

Crown Heights South Association
1066 Union Street Brooklyn NY 11225

Demetrius Lawrence
Chair Community Board 9
890 Nostrand Ave
Brooklyn NY 11225

From: Evelyn Tully Costa
Crown Heights South Association

Re: Just say NO to the Mayor's Zoning Proposals

November 16th, 2015

Dear Chairman Lawrence ,

I have reviewed the Mayor's Proposal for "Zoning and Quality" and as a concerned member of this community and the Crown Heights South Association, I write to recommend whole-heartedly that CB9 votes AGAINST this ill-conceived zoning change that will obliterate what is left of our historic and vibrant neighborhood and achieve precisely the OPPOSITE effect of its intended purpose - to create affordable housing.

In the words of Peg Breen of the Landmark's Conservancy:

**The Mayor's Proposal for *Zoning for Quality and Affordability* is
"A Giveaway to Developers and an Assault on New York's Unique and Diverse
Neighborhoods"**

Up-Zoning the entire city by giving speculative developers a free hand to squeeze more towers into neighborhoods such as ours, with the ridiculous notion that they'll toss us a few "affordable" housing units- *that we all know won't be affordable to anyone who actually lives here- is sheer insanity.* These zoning amendments are nothing but a Trojan Horse filled with speculators who will run roughshod over Crown Heights South and who do NOT care about affordable housing.

Our neighborhood is particularly vulnerable due to our long history of inaction at the community board level *which I know we are now resolving*, but as a result of which we are behind the eight ball in terms of being able to effectively confront this threat to our community. The lack of a community-wide civic association is another reason we are decades behind some of our neighbors in Crown Heights North and Prospect Heights, Prospect Lefferts Gardens and Park Slope.

Crown Heights South Association seeks to fill in that civic gap.

Our first order of business is Landmarking, DOWN then SMART ZONING (which brings me here this evening) and pushing for beautiful architecturally-appropriate new buildings when we DO get them.

We have allied ourselves with **New Yorkers for a Human Scaled City** movement which was formed by the **Tribeca Trust** and Lynn Ellsworth and from whom I have borrowed heavily in my analysis and proposals for sensitive zoning that we can all live with. Communities and community boards around the city are PUSHING BACK against the Mayor's proposals and we are part of that city wide movement to just say NO!

We are not against gentrification or SMART development but against gentrification and development ON STERIODS which these proposed zoning amendments would make the "new normal".

We need intelligent planning, Landmarking, zoning protections and development that would move our community forward, not push half our residents out while the rest of us live in the shadows of luxury high rises that have NOTHING to do with the character of our historic buildings.

*In sum, the whole idea is a **blatant give-away to developers, with very weak public give-backs. We give up our light, air, and iconic views and the historic districts of our city, and maybe we get some affordable housing in return, but there is no guarantee even of that.** Lynn Ellsworth-Tribeca Trust*

We need CB9 to PROTECT current residents, our historic buildings, encourage sustainable living-wage new businesses, beautiful new buildings with truly affordable housing. We need to put forth an entirely new proposal for community development that allows for growth that serves rather than obliterates what we now know as Crown Heights South.

Any less would not serve the interests of our community,

Sincerely

Evelyn Tully Costa
Crown Heights South Association
Residents, Crown Heights South
Enc.

Please read below for zoning analysis and counter proposal

BASED ON ZONING FOR A HUMAN-SCALE TRIBECA: POSITION PAPERS
with thanks to Lynn Ellsworth of the Tribeca Trust from whom I have borrowed shamelessly! We thank you from the citizens of Crown Heights South and ALL neighborhoods under threat.

What is the “Zoning for Quality and Affordability (ZQA)” proposal?

- The Mayor and the City Planning Commission propose to “up-zone” the entire city. That means raising height limits and building envelopes (FAR) everywhere, except for blocks that already have R8b
- The idea is to squeeze more people into NY by giving developers the right to put bigger buildings on any given lot. The city will do this in several ways, the main ones being these:
 - increase allowed buildable height from 5 to 40 feet, depending on how a lot is already zoned
 - increase the floor-area-ratio (FAR), which is equivalent to a building’s volume, an average of 20% across the city
 - allow developers to build into rear yards if the building includes affordable or senior housing (for the story on the creepy way the city is trying to sell this as a senior housing improvement, see our post here.)
 - eliminate a current rule that requires parking lots as part of new developments in the outer boroughs and Manhattan north of 96th (this is thought to be one good element of the proposal)
 - abandon “contextual” zoning, which requires new buildings to match the height and cornice line of existing buildings in neighborhoods that have the “contextual” designation on the official city zoning map.
- Extensive changes like these require the approval of the City Council. **(READ LAURIE CUMBO)** The short public review process for this proposal (aka, “ULURP”) is already underway. The end-game is a City Council vote. Community board opinion does not matter, although the law requires hearings to be held. That means citizens get to complain, but decision-makers do not care what they think. The only meaningful recourse is to make votes for politicians contingent on following citizen outrage on the matter. But how do we communicate that opinion to the politicians? **LAURIE CUMBO NEEDS TO VOTE AGAINST THIS**

PROPOSAL and side with Crown Heights South NOT developers!

- The City Planning Commission introduced the proposal last spring and it is now going to community boards this fall for non-binding review.
- The proposal was modified twice since its announcement. After some initial criticism by dozens of civic groups last spring, City Planning changed the proposal to exclude certain already tall residentially zoned R8B lots, mostly on the Upper East Side.
- The second modification happened just a few weeks ago, when the City Planning Commission added “Mandatory Inclusionary Zoning” to the proposal. This is a rule that tries to force developers to put some unspecified percentage (20-30%) of affordable housing units into any new building, if it falls under the new rules.

For more, read [here](#) or [here](#).

Who is pushing the idea?

- According to a Landmarks Conservancy document, the idea for this up-zoning originated in a convivial discussion among developers and our City Planning Commission. Talk about back-room, smoke-filled deals! No community groups were part of the process. The developers had in their pockets a wish list of regulations that annoyed them. The Mayor bought in to their idea, but added the inclusionary zoning idea as a way to get something out of the developers in exchange for all the substantial giveaways.

How is the idea being sold to the public?

- It is sold as a way to get more “affordable” housing by “incentivizing” developer to do it as part of their normal business operations, specifically to increase senior housing for those who do not wish to grow old in their own homes.
- Targeting the senior market is seen by some as a Trojan Horse to pretty up the proposal, since architects dispute that the zoning changes are even necessary to facilitate the construction of assisted-living complexes.

Community Boards aren’t buying it, neither are tenant rights groups, neither are preservation groups:

- 53 civic groups signed a letter objecting to it. Read it [here](#).
- Community boards that have already had it up for a vote are rejecting it. CB #2 (Village/Soho) in Manhattan voted it down. CB #2 (Cobble Hill, Fort Greene) in Brooklyn voted down the ZQA but said okay to mandatory

inclusionary zoning. CB #6 on the Upper West Side voted it all down. CB 15 in Sheepshead Bay voted it all down. Community boards 11 and 12 in Queens voted it down. The Queens Borough Board voted to send the entire thing back to the drawing board. Community Boards 4, 11, and 12 in the Bronx voted it down. I don't have a full tally, but it does not look good for the Mayor's bad proposal. Brooklyn CB#3 voted no, as did CB 15 in Brooklyn.

- Other signs: the tenant rights group, Movement for Justice in El Barrio rejected the proposal yesterday and offered their own alternative. See [here](#).

What are the criticisms of the proposal? INSERT CROWN HEIGHTS WHERE YOU SEE TRIBECA!!!

There are at least 20 serious objections! The objections are listed below. The bolded ones are the objections that particularly upset this writer,(and I agree with Lynn here 100%) but all seem valid.

1. There has not been sufficient time for public review, especially given the moving target elements of the proposal. These are not minor technical adjustments to the zoning code, but major policy changes that will have serious consequences on neighborhoods everywhere and every single community needs its own study to visualize the impact over time.
2. ***We will get new buildings that are inconsistent in scale with each other and the built fabric of our neighborhood.***
3. **The proposal is creating a clear economic incentive to harm historic districts. How? By setting up a new FAR free-for-all.** *Of course, the LPC can regulate new demands for rooftop additions to use up the new FAR, but we all see how much good LPC regulation has been under a Mayor hostile to historic districts.*
4. Many neighborhoods already have community planning processes underway that are totally different in character from the Mayor's proposal. Are those plans to be tossed in the trash? The answer, it seems, is yes. So much for a progressive Mayor.
5. Many communities cannot afford to hire expensive consultants to analyze the impact the proposal would have on their neighborhood.
6. There is no guarantee that any of the housing actually built is going to be permanently affordable even if it does get built, or that it will even be built for seniors.
7. The plan encourages the discredited plaza bonus system in which height is

given in exchange for short-lived or low-quality public “amenities.” Such a system does “violence to the cityscape,” in the words of Joe Rose no less, former Chair of City Planning.

8. The proposal “sets landmarks and historic districts on a collision course with developers” as the LPC would be forced to review and accept all sorts of new construction inside historic districts as developers decide that their FAR is “an entitlement” even inside historic districts, not a technical limit that the city provides.

9. The plan allows developers to game the system via the Bureau of Standards and Appeals, a regulatory agency which is dominated by developer interests.

10. Floor area ratio, or FAR, was developed as an indirect tool to manage how many humans can be squeezed into a block. If you can control the building’s envelope *and* the minimum size of apartments, then you affect loosely how many people can go in, that is, the overall density. **FAR was conceived as a maximum limit measure, not as an entitlement of the property owner. But the proposal treats FAR as an entitlement, not a maximum limit, as originally intended. Is this even legal? It is a seizure of the public domain.**

11. ZQA exempts buildings from the weak restrictions that now exist against “sliver” buildings of less than 45 feet wide. This creates an incentive in Tribeca to tear down old buildings and build towers, something which is already happening. Why make a current bad situation worse?

12. The proposal removes the distinction between wide streets (which currently have more buildable area) and narrow streets (which currently have less buildable area) and allows the same building heights on each type of street. This is unacceptable. Consideration of street width in determining height has been a useful and time-honored method of regulating construction in the city, the goal being to protect light and air and views. Why get rid of the distinction?

13. Rear yards in Manhattan and other heavily built areas are essential for light, air, birdsong, and access to outdoor space. The rear yards are needed. They may be less needed in the other boroughs, where auxiliary units may make sense. Again, this brings up the issue that one-size-proposals do not fit all neighborhoods.

14. And even if there was a guarantee, is the trade-off worth it? There are other ways to get affordable housing at the lower end of the market.

15. The plan encourages the discredited plaza bonus system in which height

is given in exchange for short-lived or low-quality public “amenities”. This system does “violence to the cityscape,” in the words of Joe Rose no less, former Chair of City Planning.

16. The proposal sets landmarks and historic districts on a collision course with developers as the LPC would be forced to review and accept all sorts of new construction inside historic districts as developers decide that their FAR is “an entitlement” even inside historic districts, not a technical limit that the city provides. The proposal is creating economic incentives to harm historic districts by setting up a new FAR free-for-all. City Planning keeps saying not to worry, LPC will regulate these changes inside historic districts, but we have seen in Tribeca how bad LPC’s regulatory authority has become. They let anything get built as it is, just imagine what will happen with the FAR bonus this amendment permits.
17. The plan allows developers to game the system via the Bureau of Standards and Appeals, a regulatory agency which is dominated by developer interests.
18. Floor area ratio, or FAR, was developed as a tool to manage how many humans can be squeezed into a block. If you can control the building’s envelope and the minimum size of apartments, then you affect how many people can go in, that is, the overall density. FAR was conceived as a maximum limit measure, not as an entitlement of the property owner. But the proposal treats FAR as an entitlement, not a maximum limit, as originally intended. Is this even legal? It is a seizure of the public domain.
19. The proposal is being treated as a “done deal” with community input being mostly irrelevant. New Yorkers broadly speaking were not asked for ideas on what kind of zoning changes they would like to see. This proposal comes only from developers. This raises the question: why do developers get to be the ones initiating such ideas? Why not ordinary citizens?
20. It is city-wide, when obviously the city has many different neighborhoods facing different situations, so one-size-fits all policy of this type is a non-starter. It is a crude, sledgehammer approach to density management.

*In sum, the whole idea is a **blatant give-away to developers, with very weak public give-backs. We give up our light, air, and iconic views and the historic districts of our city, and maybe we get some affordable housing in return, but there is no guarantee even of that.***

Crown Heights South Association rejects the mayors proposals and urges Community Board #9 to vote no. There are better ways to achieve the Mayor’s wish for affordable housing.

Footnotes:

- Landmarks Conservancy Letter of 16 September, 2015
- Civitas- Zoning for Quality and Affordability Recommendations for Manhattan Community district 8 and 11 September 2015
- The Upper East Side: A Framework for the Future of Five Neighborhoods: A Planning and Zoning Study BFJ Planning, September 2015
- NYC Mandatory Inclusionary Housing: Promoting Economically Diverse Neighborhoods, NYC Planning, September 2015
- BFJ Comments on Zoning for Quality and Affordability for Landmarks West!, summary of findings posted [here](#) November 3, 2015 at the website of Landmarks West!

SO HOW SHOULD WE REFORM CROWN HEIGHTS ZONING? A PROPOSAL FOR LIVABLE CHANGES



Crown Heights South....We're NEXT!!!

CROWN HEIGHT'S CURRENT DIRE STRAITS: A SUMMARY OF WHAT AND WHY

The 1961 zoning code in New York has undermined the historic character of all of New York. As former City Planning Chair Joe Rose described it, the code has “done violence” to the fabric of not just our neighborhood, but neighborhoods all over New York. In Crown Heights South, there are 23 new building projects now under construction or in the planning pipeline, many of which are already destroying the fabric of our early 20th century streetscapes. There are potentially thousands of buildings with important historic fabric under threat of demolition,

and additional sites where there are obvious plays among developers to plan for immense towers on Empire Blvd corridors, Franklin Avenue and other Avenues if we ALLOW these zoning changes to go through.

There are several forces driving this problem:

- The current lack of historic districts . The result is that too many properties with important historic fabric have no protection. In all, historic Crown Heights South will be subject to an unprecedented speculative real estate frenzy in which free-riding developers sell “Crown Heights South” to high-rise tower dwellers. And the Landmarks Preservation Commission acts as if it has been told to “stand down” by the real power, the Real Estate Board of New York.
- Too many areas of Crown Heights South, notably the Franklin Avenue corridor and just about everywhere that’s zone R6, are irrationally zoned for excessive floor area ratios and heights. This allows for “as of right” heights that are out-of-scale with the majority of buildings in Crown Heights. Obviously, a downzoning is called for.
- The system currently allows developers to speculatively buy up air rights mid-block and stack them on top of a corner lot, which may already have C6 zoning. This results in even more height. The code also encourages them to merge adjacent lots to create even more buildable floor area for the final, merged lot. These practices need game-changing, new regulation.
- Even for those blocks that have contextual zoning, the word “contextual” is so weakly defined so as to be useless for serious regulatory purposes. In other words, contextual has become an architectural joke – it is just too vague.
- **Developers** are asked to make promises of public amenities (schools, parks, plazas, affordable housing) in exchange for extra height, but the resulting amenities are not worth the loss of other public goods. **The upshot: the long-term reduction in the quality of life and human-scale of the neighborhood, losses that cannot be regained.**

Here Are Seven Zoning Changes That Would Better Crown Height’s Character

- Crown Heights South needs a special overlay zoning district with a height limit for new construction such that the average height of new construction cannot exceed the average height of the historic fabric already there, and in no case should height exceed either 6 stories or 65 feet. This reflects the layered effect historic Crown Heights sustained prior to 1930.
- The word **contextual** and **context** should be redefined to mean: a fitting

and exemplary combination of mass, height, method of construction, cornice line, materials, void ratios, and architectural language. All of these design elements need to be related to the visual character of the existing historic fabric of a specific block, not borrowed willy-nilly from other cities or neighborhoods.

- FAR should not to be increased within the special overlay district for any type of public amenity or bonus deal. No height for amenity deals....Period.
- For the purposes of FAR calculations, Crown Height's streets within the overlay district should be considered to be "narrow" streets, thus respecting Crown Heights historic early 20th century character.
- Zoning lot mergers and air rights transfers should not result in exceeding the height limit imposed in point 1.
- There should be a demolition moratorium for buildings in Crown Heights constructed prior to 1945, be they in historic districts or not so that there is time to finalize our proposal for an historic district both for City Landmarking and for the National Registry of Historic Places.
- The length of street frontage for businesses should be limited to encourage small businesses rather than larger ones that demand long frontages. There should be architectural differentiation along the street wall to avoid either blank walls or long walls of glass (and of course, the Small Business Survival Act should also be passed by the City Council).

Again **Crown Heights South Association** wishes to THANK the **Tribeca Trust** and Lynn Ellsworth for her salient tackling of this incredible assault on New York! We encourage everyone to get on their website: **TribecaTrust.org** and read read read!!!

Crown Heights South Association welcomes all members of our community to work with us to achieve landmarking, downzoning, community development of the Armory and to design beautiful new buildings when we do get them.

Contact me us at: CrownHeightsSouth@gmail.com

Thank you Evelyn Tully Costa