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July 30, 2014

Vicki Been
Commissioner
NYC Department of Housing Preservation and Development
100 Gold Street,
New York, NY 10038

Carl Weisbrod
Chairman
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Commissioner Been and Chairman Weisbrod:

We write to you regarding the decision by the New York City Department of Housing Preservation and Development (HPD) to accept the Extell Development Company's inclusionary housing proposal for 40 Riverside Boulevard and the existing zoning text enforced by the City Planning Commission (CPC) that set the stage for its approval. We are all concerned about 40 Riverside Boulevard, which is either in or very close to each of the Districts we were elected to represent.

It is understood that under the existing provisions in both the zoning text and HPD's rules governing the Inclusionary Housing Program, Extell's application met the necessary standards required to receive the public benefit. Despite that reality, our respective offices have all observed, and empathize with, the outpouring of community anger against Extell's proposal. We are unanimous in our position that this ill-conceived proposal is in conflict with the spirit of a program designed to create opportunities for affordable housing that foster economically integrated communities. Their proposal to segregate residents on the basis of housing status by having them walk through different doors embodies the "separate but equal" principle, a principle that we know you do not endorse, let alone would want to finance through city-sponsored abatements.

We are delighted and encouraged to know that both your offices and the Administration are already exploring ways to revise the zoning rules and inclusionary housing program. In the spirit of trying to help, we thought you might be interested in this list of ideas:

- Amend the zoning resolution's language to reflect enhanced protections against this type of discriminatory development in the future. One area we suggest reinforcing against abuse are the rules related to large-scale plans. Additional findings should be included under Section 74-74, "Special permits for large scale developments" so that every application the City Planning Commissioners review requesting inclusionary housing incentives provide an acceptable roadmap to meeting the objective of neighborhood integration and residential fairness.
- Revise the "off-site" provision in section 23-94 of the zoning text resolution related to the inclusionary housing program, especially when developers undermine its intention and construct segmented portions on the same lot as their market-rate buildings. We understand that the offsite provision was proposed to grow participation in a voluntary program but the current flexibility has allowed for development proposals that chip away at the sense of fairness among neighbors in the same building.
- HPD should work with developers to create new rules under their governing stipulations for the inclusionary housing program. The requirements for Distribution of Affordable Housing units should require that applicants respect the intentions of the inclusionary housing program to create truly inclusive communities.
- The City should work with the State to amend the 421-a statute to condition or withhold eligibility, scope or amount of the benefits to any owner who seeks tax abatements, credits, or any incentives for a development that promotes segregation based on housing status.

Thank you for considering these suggestions. We all look forward to resolving this issue.

Sincerely,



Helen Rosenthal



Corey Johnson
NYC Council Member, 3rd District



Mark Levine
NYC Council Member, 7th District



Ydanis Rodriguez
NYC Council Member, 10th District



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NYS Senator, 27th District



Jose Serrano
NYS Senator, 29th District



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NYS Senator, 31st District

Enclosed:

cc: Mayor de Blasio
Alicia Glen, Deputy Mayor for Housing and Economic
Development
Community Board 7