

**CB9M****3291/95 Broadway
New York, New York 10027
(212) 864-6200****COMMUNITY BOARD #9, MANHATTAN**

*Mark D. Levine
President, Borough of Manhattan*

*Hon. Victor Edwards
Chair*

*Hon. Barry Weinberg
First Vice-Chair*

June 24th, 2024

*Hon. Monique Hardin-Cordero
Second Vice-Chair*

*Hon. Deirdre McIntosh-Brown
Treasurer*

*Hon. Carolyn Thompson
Assistant Treasurer*

*Hon. Solomon Prophete
Secretary*

*Hon. Theodore Kovaleff
Assistant Secretary*

Hon. Dan Garodnick
Chair/Director
Department of City Planning
120 Broadway, 31st Fl.
New York, NY 10271

Dear Chair Garodnick:

*Eutha Prince
District Manager*

**Reso RE: City of Yes “COY” Zoning Housing Opportunity Text
Amendments**

I am happy to inform you that Manhattan Community Board 9 (MCB9), at our June 18, 2024 General Board Meeting passed the enclosed resolution regarding the Department of City Planning’s proposed City of Yes Zoning for Housing Opportunity zoning text amendments. Our resolution supports the proposed text amendments on the condition that certain recommended modifications be incorporated into the final text that is sent to the City Council. We appreciate how many of its provisions incorporate recommendations made in the resolution we passed at our March 16, 2023 General Board Meeting.

I would like to thank and commend your staff, particularly Borough Planner Audrey Wachs and Upper Manhattan Team Leader Jose Trucios, for the enormous amount of time and effort they have spent working with MCB9’s Housing, Zoning, and Land Use Committee (HZLU Committee) to educate the public about the proposed text amendment and to explain certain implications of the amendment. They have been forthright with our committee and board on details of the text and when they may not know the answers to questions which we posed to them, and they have been diligent in following up on questions they were unable to answer in our meetings. I would also like to thank your Housing

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Division head John Mangin for his prompt replies to our more technical last-minute questions. The collaborative spirit and responsiveness of the Department under your leadership and the work of your staff stands in stark contrast to our board's experience with DCP under your predecessors.

Our primary concerns with the text amendment can mostly be distilled into the following statement: we want to make sure that the proposal actually achieves the creation of affordable housing units, new accessory/ancillary dwelling units, and new small multifamily buildings that are among the stated goals of the amendment. Some of our conditions relate to making it even easier for owners of properties zoned R1, R2, R3, or R4 and their variants to develop the desired units in a contextual manner. Others relate to retaining processes that require participation by the local community board in certain projects, which we believe is crucial to retaining community support for the goals of the text amendment. Our most important conditions, though, are that the text be modified to ensure that the type of housing units we all desire to be created are created by closing certain potential loopholes created by the text amendment.

Specifically, MCB9 is incredibly sensitive to the unique ability of large institutions with significant real estate holdings to subvert the intention of the City's Zoning Text in order to maximize their goals with respect to community facility space, including dormitories, classrooms, and offices. Manhattan Community District 9 is home to Barnard College, Teachers College, Columbia University, Bank Street College, City College of New York, Union Theological Seminary, and Jewish Theological Seminary, among others. We have long seen our residential housing stock eroded by purchases by institutions who then remove them from the market and make them available only to their institutional affiliates. The Universal Affordability Program (UAP) offers us a powerful incentive to have new buildings in our district and others that are built for institutional use to include affordable residential units open to non-affiliates. While your staff have assured us that existing law and the staff at the Department of Housing Preservation and Development (HPD) would never allow the bonus floor area provided by UAP to be used for dormitories or homeless shelters, we remain concerned. Specifically, the current draft of the zoning text in Section 27-111 allows for both residential space and community facility space to qualify for UAP bonus floor area and allows for both dwelling units and rooming units to qualify for UAP floor area, and such units may qualify if they are used for "either Class A or Class B occupancy as defined in the Multiple Dwelling Law [MDL]." We will observe that dormitories are Class B rooming units under the MDL and are community facilities under both the proposed and existing Zoning Text, and that a well-connected and well-funded institution could conceivably secure from HPD an agreement to limit the income and cost of its dormitory units for its own affiliates to comply with the affordability requirements, thus entitling it to the 20% floor area bonus. We are conditioning our support of this text amendment on a

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change to the text that explicitly disallows institutions from receiving the floor area bonus for units that are only made available to their own affiliates and are not made available to the general public via a process such as HPD's Housing Connect application and lottery system. While Mr. Mangin has assured us that this is not necessary due to certain restrictions outside the text and HPD's oversight, we believe that adding a small line of potentially redundant restrictions to DCP's proposed text amendment would be harmless if Mr. Mangin is correct and critical if someone were to find a way around the current restrictions he references. We will be continuing our engagement with DCP and your staff to that effect.

In a related vein, we strongly believe that the best neighborhoods combine a vibrant mix of housing for single individuals, families, supportive housing for those who may need additional services to stay healthy and housed, rentals, and home ownership opportunities. Nature and the city both abhor a monoculture. To that end, we are requesting an edit to Section 12-10 and any other relevant sections of the text amendment that would limit the use of the bonus floor area provided by UAP for "rooming units" (including Single Room Occupancy units, or "SROs") to 50% of said bonus floor area, with necessary exceptions made for smaller projects where such a division is not feasible. We are concerned that, given the ever-fluctuating dynamics of the New York City real estate market, there may come a time when rooming units command a high enough premium of rent per square foot over the rent for dwelling units that an overwhelming majority of units built via UAP bonus floor area are rooming units. While we believe more rooming units need to be added to increase the diversity of our housing stock, we would like to make sure that it is done in proportion to new dwelling units. We believe that this is largely in-line with the goals for this text amendment expressed by DCP.

While MCB9 observes the "summer hiatus" of not having General Board or committee meetings in July and only having an Executive Committee meeting in August, our board will remain in contact with your staff over the coming months to continue to provide our feedback and ask questions with the goal of improving the proposed text amendment on which you and the other City Planning Commissioners (CPC) will finally vote. We look forward to testifying publicly at the CPC hearings and encouraging our district's residents and the broader general public to do so.

Many thanks again for the hard work and collaboration from the Department and your staff.

Sincerely,



Victor Edwards
Chair

Hon. Dan Garodnick
June 24th, 2024

Manhattan Community Board 9

cc: Hon. Eric Adams, Mayor
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senate
Hon. Robert Jackson, State Senator
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Yusef Salaam, City Council Member
Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation



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Hon. Theodore Kovaleff
Assistant Secretary

Hon. Eric Adams

Mayor

City Hall

New York, NY 10007

Hon. Ashwin Vasan, MD, PhD

Commissioner

Department of Health & Mental Hygiene (DOHMH)

42-09 28th St.

Long Island City NY, 11101

Eutha Prince
District Manager

Dear Mayor Adams and Commissioner Vasan,

At its regularly scheduled General Board Meeting held remotely on Thursday, June 20th, 2024 Manhattan Community Board No. 9 passed the following **Resolution Opposing City's Budget Cuts to HIV Programs** by unanimous consent [with 37 members present].

WHEREAS, HIV/AIDS continues to be a significant public health issue in New York City, particularly affecting communities of color that suffer from health disparities; and

WHEREAS, the City of New York has made significant progress in reducing the prevalence of HIV and AIDS since the height of the epidemic in the 1980s, with fewer than 2,000 new infections reported each year; and

WHEREAS, the program known as "The Undetectables" has been instrumental in helping hard-to-reach HIV patients achieve and maintain undetectable viral loads, thereby preventing further transmission of HIV; and

WHEREAS, this program has demonstrated success, increasing the share of patients with virally suppressed HIV levels from 39% to 62% over two years,

notable improvements among homeless patients, patients with substance use issues, and Black patients; and

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Hon. Ashwin Vasan, MD, PhD
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WHEREAS, Mayor Eric Adams' recent directives to reduce the city's health department budget by \$75 million, including a \$5.3 million cut to HIV programs, threaten the continued success and expansion of The Undetectables program and other vital HIV services; and

WHEREAS, these cuts will disproportionately affect vulnerable populations and exacerbate existing health disparities, particularly within communities of color; and

WHEREAS, representatives from organizations such as Housing Works, GMHC, and Callen-Lorde have expressed concern that these budget cuts will eliminate or reduce essential services that help HIV patients adhere to treatment and achieve viral suppression; and

WHEREAS, the elimination or reduction of these services undermines the city's commitment to public health and jeopardizes the progress made in the fight against HIV/AIDS;

THEREFORE, BE IT RESOLVED, that Community Board 9 of Manhattan strongly opposes the proposed budget cuts to HIV programs, including The Undetectables, as outlined by Mayor Eric Adams and Health Commissioner Dr. Ashwin Vasan; and

BE IT FURTHER RESOLVED, that Community Board 9 of Manhattan urges the City Council and the Mayor to prioritize funding for HIV programs that have proven effective in reducing transmission and supporting the health and well-being of New Yorkers, especially those in marginalized communities; and

BE IT FURTHER RESOLVED, that Community Board 9 of Manhattan calls on the Mayor to reconsider these budget cuts and restore total funding to HIV services to ensure that all New Yorkers have access to the support and treatment they need to achieve and maintain undetectable HIV levels.

If you have any questions and/or need further information, please do not hesitate to contact me or the District Manager, Eutha Prince, at the board office (212) 864-6200.
Sincerely,



Victor Edwards, Chair

cc: Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senator
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Yusef Salaam, City Council Member
Hon. Zead Ramadan, Executive Director, West Harlem Development Corporation

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Hon. Solomon Prophete
Secretary

42-09 28th St.

Hon. Theodore Kovaleff
Assistant Secretary

Long Island City NY, 11101

Eutha Prince
District Manager

Hon. Rohit T. Aggarwala

Commissioner & Chief Climate Officer

Department of Environment Protection (DEP)

59-17 Junction Blvd.

Flushing NY, 11373

Hon. Jessica Tisch

Commissioner

Department of Sanitation (DSNY)

125 Worth St.

New York, NY, 10013

Hon. Susan M. Donoghue

Commissioner

Department of Parks and Recreation (DPR)

The Arsenal, Central Park,

830 5th Ave. Room 203

New York, NY, 10065

Dear Mayors Adams and Commissioners Vasan, Aggarwala, Tisch, and Donoghue,

Resolution Demanding NYC government (henceforth "the City") halt its use of pesticides purported to reduce the spread of the West Nile Virus (WNV)

At its regularly scheduled General Board Meeting held remotely on Thursday, June 20th, 2024, Manhattan Community Board No. 9 passed the following **Reso RE: Demanding NYC government (henceforth “the City”) halt its use of pesticides purported to reduce the spread of the West Nile Virus (WNV)** by a vote of 37 in favor, 0 opposed, and 0 abstentions.

WHEREAS in 2006, a federal judge ruled that the City’s spraying of toxic chemicals to control the West Nile Virus violated the Clean Water Act, and in 2021, the NYC Council unanimously voted to ban pesticides, “such as glyphosates, on any playgrounds, parks, or other property owned or leased by the City”,

WHEREAS roughly 80% of the number of people who contract West Nile Virus are asymptomatic,

WHEREAS the percentage of West Nile Virus cases that are neuroinvasive (i.e., traverse the blood-brain barrier) and CAN be fatal is LESS than 1%, a population,

WHEREAS the City has not provided any empirical evidence showing a decline in West Nile Virus-related deaths as a result of the pesticide spraying,

WHEREAS the City has yet to publish a comprehensive peer-reviewed study on the impact of insecticide spraying on the bee populations and other organisms essential to a healthy ecosystem,

WHEREAS barring 2020, the top two causes of death in New York State between 2012 and 2021 have been heart disease and cancer,

WHEREAS pesticides have been linked to heart disease, cancer, respiratory illness (a sixth leading cause of death in NYS), endocrine disruption, among other adverse human health effects,

WHEREAS no comprehensive studies have been conducted in NYS comparing benefits vs. risks of pesticide spraying and its impact neither on the environment nor on human and animal cardiovascular, respiratory, reproductive, or other body systems,

WHEREAS the current pesticide spraying program began in 2000 under former Mayor Rudolph Giuliani, and little public information exists on the vendor(s) involved, their payment, or other terms without submitting a FOIL request,

Now, Therefore, Be It Resolved that Manhattan Community Board 9 strongly urges the City to:

1. comply with Local Law 37;
2. refrain from using these pesticides to control the West Nile Virus;
3. provide at a minimum, a one-week notice of any such chemicals applied to public spaces;
4. adopt natural measures to mitigate the vector population and, in general;

5. provide an easily accessible database allowing for transparency with all chemicals used in public spaces and contractors/private companies partnering with the city on this and similar measures without the need for a FOIL request;

Be it Further Resolved that any exemptions to the aforementioned must be granted only by a federal government authority.

If you have any questions and/or need further information, please do not hesitate to contact me or the District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,



Victor Edwards
Chair

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