, hazardous materials, transportation (traffic, bus, subway, and pedestrians), noise, and construction (transportation and noise)"*

(Next)

EIS Concern Summary School Seat Data, Sewer Slide 10

Ideally, there would have been an analysis of Southern Brooklyn, or more specifically, of Community Board 10. City Planning, instead, analyzed the Proposal as a “generic action” utilizing prototypical sites and representative neighborhoods. Because of the proposal’s wide applicability throughout the City, City Planning states that it is difficult to predict the specific sites where development would be facilitated.

The Zoning and Land Use Committee believes that, without specific analysis of Community District 10, City Planning cannot be familiar with the district’s unique characteristics and challenges. Of particular concern are:

(Next)

- **The School Seat Deficit**

CB 10 is located wholly in School District 20 which is the most overcrowded district in NYC. This is not specifically addressed in the EIS (Refer to School Seat slide)

- **Yard Reduction**

The EIS does not address the loss of permeability and resiliency that may result from a reduction in yard size. It does not consider how much storm water will be diverted as a result of loss of yard space. Nor in which areas

The EIS does not address the impacts to the loss of parking nor consider unintended consequences like illegal front yard car ports/parking pads—which result in a de facto yard reduction.

- **Shadows**

The EIS states that the proposed action could result in significant adverse shadow impact.

- **Possibility of Tear Downs**

In the past, in the 1980s, the City had run out of vacant land to build small homes. Builders began tearing down homes that were an important part of neighborhood character and replaced them with buildings that were too dense and out of character with the existing context of the neighborhood. There were tremendous concerns that this practice would destabilize existing neighborhoods. Hence Contextual zoning was put in place. Bay Ridge and Dyker Heights benefitted from this type of zoning. The Committee is concerned that the possibility of tear downs has not been considered in the EIS.

(Next)

- **Sewer Infrastructure**

Stated in the recently published COYHO FAQs *“The Department of City Planning conducted a thorough environmental impact review of this proposal and found that it would not have a “significant adverse impact” on water and sewer systems.”* (COYHO FAQs)

This belies the experience of many residents in Community Board 10 and the condition of the aged Combined Sewage Conveyance System.

Owls Head: Slide 12

The Combined Sewage Conveyance System and Combined Sewer Outfalls are old and many portions of CB10 experience sewer back ups and street flooding even during dry weather. There is no mention in the EIS of the impact of the Housing Opportunity proposal on this conveyance system.

Owls Head Waste Water Resource Recovery Facility, built in the 1950s, is one of 14 Sewage Treatment plants in NYC and services 5 Community Districts. The EIS did not study the impact of additional loads to this processing facility which would be created by an increase in housing units.

In the past CB10 requested a drainage study in the area of Colonial Road and Narrows Avenue as both locations experience frequent street flooding. Recent thunderstorms on June 13th and June 14th produced sewage backups in Dyker Heights, in the area around 10th avenue, in Bay Ridge in the 80s between 6th and 7th avenues and in the Colonial Road/Narrows Avenue portions of the district.

In the final analysis there is no information on how much the infrastructure in CB10 could be stressed. This is a basic requirement of an appropriate environmental review of a Proposal.

(Next)

## LOW DENSITY: Slide 13

Here we will address specific components of the Proposal which has been broken down into four categories. The first of these categories is Low Density. (Next)

## District Fixes : Slide 14

The main features of the proposal's District Fixes are: an increase in building height for one- and two-family homes; the reduction or elimination of side yards; the reduction of rear yards from 30 feet to 20 feet; an increase in Floor Area Ratio (FAR); a decrease in minimum lot sizes which would allow additional development of more, smaller units; and an increase in the number of units within a zoning lot, eg. 1-family house can become a 2-family house, a 2-family house can become a 3-family house, etc. It is unclear as to why City Planning has proposed these as-of-right changes in 1- and 2-family districts. It has not explained what it hopes to achieve by permitting these technical changes nor has City Planning explained what its expectations are or what the intended results are.

Community Board 10 believes that 1- and 2- family homes are integral to keeping the district stabilized. It is important to maintain the mix of housing options in CB 10. These include private market, 1- and 2- family homes, multi-family homes, condos, co-ops, and rent-stabilized apartments.

The Committee is concerned that this proposal incentivizes tear-downs; that by creating more, smaller units and subdividing houses, land values will increase thereby making homes more expensive and less accessible; and that **this component of the proposal has no tie to affordability** but it upzones every contextual district in CB 10.

(Next)

ZR 73-622: The following is intended to illustrate (as best as possible) what may result from these changes in CB 10.

(Next)

District Fixes. How will these changes impact the Streetscape?:  
Slide 16

CB 10 has seen these changes before. This slide illustrates one example of possible outcomes under the new proposal. We are looking at the white house in the center. The changes that you see here, between 2007 and 2011, are the result of a Board of Standards and Appeals Special Permit made possible by zoning resolution 73-622. (This resolution has since been eliminated from CB 10)

The provisions from that resolution are the same as the provisions in the Housing Opportunity proposal except that the new proposal will allow these provisions as-of-right, with no community review.

- Horizontal and vertical enlargements in side yards and in significant portions of rear yards for single- and two-family detached and semi-detached residences. You see the significant expansion in that side yard
- An attic space that is no longer required to be set back from the building wall. You see the flat roof versus the pitched roof which adds bulk and takes up light and air

Like the Housing Opportunity proposal, it was designed to allow for only modest expansion. However, it did not produce new units of housing, there were no ties to affordability and it resulted in negative impacts to open space, streetscapes and neighboring properties.

Because a specific study of the district has not been made, we have no way of knowing, at scale, what the impacts will be if these district fixes are implemented.

(Next)

## ADUs: Slides 17

NYC began a pilot program last year to test allowing ADUs but at this time there is no information available about this pilot. This is an intriguing idea, but as proposed, it leaves CB 10 with many questions and concerns particularly since there are no rules.

This City Planning drawing is not an accurate depiction of CB 10's environment. It does not take into consideration:

- the safety of residents
- the built out environment of the District's garages or blocks;
- the possibility of multiple ADUs on one block (all around--on 3 exposures);
- the encroachment of ADUs on the light and air of neighboring properties;
- encroachments in backyards
- doors opening on to alleyways and shared driveways with cars (refer to photo slides)
- hookups for sewer, water, and electric
- the possibility of less permeable space and resiliency as a result of a reduction in or paving of side and rear yards

(Next)

We do not know if these ADUs will be used for multigenerational families, for rentals, or even for home occupations. It is unclear if building codes, safety codes, fire codes, or occupancy levels would be enforced.

CB 10 has requested assurance from City Planning that the Department of Environmental Protection, the NYPD, and the FDNY are in support of this proposal but no response has been given.

CB 10 has also requested specific technical information from City Planning in order to conduct its own analysis of the district and determine potential impacts from the creation of ADUs. We continue to wait for this information.

(Next)

Unlike in other cities, which City Planning often cites as examples, there is no plan to oversee the growth of these ADUs. The rules and requirements are not based on different jurisdictions, nor, on housing type, location or specific zoning districts. It is a one-size-fits-all plan. ADUs will be as-of-right. There will be no need for special permits or variances. Neighbors will not have a say in what happens on adjoining properties.

**Additionally, this component of the proposal has no tie to affordability.**

(Next)

## TRANSIT ORIENTED DEVELOPMENT : Slide 20

These properties/lots in the photo meet the criteria for Transit Oriented Development. They are:

- In one of the Zoning Districts R1 through R5
- Half a mile (10 blocks) from transit (subway)
- On lots of 5000 square feet (or more)and
- On wide streets or at the short end of a block

Under this proposal, areas not usually considered to be in a transit area---like sections of Colonial Road, Marine Avenue, 86<sup>th</sup> Street, Bay Ridge Parkway, Ridge Blvd-- would have sites eligible to become 3- to 5- story apartment buildings.

There is no clear understanding of what can happen if these changes are implemented; CB 10 could see tremendous change in R1 and R2 districts if apartment buildings replace single family homes. This proposal incentivizes tear-downs. Buildings can be destroyed unless landmarked.

The Committee believes that the transit zone radius should be reduced. The areas that would be included in the transit oriented development are areas that do not have adequate transportation infrastructure and must be reevaluated.

(Next)



TOWN CENTER ZONING: New slide 21

This proposal reintroduces new housing above businesses on commercial streets in low-density areas. The Committee is generally supportive of this proposal. It allows flexibility and potential for growth without an increased need for parking in these areas. However, additional development rights are permitted if commercial use is included. Therefore, the Committee thinks that buildings should be capped at 3-stories.

(Next)

## Medium & High Density Slide: the next category

### Slide 22 (Next)

#### Universal Affordability Preference: 86th Street and 4th Avenue: Slide

The Universal Affordability Proposal would allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

The Committee is reasonably supportive of this proposal for affordable and market rate housing in the medium and higher density districts. However, there is great potential for change on 86th Street between 4th Avenue and Fort Hamilton Parkway. (Next)

Under current zoning, 7-story buildings can be developed. Potentially, under the new proposal with affordable housing, lots could be developed to 9-story residential buildings, possibly, with commercial ground floor. Prominent vacancies like Modell's can become All Affordable or Partial Affordable. The UAP at 60% of AMI would provide a family with a 2-bedroom apartment at \$2097. **So additional density is being created for market-rate housing.** (Next)

The implications of this type of development would be the loss of retail, or retail as an afterthought, in what has been for many years a very important commercial corridor in CB 10. Since Commercial development of more than 10,000 square feet of retail triggers parking, developers may create smaller commercial spaces or perhaps none at all. This raises several questions: what should the city do to maintain 86th street as a commercial corridor? Is commercial still viable in this area?

The Committee thinks that this area of the district needs further study and suggests the following:

City Planning should do a separate study of 86th Street; the community should plan for the future of 86th Street and not let short term market forces determine development; this corridor should not be developed piece-meal; and parking mandates should be maintained. (Next)

Under current zoning regulations there is significant potential for development in this area. With UAP under the new proposal, 9-story

residential buildings can be developed along 3rd and 4th Avenues along these streets. (Next)

CITYWIDE Slide: the third category (Next)

Removing Parking Mandates--Unintended Consequences: Slide 27

The Environmental Impact Statement did not provide any analysis as to what will happen without parking mandates; it does not address what will happen to all the cars, those belonging to current residents and those belonging to new residents. The proposal's nudge is to make cars go away but the EIS does not directly address how this can be accomplished. Parking impacts will be created by eliminating the parking mandate.

There have been long standing issues with illegal parking that will be exacerbated by the removal of parking mandates. Illegal parking has consistently been the leading 311 complaint for CB10 followed by "Blocked Driveways" in 3rd place

The Transportation network is not sufficient. The removal of these mandates is not done in conjunction with a substantial increase in quantity and quality of public transportation options. There will be more cars on the street, making streets less pedestrian-friendly. (Next)

Unintended consequences of parking removal --including conversion of front yard facing garages-- have been problematic. These include the removal of front yards for illegal front yard parking; an increase in double parking; parking on hydrants; and parking in front of private driveways, etc

The city can explore the removal of parking mandates but the implications of the parking proposal have not been studied and are not in the Environmental Impact Study

(Next)

Elimination of Special Permit

Reduction of Spaces for Parking Lots Developed to Affordable Housing:  
Slide 30

Under current zoning regulations, an Affordable Housing Development requires a Special Permit to eliminate existing parking spaces if the property is not in the Transit Zone. The new proposal eliminates this special permit which requires community review. Parking lots that meet the criteria to be developed into Affordable Housing would be as-of-right. Parking that is currently available can be removed.

Examples: Shore Hill @ 9000 Shore Road & Bay Ridge Towers

(Next)

## Small and Shared Housing : Slide 31

- I. The City Planning Commission has stated that this proposal affects only new builds and does not have much applicability in Community Board 10. However, there is no specific study that identifies where small and shared housing can be built in CB 10 therefore the Committee is unable to fully determine its applicability in the district. The Committee expressed the following additional concerns regarding this proposal:
  1. Small and shared housing units are similar to tenements and Single Room Occupancy housing or SRO's. In the past, in the district, there were problems with SROs.
  2. There are Health, safety, and security concerns
  3. There are Over-occupancy concerns
  4. There is not a strong commitment to enforcing rules

(Next)

### Conversion of Buildings: Slide 32

Under the new proposal, Schools, Houses of Worship, and Office Buildings would be permitted to convert as-of-right to Residential use. This is currently not allowed. Although there is a great deal of potential here for Adaptive Reuse, the Committee has many concerns.

This component of the proposal would be applicable to community facilities on, potentially, very large land lots allowing developers to gain added floor area (bonus FAR) with no parking requirements and **with no promise of affordable housing.**

(Next Slide)

Houses of Worship or Faith Based Organizations: Slide 33

**Community District 10 has 70 such sites (as you can see from the map)**

The Housing Opportunity proposal would enable Faith Based Organizations across the city to convert old convents, school buildings, and other (types of) properties into residential units

This proposal would also permit 3- to 5-story buildings as-of-right on Faith Based Organization sites in low density areas that are near transit or on main streets

Next Slide

CB10 has seen several examples in the district where community facility rules were exploited for the development of condos/market rate housing **without any affordable housing provision.**

The Committee believes that these conversions should not be as-of-right and that Community Board should have the ability to review any such developments

*63rd Street Development--Built under guise of community facility--63rd street*

*At Angel Guardian Home there should be a community facility and affordable housing. Now there are condos for sale.*

Miscellaneous Slide: Final Category--Slide 35  
(Next)

Railroad Right-of-Way: 1 slide

Under current zoning, a special permit is needed to build over a railway or railyard. The Housing Opportunity proposal would eliminate this mandatory special permit thereby removing public review of development on railroad rights-of-way.

These types of developments involve large swaths of land with many environmental issues. The Committee is concerned that this component of the Housing Opportunity proposal is **not tied to affordability** and removes all public review of environmental issues, streetscape impacts and affordability requirements. Therefore, the Special Permit requirement should be maintained.

Example: 6200 8th Avenue -which is not yet built (Slide 36)

The previous two developers, as per City Planning requirements, needed a special permit but that mandate was waived for the third and current developer (based on a recent new legal interpretation). The result is this 28-story building, out of context, in a very dense environment

(Next)



### Recap of Community Input (Slide 37)

Over the last several weeks, the Committee and CB 10 have heard from many district residents. During the public meeting on June 4, of the 700 attendees, approximately 42 people had the opportunity to speak. All but 2 were against the proposal. The district office received 25 emails, 10 walk-in visits, 20 phone calls, and 10 surveys that were against the proposal. Two other emails were in favor of the proposal. Additionally, of the 4 CB 10 council members, one said that they would vote against the proposal in its current draft form.

### CONCLUSION

As I said earlier, the Zoning and Land Use Committee (with the assistance of Planning Consultant Barry Dinerstein) has spent considerable time reviewing this citywide proposal and understanding its applicability to CB 10. Given the breadth and the length of the zoning text amendment and, once again, the significant time restrictions, we have only been able to delve into a portion of this document. We have not been able to analyze how the Housing Opportunity component will interact with the other recently adopted Carbon Neutrality and Economic Opportunity components. Although the Committee requested an analysis of the implementation and interaction of these three components, we did not receive an answer.

In summary, the Committee believes that the City of Yes Housing Opportunity proposal will not create more affordable housing and that it will make homes more expensive and of lesser quality. The Committee is concerned that the proposal will lead to more speculative purchases of homes and neighborhood institutions for the purposes of subdivision and demolition. It may also undermine existing neighborhood businesses by inducing the sale and redevelopment of existing stores.

The Committee suggests that City Planning look at each individual neighborhood and district and carefully consider the opportunities for new housing, the condition of neighborhood infrastructure and balance that with the preservation of the neighborhood's housing stock, businesses and institutions. City of Yes does not do this. As a generic, City wide plan it has the potential to forever damage CD10 as well as other neighborhoods across the City.

## ZALUC MOTION

The City Planning Commission has instructed Community Boards to submit their resolutions and any accompanying statement through the CPC Zoning Application Portal or ZAP. Community Boards must select only one of four options: Favorable; Favorable with Conditions; Unfavorable or; Unfavorable with Conditions

Based on all of the aforementioned information and concerns, the Zoning and Land Use Committee motioned to submit an **Unfavorable** opinion regarding the proposed citywide zoning text amendment City of Yes for Housing Opportunity. All were in favor and the motion carried unanimously.

Because the Committee sees the individual components of this proposal as inextricably linked, we have viewed this proposal as a whole and made our recommendation accordingly.

As we did with the Economic Opportunity component, the Committee will include comments and concerns in our response to City Planning.

(A second is needed from the floor.)

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I would like to review what happens after this evening's vote. Our recommendation and concerns will be submitted to City Planning.

The City Planning Commission will have a public hearing at the end of July. Once the Commission votes on the City of Yes proposal, the City Council will have 50 days to make modifications.

Respectfully submitted,

*Stephanie Simone-Mahaney*

Stephanie Simone-Mahaney

(The Committee Report was accompanied by a Slide Presentation)