



IN THE MATTER OF an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, and across all 59 of the City’s Community Districts.

This application (N 240290 ZRY) for an amendment to the Zoning Resolution was filed by the Department of City Planning (DCP) on April 26, 2024, to update zoning regulations to support the production of housing in New York City.

This text amendment, known as City of Yes for Housing Opportunity (CHO), is a comprehensive overhaul of zoning regulations that would expand opportunities for housing within all zoning districts, and across all 59 of the City’s Community Districts. These changes to the City’s Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

BACKGROUND

The continued housing shortage has tremendous human consequences—high housing costs, displacement and gentrification pressure, segregation, increased homelessness, tenant harassment, low housing quality, and other effects of a market where residents have very limited options because of housing scarcity. Almost every hardship of the New York City housing market can be traced back to an acute shortage of housing.

The housing shortage drives up prices for everyone. According to federal housing guidelines, an apartment must cost 30 percent or less of a household’s gross income to be considered affordable. Today, the share of renters in the city who pay more than this (and are thus “rent-burdened”) remains the highest on record. According to the most recent data, 53 percent of renter households in New York City are rent-burdened, including 32 percent of renter households who are severely burdened and pay more than 50 percent of their income toward housing costs. The median New York City renter paid 34 percent of their income toward housing costs—that is, half of renters had a higher burden and half had less. The lowest-income households are the most severely affected. Housing with rents that are affordable to the average New Yorker is even harder to find: vacancy rates for apartments renting for less than \$1,500 per month, for instance, are less than one percent. For example, a household of three people earning 60 percent of Area

Median Income (AMI) in 2019 would have needed to find a two-bedroom apartment renting for \$1,290 or less. Especially for households with lower incomes overall, this high level of rent burden means that residents have less money to spend on food, childcare, education, healthcare, and other necessary expenses.

The lack of housing also raises the cost of owner-occupied housing, depriving homeownership to a broad segment of New York City's population. Indeed, despite its wealth, New York City has one of the lowest homeownership rates of any city nationwide. This narrows housing choice for New Yorkers and excludes too many from the control and wealth-building opportunities that homeownership affords. More housing can benefit renters, homeowners, and potential homeowners alike.

Despite the City's unparalleled investments in creating and preserving affordable rental housing over the past 40 years, the continued shortage of housing options contributes to the City's ongoing affordability and homelessness crisis. This crisis impacts millions of New Yorkers in detrimental ways, from struggling to keep up with high housing costs, to spending months or years in shelter, to dealing with pests, mold, lead paint, and heat outages in older homes that landlords in a tight market have little incentive to maintain.

The housing shortage exacerbates disparities in access to transit, amenities, and economic opportunity, forcing many households to make trade-offs between the location, quality, and affordability of housing. High home prices put homeownership and its wealth-generating benefits out of reach for the vast majority of New Yorkers, especially communities of color. A large and growing body of research by Harvard Professor Raj Chetty and others documents the consequences: Drastically divergent life outcomes for families and children depending on where they can afford to live. The housing shortage is a primary driver of this fair housing disaster.

The City cannot solve its affordability and homelessness crisis without changing the trajectory of housing growth in New York City. In recent decades, New York City has experienced rapid population growth. More recently, housing demand has spiked as people seek more space in the aftermath of the pandemic. Rental housing is under particular pressure as high mortgage rates prevent people from accessing or even attempting to access homeownership opportunities. Housing production has not kept pace. This accumulated housing shortage has led to significant increases in housing costs and placed enormous pressure on low-income New Yorkers. To reverse this crisis and meet the housing needs of all residents, the pace of housing production must be increased today and into the future.

New York City's housing stock has not kept up with the rapid population growth, job growth, and new household formation that our city has experienced in recent decades. Even as the population surged throughout the 1980s and 1990s, housing was built at a much slower pace than was necessary to meet the demand. These trends have created a cumulative housing shortage from which the city has yet to recover. Although housing construction picked up in the 2000s,

much less housing is being built today than during the first three-quarters of the 20th century, adding too few units to keep up with job and population increases. New York City produces significantly fewer new units per capita than many other major cities across the country. This worsening shortage is the leading driver of increased housing costs as a burgeoning population competes for limited housing stock.

The lack of housing puts New Yorkers at greater risk of housing instability and makes it more difficult for residents experiencing homelessness to regain stable housing. Even though the City has expanded the availability and purchasing power of housing vouchers for tens of thousands of homeless New Yorkers, there are simply not enough available homes, making it difficult for households with vouchers to find an apartment to move into. The impacts of COVID-19 exacerbated these challenges, contributing to longer stays in shelter for New Yorkers in need. While the average length of stay in shelter for families with children was already 446 days in Fiscal Year 2019, it grew to 520 days in Fiscal Year 2021. This means that the average homeless family now stays in shelter for the better part of two years.

High prices and prolonged shelter stays in a tight housing market with few options are not the only ways that the housing crisis manifests. The housing options of many New Yorkers are constrained not only by the lack of affordable housing overall but the dearth of affordable options that meet individual household needs. Growing numbers of seniors and young adults are forced into difficult rooming situations because of the lack of studio and one-bedroom apartments. Intergenerational families and other household types may be forced to compromise their privacy, space, and other housing preferences because they cannot find affordable units that meet their needs.

The harms of the housing crisis also exacerbate long-standing racial inequities in our housing stock and neighborhoods. New Yorkers of color and particularly Black and Hispanic residents are disproportionately impacted by the housing and homelessness crisis. Although Black and Hispanic New Yorkers make up approximately 49 percent of the City's population, 94 percent of families with children in shelter are Black or Hispanic.

The stress, insecurity, and often crowded conditions that come with homelessness and unstable housing have a profound impact on the ability of students to learn and perform in school. In 2018, fewer than two in three students who had experienced temporary housing graduated on time.

Black and Hispanic/Latino New Yorkers are also significantly more likely to experience unsafe and unhealthy housing conditions, such as lack of heat, the presence of rodents, mold, asbestos, and peeling paint that may expose children to lead. In 2021, one in five Black and Hispanic New Yorkers reported experiencing three or more maintenance problems in their homes, compared to only seven percent of White non-Hispanic households.

It is no coincidence that many components of the Proposed Action have their origins in the *Where We Live NYC Plan* from 2020, New York City’s federally mandated fair housing report that identifies the goals, strategies, and actions the City will take to “affirmatively further fair housing” to address long-standing racial inequities in the years ahead.

The Role of Zoning

While development decisions are driven by a variety of factors, a growing body of research shows that restrictive zoning is by far the leading cause of the dire housing shortages facing high-cost housing markets along the coasts and in an increasing number of cities throughout the country. The inability to build enough housing means that housing need, fueled by growing populations, smaller household sizes, and national and regional economic growth, translates into higher and higher housing costs rather than more housing.

The role of zoning is apparent in New York City, where years-long planning efforts to increase housing capacity and introduce inclusionary housing one neighborhood at a time in medium- and high-density neighborhoods have yielded insufficient results. At the same time, housing production in New York City’s lower density areas has plummeted. Prior to the mid-2000s, low-density areas accounted for a significant percentage of housing production citywide, but changes to zoning and other applicable laws have brought that to a near standstill. The introduction of low-density contextual districts in the 1980s and 1990s, and the creation of “Lower Density Growth Management Areas” in the early 2000s, have halted housing production across a wide swath of the city.

As a result, the vast majority of housing production in New York City comes in the form of more expensive multifamily typologies, such as high-rises that require steel and reinforced concrete construction, with lower density areas contributing relatively small numbers of one- or two-family homes. Construction of smaller apartment buildings, common prior to 1961 when the current zoning resolution was implemented, is largely a thing of the past. This is the “missing middle” housing that is relatively inexpensive to build and filled an important market niche in times past. The dearth of missing middle housing hits many New York City neighborhoods harder with each passing year, contributing to overcrowding and the spread of informal housing in lower density areas that can present very real health and safety issues.

Missing middle housing was not the only type to dwindle for reasons of prejudice and exclusion. For instance, New York City effectively banned rooming units in the 1950s and actively worked to phase out Single Room Occupancy (SRO) housing in the decades that followed, largely because it was seen as attracting an unsavory population. The City realized that SROs provided crucial housing of last resort during the burgeoning homelessness crisis in the 1980s and completely reversed course, mandating that any existing SROs continue operating—a policy that

was struck down in the landmark case *Seawall Associates v. New York City* in 1984. By that time, much of the SRO stock was gone. This was an important demonstration of the principle that banning housing or certain types of housing does not make the people who need that housing disappear.

In the face of these spreading shortages, research shows that new housing can have a moderating effect on housing costs on a regional, citywide, and even neighborhood scale by giving tenants and others more options. With this context in mind, the Proposed Action aims to address the housing shortage and its human consequences by facilitating new housing and a wider range of housing types in every neighborhood in New York City—from the lowest density areas to the highest.

In medium- and high-density districts, the Proposed Action would create a universal inclusionary housing framework that maintains existing floor area ratios (FARs) for market-rate housing while providing a preferential FAR for all affordable and supportive housing, matching the existing higher FAR available today for Affordable Independent Residences for Seniors (AIRS)—that is, senior affordable housing. In districts that do not have a higher FAR for AIRS, the Proposed Action would create a new preference for affordable and supportive housing that is 20 percent higher than FAR for market-rate housing. Where necessary, the Proposed Action would also adjust building envelopes to ensure that typical sites can accommodate the additional floor area provided for affordable and supportive housing. This incremental increase in capacity, available only for affordable and supportive housing, has the potential to create significant amounts of new affordable housing over time to address both the fundamental housing shortage and the lack of low-cost housing.

In medium- and high-density non-contextual districts, the Proposed Action would eliminate barriers to contextual, height-limited infill development on “tower-in-a-park” residential campuses and other zoning lots with existing buildings developed pursuant to outdated zoning regulations originally intended for Urban Renewal projects on cleared “superblocks”. The Proposed Action would also extend or create flexible Quality Housing envelopes for irregular or obstructed sites in medium- and high-density non-contextual districts, enabling Quality Housing on sites that may be forced to develop pursuant to Height Factor regulations under today’s zoning—an outcome that neither developers nor neighborhood residents tend to like. The Proposed Action would also create a discretionary action for sites that need more relief to develop pursuant to Quality Housing regulations. These actions would create incremental opportunities for new housing in medium- and high-density non-contextual districts throughout the City in building forms that fit in better with existing context.

The Proposed Action would extend the City’s powerful adaptive reuse regulations citywide and to buildings constructed in 1990 or earlier and would enable conversion to a wider range of housing types, such as supportive housing, dormitories, and rooming units. This action has the

potential to create significant amounts of new housing from vacant office buildings and other underutilized non-residential space, with adjustments to the overall framework that make it easier for conversions to reach lower market tiers and especially underserved niches in the housing market.

Within the proposed Inner Transit Zone, the Proposed Action would allow developments consisting of smaller apartments, such as studios and one-bedrooms, by eliminating the “dwelling unit factor” (DUF), a zoning regulation that sets a minimum average unit size for multifamily developments. This prohibits building types that in times past filled an important market niche for smaller households, including young people, old people, marginally housed populations, and the many New Yorkers who want to live alone but are forced into sometimes difficult rooming situations. The Proposed Action would reduce and simplify DUF outside the Inner Transit Zone. While the primary obstacles to rooming units exist outside of zoning regulations, the Proposed Action would remove or adjust zoning provisions that stand in the way of rooming units when otherwise allowed under applicable laws. These actions are not expected to induce development so much as enable a broader range of typologies than would otherwise be permitted.

In low-density districts, the Proposed Action would adjust FAR, height, and yard regulations, among other provisions, to save existing housing from non-compliance and enable new development consistent with what low-density districts ostensibly allow today. The layering of restrictions over time has resulted in many existing buildings no longer complying with zoning, making it difficult or impossible to adapt these buildings to changing needs. These restrictions also mean that it can be difficult or impossible to develop anything other than a single-family home, even in districts that nominally allow two-family houses or small apartment buildings. These actions will help to reduce barriers for existing homeowners in these areas while enabling marginally more housing in low-density districts.

In low-density districts, the Proposed Action would greatly expand opportunities for new “missing middle” housing—that is, small apartment buildings that are relatively inexpensive to build and harken back to forms prevalent in these areas prior to the advent of low-density zoning in 1961. The Proposed Action would address decades of restrictions and enable small apartment buildings with non-residential ground floors in all low-density commercial districts, bringing back a beloved typology illegal in low-density areas today. The Proposed Action would also enable transit-oriented missing middle housing on large sites within the Greater Transit Zone—that is, the Manhattan Core and Long Island City, the Inner Transit Zone, and a newly created Outer Transit Zone that will generally encompass all areas within a half-mile of a transit stop. These initiatives add housing in parts of the city that have produced very little in recent decades, but also encourage housing options for older, smaller, or lower-income households that face particular challenges finding appropriate housing in low-density areas. The Proposed Action would also remove obstacles to construction of new infill development in low-density districts

on campuses above 1.5 acres and full-block sites, based on FAR, maximum lot coverage, relaxed distance-between-buildings regulations, and new height limits.

Also in low-density areas, the Proposed Action would enable “ancillary dwelling units,” also known as accessory dwelling units or ADUs, on lots with one- or two-family housing. ADUs would be size-limited and exempt from parking requirements and regulations that limit the number of units, such as restrictions in one- or two-family zoning districts. This includes homeowners who may need space for a family member or for whom the extra income generated by a small rental unit is essential. ADUs are a form of housing that is common in other parts of the country, provides a housing type sorely lacking in low-density areas, and supports flexibility and opportunity for a range of household types, including multigenerational families, smaller households, those looking to age in place, and many others. On a macro level, ADUs also provide an important avenue for “gentle density” while maintaining the character of one- and two-family areas.

In all districts, the Proposed Action would eliminate parking requirements for all new residential development citywide. This would reduce the conflict between parking and housing, providing opportunities for additional housing on development sites across the city. Today, parking requirements reduce the amount of housing that can be produced on certain sites while rendering development entirely infeasible on others. While the Proposed Action would not eliminate existing parking required by existing housing, it would create a discretionary action to remove existing parking requirements when appropriate.

Finally, the Proposed Action will include other project components that do not fit neatly into the categories above but have citywide effect and are consistent with the overall project goals of facilitating more housing and more types of housing in neighborhoods across the city. These include allowances for irregular and hard-to-develop sites; elimination or reduction of unnecessarily onerous approval procedures; elimination of exclusionary geographies from prior eras; and adjustments to regulations that have had unintended outcomes for development and design.

Description of the Proposed Action

In order to address the housing shortage and high cost of housing in New York City, the Housing Opportunity text amendment seeks to enable more housing and wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest. To that end, the Proposed Action comprises project components in four broad categories: Medium- and High-Density proposals in R6-R10 districts and equivalents; Low-Density proposals in R1-R5 districts and equivalents; Parking proposals, which span the full range of districts and densities; and assorted other changes in line with project goals. In general, these changes will apply in

underlying zoning districts, Special Districts, and other geographies that modify underlying zoning, with limited adjustments to reflect planning goals in specific areas. Project components in each of these categories are described in more detail below.

To create more housing and more types of housing, the Proposed Action includes components that fall into four major proposal areas—1: Medium- and High-Density Districts, 2: Low-Density Districts, 3: Parking, and 4: Other Initiatives that are miscellaneous, citywide in nature, and align with overall project goals.

1: Medium- and High-Density Proposals

The Medium- and High-Density proposals consist of project components that primarily affect housing capacity and housing types in R6 through R10 districts and their Commercial District equivalents.

1.1: More Floor Area for Affordable and Supportive Housing

Building off the existing preferential FARs for AIRS in most medium- and high-density districts, the Proposed Action would increase FAR for all forms of affordable and supportive housing in all medium- and high-density districts. This would be achieved through the following components:

- 1.1a: For districts with an existing preferential FAR for AIRS, hold market-rate FAR constant while increasing FARs for all forms of affordable and supportive housing to the higher AIRS FAR—this is referred to as the “Universal Affordability Preference” (UAP) framework;
- 1.1b: For districts without an existing preferential FAR for AIRS or where the AIRS preference is small, provide a new preferential FAR for AIRS and other affordable and supportive housing types that is 20 percent above the FAR for market-rate residential;
- 1.1c: Replace Inclusionary Housing Designated Areas (IHDA) and R10 Inclusionary Housing (R10 IH) with the preferential FAR framework;
- 1.1d: Equalize FARs for MIH districts where FARs proposed for UAP are higher;
- 1.1e: Where necessary, adjust building envelopes to accommodate permitted FAR;
- 1.1f: Allow supportive housing to be classified as either Use Group 2 or 3; and

- 1.1g: Modify the Zoning Resolution (ZR) 74-903 Special Permit to an Authorization for supportive housing.

Overall, this component of the Proposed Action seeks to simplify and rationalize the approach to FARs for AIRS and other forms of affordable and supportive housing and provide a consistent preference for these critical uses for each zoning district across the current patchwork of zoning geographies.

Together, these aspects of the Proposed Action would facilitate more housing and affordable or supportive housing on development sites throughout medium- and high-density districts, helping to address the housing shortage and creating additional affordable housing in neighborhoods throughout New York City.

1.1a: Increase the FARs for all forms of affordable and supportive housing to the higher AIRS FARs

In most medium- and high-density districts throughout New York City, affordable independent residents for seniors (AIRS) get a higher FAR than other residential uses and supportive housing, which is classified as a community facility use. At its core, this proposal seeks to increase FARs for affordable and supportive housing to the higher FAR allocated to AIRS while holding maximum FARs for market-rate housing constant.

1.1b: Provide new preferential FAR for AIRS and other affordable and supportive housing types that is 20 percent above the FAR for market-rate residential

In medium- and high-density districts that do not allocate a higher FAR to AIRS (such as R8B) or that allocate only a small preference (such as R6B), the proposal will provide a new preferential FAR for AIRS and other forms of affordable and supportive housing of 20 percent above the FAR for market-rate residential uses. This 20 percent preference is consistent with the preference that inclusionary housing and various other zoning bonuses provide above standard residential FARs in medium- and high-density districts under the existing zoning framework.

1.1c: Replace IHDA and R10 IH with the preferential FAR framework

To streamline New York City's residential zoning and significantly expand opportunities for affordable housing at a wider variety of lower incomes, the Proposed Action would replace the Inclusionary Housing Designated Areas (IHDA) and R10 Inclusionary Housing (R10 IH) programs with the preferential zoning framework described above. The current IHDA and R10

programs require affordable housing at 80 percent AMI and do not permit income-averaging, meaning that all affordable units must be at 80 percent AMI. Replacing IHDA and R10 IH with this framework will increase FARs for affordable and supportive housing while lowering required AMIs to 60 percent and enabling income averaging that will enable UAP projects to reach far lower AMIs than current voluntary programs.

1.1d Equalize FARs for MIH districts where FARs proposed for UAP are higher

Some MIH districts have maximum residential FARs that are lower than those proposed for affordable and supportive housing under UAP. For example, R6A MIH districts today have a maximum FAR of 3.6 whereas AIRS gets 3.9, and R7A MIH districts get 4.6 while AIRS gets 5.

Under the Proposed Action, zoning districts within MIH areas would receive the higher maximum FARs proposed for UAP while retaining the mandatory set-aside and AMI requirements of the MIH options mapped within that MIH area.

The Proposed Action would also extend this preferential FAR framework to Special Districts and other geographies with medium- and high-density residential zoning, where existing FARs and outdated inclusionary housing programs may reflect inconsistent approaches to various residential and community facility uses over time. Where necessary, the Proposed Action would adjust this framework to accommodate essential planning goals embedded in those Special Districts.

1.1e: Adjust Building Envelopes to Accommodate FARs

Continuing the work of the 2016 Zoning for Quality and Affordability (ZQA) text amendment, the Proposed Action would provide building envelopes sufficient to accommodate the FAR permitted for developments with AIRS and other forms of affordable and supportive housing in all zoning districts. Developments would need to provide a minimum amount of UAP affordability to qualify for the larger building envelopes. The proposed envelopes include a measure of flexibility to ensure that they remain sufficient for a range of non-standard sites and to allow for architectural expression and avoid the flat buildings that result from overly restrictive envelopes. In many instances, these envelopes must also account for existing deficiencies in building envelopes that resulted from inconsistent approaches in the past.

1.1f: Allow supportive housing to be classified as either Use Group 2 or 3

Today, AIRS and other forms of affordable housing are classified as Use Group 2 Residential while supportive housing is typically classified as a Use Group 3 Community Facility use known as “philanthropic or non-profit institutions with sleeping accommodations” (NPISA). To provide additional flexibility to supportive housing, the Proposed Action would enable this critical use to be classified as either Use Group 2 Residential or NPISA. This would ensure that supportive housing can retain the advantages provided to NPISAs in some districts today while also accessing the advantages afforded to residential uses in other districts.

1.1g: Modify the ZR 74-903 Special Permit to a new Authorization for supportive housing

Today in certain non-contextual districts — specifically, R6, R7-2, and R9 — supportive housing, also known as NPISAs, can achieve a higher FAR than AIRS via a ZR 74-903 special permit. The Proposed Action would retain the ability for supportive housing to seek higher FARs in these districts while reducing the required action from a special permit, which requires the full, seven-month Uniform Land Use Review Procedure (ULURP), to an authorization, which gets referred to the affected Community Board and then voted on by the CPC, typically within three months. This change would make it easier for supportive housing projects to access a higher FAR where available while retaining the discretionary review that ensures a higher FAR and the resulting bulk are appropriate.

1.2: Small and Shared Apartments

The Small and Shared Apartments proposals seek to bring back and increase access to housing types that serve the young, the old, and the marginally housed. These are developments with small basic units for the increasing number of New Yorkers who wish to live alone but currently cannot because of lack of availability, or shared housing models with private bedrooms and common kitchens or other facilities.

In the 1950s and 1960s, zoning and regulatory changes in New York City made it difficult or impossible to create developments of small dwelling units or rooming units and other shared housing like single-room occupancy units, or SROs, that had provided an important source of housing in generations past. At the time, City policy not only blocked new SROs but actively sought to shut down SROs that already existed. SROs were seen to attract an undesirable population of unemployed or underemployed single men, and this prejudice was reflected in public policy implemented at the time. It was not until the 1980s that the City realized that eliminating this form of housing did not make its former residents disappear, and the City sought

to preserve those SROs that remained in order to stem the burgeoning homelessness crisis that remains today.

During the same period, the 1961 Zoning Resolution evolved to contain Dwelling Unit Factor (DUF), which limits the number of dwelling units on a zoning lot. For developments that use all available floor area, DUF functions as a minimum average unit size that effectively mandates the addition of two-, three-, or more bedroom apartments in new developments. If a development provides smaller units, such as studios, it must also provide larger units, such as two- or three-bedroom units, to meet the minimum average unit size. This remains the case even after decades of decreasing household sizes nationally and within New York City. Today, there are many City residents who would prefer to live alone, but who must find roommates and compete with families with children for two-, three-, and more bedroom apartments in many neighborhoods around the city.

The Proposed Action would:

- 1.2a: Eliminate DUF within the Inner Transit Zone (including the Manhattan Core);
- 1.2b: Reduce and simplify DUF outside the Inner Transit Zone;
- 1.2c: Eliminate DUF within one- and two-family buildings; and
- 1.2d: Remove zoning obstacles to small and shared housing models for affordable, supportive, and privately financed projects.

These initiatives can help to fill gaps in the current housing market by returning to housing types that have served New Yorkers well in the past.

1.2a: Eliminate Dwelling Unit Factor Within the Inner Transit Zone (Including the Manhattan Core)

Within the Inner Transit Zone, the Proposed Action would eliminate DUF, thereby removing from the Zoning Resolution controls on the maximum number of dwelling units. Unit size would be determined by the combination of other relevant regulations, such as room size limits, in the New York City Building Code, New York City Housing Maintenance Code, and New York State Multiple Dwelling Law (MDL), as well as by market demand. In these areas with excellent access to transit, developers who wish to may develop projects consisting entirely of smaller units that accommodate the pronounced trend in New York City toward smaller household sizes.

1.2b: Reduce and Simplify Dwelling Unit Factor Outside the Inner Transit Zone

Outside the Inner Transit Zone, the Proposed Action would reduce and simplify DUF, equalizing the DUF in all districts to 500. Developments would remain subject to use regulations that limit developments to one and two dwelling units, respectively, in one- and two-family districts.

In low-density districts, DUF is a main obstacle to development of two-family houses in two-family districts and small apartment buildings in districts that allow multiple dwellings. Reducing these obstacles is key to enabling these districts to produce the building types nominally allowed today.

1.2c: Eliminate Dwelling Unit Factor within One- and Two-Family Buildings

In one- or two- family buildings, DUF is redundant with other controls on density, including maximum number of units in one- or two-family districts. The Proposed Action would eliminate the applicability of DUF for these building types.

1.2d: Remove Zoning Obstacles to Rooming Units and Shared Housing Models

In conjunction with adjustments to the regulation of rooming units in the Building Code and Housing Maintenance Code, among other provisions, the Proposed Action would remove obstacles to rooming units and shared housing models in the zoning resolution. The Proposed Action would remove the ban on rooming units in low-density districts and in the adaptive reuse regulations in Article I, Chapter 5.

1.3: Eliminate Obstacles to Quality Housing Development

The Proposed Action would make changes to height and setback regulations to encourage greater predictability in non-contextual districts and reduce the unnecessary complexity produced by outdated Height Factor regulations.

Height Factor regulations are a complicated legacy of the 1961 Zoning Resolution that have been largely but not entirely supplanted by the introduction of Quality Housing and contextual zoning districts beginning in the 1980s. Practitioners and government entities find Height Factor regulations difficult to use and administer and members of the public often decry the resulting development, which not infrequently clashes with existing built context. Height Factor regulations employ a sliding-scale FAR intended to balance open space and building height in line with “tower in a park” thinking of the day, and sky exposure plane envelopes, which slant

away from the street line, tend to push buildings back from the street. Incompatibility between Height Factor regulations and contextual districts can render sites with significant remaining floor area and open space undevelopable.

Height Factor regulations were created to facilitate superblock-scale redevelopment projects like Stuyvesant Town, an “Urban Renewal” approach that fell out of favor not long after Height Factor regulations were introduced. Height Factor was not designed for the more standard infill development model that has predominated in recent decades, and it is a poor tool for infill developments on such sites.

Since 2000, almost all housing development in non-contextual districts has followed the Quality Housing regulations, which are an option within all non-contextual districts. Developers often prefer the Quality Housing option because it is generally incentivized with a higher FAR than Height Factor regulations, and it allows a more efficient and less expensive building form. Neighborhood residents most often prefer Quality Housing as well, since it is a more predictable form that tends not to “stick out like a sore thumb” from other buildings in an area.

Nonetheless, existing zoning poses ongoing challenges to Quality Housing development in certain circumstances that the Proposed Action would address.

The Proposed Action would:

- 1.3a: Remove obstacles to Quality Housing development on sites with existing buildings;
- 1.3b: Remove obstacles to Quality Housing development on irregular lots and lots where development is challenged by nearby infrastructure and other obstructions;
- 1.3c: Provide more flexible envelopes in Waterfront Areas to enable a broader range of development, including affordable housing; and
- 1.3d: Eliminate the “sliver law” for developments that utilize Quality Housing regulations, regardless of zoning district.

1.3a: Remove Obstacles to Quality Housing Development on Sites with Existing Buildings – Infill Proposals

The Proposed Action seeks to eliminate zoning obstacles that make infill housing development difficult or impossible on campuses and other zoning lots with existing buildings but significant amounts of unused floor area and unutilized or underutilized open space. To provide more opportunities for infill development, the Proposed Action would (1) replace complex infill “mixing rules” (described further below) and restrictive open space and height regulations with a

simpler regime based on FAR, infill height limits, and lot coverage maximums and (2) reduce distance-between-buildings requirements to harmonize zoning regulations with the state standards in the MDL.

The Proposed Action seeks to facilitate appropriate infill development to provide additional opportunities for housing and where possible enhance the connectivity of campuses and other Height Factor zoning lots into surrounding context. Many such sites with significant amounts of un- or underutilized open space represent examples of the “tower in a park” typology commonly built in New York City from the 1930s to the 1960s. A significant majority of these campuses were developed pursuant to federal, state, and city housing programs such as Mitchell-Lama, Urban Renewal, Urban Development Action Area, Limited Dividend, large-scale zoning, and other programs and mechanisms.

The 1961 Zoning Resolution drew from examples of tower-in-a-park developments like Stuyvesant Town (1947) and encouraged tall buildings surrounded by open space, a form that often clashed with existing built context. While zoning regulations evolved away from such forms in subsequent decades, most tower-in-a-park developments remain subject to older “non-contextual” zoning, so named in contrast to “contextual” zoning, created in the 1980s to encourage lower-height, higher-lot-coverage development that echoes older New York City building forms.

Contextual zoning now covers most of the land zoned for residential uses across the city and comprises an overwhelming majority of new residential rezonings. Unlike non-contextual zoning, contextual zoning includes explicit height limits and lot coverage rules that create a predictable building form in each contextual zoning district. Quality Housing is mandatory in contextual districts and optional in non-contextual districts.

Replace “Mixing Rules” with a Simpler Set of Bulk Regulations in R6 Through R10 Districts

In R6 through R10 districts, lots with existing buildings that were developed pursuant to Height Factor zoning may not use Quality Housing regulations for infill development. Under current “mixing rules” in Section 23-011, Quality Housing Program, of the Zoning Resolution, it is difficult or impossible to add Quality Housing developments on such zoning lots, because lower-height, higher-lot-coverage developments do not comply with Height Factor regulations and existing tower-in-a-park buildings do not comply with Quality Housing regulations—specifically height limits. A given zoning lot must comply with either Height Factor zoning or the Quality Housing program, and any new Quality Housing development creates a new non-compliance, which is generally prohibited. As a result of these “mixing rules”, many campuses have unused development rights and significant amounts of unutilized or underutilized open space, such as surface parking, but no feasible path to appropriate infill development.

The Proposed Action would replace prohibitive mixing rules in R6 through R10 districts with a simpler regime that allows Quality Housing infill development on zoning lots with existing Height Factor buildings in non-contextual zoning districts provided that:

- The affected zoning lot complies with the Quality Housing FAR limit in the applicable zoning district; and
- The new development complies with the Quality Housing height limit in the applicable zoning district, as set forth in paragraphs (b) and (c) of Section 23-664 in the Zoning Resolution, as applicable, regardless of existing building heights.

This approach extends the general approach to AIRS infill by the ZQA text amendment in 2016 to the full range of Quality Housing developments.

Reduce Distance-Between-Buildings Requirements to Match the Multiple Dwelling Law

In addition to the problems identified above, distance-between-buildings regulations make it difficult or impossible to add new developments on campus zoning lots with existing buildings. These regulations are found in Section 23-711 (Standard minimum distance between buildings) of the Zoning Resolution and vary by “wall condition” and building height. These regulations can preclude development on unutilized or underutilized open space that would otherwise provide an appropriate location for infill development.

In many instances, the requirements in the Zoning Resolution are significantly more demanding than those in the state Multiple Dwelling Law (MDL), which simply mandates a 40-foot distance between buildings on the same lot, regardless of wall condition, and a minimum distance of 80 feet between buildings above a height of 125 feet. These standards protect light and air and safeguard open spaces for existing buildings and new developments while providing additional flexibility on campus developments with significant amounts of un- and underutilized open space. The Proposed Action would align zoning with the MDL, reducing any distance-between-buildings requirements for buildings below 125 feet in height to 40 feet and requiring 80 feet of distance between buildings for those buildings above 125 feet in height.

In response to comments on the draft zoning text, the Proposed Action was modified so that the relief for distance-between-building regulations would only apply to new height-limited contextual development but not to any new non-contextual development.

Other Changes to Facilitate Infill

For development on zoning lots with existing Height Factor buildings, the Proposed Action would also replace open space ratio, an unnecessarily complicated formula that determines the amount of required open space on a Height Factor zoning lot, with simpler yard regulations and lot coverage maximums that are more predictable and easier for practitioners and government administrators.

The Proposed Action would relax the regulations that require street tree planting on all frontages of full-block campus zoning lots when infill happens on only a small portion. These requirements have been cost-prohibitive for infill proposals on the superblocks that characterize campus development in many parts of the city.

The Proposed Action would also relax curb cut restrictions for campuses that require curb cuts to centralize or containerize waste collection in line with evolving standards from the Department of Sanitation. Today, zoning regulations interfere with the ability of campuses to modernize collection processes.

1.3b: Remove Obstacles to Quality Housing Development on Irregular Lots and Lots Where Development is Challenged by Nearby Infrastructure and Other Obstructions – Flexible Quality Housing Envelopes for Difficult Sites

Zoning lots without existing buildings in non-contextual districts may also face challenges developing under Quality Housing regulations. These tend to be irregularly shaped or sized lots, such as very deep lots or flag lots, or sites where proximity to elevated infrastructure or other physical obstructions render the existing Quality Housing envelopes unworkable. The resulting Height Factor buildings on these sites generally contain less housing than a Quality Housing development would have, since they have lower FARs, and they also tend to be much taller and drastically different in form than other buildings in the neighborhood. In recent years, many of New York City’s most controversial developments are in this category—irregular zoning lots in non-contextual districts where constraints push development into non-contextual forms.

To address this problem, the Proposed Action would expand applicability of flexible Quality Housing envelopes to a range of sites in Height Factor districts that may require that flexibility, including sites above 1.5 acres or with full-block control, sites next to elevated infrastructure, and sites that are shallow, deep, angled, or otherwise irregular. The Proposed Action would start with the flexible envelopes in ZR Section 23-664(c) (Alternative regulations for certain Quality Housing buildings in non-contextual districts), creating new envelopes for R7-3, R8 (wide street applicability), R9, and R10 districts and providing additional height for the existing R6, R7-1, and R7-2 districts. The proposal would also provide a 25 percent bump in height for eligible sites of about 40,000 square feet in lot area.

This range of envelopes would implement predictability that comes with height limits while also providing sufficient flexibility for irregular and challenging sites to use their allotted floor area for new housing.

1.3c: Provide More Flexible Envelopes in Waterfront Areas to Enable a Broader Range of Development, Including Affordable Housing – Provide Flexible Envelopes for Developments in Waterfront Areas

Height and setback regulations in Waterfront Areas have proven to be constraining and unsuited for certain types of development, such as affordable housing, that the City has increasingly tried to encourage throughout the past few decades. In particular, the existing height and setback regulations for Waterfront Areas encourage low bases and tall and narrow forms that limit opportunities for 100 percent affordable housing or mixed-income housing in these areas.

Without disallowing taller and narrower forms that can be appropriate in Waterfront Areas, the Proposed Action would relax height and setback regulations to shape buildings, support creation of affordable housing, and address common site-specific challenges on waterfront sites.

1.3d: Eliminate the “Sliver Law” for Quality Housing Developments, Regardless of District

The “sliver law” was established in 1983 to limit tall, narrow buildings in neighborhoods with strong street wall continuity. For zoning lots in R7-2, R7D, R7X, R8, R9, and R10 Residence Districts and equivalents with a width of less than 45 feet, this provision limits the height of the building to the width of the street or 100 feet, whichever is less. These provisions, which are set forth in ZR Section 23-692 (Height limitations for narrow buildings or enlargements), represented attempts to ensure predictable development in areas with strong neighborhood character in the era prior to contextual zoning.

The establishment of Quality Housing and contextual zoning districts in 1987, and their widespread mapping since then, have largely rendered sliver law provisions outdated, redundant, and irrelevant in many areas. Historically, it has prevented some sites from participating in the city’s Inclusionary Housing programs; going forward, it would prevent sites from participating in the UAP framework, resulting in entirely market-rate developments on sites that could otherwise provide affordable housing.

The Proposed Action would eliminate the sliver law in contextual districts and for developments utilizing the Quality Housing option in non-contextual districts to enable these sites to accommodate the amount of housing allowed by allotted FARs. Eliminating the sliver law would give zoning lots access to the underlying contextual regulations.

1.4: Conversions

The Adaptive Reuse proposals seek to extend and improve the existing framework in Article I, Chapter 5 of the ZR, which provides relaxed bulk regulations for conversions of non-residential buildings built before 1977 or 1961 to residential use within defined geographies.

The basic framework for adaptive reuse in New York City dates to the early 1980s, when Article I, Chapter 5 was enacted to apply the more flexible set of residential bulk regulations for residential conversions set forth in Article 7-B of the state MDL. In the absence of these special rules, most non-residential buildings have been unable to comply with the underlying residential bulk regulations, including FAR, height and setback, and light and air provisions, making conversion to residential difficult or impossible. This framework originally applied in Manhattan below 59th Street and has since been extended to designated higher-intensity commercial and mixed-use (MX) districts in all other boroughs as well.

In most of the applicable geography, non-residential buildings constructed prior to December 15, 1961 may use these adaptive reuse regulations to convert to dwelling units. In portions of Lower Manhattan, the cutoff date is 1977. In MX districts, the cutoff date is 1997. In all geographies, conversion to rooming units or community facilities with sleeping accommodations, such as supportive housing or dormitories, is prohibited.

The Proposed Action would:

- 1.4a: Change the cutoff date for conversion from 1961 or 1977 to 1990;
- 1.4b: Expand the geographic applicability of the adaptive reuse regulations citywide;
- 1.4c: Enable conversion to a wider variety of housing types, including rooming units, supportive housing, and dormitories; and
- 1.4d: Eliminate outdated restrictions on conversions to residential uses in C6-1G, C6-2G, C6-2M and C6-4M commercial districts.

1.4a: Change the Cutoff Date for Conversions from 1961 or 1977 to 1990

The 1961 and 1977 cutoff dates were established in 1981 and 1997, respectively, which applied the adaptive reuse regulations to buildings as young as 20 years old. The dates have not been updated in over 25 years. Since that time, some non-residential buildings have aged into obsolescence or been left behind in New York City's dynamic and ever-changing economy. The

pandemic and its aftermath have also changed patterns of occupancy in neighborhoods across the city, leaving some non-residential buildings to struggle.

For these reasons, the Proposed Action would modify the zoning resolution to implement a uniform cutoff date of December 31, 1990 for all geographies where the cutoff date is currently 1961 or 1977. This would extend New York City’s adaptive reuse regulations to a new generation of buildings, supporting the ability of neighborhoods to grow and change over time with the City’s changing economy. The 1997 cutoff date for MX districts will remain unchanged.

Because of remaining obstacles in the state MDL, the Proposed Action could not enable conversions above 12 FAR. Most newly eligible buildings could use the Article 7-B provisions for zoning compliance but not building code compliance. Nonetheless, the Proposed Action would significantly expand conversion opportunities.

1.4b: Expand the Geographic Applicability of the Adaptive Reuse Regulations Citywide

Currently, the City’s adaptive reuse regulations apply primarily in the city’s largest and most central business districts. The Proposed Action would expand the applicability of these regulations citywide.

Beyond commercial districts, this would enable Community Facility buildings, such as former schools, churches, convents or monasteries, and the like, to convert to residential use.

1.4c: Enable Conversions to a Wider Variety of Housing Types

The existing adaptive reuse framework allows conversion to “dwelling units” only—that is, units that are classified as Use Group 2 and have full cooking and sanitary facilities. Conversion to Use Group 2 “rooming units,” which lack full cooking and/or sanitary facilities, or to Community Facility uses with sleeping accommodations, such as supportive housing and dormitories, is explicitly prohibited.

As part of an effort to encourage a wider variety of housing types to serve the diverse needs of families and households, the Proposed Action would enable conversion to rooming units and Community Facilities with sleeping accommodations for the first time, as permitted by other relevant bodies of law, such as the Housing Maintenance Code.

1.4d: Eliminate Outdated Restrictions on Conversions in C6-1G, C6-2G, C6-2M and C6-4M Districts

Currently, a small subset of commercial districts prohibits residential uses not because of any inherent use conflicts, as in C8 districts, but rather as an attempt in the 1980s to preserve certain commercial and light industrial uses in the face of a changing economy. Today, the preservation requirements and limitations on residential conversion may be lifted only by special permit in Sections 15-50 or 74-782 of the ZR; however, the uses these special permits are designed to protect are largely gone. The effort to restrict conversions in these areas is outdated and has led to the rise of informal and unlawful residential uses that should be legalized and formally regulated.

The Proposed Action would remove the special permit requirement to modify restrictions in C6-1G, C6-2G, C6-2M and C6-4M districts. The Department of City Planning will work with the Department of Housing Preservation and Development (HPD) and other sister agencies to minimize disruption to existing residents of informal housing in these areas.

2: Low-Density Proposals

Beginning in the 1960s and accelerating in recent decades, layers of restrictions in low-density districts have seriously compromised the ability of these areas, which cover more than half of the city, to accommodate changes to existing buildings or support incremental housing development.

Many buildings are stuck in “noncompliance traps” due to increasingly restrictive regulations that do not account for building forms common in New York City in prior eras that shape the built context to this day. The overbuilt conditions, height and setback problems, and other issues that arise from restrictive zoning can make it all but impossible to update and change buildings over time to accommodate growing families or take advantage of advances in building systems in an era of accelerating climate change.

Over the same period, housing production in low-density areas, where housing is relatively cheap to build, has decreased dramatically. Where new development does occur, overlapping zoning rules often prevent anything other than single-family homes, even in two-family and multifamily districts. This is a cause for concern at a time when housing demand and housing costs are increasing citywide.

The proposals that follow would apply generally in underlying Low-Density Districts, as well as Lower Density Growth Management Areas (LDGMAs), Predominantly Built-Up Areas, and Special Districts within low-density areas, as adjusted to reflect specific planning goals.

2.1 Low-Density Basic

The Low-Density Basic proposals seek to adjust zoning regulations in R1 through R5 districts to provide additional flexibility for existing buildings (and homeowners) and ensure that each district can support new development nominally allowed today—such as two-family residences in two-family districts and small multifamily developments in districts that allow multifamily.

To provide additional flexibility for existing buildings and support incremental housing production across lower-density areas, the Proposed Action would make generally minor adjustments to:

- 2.1a: Provide additional FAR and adjust floor area rules;
- 2.1b: Adjust perimeter height limits and building envelopes;
- 2.1c: Adjust yard, open space, and court requirements;
- 2.1d: Increase flexibility to provide off-street parking where required or voluntarily provided; and
- 2.1e: Relax minimum lot size and width restrictions.

In making these minor adjustments, the Proposed Action would eliminate the need for a ZR Section 73-621 special permit from the BSA, which allows the BSA to permit an enlargement, change of use, or extension to existing non-compliant buildings, so long as the degree of non-compliance is increased only up to a certain amount. It would also remove the need for CPC Authorization (ZR Section 23-631(k)), which authorizes height and setback modifications for R3-2, R4 and R5 districts, because the new as-of-right rules would allow this relief.

2.1a: Provide Additional FAR and Adjust Floor Area Rules

One of the most basic obstacles in low-density districts is FAR set too low to accommodate existing buildings or development of anything other than a single-family home. The Proposed Action would increase FARs across low-density districts to provide flexibility for existing buildings and new development alike. These increases in FAR are also intended to accommodate ADUs enabled by another component of the Proposed Action described below.

Informed by an analysis of existing buildings and of FARs necessary to achieve nominally permitted housing types, such as two-family and multifamily, the Proposed Action would increase FARs.

The Proposed Action would further extend R5 provisions as of right to zoning lots with existing residential uses in M1-1D through M1-5D districts, outside of Industrial Business Zone (IBZ) areas. A CPC authorization (ZR Section 42-47) is currently required to allow housing in M1-D districts. CHO would remove authorization applicability for lots with existing housing outside of IBZ areas and make housing as-of-right subject to proposed R5 regulations.

The Proposed Action would eliminate the conditions necessary to achieve the maximum FAR in a range of low-density districts, known as the “attic allowance,” enabling a greater number of homes to access the full FAR permitted by the district. It would also extend the floor area exemption for enclosed parking spaces to all low-density districts to reduce conflict between required parking spaces and the ability to develop the housing forms nominally allowed in these districts, such as two-family or multifamily housing. Together, these initiatives would enable a greater range of sites to use their allotted FAR for functional living spaces.

2.1b: Adjust Perimeter Height Limits and Building Envelopes

Heights in many low-density districts are governed by a maximum perimeter height ranging from 21 to 25 feet (above which pitched roofs or setbacks are required) and an overall maximum height. Today, many existing buildings do not comply with perimeter heights on the lower end of that range, and new developments have difficulties fitting two full stories within it. The Proposed Action would increase all maximum perimeter heights to 25 feet to provide additional flexibility to existing buildings and new development.

Eliminate Side and Rear Setbacks

The Proposed Action would eliminate side and rear upper-story setbacks in low-density areas. In 2016, ZQA eliminated rear setbacks for medium- and high-density districts because such setbacks can mandate building forms that are difficult and expensive to construct without providing any light and air benefit to public space, such as the street or sidewalk. This logic also applies in low-density districts, where access to light and air is particularly abundant owing to more basic bulk provisions.

The Proposed Action would eliminate the side and rear setback required for certain developments in R1 through R5 districts, and equivalents, in ZR Section 23-632 (Required side and rear setbacks).

2.1c: Adjust Yard, Open Space, and Court Requirements

Adjust Yard Requirements and Lot Coverage Maximums

On many lots of typical width and depth in low-density areas, one or more of the required eight-foot minimum side yards, 30-foot rear yards, and wraparound 10-foot front yards for corner lots create non-compliances for existing buildings and severely constrain opportunities for new development. New development cannot be located in required yards, and there often is not enough space left over on these lots for a viable building footprint.

To address these issues, the Proposed Action would reduce side yard requirements from eight feet to five feet in districts where side yards are required, reduce rear yard requirements from 30 feet to 20 feet up to two stories in all low-density districts, and reduce front yard requirements from 10 feet to five feet for one frontage on corner lots in districts with wraparound front yard requirements. Low-density districts containing one- or two-family homes would also include a lot coverage maximum of 60 or 80 percent for interior and corner lots respectively. For multifamily dwellings, this lot coverage maximum would be 80 or 100 percent for interior and corner lots, respectively. These changes would provide more flexibility and meaningful opportunities for development on a wider range of lots in low-density districts.

Shallow Lot Relief

Recent zoning reforms provided rear yard and rear yard equivalent relief for shallow zoning lots in medium- and high-density districts. Under these provisions, the depth of the required rear yard for an interior lot is reduced by six inches for each foot less than 90 feet in lot depth, up to a minimum rear yard of 10 feet, and the required rear yard equivalent for a through lot is reduced by one foot for each foot less than 180 feet in lot depth, up to a minimum rear yard equivalent of 40 feet. These reforms also added certain types of accessory and amenity spaces that can serve as permitted obstructions in a required rear yard up to a height of 15 feet.

In conjunction with the proposed yard requirements described above, the Proposed Action would extend rear yard relief for shallow zoning lots to low-density districts.

Eliminate Open Space Ratio

“Open space ratio” is another overly complex legacy of the 1961 Zoning Resolution, where the amount of open space required on a zoning lot is determined by a formula that practitioners and government administrators alike can have difficulties using. These regulations have no

advantages over much simpler open space regulations introduced in the years since—easy-to-understand front, side, and rear yard requirements and maximum lot coverage rules.

The Proposed Action would replace open space ratio with yard regulations in the low-density areas where open space ratios remain, namely R1 and R2 districts other than R1-2A, R2A, and R2X. In its place, developments in these districts would be required to provide yards as modified by the Proposed Action, as described above.

Simplify Front Yard Planting Requirement

Under ZR Section 23-451 (Planting requirement), low-density districts have a variable planting requirement based on lot width, street frontage of individual building segments on a zoning lot, or other factors, and planting requirements range from 20 to 50 percent of the required front yard.

The Proposed Action would implement a flat percentage planting requirement. This change would simplify the regulation and increase pervious surface without imposing significant new burdens on homeowners or developers.

Allow Small Courts

Recent zoning reforms have enabled the incorporation of small inner and outer courts into building layouts in medium- and high-density districts. These are courts that are too small to provide for legally required windows, but that nonetheless provide opportunities for windows that are not legally required, such as windows in kitchens and bathrooms that contextual zoning regulations have inadvertently discouraged.

The Proposed Action would extend small inner and outer court provisions to low-density districts to provide additional opportunities for light and air for multifamily buildings in low-density districts.

2.1d: Increase Flexibility to Provide Off-Street Parking Where Required or Voluntarily Provided

Today, the combination of parking requirements and rigid parking location, size, and other regulations in low-density areas can render sites of typical width and depth undevelopable at reasonable expense. In conjunction with reductions in parking requirements described elsewhere,

the Proposed Action would provide additional flexibility in low-density districts for sites where parking is required or voluntarily provided.

To that end, the Proposed Action would:

- Exempt parking spaces for one- or two-family homes from maneuverability requirements that mandate at least 300 square feet per space;
- Create consistent floor area exemptions for parking in low-density districts regardless of whether parking is in a detached garage, attached garage, or other enclosed parking structure;
- Relax restrictions on percentage of required open space that can be used for driveways or required parking;
- Ease restrictions on curb cuts for required parking on narrow lots.

To the extent possible, the limited parking requirements that remain under the Proposed Action should not render a site undevelopable.

2.1e: Relax Minimum Lot Area and Width Restrictions

The Proposed Action would reduce minimum lot area requirements in low-density districts to better reflect prevalent lot widths and sizes in these districts and to remove obstacles to developing the types of housing these districts nominally allow. Existing lot widths and sizes are much smaller, in most cases, than the minimums required by the Zoning Resolution. Revising the minimums will lead to building frontages that better reflect the existing context.

2.2: Low-Density Plus: “Missing Middle” Housing

The “Low Density Plus” proposals seek to allow “missing middle” housing—that is, not one-family homes or high rises, but modest apartment buildings of three to six stories—within commercial districts in R1 through R5 districts; on large sites within the Greater Transit Zone in R1 through R5 districts; and on existing campuses above 1.5 acres or with full-block control in R1 through R5 districts. These changes would enable multifamily housing on appropriate sites within the full range of low-density districts, bringing back building forms that were commonly built in many of these areas prior to passage of the city’s current zoning resolution in 1961 and that continue to define its built context to this day.

Apartment buildings define the context or are otherwise common in many parts of New York City where today’s low-density zoning makes multifamily development difficult or impossible. This is particularly apparent along commercial strips, which typically have two or three stories of housing above a commercial ground floor, and on larger sites within walking distance of subway stops—building forms that are outlawed under the current zoning. The contrast between these older apartment buildings and newer stock is especially stark in light of the City’s worsening housing shortage and dearth of options for smaller and lower-income households where limited housing production in recent decades has been characterized almost exclusively by one- or two-family buildings. In these areas, new construction must often be smaller than neighboring buildings constructed generations ago.

To reintroduce these building forms, add housing, and support a diversity of housing types in low-density areas, the Proposed Action will seek the following changes in low-density commercial districts and on “qualifying sites” and campuses in low density areas.

- 2.2a: For low-density commercial districts, the Proposed Action would:
 - Provide additional residential FAR and height; and
 - Provide a preferential FAR for mixed developments.
- 2.2b: For Qualifying Sites, the Proposed Action would:
 - Define Qualifying Site criteria, including location within the Greater Transit Zone, a minimum lot size of 5,000 square feet, and frontage on a wide street or short dimension of a block;
 - Define alternate criteria for sites with community facilities, including location within the Greater Transit Zone or, outside the Greater Transit Zone, a minimum lot size of 5,000 square feet and an existing community facility use;
 - Modify use regulations to allow multifamily housing on Qualifying Sites within one- and two-family districts; and
 - Provide additional FAR and adjustments to height and setback regulations.
- 2.2c: For low-density campuses, the Proposed Action would:
 - Define “campus” as a 1.5-acre or full block site;
 - Replace restrictive yard and open space requirements with a 50 percent lot coverage maximum; and
 - Provide new height limits for infill developments in R3-2, R4, and R5 districts.

2.2a: Low-Density Commercial Districts (a/k/a Town Center)

The proposed changes in low-density commercial districts seek to provide new housing while supporting local retail and business districts and, in many areas, reinforcing built context.

Provide Additional FAR and Height

The Proposed Action would provide additional FAR and building height within low-density commercial districts to accommodate mixed-use developments with two to four stories of residential use above a commercial ground floor. This additional FAR and height would go beyond the adjustments to FAR and height in all low-density districts as part of the Proposed Action's "Low-Density Basic" initiatives described above.

Provide a Preferential FAR for Mixed Developments

To incentivize maintenance of the commercial character in these areas, the Proposed Action would provide a preferential FAR for mixed developments. Under these regulations, the only way to maximize a zoning lot's permitted FAR would be to provide non-residential use on the ground floor, echoing the built form used as a model for this initiative and strengthening existing commercial corridors.

Additionally, the Proposed Action would reduce the applicability of ZR Special Permit 74-49, a CPC Special Permit to allow residences on lots greater than 20,000 square feet in C4-1 districts on Staten Island, to apply only to lots greater than four acres.

The Proposed Action would also provide the R5 regulations above to all low-density commercial districts within the Inner Transit Zone.

2.2b: Qualifying Sites

The proposed changes for Qualifying Sites would enable transit-oriented housing development within low-density districts.

Define Qualifying Sites Criteria

The Proposed Action would define criteria necessary for sites to take advantage of the relaxed bulk regulations provided to Qualifying Sites. These requirements would include location within the Greater Transit Zone—that is, the Inner Transit Zone and Outer Transit Zone—and a zoning lot area of at least 5,000 square feet. To qualify, these sites would have to front on a wide street or along the short dimension of a block.

Define alternate criteria for community facility sites

Community facilities (such as faith-based organizations and libraries) already receive higher FARs than residential uses and often define their own context, even when located on mid-blocks or on narrow streets in lower-density areas. The Proposed Action would provide higher residential FARs for sites with community facilities within the Greater Transit Zone to facilitate mixed and infill developments on such sites.

Outside the Greater Transit Zone, the Proposed Action would give a similar bump to sites above 5,000 square feet with existing community facilities uses as of the date of enactment.

Modify Use Regulations for Qualifying Sites

One- and two-family districts limit development to one- and two-family homes respectively. The Proposed Action would modify use regulations for Qualifying Sites within one- and two-family districts to allow multifamily development only on those sites and would not effect changes elsewhere. This change would apply to Qualifying Sites in R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, and R5A districts.

Provide Additional FAR and Adjustments to Height and Setback Regulations

The Proposed Action would provide additional FAR and height for Qualifying Sites to accommodate multifamily housing. This additional FAR and height would go beyond the adjustments to FAR and height in all low-density districts as part of the Proposed Action’s “Low-Density Basic” initiatives.

The Proposed Action would also make minor additional adjustments to height and setback regulations to facilitate multifamily on Qualifying Sites. These adjustments would include permitting flat roofs on Qualifying Sites in districts that typically require a pitched roof and exempting Qualifying Sites from provisions that require front yards to line up with those of

adjacent properties. Without modifications, these regulations would make it difficult to build multifamily housing even where nominally allowed.

2.2c: Allow Infill on Low-Density Campuses

In low-density districts, infill development is difficult or impossible even on campuses with unused development rights and significant unutilized or underutilized open space because of restrictive yard and height regulations. Many tower-in-a-park campuses do not comply with existing height limits and yard requirements in lower density districts, and these existing non-compliances make infill on affected zoning lots difficult or impossible. In other instances, restrictive yard regulations simply preclude development on what would otherwise represent a viable footprint for infill.

In low-density districts, the Proposed Action would replace restrictive yard requirements and height limits that apply to existing buildings with a simpler regime that allows infill development on campuses of at least 1.5 acres or with full-block control as long as:

- the affected zoning lot complies with the FAR limit for the applicable district;
- the affected zoning lot complies with a new overall 50-percent lot coverage maximum;
- the new development complies with new campus height limits of 45 feet in R3-2 districts, 55 feet in R4 districts, and 65 feet in R5 districts.

These criteria would enable additional campus infill opportunities in context with the built environment in low-density areas while preserving significant amounts of open space for residents.

2.3: Ancillary Dwelling Units

The ADU proposal seeks to enable an “ancillary dwelling unit” on zoning lots with one- or two-family residences.

Many areas zoned for lower densities in New York City have a severe shortage of housing typologies appropriate for smaller, younger, older, and lower-income households. This shortage is especially apparent when looking at new construction in these areas, where layers of restrictions since the 1980s have typically prevented development of multifamily and other small-unit typologies more common in earlier eras. While many lower-density areas have seen a proliferation of unlawful subdivisions, basement apartments, and the like, the typologies

typically encompassed by the term “ADU” have not been prevalent—at least not in licit form—because zoning and other regulations are not in place to support them.

To support the creation of ADUs in lower density areas, the Proposed Action would:

- 2.3a: Define a new type of residence called an “ancillary dwelling unit” or “ADU” with a size limit of 800 square feet;
- 2.3b: Provide ADU-specific relief from various provisions that limit the number of dwelling units on a zoning lot and parking requirements and, in conjunction with other low-density initiatives, provide generally applicable allowances for FAR, height and setback, yard requirements, distance-between-building requirements, and new non-compliances in R1 through R5 districts to accommodate an ADU on typical zoning lots with one- and two-family residences.

The ADU proposals depend on the proposed increases in FAR described in the Low-Density Basic section above to provide opportunities for a broad range of sites with one- and two-family homes.

In combination, the provisions specific to ADUs would create opportunities for ADUs in conjunction with existing buildings or through redevelopment on a broad range of zoning lots.

2.3a: Define “Ancillary Dwelling Unit”

The Proposed Action would define a new type of residence called an “ancillary dwelling unit”, or “ADU”, that will qualify for certain allowances and relief that will not be available to “dwelling units” or other residences that do not satisfy the new definition. To qualify for allowances, ADUs could not be larger than 800 square feet and be located on a zoning lot with a one- or two-family residence, among other potential requirements. ADUs will be limited to one per associated one- or two-family building on a zoning lot.

2.3b: Provide Relief from Various Zoning Regulations that Apply to Dwelling Units

The Proposed Action would grant relief to various bulk, use, and parking regulations that would otherwise present significant obstacles to a broadly applicable ADU program.

Number of Dwelling Units

Various zoning provisions directly limit the number of dwelling units permitted on a given zoning lot. This includes use regulations that limit certain districts to single- or two-family residences and bulk regulations, specifically dwelling unit factor, that set forth a maximum number of dwelling units based on the size of a zoning lot and permitted residential FAR. The Proposed Action would exempt ADUs from both types of regulations.

In conjunction with the Proposed Action, the City will request a small modification to state law to ensure that the addition of an ADU to a two-family home does not trigger applicability of the state MDL, which typically applies to buildings with three or more units and can impose prohibitively expensive requirements that would likely preclude ADUs for two-family residences.

Parking

The parking component of the Proposed Action would eliminate residential parking requirements for new housing citywide. The ADU component of the Proposed Action will further ensure that ADUs never have or count toward a parking requirement, even when ADUs are added to existing one- and two-family homes that retain a parking requirement.

Yard and Minimum Distance Regulations

The Proposed Action would provide allowances for ADUs with respect to yards and minimum distance regulations, which would otherwise significantly hinder the ability to add ADUs to a zoning lot.

The Proposed Action would list ADUs as a permitted obstruction in required rear yards, limited to 50 percent of the yard area and to a height that would accommodate a two-story ADU. ADUs would not be a permitted obstruction in required front or side yards.

The Proposed Action would permit ADUs in various typologies that are attached to or within buildings containing the other dwelling unit or units on the zoning lot. When detached, the Proposed Action would set a minimum distance of ten feet between the ADU and other buildings on a zoning lot. The Proposed Action would also set a minimum distance of five feet between an ADU and any lot lines, except where ADUs are permitted to be attached with a building on an adjacent lot.

New Non-Compliances

In a limited set of circumstances, the Proposed Action would enable the addition of an ADU to create what would otherwise represent new non-compliances. For instance, the Proposed Action would enable portions of an existing structure to be converted to an ADU even if it would result in a floor area non-compliance so long as the degree of non-compliance is not increased volumetrically, for example in an existing garage. In other instances, the Proposed Action would enable a new ADU to be created on the zoning lot within the footprint of other structures—such as a detached garage—that would not otherwise comply with relevant regulations.

Health and Safety

The Proposed Action will also limit the applicability of ADU regulations for certain typologies within geographies where they may present health and safety concerns, such as basement ADUs in areas prone to flooding.

3: Parking Proposals

The Parking proposals seek to eliminate parking requirements citywide for new residential development. While it is expected that developers in most parts of the city would continue to provide some parking as part of new housing development, the Proposed Action would reduce existing conflicts between housing and parking on development sites across the city.

Parking requirements for existing housing will remain, but the Proposed Action would create discretionary actions to eliminate or reduce those requirements where deemed appropriate by a public review process.

3.1: Maintain and Extend a Comprehensive Set of Transit Geographies

The Proposed Action would build upon existing geographies established in the Zoning Resolution, such as the Manhattan Core and the Inner Transit Zone, to extend a comprehensive set of geographies that would serve as the basis for discretionary actions to remove parking requirements for existing housing, as well as other aspects of the Proposed Action where access to transit is relevant—such as the proposal to eliminate or reduce DUF and the Low-Density “Qualifying Sites” proposal.

Under the Proposed Action, the relevant geographies are:

3.1a: Manhattan Core and Long Island City

This geography comprises Manhattan Community Districts 1 through 8 and portions of Long Island City. In this geography, there is currently no required parking for any new housing and there are limits on how much parking may be provided voluntarily. Under the Proposed Action, the basic regulations within this geography would remain the same, with limited adjustments described below.

3.1b: Inner Transit Zone

This geography was established in 2016 by the ZQA zoning text amendment as the Transit Zone and generally encompasses blocks within multifamily zoning districts (R3-2, R4, R5, R5B, R5D, R6-R10) that are approximately one-half mile walking distance or less from a subway station. Within this geography, existing zoning regulations do not require parking for “income-restricted housing units” (IRHUs) regardless of zoning district, while other dwelling units require parking specified by the underlying district regulations.

Previously required parking for existing residential and mixed-use buildings could remain, but the Proposed Action would create a discretionary action to remove these requirements, thereby freeing land or floor space currently used for parking for other purposes. These proposed changes would ensure that in areas with high transit accessibility and usage, parking is provided as a response to market demand and that parking requirements are not a disincentive for housing production. Under the Low-Density Commercial proposal described above, low-density commercial districts within the Inner Transit Zone would be afforded more flexible bulk regulations than the same districts outside the Inner Transit Zone.

Within the Inner Transit Zone, the Proposed Action would waive nonresidential parking requirements for mixed-use developments.

3.1c: Outer Transit Zone

The Proposed Action would create a new geography provisionally called the Outer Transit Zone. This geography generally encompasses blocks adjacent to the Inner Transit Zone in all zoning districts that allow residential uses and that are served by bus, commuter rail, and subway, making them less automobile-dependent than neighborhoods farther from transit. The Outer Transit Zone has denser development, lower car ownership rates, and higher rates of commuting by public transportation than areas beyond this geography.

Parking requirements for existing residential and mixed-use buildings would remain, but the Proposed Action would create discretionary actions to enable land or floor space currently used for parking to be repurposed for other uses.

Within the Outer Transit Zone, the Proposed Action would waive nonresidential parking requirements for mixed-use developments on lots of 10,000 square feet or less.

3.1d: Greater Transit Zone

Collectively, the Manhattan Core and Long Island City Area, Inner Transit Zone, and the Outer Transit Zone will be known as the Greater Transit Zone.

Under the Qualifying Sites proposal, large sites in low-density districts within the Greater Transit Zone would be afforded more flexible bulk and use regulations to enable multifamily housing regardless of zoning district.

3.1e: Outside the Greater Transit Zone

The Proposed Action would create a new geography comprising all areas of the city outside of the Greater Transit Zone. As in the geographies described above, parking would be optional for new residential development, although developers would be expected to voluntarily provide parking at a higher rate than in more central locations.

Parking requirements for existing residential and mixed-use buildings would remain, but the Proposed Action would create a discretionary action to enable land or floor space currently used for parking to be repurposed for other uses.

Outside the Greater Transit Zone, the Proposed Action would waive nonresidential parking requirements for mixed-use developments on lots of 5,000 square feet or less.

3.2: Reduce, Simplify, and Streamline Parking Requirements

In addition to establishing the parking geographies, the Proposed Action would adjust other aspects of parking regulation to reduce, simplify, and streamline existing parking requirements and administration.

3.2a: Eliminate Parking Requirements for New Residential Development

The Proposed Action would stipulate that no parking requirements apply to new developments, while clarifying that the parking requirements of the regulations as they exist today would continue to apply to previously constructed buildings. Spaces that were required by the existing regulations would generally require a CPC authorization to be removed. (see proposal 3.2c)

In order to aid in determining which existing spaces are permitted as opposed to required—and thus unable to be removed as-of-right—the Proposed Action would create a new “simplified reference table” that summarizes the requirements of the regulations in effect today. As an alternative, the Proposed Action would allow for the amount of required parking to be determined based on documentation of historical approvals.

Existing spaces which are not required will be considered permitted spaces, while all new residential spaces going forward will be considered permitted spaces. The Proposed Action would simplify and modernize existing maximum allowances on the number of permitted spaces, aligning them with regulations set forth in the State MDL, as well as with existing practices of the Department of Buildings (DOB).

3.2b: Eliminate Parking for Non-Residential Uses in Mixed Buildings

In buildings with a mix of residential and non-residential uses, today’s zoning framework requires the provision of off-street parking pursuant to each distinct use’s parking rate. To complement the elimination of parking requirements for new residential development (see proposal 3.2a), the Proposed Action would specify that no parking requirements apply to non-residential uses in mixed buildings in certain new developments in all zoning districts, based on lot size and location within one of the defined transit geographies as outlined in proposal 3.1.

Within the Manhattan Core and Long Island City geography and Inner Transit Zone (see proposals 3.1a and 3.2b), no parking requirements would apply to non-residential uses in all mixed buildings. In the Outer Transit Zone (see proposal 3.1c), no parking requirements would apply to non-residential uses in mixed buildings on lots of 10,000 square feet or less. Outside the Greater Transit Zone (see proposal 3.1e), no parking requirements would apply to non-residential uses in mixed buildings on lots of 5,000 square feet or less. This proposal aims to facilitate the continuance of small, locally oriented businesses and community-serving enterprises by extending to these spaces the same parking rules governing the residential spaces they are designed to serve. The Proposed Action would also stipulate that the parking requirements for non-residential uses as they exist today would continue to apply to previously constructed buildings, as laid out in a simplified reference table based on parking requirement categories.

Spaces that were required by the existing zoning regulations would generally require a CPC authorization to be removed (see proposal 3.2c).

3.2c: Create Discretionary Action to Remove Parking Requirements for Existing Buildings and Clarify other Discretionary Actions

While parking requirements as they exist today would continue to apply to previously constructed buildings, the Proposed Action introduces a pathway to reduce or remove existing parking built to the previous parking requirements through an Authorization by the City Planning Commission. This new discretionary action would apply to parking spaces accessory to all buildings containing residences, except for single- and two-family homes, in all zoning districts. As laid out in a new chapter within the Zoning Resolution Section 75-30, such an authorization would necessitate findings that the removal of parking does not impede access to parking on adjoining lots nor have undue adverse effects on the surrounding area. Parking accessory to single- and two-family homes would be able to be removed as-of-right. This new action enables both existing and new residential buildings to consider all parking optional and aims to facilitate the creation of a little bit of new housing everywhere.

The Proposed Action would also clarify or remove existing discretionary actions that would operate differently or no longer be relevant in the absence of parking requirements for residential buildings. The table below summarizes these changes.

Proposed Parking-Related Discretionary Action Adjustments

Section	Title	Issue	Proposed Solution
New Discretionary Actions			
75-31	Authorization to Remove Required Parking	Housing built prior to the adoption of CHO required the provision of parking, creating two different sets of rules depending on when a building was built.	Introduce new CPC authorization for the reduction or removal of previously required accessory off-street parking.
Existing Discretionary Actions to Adjust			
73-451	For residences	BSA permit to locate accessory off-street parking refers to “required on-street parking spaces.”	Remove “required” from paragraphs (a) and (b) and change “on-street” to “off-street” in paragraph (a).

Existing Discretionary Actions to Remove

25-35	Waiver for Locally Oriented Houses of Worship	CPC Chair Certification is no longer necessary with CHO removing parking requirements for houses of worship.	Remove section entirely.
36-25	Waiver for Locally Oriented Houses of Worship	CPC Chair Certification is no longer necessary with CHO removing parking requirements for houses of worship.	Remove section entirely.
44-25	Waiver for Locally Oriented Houses of Worship	CPC Chair Certification is no longer necessary with CHO removing parking requirements for houses of worship.	Remove section entirely.
44-28	Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts	CPC Authorization to reduce parking requirements is no longer necessary with CHO removing parking requirements for residential uses. CPC Authorization to permit parking conflicts with CHO policy.	Remove section entirely.
73-431	Reduction of parking spaces for houses of worship	BSA permit is no longer necessary with CHO removing parking requirements for houses of worship.	Remove section entirely.
73-433	Reduction of existing parking spaces for income-restricted housing units	BSA permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.
73-434	Reduction of existing parking spaces for affordable independent	BSA permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.

	residences for seniors		
73-435	Reduction of parking spaces for other government-assisted dwelling units	BSA permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.
73-46	Waiver of Requirements for Conversions	BSA permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.
74-532	Reduction or waiver of parking requirements for accessory group parking facilities	CPC permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.
74-533	Reduction of parking spaces to facilitate affordable housing	CPC permit is no longer necessary with CHO removing parking requirements for residential uses.	Remove section entirely.

3.2d: Streamline Existing Floor Area Exemptions for Certain Required Parking Spaces

Existing regulations include a patchwork of nine different floor area exemptions for parking spaces when provided in particular ways, to promote a variety of historical planning objectives such as the location of parking in enclosed garages in the “side lot ribbon”. The Proposed Action would streamline this complex historical patchwork into a series of three modernized exemptions that reflect the Proposed Action’s elimination of parking requirements.

In the case of individual parking facilities serving single- and two-family homes, up to—and no more than—one parking space (measured as 300 square feet) would be exempted from the calculation of floor area. An existing exemption generally applicable to medium- and high-density development, which exempts all space dedicated to parking when located below a height of 23 feet above the curb level, would be applicable to group parking facilities serving multifamily dwellings. A third exemption, currently applicable only in the Manhattan Core, would exempt all space located within an automated parking facility that is located below a

height of 40 feet above the curb level, in order to promote greater usage of these space-efficient systems outside the Manhattan Core.

3.2e: Allow Public Use of Residential Accessory Parking Facilities

Today’s zoning regulations place restrictions on who is able to use parking accessory to residential buildings as well as the duration for which this use can occur. The Proposed Action would allow all parking accessory to residential buildings, regardless of zoning district or geographic location, to be made available for use by non-residents of the associated building, thereby newly enabling accessory parking in R1 and R2 districts to be rented and removing arbitrary rental time frames. Parking can operate as a shared resource adjusting to changing community needs over time, broadening access to this typology of parking and allowing unused spaces to be more efficiently used.

3.2f Adjustments to the Manhattan Core Regulations

The Proposed Action would make minor adjustments and updates to parking regulations in the Manhattan Core. These changes would fix errors, harmonize provisions with the underlying district regulations, and update the Manhattan Core to accommodate evolving technologies, among other incremental adjustments. Where appropriate, some of these provisions would be extended to parking facilities outside the Manhattan Core. See the table below for more detail.

Proposed Manhattan Core Regulation Adjustments

Section	Title	Issue	Proposed Solution
11-411, 13-00	Renewals, Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core	Public parking garages with a pre-1961 special permit can only renew for ten years at a time, so they need to keep coming back to the CPC.	Add language to Article I, Chapter 3 indicating that pre-1961 parking special permits remain effective indefinitely and do not need to be renewed.
Appendix I	Inner Transit Zone	Roosevelt Island was left out of the Manhattan Core geography when it was originally mapped because there was no subway	Add Roosevelt Island to the Inner Transit Zone.

		station there, but it is now close to transit and not auto-oriented.	
13-02	Definitions	The definition of “access zone” does not include all items that should be in this space of a garage, causing confusion when applications are reviewed.	Add to definition: “attendant booth,” “waiting areas” and “pedestrian circulation areas.”
13-07	Existing Buildings and Off-street Parking Facilities	Sub-section (b) refers to Section 13-442 as it currently exists, so any changes to that section would throw off this one. Also, currently (a)(2) requires buildings that already have parking to get a special permit for any increase, meaning they cannot get up to their permitted or 15 spaces with an authorization.	(1) Change subsection (b) to reflect proposed changes to Section 13-442. (2) Change (a)(2) to allow for what 13-442 will allow when changed.
13-242	Maximum width of curb cuts	This section requires a 22-foot maximum width for curb cuts in certain districts, but it does not say, “including splays.” The underlying zoning regulations do include splays.	Add “including splays” to this section wherever the curb cut maximum width is provided.
13-242	Maximum width of curb cuts	For R1-R8 districts, this section refers to the underlying zoning district regulations on curb cuts. Since there are none for R9 and R10 districts, it indicates the regulations for those districts here. This is convoluted and could cause confusion.	Make underlying zoning district regulations on curb cuts consistent.
13-25	Reservoir Spaces	The current reservoir-space requirement for automated facilities in paragraph (b) allows for vehicle elevators to function as	Update the definition of reservoir spaces for automated facilities to ensure they do not apply to the vehicle elevator.

		reservoir spaces. This creates a safety issue.	
13-26	Pedestrian Safety and Access	There is no maximum distance that speed bumps must be located from the street line.	Add another sub-section to paragraph (b) with the maximum distance at eight feet.
13-431	Reduction of minimum facility size	Section 13-27 says minimum or maximum parking zone requirements may be modified by a chair certification in Section 13-431, but 13-431 says the Chair can only reduce the minimum size.	Change Section 13-431 to allow for a reduction in minimum size and an increase in maximum size.
13-432	Floor area exemption for automated parking facilities	This chair certification is limited to the Manhattan Core.	Extend it citywide. Make this as-of-right and increase permitted obstruction to 40 feet.
13-442	Limited increase in parking spaces for existing buildings without parking	Recently built buildings can get this authorization as long as they exist as of filing because they technically “exist.” This allows developers of new buildings to obtain 15 spaces through this authorization and avoid having to get a special permit and go through ULURP.	Change Section 13-442 to allow an authorization only up to the number of spaces that would have been permitted as of right based on the Manhattan Core regulations. An increase past the as-of-right amount would require the appropriate special permit under Section 13-45.
13-45	Special Permits for Additional Parking Spaces	Paragraph (b) (‘Conditions’) indicates applicants need to comply with Section 13-20, but this is redundant because they need to comply with it anyway.	Take out the reference to Section 13-20, but keep exceptions.
13-451	Additional parking spaces for residential growth	Paragraph (b) re-states the Manhattan Core maximums even though the only reason why someone would apply for this	Rephrase to clarify.

		special permit is to exceed those maximums.	
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4: Other Zoning Changes

The components of the Proposed Action in this section represent zoning changes that are consistent with overall project goals—to enable more housing and more types of housing in every neighborhood across the city—but that do not fit naturally within any of the categories described above.

4.1: Create New Zoning Districts to Fill in FAR Gaps

As zoning districts have evolved in recent decades, and as preferences for affordable housing have taken a more central role in residential zoning, residential FARs have shifted and left significant gaps in the hierarchy of zoning districts. When the gap is large enough, it can be difficult to find an appropriately sized zoning district for certain neighborhood contexts, forcing a choice between zoning that may be too tight and zoning that may be too loose in relation to existing or proposed context. It may also mean that zoning districts created to mimic certain widespread building forms—like the six-story semi-fireproof buildings that dominate many neighborhoods—no longer serve their original purpose as their FARs and height regulations have been modified over time.

The Proposed Action would create additional contextual districts to fill in gaps in the existing distribution where the difference between districts is especially large, generally greater than 1 FAR. New non-contextual districts would replace existing districts that have different FAR and envelope regulations depending on whether they front on wide or narrow streets, which the city would not map in the future.

The Proposal includes a new family of R6 districts (R6-2 and R6D) with maximum FARs that range between those of R6A and R6B districts. This could be a useful tool in areas with a mix of low and medium density building types.

The Proposal creates new higher-density Residence Districts (R11 and R12) with higher maximum FARs than the current R10 districts. These districts could only be mapped with MIH. They could be mapped through future zoning changes.

The new districts would receive building envelopes commensurate with their FARs to accommodate the proposed densities. These new districts would have no immediate applicability but could be mapped subsequently via zoning map actions.

4.2: Street Wall Regulations

The Proposed Action would establish a new system of street wall regulation to provide more flexibility and greater sensitivity to neighborhood context. Today’s regulations often prevent new development from fitting in with neighborhood context or aligning horizontally or vertically with neighboring buildings. In particular, the Proposed Action would:

- 4.2a: Establish a new system of street wall regulations based on street typologies rather than zoning district;
- 4.2b: Provide base height allowances to enable new developments to align with the base heights of neighboring buildings; and
- 4.2c: Simplify dormer provisions under one flexible dormer rule.

4.2a: Establish a New System of Street Wall Regulation

Street walls are regulated via zoning district regulations, but street wall context varies by neighborhood in ways that do not necessarily correlate with FAR, heights, or other primary characteristics of zoning districts. For example, the street wall requirements of an R9A district may mesh well with the built context in Manhattan where those districts were originally mapped; when R9A is mapped in Brooklyn, however, the street wall regulations may not be a good match. Similarly, “line-up” provisions in districts with a B suffix were created for homogeneous rowhouse blocks on side streets; as these districts have proliferated, they can have awkward consequences—like forcing multifamily housing to “line up” with detached single-family homes on adjacent zoning lots.

The Proposed Action would decouple street wall regulations from zoning districts and establish a new system based on street wall typologies. This would be a simpler form of street wall regulation that is more attuned to neighborhood context. Under this form of street wall regulation, line-up provisions would be stricter on blocks with a strongly established context and more flexible on blocks with more variation.

The Proposed Action would provide strong line-up provisions in preservation districts (R6B, R7B, R8B) that are typically mapped in areas with a prevailing street wall frontage. In other districts, and for developments in areas that do not have a prevailing street wall frontage, more flexible percentage-based rules would apply. On wide streets, at least 70 percent of the street wall would have to be located within eight feet of the street line; in other areas that percentage

would be reduced to 50 percent. Finally, special, more flexible rules would apply to large sites (above 40,000 square feet) and sites that are adjacent to certain types of infrastructure.

In rationalizing street wall regulations to better match street wall typologies, the Proposed Action would remove the utility for the CPC Authorization in ZR Section 23-463 that allows for larger aggregate street wall widths in R4 and R5 districts. The Proposal replaces this rule with an articulation requirement meant to better reflect existing apartment building designs in lower density districts.

The Proposed Action would also remove the utility for CPC Authorization 23-672, which allows for street wall location modifications in Manhattan CB7. The proposal would subject buildings in this geography to the underlying street wall framework. The current rules predate quality housing regulations and generally mimic them, but the Proposed Action would update the regulations to match them completely.

4.2b: Provide More Flexible Base Heights

Similar to street wall regulations, base height provisions are generally intended to align new development with neighboring buildings but can prevent alignment when they are not flexible enough.

The Proposed Action would retain existing minimum and maximum base heights while adding an allowance that enables new developments to go lower or higher than those limits to match the base heights of neighboring buildings.

4.2c: Simplify Dormer Provisions

As new zoning districts and new special districts have been created over the years, slight variations on provisions that allow dormers—that is, portions of a building permitted within the required setback above the maximum base height—have proliferated. Dormers allow for design flexibility and can enable building envelopes at a given maximum height to accommodate more floor area. Typically, they consist of an allowance expressed as a percentage of street wall width, which narrows as height increases.

The Proposed Action would create a unified dormer provision that enables dormers with a width of up to 40 percent to rise above maximum street wall height.

4.3: Allowances for Irregular and Challenged Sites

The Proposed Action would extend relief to irregular and challenged sites for which compliance with underlying zoning regulations may be difficult, in many cases frustrating the planning goals and the provision of public benefits. More specifically, the Proposed Action would

- 4.3a: Provide setback and height relief for sites near elevated infrastructure such as above-ground trains, bridges, and elevated streets;
- 4.3b: Increase tower coverage maximums for small lots in districts subject to tower regulations;
- 4.3c: Provide noncompliance allowances for buildings seeking to comply with the Americans with Disabilities Act (ADA), provide rooftop recreation space, and other beneficial alterations that existing noncompliance regulations do not permit; and
- 4.3d: Create new discretionary actions to provide bulk relief for challenged sites.

4.3a: Provide Relief for Sites Near Elevated Infrastructure

Elevated infrastructure—elevated subway line, streets, bridges, ramps and so forth—can pose serious challenges to residential development on nearby sites. Most underlying zoning districts do not contemplate such infrastructure and do not provide enough flexibility for residential development to address noise, light and air, and other challenges such infrastructure can pose. In recent decades, new zoning districts or special district text have introduced flexibility for some sites along elevated infrastructure as they are rezoned, but that provides no relief for the far greater number of sites that have not been rezoned.

The Proposed Action would provide street wall, setback, base height, and maximum height flexibility for developments with a transportation-infrastructure-adjacent frontages within 100 feet of elevated infrastructure, regardless of zoning district. Such sites would be relieved from street wall location requirements (in commercial districts this relief would apply above the ground floor) and receive one or more floors of additional height, depending on district.

This would allow all sites near elevated infrastructure to move residential units away from elevated infrastructure to ameliorate noise, light and air, and other issues. This would render development sites more feasible and result in better housing.

4.3b: Increase Tower Coverage Maximums for Small Lots

In tower districts, the tower portion of a development is generally subject to a lot coverage maximum of 40 percent of the zoning lot. This ensures adequate light and air in districts where developments are permitted to be very tall. Smaller sites get a mere one percent additional lot coverage for every 1,000 square feet of lot area below 20,000 square feet, up to a 50 percent lot coverage. While this tower coverage maximum works well for most sites, inadequate allowances for small sites lead to less efficient, costlier, and taller towers that struggle to achieve a workable floor plate or to use their allotted floor area.

The Proposed Action would increase permitted tower coverage up to 65 percent below a height of 300 feet and up to 50 percent above that. This would allow for lower developments with more efficient siting of elevators and building floorplates. The proposal would look to emulate models that already exist in the Lower Manhattan and Downtown Brooklyn Special Districts.

4.3c: Provide Noncompliance Allowances for Beneficial Alterations

In most instances, noncomplying buildings—that is, buildings that do not comply with one or more bulk regulations, such as FAR or maximum height—are not permitted to make alterations that would create a new noncompliance or increase the degree of an existing noncompliance. This makes sense in most instances, but it can also inadvertently prevent alterations that serve important policy and planning goals or that are otherwise beneficial.

The Proposed Action would provide limited allowances for a new noncompliance or an increase in the degree of an existing noncompliance for alterations that achieve enumerated goals, such as compliance with ADA policies, provision of rooftop recreation space in multifamily buildings, and other aims.

4.3d: Create New Discretionary Actions to Provide Bulk Relief for Challenged Sites

The Proposed Action would create a new framework for bulk relief on sites facing unique challenges, allowing for the removal of the following existing discretionary actions by consolidating the relief into two new discretionary actions: a CPC Authorization and a CPC Special Permit. The actions that would be removed include:

- 23-673 – CPC authorization for bulk modifications in CB4 Manhattan;
- 23-665 (e) – CPC authorization for Quality Housing street wall location modification;

- 73-623 – BSA permit to modify Quality Housing bulk for predominantly IRHU on irregular sites;
- 74-81 – CPC permit to modify AIRS welfare space requirement;
- 74-851 – CPC permit to allow bulk modifications for residences in R8+ districts;
- 74-852 – CPC permit to allow bulk modifications at a specified district boundary condition;
- 74-88 – CPC permit to allow bulk modifications to tower on a base regulations; and
- 74-94 – CPC permit to allow bulk modifications for AIRS for people with disabilities.

The Proposed Action would create a new CPC Authorization to modify bulk (but not including FAR), subject to maximum height caps. The authorization to modify bulk regulations other than FAR would be available for sites with irregular site conditions or proximate transportation infrastructure. Any proposed height modification could not exceed 25 percent above the district height. The findings require that the relief needed would be the least amount needed to relieve practical difficulties in laying out the residences because of the irregularity or the transportation infrastructure. The Proposed Action would create a new CPC Special Permit, to facilitate greater relief than what would be facilitated through the Authorization. The special permit would allow modifications beyond these thresholds.

4.4: Replace Qualifying Ground Floor Regulations

Qualifying ground floor criteria set forth what individual developments must do to qualify for an additional five feet in height intended to allow new developments to provide a ground floor that meets contemporary standards.

The current qualifying ground floor regulations are less than ten years old but have proven difficult to administer and have prevented many developments from providing adequate ground floors due to overly restrictive criteria. Because the regulations depend on the characteristics of individual developments, such as ground-floor use program or the type of housing provided on the floors above, they can also work against streetscape-level planning objectives and result in new developments that clash with their neighbors.

The Proposed Action would replace the qualifying ground floor criteria with a simple requirement that the second story begin no lower than 13 feet above the adjoining sidewalk. This ensures that the additional five feet in height is used as intended—to provide a ground floor that meets contemporary standards. Ground floor uses would be regulated in accordance with other

citywide zoning changes that seek to implement a standard set of ground floor use regulations based on geographies that apply to entire street frontages rather than individual developments.

4.5: Increase Flexibility for Zoning Lots Split by a District Boundary

Developments on zoning lots split by a district boundary often face significant obstacles to efficient development if they do not qualify for the limited use and bulk allowances in Article VII Chapter 7 of the Zoning Resolution. Apportioning floor area across a boundary between districts with widely divergent FARs is among these challenges. Under the existing regulations, the basic rule is that each portion of the zoning lot must comply with either the maximum FAR of the zoning district for that portion or the adjusted maximum FAR—that is, total floor area divided by lot area—whichever is greater. In a limited universe of zoning districts, a further allowance enables the portion of a zoning lot in the higher density district to exceed the district maximum FAR by up to 20 percent, which enables shifts of floor area away from the lower density district and into the higher density district.

The Proposed Action would expand this allowance to shift from the lower district to the higher, up to 20 percent, to all districts to encourage greater flexibility and enable greater concentration of density along wide streets.

4.6: Simplify and Standardize Tower-on-a-Base Regulations

Tower-on-a-base regulations were introduced in the 1990s to reinforce contextual street walls in tower districts and to indirectly limit height via bulk-packing requirements and tower lot-coverage minimums. Since their introduction, variations on these regulations have been introduced in special districts and adapted for use in contextual districts like R9D and R10X. The conjunction of bulk-packing and tower lot-coverage regulations can work well on many sites but has resulted in unnecessary complexity and unintended results in certain situations, such as zoning lot mergers or split lot conditions.

The Proposed Action would replace the various forms of tower-on-a-base regulation with a uniform system based on the contextual regulations for R10X, which include a contextual base and tower lot-coverage minimums and maximums.

4.7: Eliminate Limits on Side-by-Side Residences in Two-Family Districts

ZR Section 22-22 (Detached and Semi-Detached Two-Family Residences) requires an authorization by the CPC for a two-family residence with dwelling units side-by-side rather than

one atop the other. This requires owners and builders to engage in costly and time-intensive public and environmental review to build a two-family home in a two-family district.

The Proposed Action would eliminate the authorization in ZR Section 22-22 and allow side-by-side two-family homes as-of-right in two-family districts.

4.8: Eliminate Exclusionary Geographies

The zoning resolution includes several outdated provisions that reflect attempts from previous decades to limit development in particular areas in ways that are difficult to justify in light of today's housing needs and planning goals. In many cases, these provisions have been rendered obsolete by zoning tools developed since or included in the Proposed Action.

The Proposed Action would eliminate:

- 4.8a: Reductions in FAR and heights in the Manhattan Core;
- 4.8b: The limits on FAR and affordable housing production in R10 districts and equivalents in Manhattan Community District 7 (the Upper West Side);
- 4.8c: The limits on heights in R8 districts in Manhattan Community District 9;
- 4.8d: Limited Height Districts in Cobble Hill, the Upper East Side, and Gramercy Park; and
- 4.8e: Restrictions on development and enlargement of nursing homes in the Bronx Community District 11, Manhattan Community District 8, and Staten Island Community District 1.

4.8a: Manhattan Core

Dating back to the 1980s, some zoning districts (R6, R7, R8) provide lower FARs and heights within the Manhattan Core than the same districts provide in less central parts of the city, inverting typical planning principles that put greater densities in areas with the best access to jobs and transit. The Proposed Action would eliminate these reductions in FARs and heights in the Manhattan Core, providing the same FARs and heights as the underlying zoning in other parts of the city.

4.8b: Manhattan Community District 7

Special regulations currently exist in ZR Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas), that cap FAR for R10 districts and equivalents at 10 FAR in Manhattan Community District 7, preventing these districts from accommodating affordable housing, among other bonuses, in one of the wealthiest and highest-housing-cost areas in the city. The Proposed Action would eliminate this exclusionary provision and enable developments in R10 and R10-equivalents to achieve 12 FAR as they can elsewhere in the City.

4.8c: Manhattan Community District 9

Special regulations also currently exist in ZR Section 23-16 that require Quality Housing and that limit heights below Quality Housing regulations in R8 districts in portions of Manhattan Community District 9. The Proposed Action would eliminate special R8 district height regulations for this geography to the extent that they differ from the proposed underlying heights for R8 districts elsewhere in the city.

4.8d: Limited Height Districts

Limited Height Districts date back to the late 1960s, prior to the advent of special districts and contextual zoning, and represent a particularly archaic way of limiting heights in some of the city's wealthier areas, including Cobble Hill, the Upper East Side, and Gramercy Park. More recent zoning tools have rendered portions of these districts largely moot, and other aspects of the Proposed Action will render the remaining areas of these districts largely moot. As such, the Proposed Action will remove Limited Height districts from the zoning text.

4.8e: Bronx Community District 11, Manhattan Community District 8, and Staten Island Community District 1

In 2016, ZQA eliminated the special permit requirement for development or enlargement of nursing homes in Community Districts with a nursing home bed to population ratio higher than the city median (ZR Section 74-131). Modifications to the proposal retained restrictions in three community districts: Bronx Community District 11, Manhattan Community District 8, and Staten Island Community District 1. The Proposed Action would eliminate these remaining restrictions and enable as-of-right nursing home development throughout the city.

4.9: Clarify and Simplify Railroad Right-of-Way Regulations

The Railroad Right-of-Way Special Permit in ZR Section 74-61 (Development Within or Over a Right-of-Way or Yards), dates to the early 1960s and had two purposes: First, to ensure that development on zoning lots that include railroad right-of-ways does not interfere with current or future railroad operations and, second, to ensure that development resulting from often large and irregular zoning lots containing railroad rights-of-way is appropriate in terms of the distribution of bulk. Attempts to clarify and streamline the text over the decades—most recently in the 1990s—have added additional layers of confusion and did not reduce burdens for development that would not implicate the policy concerns that motivated the creation of the special permit. More broadly, reforms to the City Charter since the 1960s have significantly increased the cost and process burden of special permits beyond what is necessary or appropriate.

First, the Proposed Action would create definitions for “railroad right-of-way” and “former railroad right-of-way” in ZR 12-10 that would provide clarity to government agencies, property owners, and others about when such a right-of-way exists and when zoning actions are required to develop a zoning lot. These terms are not defined today. A railroad right-of-way would be defined as a tract of land where a railroad company has a right to occupy or use such land for rail transportation uses. A former railroad right-of-way would include railroad right-of-ways where the right to occupy or use such right-of-way has been abandoned or extinguished after the effective date of this text. The Proposed Action would also remove the definition of “railroad or transit air space” that has proven to be confusing and difficult to interpret, as the existing definition requires examination of whether a right-of-way that was discontinued as of 1962 and is abandoned today was reactivated at any point on or after 1962.

Second, on certain zoning lots that include a railroad right-of-way, the Proposed Action would reduce or eliminate approval procedures for developments that construct over a railroad right-of-way and/or use floor area generated by the railroad right-of-way or former railroad right-of-way. The Proposed Action would eliminate the ZR Section 74-61 special permit and replace it with a Commission authorization and Chairperson certification. The newly created authorization would be required for developments or enlargements on zoning lots where the lot area includes an existing or former railroad right-of-way, and where the lot area is four acres or greater. Such developments involving former rights-of-way will be referred to the MTA and DOT for 30 days so that they can indicate whether they plan to use the property for railroad or transit use. This authorization would preserve the Commission’s review of the form of developments on larger lots, while allowing development to proceed as of right on smaller lots that do not implicate the bulk concerns that animated the existing special permit. The certification would be required for developments or enlargements on or over an existing railroad right-of-way, including developments that would platform over the right-of-way in order for the Department of City Planning to ensure that the applicant has consulted with the transportation agency that owns the right-of-way. The certification would also be required for developments on zoning lots smaller

than four acres that seek to include in the lot area a railroad right-of-way that would otherwise be considered a block boundary per the Zoning Resolution’s definition of “block.”

Together, these aspects of the Proposed Action would streamline process while protecting the planning goals that prompted the creation of the special permit process and its subsequent amendments.

4.10: Simplify and Expand the Landmark TDR Program

The Proposed Action would loosen restrictions on the ability of designated landmarks to transfer unused development rights to zoning lots in the immediate vicinity. This is popularly known as the “Landmark TDR” program.

The Landmark TDR program was created in the 1960s to relieve the financial burden on designated landmarks, which are subject to maintenance requirements and are generally limited in their ability to redevelop, enlarge, or provide infill development elsewhere on a landmark zoning lot. Today, the program is not available for landmarks in historic districts and in R1 through R5 districts, and equivalent, and can only send TDRs to adjacent zoning lots—that is, lots that abut the landmark zoning lot or would abut if not for an intervening street. The program also allows for limited bulk waivers to enable receiving sites to accommodate TDRs. Despite these tight restrictions, the program requires a special permit, a process that has become significantly more onerous since the 1960s. Fewer than 15 transfers have happened in the 50-plus years of the program’s existence, and even then, only in the densest, highest-value parts of the city, such as Midtown and the Financial District.

The Proposed Action would expand the program to historic districts and lower density areas and extend existing transfer opportunities to other zoning lots on the same zoning block as the landmark zoning lot or across the street or an intersection from that block. Furthermore, transfers would be permitted by authorization for transfers that require limited bulk modifications on receiving sites, or certifications for transfers that do not require bulk modifications.

This would unlock additional opportunities for housing and other development and realize the purpose of the original Landmark TDR program.

4.11: Special Permit Renewal

Under ZR Section 11-42, Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution, special permits and authorizations vest upon substantial construction of one building. When multiple buildings abut, however, a special permit or authorization does not vest until all abutting buildings are substantially constructed.

This puts special permits with abutting buildings at a significant disadvantage with respect to vesting and can cause serious problems for large developments intended to be constructed in multiple phases extending ten years beyond initial approval.

The Proposed Action would eliminate this condition for abutting buildings, putting special permits and authorizations with abutting buildings on the same footing as other special permits and authorizations.

4.12: Clarify Adjacency Rules for MX Districts

The adjacency requirements of ZR Section 43-30 (Special Provisions Applying Along District Boundaries) were never intended to apply to Special Mixed Use Districts (MX) mapped adjacent to residence districts. MX districts contain residence districts themselves. A recent New York State court decision found to the contrary, creating significant uncertainty.

The Proposed Action would clarify that the adjacency requirements of ZR Section 43-30 do not apply to MX districts.

4.13: Reduce Procedure for Enlargements Under ZR Section 73-622 (Enlargements of Single- and Two-Family Detached and Semi-Detached Residences)

For over 25 years, homeowners within certain zoning districts in defined geographies in Brooklyn have been able to seek a special permit from the Board of Standards and Appeals to enlarge one- and two-family homes beyond what the underlying district regulations would allow. Over time, approval of these applications has become routine and the ability to enlarge is capitalized into homes in the applicable geographies.

The Proposed Action would reduce the procedure involved in approval of such enlargements, reducing as many enlargements as possible to a ministerial approval by DOB for proposed enlargements that meet enumerated criteria.

4.14: Minor Changes to Enable Improved Building Design and Function

The Proposed Action would address zoning issues that can make it difficult to design high quality buildings for their residents. This would include issues that limit outdoor area on roofs or balconies, as well as other building services.

Minor changes include the removal of two existing discretionary actions: CPC Special Permit 74-86, which requires that accessory outdoor swimming pools for residences be located at least

50 feet from the lot line, and CPC Authorization 74-95, which modifies previous housing quality special permits. ZR Section 74-86 represents a procedural hurdle for residences with no impact potential; Section 74-95 is anachronistic as its most recent applicability was 1987.

ENVIRONMENTAL REVIEW

The application (N 240290 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 24DCP033Y.

It was determined that this application may have a significant effect on the environment, and that an Environmental Impact Statement would be required. A Positive Declaration was issued on September 26, 2023, and distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on September 26, 2023. A public scoping meeting was held on the Draft Scope of Work on October 26, 2023. A Final Scope of Work, reflecting the comments made during the scoping, was issued on April 26, 2024. A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 26, 2024. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on July 10, 2024 in conjunction with the public hearing on the related land use application (N 240290 ZRY). A Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion for the FEIS was issued on September 13, 2024. The FEIS incorporates responses to the public comments received on the DEIS through the channels established to receive comments on the DEIS and included in the Notice of Public Hearing on the DEIS, consistent with the standard practice of the department. The Proposed Action as analyzed in the FEIS identified significant adverse impacts related to community facilities (public elementary schools and early childhood programs), open space, and shadows. Due to the broad applicability of the Proposed Action, potential for significant adverse impacts could not be precluded in the following categories: historic and cultural resources (archaeological resources and architectural resources), visual resources, natural resources, hazardous materials, transportation (traffic, bus, subway, and pedestrians), noise, and construction (transportation and noise). The identified significant adverse impacts and proposed mitigation measures under the Proposed Action are summarized in Chapter 22, "Mitigation," and Chapter 23, "Alternatives" of the FEIS. Given the citywide applicability of the Proposed Action and the fact that there are no known development sites at this time, it was not possible to identify any practicable mitigation measures that would reduce or eliminate the potential significant adverse impacts. Therefore, the FEIS concluded that the Proposed Action would result in unavoidable significant adverse impacts.

On September 24, 2024, a Technical Memorandum (“Technical Memorandum 001”) was issued reflecting two modifications (the "Proposed Action with CPC Modifications") to proposal 1.1 More Floor Area for Affordable and Supportive Housing and proposal 1.3a: Remove Obstacles to Quality Housing Development on Sites with Existing Buildings- Infill Proposal. Proposal 1.1 would be modified to remove the sunset provision for on the ability to generate offsite bonus for use in R10 districts. Proposal 1.3a would be modified to reduce the applicability of the campus infill proposal to exclude sites subject to Section 18 of the United States Housing Act. The Technical Memorandum concluded the Proposed Action with CPC Modifications would not result in any new or greater significant adverse impacts not already identified in the FEIS.

WATERFRONT REVITALIZATION PROGRAM

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 2013, and by the New York State Department of State on March 15, 2018, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et. seq.*). The designated WRP number is 24-051.

This action was determined to be consistent with the policies of the WRP.

PUBLIC REVIEW

This application (N 240290 ZRY) was duly referred on April 29, 2024 to all 59 community boards in all five boroughs, to all borough boards, and to all borough presidents for information and review, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Fifty-six community boards adopted resolutions regarding the proposed zoning text amendment, many of which included comments on the proposal and recommendations for modifications. The complete recommendations received from all Community Boards are attached to this report. A summary of the Community Board votes and of comments received in their recommendation follows.

As outlined below, 56 of the 59 community boards submitted resolutions on the application. Of these, 18 recommendations were favorable or favorable with conditions, 36 recommendations were unfavorable or unfavorable with conditions, and two voted no objection on the overall proposal and instead voted whether to approve individual components.

Of the 36 community boards which submitted recommendations that were unfavorable or unfavorable with conditions, many included favorable recommendations on specific proposals within the larger Housing Opportunity text amendment.

Most community boards expressed support for the proposal's overall goal of increasing housing and, especially, affordable housing throughout the city. However, community boards raised concerns about a variety of zoning and non-zoning issues relating to the proposal. These concerns, along with specific recommendations on various aspects of the proposal, are detailed below.

Community Board	Overall Recommendation	Town Center	TOD	ADU	District Fixes	UAP	Parking	Conversion	Small and Shared Housing	Campus Infill	New Zoning Districts	Updates to MIH	Sliver Law	Quality Housing Amenity Changes	Landmark TDRs	RROW
MN CB 1	Unfavorable Conditions	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	A
MN CB 2	Unfavorable Conditions	A	A	FC	A	UC	A	FC	FC	FC	F	FC	A	A	FC	A
MN CB 3	Favorable Conditions	F	F	F	F	F	F	F	FC	FC	F	F	F	F	F	F
MN CB 4	Unfavorable Conditions	A	A	A	A	FC	FC	FC	FC	FC	FC	A	A	A	FC	A
MN CB 5	Favorable Conditions	FC	A	A	A	A	FC	FC	A	A	A	A	A	A	A	FC
MN CB 6	Favorable	F	F	F	F	FC	F	F	F	FC	F	F	F	F	FC	F
MN CB 7	Abstain	A	A	A	U	FC	F	FC	F	FC	FC	A	A	A	F	A
MN CB 8	Abstain	F	F	U	U	F	U	FC	FC	U	U	FC	U	FC	FC	F
MN CB 9	Favorable Conditions	FC	FC	FC	FC	FC	F	FC	FC	F	F	F	F	F	FC	F
MN CB 10	Unfavorable Conditions	F	F	F	F	UC	U	F	F	UC	F	F	F	F	F	F
MN CB 11	Favorable Conditions	F	F	F	F	F	F	F	U	U	F	F	F	F	F	F
MN CB 12	Favorable Conditions	F	F	F	F	F	U	F	U	F	U	F	F	F	F	F
BX CB 1																
BX CB 2	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BX CB 3	Favorable Conditions	F	FC	FC	FC	FC	U	UC	UC	UC	U	U	UC	F	UC	F
BX CB 4	Favorable Conditions	F	F	F	F	F	UC	F	U	F	F	F	F	F	FC	F

BX CB 5	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BX CB 6	Unfavorable Conditions	U	U	U	F	UC	U	U	UC	U	F	A	F	F	UC	A
BX CB 7	Favorable Conditions	F	UC	U	F	FC	U	F	F	F	FC	F	U	F	F	F
BX CB 8	Unfavorable	U	U	U	A	U	U	A	U	U	A	A	A	A	A	A
BX CB 9	Favorable Conditions	F	F	U	F	F	U	F	F	F	U	F	F	F	F	F
BX CB 10	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BX CB 11	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BX CB 12	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BK CB 1	Favorable	F	F	FC	F	F	F	F	FC	F	F	F	F	F	F	F
BK CB 2	Favorable Conditions	A	F	A	A	F	F	F	FC	FC	F	F	F	F	F	A
BK CB 3																
BK CB 4	Favorable Conditions	F	F	FC	F	FC	U	FC	UC	FC	F	F	F	F	F	FC
BK CB 5	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
BK CB 6	Favorable	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
BK CB 7	Favorable Conditions	A	FC	A	A	FC	A	A	A	A	A	A	A	A	A	A
BK CB 8	Unfavorable Conditions	A	A	F	A	UC	U	UC	U	U	F	FC	U	UC	U	A
BK CB 9	Unfavorable	U	U	FC	U	UC	U	A	U	A	A	A	A	A	A	A
BK CB 10	Unfavorable	FC	UC	U	U	U	U	U	U	A	A	A	A	A	A	U
BK CB 11	Unfavorable	UC	U	U	U	U	U	F	U	U	A	A	A	A	A	A

BK CB 12																
BK CB 13	Unfavorable Conditions	U	U	UC	A	UC	U	F	FC	U	U	A	A	A	A	A
BK CB 14	Favorable Conditions	FC	UC	FC	FC	FC	F	F	UC	UC	F	F	F	F	F	F
BK CB 15	Unfavorable	A	UC	UC	FC	A	UC	A	A	A	A	A	A	A	A	A
BK CB 16	Unfavorable	UC	UC	UC	UC	UC	U	UC	A	A	A	A	A	A	A	A
BK CB 17	Unfavorable	U	U	U		U	U	UC	U	U	U	A	A	A	A	A
BK CB 18	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
QN CB 1	Favorable Conditions	F	F	F	FC	FC	F	F	F	FC	F	F	F	F	F	F
QN CB 2	Favorable Conditions	F	FC	FC	F	FC	F	F	FC	U	F	F	F	F	F	F
QN CB 3	Unfavorable	U	A	A	A	A	A	A	A	A	A	A	A	A	A	A
QN CB 4	Unfavorable	U	U	U	U	U	U	U	U	U	U	F	U	F	U	U
QN CB 5	Unfavorable	A	U	U	A	A	U	A	U	A	A	A	A	A	A	A
QN CB 6	Unfavorable Conditions	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC	UC
QN CB 7	Unfavorable	U	U	U	U	U	U	F	U	U	U	U	UC	U	F	U
QN CB 8	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
QN CB 9	Unfavorable	U	U	U	U	A	U	A	A	A	A	A	A	A	A	A
QN CB 10	Unfavorable	U	U	U	U	A	U	A	A	A	A	A	A	A	A	A
QN CB 11	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
QN CB 12	Unfavorable Conditions	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

QN CB 13	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
QN CB 14	Unfavorable	U C	A	U	A	U	U	A	U	U	A	A	A	A	A	A
SI CB 1	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
SI CB 2	Unfavorable	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
SI CB 3	Unfavorable	U	U C	U	U	U	U	U	U	U	A	U	U	A	A	A

F = Favorable

F C = Favorable with Conditions

A = Abstain

U C = Unfavorable with Conditions

U = Unfavorable

General

Citywide Approach

Many community boards expressed concern about the magnitude of the proposal affecting the entire city at once and recommended that zoning modifications be targeted to each community district, as each district was different.

Importance of Housing Supply

Some community boards agreed with the proposal's goal of increasing both affordable and market rate housing. One community board stated that there should be a City-mandated goal for housing units produced over the next 15 years.

Flooding

Some community boards expressed concern about the proposal's compatibility with flood risks in their neighborhoods or that regulations in place were not enough, or that their communities were already overdeveloped.

Infrastructure

Some community boards worried about the effect of the proposal and new housing units on their neighborhood's infrastructure, such as roads, public transportation, sanitation, and schools. They expressed requests for assurances of City investment to prevent overburdening. Some community boards questioned the accuracy of the analysis conducted for the environmental review relative to their districts.

Diversify Housing Stock

Some community boards expressed support for the City to not only add housing units but to also encourage a diversity of housing types. Some communities opposed the elimination of dwelling unit factor due to concerns that buildings could be occupied mostly by single individuals and instead recommended that unit sizes within new buildings should follow the trends of the current housing supply.

Requiring Affordable Units

Many community boards expressed concerns with the supply of affordable housing units and that the proposal did not address the issue sufficiently. While some community boards acknowledged that this zoning text amendment incentivized affordable housing, they believed the City could do more to encourage developers to invest in affordable housing. Other community boards recommended that zoning should mandate that all new developments include income-restricted housing.

Special Districts

Queens Community Board 10 requested the extension of a Special Purpose District to encompass an area they view as susceptible to flooding.

Affordability Requirements/Programs in Lower Density Districts

Supportive community boards appreciated the proposal's affordability incentives. Some suggested the extension of VIH to increase the density of new buildings that would provide affordable units.

Unsupportive community boards disagreed with the proposal's definition of affordable, specifically the use of AMI. Some argued that allowing lot infill that was not contextual to surrounding buildings would change neighborhood character.

Reduction of Community Board's Role Within the Land Use Process

Several community boards expressed opposition to the proposal to change the public review process for some zoning actions from a Special Permit to an Authorization over concerns that it would diminish community board involvement and weakened their authority and their role in the public review process.

Low Density

Town Center Zoning

Of the 34 community boards that responded to the Town Center Zoning proposal, 15 were favorable, three were favorable with conditions, 11 were unfavorable and five were unfavorable with conditions.

Community boards expressing support for the proposed Town Center Zoning provisions highlighted the importance of the proposal in creating development opportunities in lower density neighborhoods.

Community Boards that expressed opposition to the proposed Town Center Zoning provisions, noted concerns about the heights of the new buildings that would be possible under the proposal and the effect on the character of their neighborhoods. While some community boards noted that the programming and form of development proposed by the provisions already existed in certain portions of their districts, they expressed concerns about the effect of the additional density allowed.

Transit-Oriented Development

Of the 36 community boards that responded to the Transit-Oriented Development proposal, 13 were favorable, four were favorable with conditions, 11 were unfavorable and eight were unfavorable with conditions.

Supportive community boards recommended that developments prioritize the mobility impaired and some recommended increasing the allowed density further in such transit areas.

Community boards in opposition expressed concern that a half-mile radius from stations was too large of an area to allow development and that Transit-Oriented Development would alter the character of single/two-family neighborhoods.

Accessory or Ancillary Dwelling Units

Of the 37 community boards that specifically responded to the ADU proposal, nine were favorable, eight were favorable with conditions, 15 were unfavorable, and five were unfavorable with conditions.

Supportive community boards supported the goal of the proposed ADU provisions because they would allow for more housing in low-density areas of the city and some recommended additional leeway to homeowners for ADU construction.

Community boards that opposed ADUs expressed concerns over the capacity of local infrastructure, how regulations would be enforced individually, that large developers could force out homeowners to take advantage of the increase in units and coastal community boards voiced concern over flood protections for basement units.

District Fixes

Of the 31 community boards that specifically responded to the District Fixes proposal, 13 were favorable, five were favorable with conditions, 10 were unfavorable, and three were unfavorable with conditions.

Supportive community boards expressed support allowing noncompliant housing units the ability to be repaired rather than demolished.

Community boards that opposed District Fixes expressed concerns over the ability of neighborhood infrastructure to support the additional units and recommended that single-/two-family districts be excluded from the proposal due to concerns for the potential change in neighborhood character.

Medium and High Density

Universal Affordability Preference

Of the 38 community boards that specifically responded to the Universal Affordability Preference (UAP) proposal, nine were favorable, 12 were favorable with conditions, eight were unfavorable, and nine were unfavorable with conditions.

Supportive community boards also recommended that the UAP units should be even more affordable at a lower AMI for rent and to further increase the additional FAR to encourage more development. Some community boards expressed concern that UAP floor area may be misused by institutional landowners that might use it to build dormitories that aren't available to the general public.

Community boards that opposed UAP were concerned about increases in density and its resultant potential stress on local infrastructure. Boards also expressed concern that UAP might encourage developers to demolish and rebuild units and its effect on the

environment, as well as concern that the required minimum affordability was insufficient or that rents should be determined by market conditions.

Citywide

Lift Costly Parking Mandates

Of the 40 community boards that specifically responded to the Parking proposal, 11 were favorable, two were favorable with conditions, 23 were unfavorable, and four were unfavorable with conditions.

Supportive community boards noted the proposal's goal to allow more housing units to be developed with some boards expressing support for exceptions in certain conditions.

Community boards opposed to the lifting of parking mandates noted their distrust of developers to provide any parking and were concerned that their neighborhood's public transportation would not be able to accommodate an influx of residents without cars and that their neighborhoods already lacked parking.

Convert Non-Residential Buildings to Housing

Of the 33 community boards that specifically responded to the Conversion proposal, 17 were favorable, six were favorable with conditions, four were unfavorable, and six were unfavorable with conditions.

Community boards in favor noted their support for converting unused commercial space to housing. Some community boards recommended affordability requirements for at least some of the newly created units and that such conversions should focus on low density neighborhoods, while others thought all zoning districts should be eligible for conversion to residential.

Community boards in opposition noted concerns that conversions would be too costly and that resulting units would not be affordable. Some expressed concern that conversions of existing commercial buildings would be out of character and that they should only be allowed through rezonings. One community board recommended that commercial buildings should be at least 35 years old to be eligible, rather than built before the static year of 1990.

Small and Shared Housing

Of the 36 community boards that specifically responded to the Small and Shared Housing proposal, seven were favorable, nine were favorable with conditions, 14 were unfavorable, and six were unfavorable with conditions.

Community boards in favor expressed support for the proposal as a means to meet the housing needs of homeless individuals and provide options for single-person households. Some community boards recommended that dwelling unit factor not be eliminated but reduced to provide guidelines to developers and that these units should be extremely affordable.

Community boards in opposition noted their concerns that SROs had previously been deemed to be unsafe and that market conditions would result in many more smaller units and disregard local needs for multi-bedroom units. Some community boards also voiced concerns that the proposal would result in over-occupancy of buildings and that the housing type would change the character of the neighborhood.

Campus Infill

Of the 33 community boards that specifically responded to the Campus Infill proposal, seven were favorable, eight were favorable with conditions, 13 were unfavorable, and five were unfavorable with conditions.

Community boards in favor of the proposal supported its goal to more easily facilitate available land on campus sites to construct new housing units. Many community boards supported that these units be affordable and that such development proposals be subject to public or community board review before being able to proceed.

Community boards in opposition expressed concern over the potential of the proposal to result in the removal of parking or green space from public housing projects and/or places of worship. They feared that the proposal could allow private development on public land and that new development could promote the displacement of public housing residents.

Miscellaneous

New Zoning Districts

Of the 29 community boards that specifically responded to the New Zoning Districts proposal, 16 were favorable, three were favorable with conditions, eight were unfavorable, and two were unfavorable with conditions.

Community boards in favor supported the increased density of the new districts, with some stating support for affordability requirements in conjunction with increased FAR.

Community boards in opposition disagreed with the increase in density of the new zoning districts, as well as a lack of parking mandates.

Updates to Mandatory Inclusionary Housing

Of the 25 community boards that specifically responded to the Updates to Mandatory Inclusionary Housing proposal, 17 were favorable, three were favorable with conditions, three were unfavorable, and two were unfavorable with conditions.

Community boards in support noted the changes to MIH to encourage more affordable units and, recommended even deeper levels of affordability for the 20 percent of units.

Community boards in opposition noted the need for affordable units but believed that the required number of affordable units per development was too low.

Sliver Law

Of the 25 community boards that specifically responded to the Sliver Law proposal, 16 were favorable, five were unfavorable with conditions, and four were unfavorable.

Community boards agreed with the proposal's objective to support Quality Housing in dense zoning districts.

Community boards in opposition noted that buildings should be contextual in height to other buildings and expressed concern that the proposal would encourage developers to re-develop rent-stabilized or affordable units as market rate.

Quality Housing Amenity Changes

Of the 24 community boards that specifically responded to the Quality Housing Amenity Changes proposal, 19 were favorable, one was favorable with conditions, one was unfavorable, and three were unfavorable with conditions.

Community boards in favor of the proposal also noted their concern that existing residents not be billed for new amenities.

Community boards in opposition stated their preference for the existing Quality Housing regulations and concerns that the proposal reduced light and air requirements for housing units.

Landmark Transferable Development Rights

Of the 28 community boards that specifically responded to the Landmark Transferable Development Rights (LTDR) proposal, 14 were favorable, eight were favorable with conditions, two were unfavorable, and four were unfavorable with conditions.

Community boards in support agreed with the proposal's objective of developing on landmarked and landmark-adjacent land. Some community boards expressed concerns over how that land would be used and recommended that community boards be able to review such projects. Some community boards recommended limiting allowable uses to residential and community facilities, with affordability requirements for some units.

Community boards in opposition recommended that transfers of development rights be reviewed by community boards and that they be limited to 20 percent of LTDR should apply to all zoning districts.

Railroad Right-of-Way

Of the 21 community boards that specifically responded to the Railroad Right-of-Way proposal, 17 were favorable, three were unfavorable, and one was unfavorable with conditions.

Community boards in support agreed with the proposal's goal of simplifying development of former railroad rights of way.

Community boards in opposition cited concerns over the proposal's lack of affordability requirements and the lack of environmental review.

Borough Board Review

Two of the five Borough Boards submitted recommendations. The Manhattan Borough Board submitted an overall recommendation that was favorable with conditions while the Brooklyn Borough Board abstained from any recommendation, instead requesting that the Department refer to individual Community Board recommendations.

Low Density

Town Center Zoning

The Manhattan Borough Board gave a recommendation in support of the Town Center Zoning proposal.

Transit-Oriented Development

The Manhattan Borough Board gave a recommendation in support of the Transit-Oriented Development proposal.

Accessory or Ancillary Dwelling Units

The Manhattan Borough Board gave a recommendation that was favorable with conditions. Their conditions were centered around the desire to preserve neighborhood character. They wanted to restrict ADUs to R1-R5 districts and remove all changes to rear yard requirements in medium- and high-density districts.

District Fixes

The Manhattan Borough Board abstained from commenting on this set of proposals.

Medium and High Density

Universal Affordability Preference

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board suggested that UAP be changed from an option into an affordability mandate, reduce the off-site sunset provision from 10 to five years, allow off-site for preservation projects, and maintain existing height and bulk rules within special districts.

Citywide

Lift Costly Parking Mandates

The Manhattan Borough Board abstained from commenting on this set of proposals.

Convert Non-Residential Buildings to Housing

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board proposed a rolling date of 35 years instead of a fixed year for applicability and wanted to require buildings to retain existing spaces for building operations like loading docks and require affordability. They also wanted some form of public review and approval of these projects, especially in the case of conversion to dormitory use by an academic institution.

Small and Shared Housing

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board wanted to limit this style of housing to only new construction or non-residential conversions in order to prevent situations where building owners divide existing multi-bedroom units into multiple smaller units.

Campus Infill

The Manhattan Borough Board gave a recommendation that was favorable with conditions. They suggested that any infill developments ought to be required to go

through the ULURP process and that there be an affordability requirement for infill developments. They also wanted to preserve existing setback requirements and require the replacement or mitigation of lost amenity space in the case of its removal from a campus.

Miscellaneous

New Zoning Districts

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board thought that when these districts are mapped in the future that they ought to come with a 30 percent affordability requirement.

Updates to Mandatory Inclusionary Housing

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board suggested stronger affordability requirements be applied, that affordable housing be distributed on all floors, and that the AMI bands for MIH be calculated in a different way.

Sliver Law

The Manhattan Borough Board gave a recommendation that was favorable.

Quality Housing Amenity Changes

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board wanted to implement an active requirement for new buildings to have a variety of specific things like trash rooms and laundry, which would count towards the amenity space floor area deductions.

Landmark Transferable Development Rights

The Manhattan Borough Board gave a recommendation that was favorable with conditions. The Borough Board wanted to restrict these transfers to residential or

community facility uses and require affordability from projects that use this mechanic. They also wanted to retain ULURP review of these transactions.

Railroad Right-of-Way

The Manhattan Borough Board abstained from commenting on this set of proposals.

Borough President Review

Four of the five Borough Presidents submitted overall recommendations that were favorable with conditions. The Staten Island Borough President was the only one to give an unfavorable overall recommendation, but did not submit documentation on specific proposals within the larger Housing Opportunity text amendment.

The Borough Presidents for the Bronx, Brooklyn, Manhattan, and Queens all acknowledged the citywide housing affordability crisis and expressed support for the proposal's overall goal of increasing housing and especially affordable housing throughout the city. As a result of that shared acknowledgement of the underlying problem, most Borough Presidents chose to express broad support for most, if not all, of the individual proposals that make up the larger text amendment, even if they felt that some aspects of the proposal ought to be modified.

Low Density

Town Center Zoning

The Bronx, Brooklyn, and Queens Borough Presidents all gave recommendations that were favorable with conditions.

While the Brooklyn Borough President suggested that the proposal did not go far enough and wanted to see density increases above what was proposed, the Bronx Borough President thought that it ought to be somewhat pared back outside of the Inner Transit Zone. The Queens Borough President's recommended modification focused on affordability options for Town Center projects.

Transit-Oriented Development

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn Borough President gave recommendation that was favorable with conditions.

The Bronx Borough President supported the proposal as is because of its modest approach to increasing unit production in low density neighborhoods. For her, the fact that this proposal is unlikely to change the character of neighborhoods was a selling point. Conversely, the Brooklyn Borough President recommended that the proposal should go further in terms of both densities permitted and geographic scope.

Accessory or Ancillary Dwelling Units

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn and Queens Borough Presidents gave recommendations that were favorable with conditions.

The Bronx and Brooklyn Borough Presidents both acknowledged this proposal as a key way that lower density districts could contribute to the city's housing stock without experiencing dramatic impacts to the look and feel of those neighborhoods. All three Borough Presidents did mention concerns stemming from issues like stormwater flooding and the absolute necessity of safety considerations for these tenants. The Queens Borough President also pointed to parts of the city with existing infrastructure issues like sewer capacity, and the importance of excluding them from allowing ADUs.

District Fixes

The Bronx and Brooklyn Borough Presidents both gave recommendations that were favorable.

Both the Bronx and Brooklyn Borough Presidents felt that this set of proposals is reasonable and that giving homeowners the sort of flexibility being proposed is a modest way of facilitating additional housing capacity.

Medium and High Density

Universal Affordability Preference

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn and Manhattan Borough Presidents gave recommendations that were favorable with conditions.

The Brooklyn Borough President suggested modifications like reducing the maximum qualifying AMI for income averaging, including large lots in R5 districts, removing specific parts of the city that are near sensitive resources like the Brooklyn Botanical Garden from UAP applicability, and vesting existing projects that are using the Voluntary Inclusionary Housing Program to continue forward under that program. The Manhattan Borough President wanted to create a sunset provision for the provision of offsite affordable after 10 years.

Citywide

Lift Costly Parking Mandates

The Brooklyn, Manhattan, and Queens Borough Presidents all gave recommendations that were favorable with conditions, while the Bronx Borough President gave a recommendation that was unfavorable with conditions.

The Brooklyn Borough President called for a system of parking maximums and for new rules that allow existing or future parking to be treated as a neighborhood resource. The Manhattan Borough President suggested increases in public transportation investment and a municipal parking program. Although the Bronx and Queens Borough Presidents voted in opposite ways, they both agreed that the current proposal was too expansive and ought to be pared down to remove the existing parking requirements for only those areas near public transportation.

Convert Non-Residential Buildings to Housing

The Bronx and Brooklyn Borough Presidents gave recommendations that were favorable while the Manhattan Borough President gave a recommendation that was favorable with conditions.

The Manhattan Borough President suggested there should be a “sunset date” after the proposal is approved to observe its results and how it impacts business districts, as well

as guidelines to limit their impact on historic districts and public spaces, The Brooklyn Borough President encouraged that Industrial Business Zones are excluded. The Bronx Borough President recommended that there be a rolling conversion eligibility date of 30 years before the conversion.

Small and Shared Housing

The Brooklyn and Manhattan Borough Presidents both gave recommendations that were favorable with conditions while the Bronx Borough President gave a recommendation that was unfavorable.

The Bronx Borough President believed the smaller units would not be of acceptable quality and suggested buildings be tallied on bedrooms provided instead of units to discourage smaller units. Brooklyn Borough President suggested that a maximum dwelling unit factor in Inner Core Transit Zones be added to prevent these multi-family buildings from being altered to single-family. The Manhattan Borough President suggested that social services be extended to those who require such units as well as tax relief/subsidies for developers.

Campus Infill

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn and Manhattan Borough Presidents gave recommendations that were favorable with conditions.

Both the Manhattan and Bronx Borough Presidents suggested that new NYCHA campus developments consult local tenants. The Manhattan Borough President also suggested affordability requirement and an effort to replace the lost open space. The Brooklyn Borough President suggested that publicly owned sites be excluded.

Miscellaneous

New Zoning Districts

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn Borough President gave a recommendation that was favorable with conditions.

The Bronx Borough President stated that the new zoning districts should not come to the Bronx as no R10 districts exist there. The Brooklyn Borough President believed the opportunity to implement new zoning districts depends entirely on the context.

Updates to Mandatory Inclusionary Housing

The Bronx and Brooklyn Borough Presidents both gave recommendations that were favorable and supported deeper levels of affordability to MIH.

Sliver Law

The Bronx and Brooklyn Borough Presidents both gave recommendations that were favorable and supported the proposal's activation of narrow lots to maximize the use allowed their zoning district.

Quality Housing Amenity Changes

The Bronx and Brooklyn Borough Presidents both gave recommendations that were favorable and endorsed the proposal's incentives for building amenities alongside housing development.

Landmark Transferable Development Rights

The Bronx Borough President gave a recommendation that was favorable while the Brooklyn Borough President gave a recommendation that was favorable with conditions.

The Bronx Borough President noted that transferring development rights could provide landmarks with the income necessary to preserve themselves. The Brooklyn Borough President suggested that all lots on adjacent blocks be included in the transferable development rights' range.

Railroad Right-of-Way

The Bronx and Brooklyn Borough Presidents both gave recommendations that were favorable and supported the proposal's changes that makes development simpler on these sites.

City Planning Commission Public Hearing

Public Testimony

On June 26, 2024 (Calendar No. 1), the CPC scheduled July 10, 2024 for a public hearing on this application (N 240290 ZRY). The hearing was duly held on July 10, 2024 (Calendar No. 18). There were 113 speakers in favor of the application and 91 in opposition.

Support

Speakers testifying in favor of the proposal included the Bronx Borough President and the Manhattan Borough President.

Additional speakers in favor of the proposal included representatives from Downtown Brooklyn Partnership, Open Plans, American Institute of Architects, New York (AIANY), CAMBA Housing Ventures, Housing Rights Initiative (HRI), Project Renewal, New York Building Congress (NYHC), Habitat for Humanity NYC and Westchester County, New York Housing Conference (NYHC), New York League of Conservation Voters (NYLCV), New York State Council of Churches, Regional Plan Association (RPA), Open New York (ONY), New New York, Citizen's Housing and Planning Council (CHPC), Citizens Budget Commission (CBC), Enterprise Community Partners, Community Housing Improvement Program (CHIP), Robin Hood Foundation, Fried Frank, Health and Housing Consortium, Undesign the Redline, Community Preservation Corporation (CPC), Hudson Companies, Development Consulting Services, RiseBoro Community Partnership, Delaine Companies, Catholic Community Relations Council (CCRC), The Association for a Better New York (ABNY), Lantern Organization, Municipal Art Society (MAS), Supportive Housing Network of New York (SHNNY), Center for New York City Neighborhoods (CNYCN), Amie Gross Architects, Huguenot Church of Staten Island, Bowery Residents' Committee (BRC), West Side Federation for Senior and Supportive Housing (WSFSSH), Low Income Investment Fund (LIIF), Gotham Organization, Bronx Pro Group, StreetsPAC, Homeless Services United (HSU), Interfaith Assembly on Homelessness and Housing (IAHH), Service Employees International Union, Local 32BJ (SEIU 32BJ), Mega Contracting and Development, Niskanen Center, Citizens Advisory Committee (CAC), NHP Foundation, and Manhattan Community District 9.

Many representatives testifying in favor of the proposal noted the importance of removing impediments in zoning that hinder New York City's ability to produce adequate number of housing units to meet housing demands, curb homelessness and facilitate affordable housing production. Many testimonies alluded to the comprehensive nature of the proposals while others recommended modifications, such as increasing the maximum square footage of the ADU to the proposal to ensure flexibility in housing demands and needs for many demographics. In general, supporters agreed that the Proposal was a great first step that could help address the city's housing crisis.

The Manhattan Borough President spoke in favor of the proposal, noting the impacts of restrictive zoning across the city and how it impedes the housing production that is desperately needed. The Manhattan Borough President further noted how the current rules have led to the inflation in housing costs for residents. In addition, the Manhattan Borough President reiterated many of the ideas in his written recommendation, summarized above and attached hereto.

The Bronx Borough President also spoke in favor of the Proposal and also highlighted the ongoing housing crisis. The Bronx Borough President noted that too many residents cannot afford rent or are at risk of eviction and displacement resulting from a lack of new housing supply. The Bronx Borough President emphasized that recent housing construction has not aligned with demand and that the Proposal would kickstart the City's efforts to produce housing, lower rent prices and create homeownership opportunities. The Bronx Borough President reiterated some concerns stated in her written recommendation, summarized above and attached hereto.

Some comments in support and opposition from the members of the public and well as organizations were:

Medium- and High-Density Proposals

1.1 More Floor Area for Affordable and Supportive Housing

The New York Council of Churches expressed support for universal affordability preference (UAP) proposal that would allow buildings to add at least 20 percent more housing if they are permanently affordable housing. They highlighted that the proposal would benefit Faith-based organizations, like themselves, by allowing them to develop housing and generate revenue required for maintaining their existing buildings. Another member of the public added that UAP would give their parents the opportunity to move into more affordable housing.

1.2 Small and Shared Apartments

Representatives from groups like WSHFSH, ABNY, and Manhattan Community District 9 as well as individuals, spoke in support. Speakers said that small and shared housing assist young adults and young professional start their independent life away from their families. They also informed that it would help remove focus from unauthorized shared apartment systems that exist today where young adults come together to lease multi-bedroom apartments which have been more conducive for families who are in dire need of multi-bedroom apartments.

1.3 Eliminate Obstacles to QH Development

Many speakers and organizations spoke in support of the proposal which would enable campus infill, saying it would make it easier to add housing on large sites that have existing building with ample open space on site. The main emphasis on their support for the proposal were that it enables large sites to contribute housing to meet demand and that revenue generated can help in maintenance and repair of existing buildings. ACHP added that from a preservation perspective that the proposed change on how campuses are treated can promote the usage of excess land by historic buildings to increase density without need for demolition.

1.4 Conversions

Most speakers supported the adaptive reuse proposal which enables the conversion of non-residential buildings into housing. This included groups like AIANY, NYLCV, REBNY, RPA, and Open New York, as well as other individual speakers. The general sentiment was that dormant office and commercial spaces can provide much needed housing. ACHP added that conversion of non-residential buildings to housing can be an effective way for the City to find uses for its landmark buildings and still maintain its rich character and history.

Low-Density Proposals

2.1 Low Density Basic and 2.2 Low Density Plus: “Missing Middle” Housing

The low density plus proposal garnered extensive support. Most public speakers who spoke in support of the proposal highlighted the existence of similar housing stock in New York City and how restrictive zoning over the past decades outlawed such building. They emphasized the dynamism such housing stock provides to neighborhood by making them mixed use, where inhabitants can easily access their needs like first floor stores.

Regarding transit-oriented development (TOD) aspect of the lower density plus proposal, groups like Amie Gross Architects, Gotham Organization and Enterprise Community Partners expressed support. Some of the groups acknowledged that it is important to add more density in areas closer to transit. Other members of the public added their support and informed that areas with adequate transit will appeal to them, but that there is not enough housing production in such areas to accommodate them.

2.3 Accessory or Ancillary Dwelling Units

This Proposal garnered support from groups such as Advisory Council on Historic Preservation (ACHP) and Municipal Art Society (MAS), with ACHP expressing that their findings indicate that ADU's are an adequate way to modestly add much needed density without major demolitions. ACHP urged the Commission to consider design guidelines to streamline ADUs. Furthermore, a member of the public suggested that the current ADU square footage proposal be increased to ensure the provision of two-bedroom ADU units. Other members of the public emphasized the importance of permitting ADU, which will allow for multiple generations of families to continue to live in the same neighborhood, thereby limiting displacement.

Parking Proposals

3.1 Maintain and Extend a Comprehensive Set of Transit Geographies and

3.2 Reduce, Simplify, and Streamline Parking Requirements

Many groups and individuals spoke in support of these parking proposals. The Citizens Housing Planning Council noted that one parking spot can cost as much as \$100,000 to construct, which is counterproductive when developing a building if the parking is not needed. Additionally, ACHP informed the Commission that they see the elimination of the parking mandate as a positive step in producing housing. Other individuals said they would rather have more housing to meet housing demands than having parking spaces prioritized over humans. Some stated that they live so close to public transit and that zoning's parking requirements are not of use to them as they would rather use the NYC public transit system.

Other Initiatives

4.10 Simplify and Expand the Landmark TDR Program

The TDR proposal received extensive support. Amongst the supporters include NYS Council of Churches, Catholic Community Relations Council, ACHP and MAS. They emphasized the importance of allowing such rights transfer in generating revenue for maintenance of existing buildings, some of which are in disrepair.

Opposition

91 speakers spoke in opposition, including three councilmembers and a number citywide and local neighborhood civic groups and individual speakers.

Several groups expressed their opposition to specific proposals and City of Yes for Housing Opportunity generally. Representatives from Friends of the Upper East Side Historic Districts, The New York Landmarks Conservancy, City Club of New York, Chelsea Neighbors Coalition, Bronx Council for Environmental Quality, Village Preservation, Hollis Hills Civic Association, Midtown South Community Council, Collective for Community, Culture and Environment, Queens Civic Congress, Auburndale Improvement Association, Howard Beach Lindenwood Civic Association, Committee for Environmentally Sound Development, Bronx Center for Environmental Quality, Hamilton Beach Community Association, Old Town Civic Association of Staten Island, Historic Park Avenue, Landmark West, Utopia State Civic Association, Van Nest Neighborhood Alliance, Rethink NYC, Douglaston Civic Association, Sullivan Ludlam Stoddard Neighborhood Association, Spencer State Civic Association, Oakwood Residents Civic Association, West Cunningham Park Civic Association, Hollis Hills Civic Association, Bayswater Civic Associations, Bay Terrace Community Alliance, Westerleigh Improvement Society, and Liberty Park Homeowners associations expressed their opposition.

The general themes of those who testified in opposition to the text amendment were that the proposal was too large, citing it as a “one size fits all approach.” Speakers testified that they believed the proposal to allow new forms of density as-of-right would remove community board input in the ULURP process. Speakers critiqued specific aspects of the proposal. Speakers from low-density communities noted concern for the suburban quality of their neighborhoods and how the Proposal could change that. For both low- and high-density proposals, speakers commented with concern about developers gaining too much power, about the affordability of new units and general skepticism that developers would create housing below market rate. Speakers were also concerned that new density would in environmental issues such as increased flooding and increased traffic in their neighborhoods. Some also noted concerns about the DEIS and its analysis of infrastructure impacts.

Councilmembers from the 1st District in Manhattan, and the 19th and 32nd Districts in Queens, expressed their opposition to the proposal. The Councilmember from the 32nd District expressed their concern how the proposal would affect quality of life, as well as the possibility that it would take decision-making power away from community boards in the ULURP process. They also expressed concern that this proposal would allow large developers to take over smaller homeowner properties and small businesses. The Councilmember from the 19th District expressed their concern for the speed of the process and suggested starting a pilot program before enacting this proposal citywide to test out certain ideas as alternative. The Councilmember from the 1st District stated their concern about the level of affordability of the new units, and access to light and air amidst the new yard regulations. They suggested having 100 percent affordable housing on public sites, and mandated affordable housing to any new development in the city.

Other testimony in opposition from members of the public and organizations included:

Medium- and High-Density Proposals

1.1 More Floor Area for Affordable and Supportive Housing

Some comments raised concerns about the UAP proposal. The Chelsea Neighbors Coalition was primarily concerned that AMI numbers do not match the income of people who need affordable housing. Other public members expressed concerns that the AMI are almost comparable to luxury housing and argued for a deeper affordability if they are to consider it affordable.

1.2 Small and Shared Apartments

A number of speakers in opposition also noted their concerns about parking with their concerns about the density that small and shared housing could bring to their neighborhoods. Most argued that additional residents would lead to more cars on the street, hence requiring more parking spaces for vehicles. Others argued that more density in their neighborhood would change the feel and context of where they live and make them feel unsafe.

1.3 Eliminate Obstacles to Quality Housing Development

Speakers were primarily concerned with the lack of control the residents of the buildings on such sites would have in the planning and development of new buildings, particularly on large “campus” sites. Some further argued that building new buildings on open spaces would significantly affect the wellbeing of the residents.

Low-Density Proposals

2.1 Low Density Basic and

2.2 Low Density Plus: “Missing Middle” Housing

Speakers in opposition to Town Center Zoning of the proposal expressed concern that the proposed height of new buildings would result in out of context buildings.

Speakers in opposition to the TOD proposal expressed concerns focused on the possibility of developers harassing homeowners with offers to purchase their properties. Some also argued that the transit-oriented development radius should be smaller.

2.3 Accessory or Ancillary Dwelling Units

The ADU proposal met opposition from organizations such as Auburndale Improvement Association and Howard Beach Lindenwood Civic Association. The latter mentioned concerns regarding safety of the inhabitants including from flooding. Other speakers expressed their concern about enforcement by the Department of Buildings to guarantee construction safety and compliance.

Parking Proposals

3.1 Maintain and Extend a Comprehensive Set of Transit Geographies and

3.2 Reduce, Simplify, and Streamline Parking Requirements

The parking proposal, specifically the lifting of parking mandates, was a major area of focus for the speakers in opposition. Most speakers spoke primarily about the difficulty finding an on-street parking space for their vehicles, citing that the development of more housing without mandating parking will result in congestion and scarce on-street parking spaces for car owners. Many relayed concerns about the lack of transit options in their neighborhoods and reiterated the need for cars to adequately commute around the city.

Other Initiatives

4.10 Simplify and Expand the Landmark TDR Program

Few speakers spoke in opposition to Landmark TDR program. Those that did mainly focused on the unknown intent of developers who might acquire the development rights.

They feared that buildings that would emerge as a result of this proposal would be out of context in their neighborhood.

There were no other speakers and the hearing was closed.

Written Testimony

In addition to the testimony heard at its hearing, the Commission also received testimony in writing from individuals and organizations regarding the proposal. Of the 589 submitted pieces of written testimony, 186 individuals and 45 organizations wrote to express their support for the proposal, while 295 individuals and 36 organizations registered their opposition. An additional 17 individuals and 10 organizations submitted commentary that was neither in support nor in opposition.

Support

Comments from individuals in support of the proposal frequently highlighted the dire need for housing in New York City and recognized the housing shortage as the driver of high rents. The supporters often were New Yorkers who wanted to stay in the city; raise a family; move into their own place; or buy a home but could not afford to do so. Some comments expressed support for historically successful building types that were no longer possible to build, including apartment buildings, buildings without parking, and single-room occupancy housing. A number of commenters praised parking and transit-oriented development as common-sense approaches. Other supported ADUs and cited other jurisdictions in which ADUs are legal. Over 20 of the supportive comments were from two template letters circulated through Open New York that focused on the urgent need for more housing.

Several members of Community Boards wrote in independently of their boards to express support. These included members of Queens Community Board 3, noting that despite the board voting against the proposal, that it has strong support from many members of the board. In particular, members highlighted the removal of parking mandates, Town Center, Transit-oriented Development, District Fixes, ADUs, and the Universal Affordability Preference. Bobbi Barnett, a member of Manhattan Community Board 4, which submitted a vote of conditional opposition, expressed her support for the Universal Affordability Preference, the reduction or elimination of the dwelling unit factor, and campus infill. Individual members of Manhattan Community Board 3, Manhattan Community Board 8, Manhattan Community Board 9, Queens Community Board 1 and Queens Community Board 6 submitted as public testimony resolutions in addition to their board vote, including a resolution to make R1-R3 zoning districts equivalent in density to R4 districts; to introduce redundancy to ensure new affordable units go through the lottery system; and to institute limits on rooming units created through UAP.

A number of organizations provided general support for increasing the housing supply. These organizations included the Urban Design Forum, Volunteers of America-Greater New York, Permanent Citizens Advisory Committee to the MTA, American Institute of Architects New York, SEIU Local 32BJ, NHP Foundation, Citizens Budget Commission, Zillow, the American Planning Association New York Metro Chapter, the Municipal Art Society, Urban Architectural Initiatives and Robin Hood. Selfhelp Community Services and AARP noted that the text amendment would help older adults in need of housing. Several environmentalist groups, including the New York League of Conservation Voters and NineDot Energy, specifically described how the text amendment would reduce carbon emissions and help to mitigate the impacts of climate change.

Several advocacy groups also provided testimony in support of the text amendment. The Basement Apartments Safe for Everyone (BASE) coalition supported the text amendment's changes to allow Accessory Dwelling Units, including basement apartments, and emphasized the need for comprehensive legislation beyond zoning that would enable the legalization of existing, informal basement apartments. The Association for Neighborhoods and Housing Development (ANHD) submitted written support that was also covered in spoken testimony. The transportation advocacy groups Open Plans and the Tri-State Transportation Campaign registered their support for removing parking mandates and allowing transit-oriented development.

A number of affordable and supportive housing providers and coalitions of such groups submitted written testimony in support of the proposal, identifying how the text amendment—and particularly the Universal Affordability Preference—would allow them to build more affordable housing. These groups include the West Side Federation for Senior and Supportive Housing (WSFSSH), Fifth Avenue Committee, the Supportive Housing Network of New York, the Lantern Organization, the Corporation for Supportive Housing, Xenolith Partners, Camber Property Group LLC, Trinity Church Wall Street, the Real Estate Board of New York, New York Building Congress, Habitat for Humanity, Community Housing Improvement Program, Breaking Ground, New York State Association for Affordable Housing, the Catholic Community Relations Council. Service providers for people experiencing homelessness including Homeless Services United, Project Renewal, and HELP USA also noted that an expansion of the housing supply would address the homelessness crisis.

Some of these providers offered specific notes based on the type of housing they provide. WSFSSH praised the Universal Affordability Preference and the small and shared proposal while calling for additional incentives for senior housing and joining the Supportive Housing Network of New York in asking for additional flexibility to file supportive housing as Use Group 2 or 3. Asian Americans for Equality (AAFE) also supported the legalization of shared housing because this would support their work with residents of informal SROs in Manhattan's Chinatown. Housing providers including Xenolith Partners, Habitat for Humanity, the Fifth Avenue

Committee, and the Catholic Community Relations Council support campus infill. The Fifth Avenue Committee suggested these infill developments should be accessible to NYCHA residents. The Catholic Community Relations Council also asked for modifications related to campus infill, including allowing houses of worship to be permitted obstructions and exempt from distance between buildings requirements. The Center for NYC Neighborhoods and Habitat for Humanity highlighted how many of the proposals support homeownership opportunities.

Several land use and zoning professionals and related organizations submitted testimony in support of the text amendment but included notes on specific details. Representatives of DCS Zoning, Kramer Levin, and Fried Frank, the Real Estate Board of New York, and the Supportive Housing Network of New York all supported the Universal Affordability Preference but expressed concern about the sunset of inclusionary housing certificates or asked for an offsite option to be extended through more flexible vesting provisions. A representative of Kramer Levin supported the text amendment overall but opposed the replacement of the R10 program with the Universal Affordability Preference, and a representative of DCS Zoning opposed the elimination of the recreation space bonus available in the Special Midtown and Lower Manhattan Districts. Finally, Hill West Architects provided suggestions for improvements to the street wall rules for additional flexibility.

Opposition

Many of the comments in opposition to the text amendment only expressed their opposition to the text amendment and did not provide further details.

Neighborhood character and quality-of-life

Many of the comments in opposition focused on neighborhood character. This included comments from the high-density parts of the city, including individuals and groups such as Historic Park Avenue, LANDMARK WEST!, Friends of the Upper East Side, Save Gansevoort, Carnegie Hill Neighbors, and Preserve our Brooklyn Neighborhoods as well as the low-density areas, including individuals and groups such as the Hollis Hills Civic Association, the Civic Association of Utopia Estates, Bellerose Commonwealth Civic Association, the Liberty Park Homeowners' Association, the Holliswood Civic Association, the City Island Civic Association, the Bellcourt Civic Association, the Auburndale Improvement Association, the Queens Preservation Council, the Caton Park Association, the Beverley Square East Association, the Beverley Square West Association, and the West Midwood Community Association. Many of these commenters self-identified as homeowners and expressed concerns about property values and quality-of-life concerns.

In the high-density areas, concerns about neighborhood character were generally related to height limits; infill on residential campuses; and concerns about light and air standards, some of which were related to the rear yard requirements proposed to change and some of which related to rules outside of zoning that would not be changed by this proposal. The City Club of New York expressed concerns that the Landmark TDR proposal could result in inappropriate bulk. The group Save Gansevoort and over 20 individuals submitted a form letter circulated by the group Village Preservation. This letter focused on increases to the base FAR in Manhattan Community Districts 1 through 8, stating concerted opposition to housing density and desiring suppressed FARs in these central areas. These letters also opposed changes to Landmark TDR, rear yard requirements, campus infill, and changes to Special Districts that would remove redundant text. Several residents of the Upper East Side submitted a form letter that expressed doubts about the efficacy of UAP and concerns about the landmark TDR program, changes to enable infill development, and perceived threats to the public review process. Two residents of Brooklyn Community Board 9 wrote that their area already had more than enough capacity for housing and expressed interest in rezoning their neighborhood.

In the low-density areas, neighborhood character concerns focused on allowing multi-family housing where it is not allowed today through transit-oriented development, allowing ADUs, or removing parking requirements, which many feared would increase congestion. The Councilmember from the 24th District also submitted written testimony in opposition because of changes to neighborhood character, as well as concerns about ADUs and infrastructure. Several individuals from City Island and the East Bronx submitted similar testimony about neighborhood character asking to change the criteria for transit-oriented development, retain parking requirements and Lower Density Growth Management Areas, and limit Town Center and other heights. Over 130 of the individuals who submitted testimony in opposition focused their testimony specifically on Victorian Flatbush—a series of neighborhoods in Brooklyn that have many large single-family homes in the Victorian style. Local groups including the Caton Park Association, the Beverley Square East Association, the Beverley Square West Association, and the West Midwood Community Association also submitted testimony in opposition. These comments generally opposed the transit-oriented development proposal because it would change the character of the neighborhood and asked to have their neighborhood removed from this proposal. They expressed concerns about the public process and indicated that a 2009 rezoning of portions of Flatbush—which increased the density on some commercial corridors and downzoned other streets—had done enough to produce housing in this area. Many expressed skepticism that the text amendment would generate affordable housing and expressed concerns about infrastructure, including transit and sewage. Several of these comments also objected to a provision in proposed 23-243 that would allow R1-R3 districts in Brooklyn Community District 14 to develop to 1.0

FAR as-of-right. A number of these comments followed a template, demonstrating the community's coordinated approach to oppose the changes.

Affordability

Even those individuals writing in opposition generally claimed to support affordable housing or recognize that New York City needs affordable housing, but many individuals as well as groups such as the City Club of New York, the Collective for Community, Culture, and Environment, Inwood Preservation, Save Harlem Now!, and LANDMARK WEST!, displayed a general skepticism that adding housing supply would improve affordability, believing the primary benefit of the proposal was to private developers. Many expressed skepticism that there was a housing shortage, often citing inaccurate or misrepresented statistics about the number of apartments being “warehoused,” vacant NYCHA apartments, and the number of apartments that are vacant but not available to rent according to the NYC Housing and Vacancy Survey. Danielle Brecker, a member of Queens Community Board 2, wrote in opposition because of a preference to only build 100 percent affordable housing and pursue housing investments outside of zoning, such as the rehabilitation of NYCHA apartments. Several individuals opposed the use of Area Median Income (AMI), a standard measure of affordability created by the federal government. Project FIND opposed the Universal Affordability Preference replacing Voluntary Inclusionary Housing and wanted projects to be able to continue under the 80 percent AMI affordability with the existing bonus ratio without a sunset provision. The group Save Chelsea had concerns about the demolition of existing affordable housing. A resident of the NYCHA Elliot Houses and of the Mitchell-Lama development Penn South both wrote in to oppose campus infill and a general opposition to private development.

Infrastructure, environmental review, and process

Many comments were concerned with infrastructure impacts, particularly sewage and flooding; emergency services; transportation; and schools. In low-density areas, individuals highlighted the continued need for cars and expressed opposition to removing parking requirements. Bronx Council for Environmental Quality and many individuals doubted that an adequate environmental review had been conducted or preferred a more localized examination of impacts. Some testimony also expressed concern that building housing was bad for the environment or that new housing would decrease permeable surfaces or have unintended negative environmental consequences.

Other comments from individuals and groups such as the Queens Preservation Council, the Auburndale Improvement Association, the Queens Community Board 13 Land Use Subcommittee on City of Yes, Friends of the Upper East Side, and the Civic Association of Utopia Estates expressed concerns about public process, frequently suggesting the proposal should have moved more slowly or that planning should occur neighborhood by

neighborhood. Several residents of City Island, Flatbush, and parts of Eastern Queens that had been downzoned during the Bloomberg administration opposed the proposal as a reversal of this policy. Finally, several groups and individuals, including the Queens Preservation Council and Historic Park Avenue referenced elements of the previously adopted City of Yes for Economic Opportunity, seemingly misunderstanding that the current proposal would expand commercial uses, which it would not.

Other

Some written testimony declined to either support or oppose the proposal.

Comments from private individuals as well as organizations such as the East Village Community Coalition, the Lower East Side Preservation Initiative, and ReThink NYC expressed support for affordable housing but skepticism that City of Yes for Housing Opportunity would produce affordable housing or that adding market-rate housing would address rising housing costs. Some of this testimony asked for additional affordability requirements or to condition zoning changes like the removal of dwelling unit factor to developments that include affordable housing. The Lower East Side Preservation Initiative, the New York Landmarks Conservancy, and several individuals expressed concerns about the public process, including the preference for a neighborhood-by-neighborhood approach to planning. The New York State Assemblymember representing the 66th district submitted testimony expressing concerns about the lack of mandatory affordability requirements; the as-of-right framework; community engagement for the text amendment; and perceived risks to historic districts, rent-regulated housing, quality-of life, and open space.

Several residents of Victorian Flatbush as well as the Caton Park Neighborhood Association submitted testimony neither in support nor opposition. These writers generally agreed with the concerns of those in opposition from that neighborhood, citing the 2009 rezoning as a success; doubting the proposal would lead to more affordable housing; and opposing transit-oriented development in their neighborhood. Three individuals submitted a form letter created by Village Preservation expressing their opposition to changes to Manhattan Core rules and other zoning changes that would allow more flexibility and market-rate housing, including landmark TDR and campus infill proposals. Several pieces of written testimony expressed concerns about the reduction or rear yard requirements. Other testimony that was not in support nor opposition referred to specific projects, such as Melanie Meyers of Fried Frank who expressed concerns with Universal Affordability Preference's interaction with plans for Greenpoint Landing. A representative of the NYC Building Industry Association and Rampulla Associates Architects specifically opposed the elimination of the sky exposure plane for R1 and R2 districts.

Several pieces of testimony neither in support nor opposition also made suggestions outside of zoning, such as changes to tax policy, support for refugees, or funding for public spaces and neighborhood amenities; and a request for protections of trees and green spaces made by the Nature Conservancy.

CONSIDERATION

The Commission believes that the application for the text amendment, as modified herein, is appropriate.

The Commission recognizes that New York City is in the midst of a generational housing crisis that drives high housing costs, gentrification and displacement, segregation, overcrowding, and homelessness, among other human consequences; that limits the ability of the city's economy to grow; that makes it far more difficult to meet carbon-neutrality and other environmental goals; and that negatively impacts the city's tax revenues and fiscal health. The housing shortage sits at the center of a range of other challenges facing the city, and it is not an exaggeration to call the housing shortage the fundamental challenge for present-day New York.

Inaction is not an option, and the Commission strongly supports the approach of City of Yes for Housing Opportunity. This proposal represents, for the first time, a genuinely citywide approach that calls on all neighborhoods to share in a collective effort to address the housing shortage. An effort of this breadth, with a little more housing everywhere, has the ability to create a truly consequential amount of new housing while respecting the character and boundless variety of New York City's many neighborhoods.

The Commission notes that the approach and many of the specific proposals emerge from *Where We Live NYC*, the city's comprehensive, HUD-mandated fair housing report, and *Housing Our Neighbors*, the administration's comprehensive blueprint to tackle housing and homelessness. The Commission also lauds the Speaker's Fair Housing Framework for further underscoring the gravity of the housing crisis and the necessity of a citywide solution firmly grounded in fair housing principles.

While the approach is citywide, the Commission acknowledges the number and range of proposals necessary to accommodate new housing across the many neighborhood types in New York City without altering their fundamental character. The Commission respectfully disagrees with the refrain that a citywide approach is equivalent to a "one size fits all" plan. As the Borough, Community District, and Council District applicability maps on the Housing Opportunity webpage demonstrate, the proposals apply and interact in ways that are unique to every neighborhood and completely distinct in central, high-density areas and lowest density areas along the city's fringes.

The Commission also believes that incremental growth across a citywide geography is the most responsible way to address the crushing human consequences of the housing shortage without overtaxing neighborhood infrastructure. As informed by the Housing Opportunity process, the Commission recognizes that, under the *status quo*, some areas of the city are underserved by open space, or have school capacity issues, or require improvements to sewer and stormwater infrastructure. The Commission notes that, on the high end, the projected effect of the Housing Opportunity proposals would be an average of 0.7 new units of housing per acre over fifteen years, a figure that minimizes burdens on local infrastructure and provides the city’s capital agencies, close partners on this environmental review, ample opportunity to plan for and address potential needs identified through the Housing Opportunity process.

The Commission recognizes that a citywide approach touches parts of the city that have not experienced housing growth in many decades and that, in many cases, have grown accustomed only to zoning changes that make it harder to produce housing there. The rezoning that accompanied the adoption of the Zoning Resolution in 1961 represented a significant downzoning of vast swaths of the city, and land use actions since that time have further limited or completely prevented housing production in many New York City neighborhoods. As outlined in *Where We Live NYC*, wealth, race, political power, and other factors imprint themselves on land use regulation over time, resulting in today’s segregated and profoundly unequal housing landscape. The Commission supports a citywide approach in large part because it makes it more difficult for neighborhoods to opt out, as they have time and again in the past with land use actions in narrower geographies. The Commission notes that the highest volume of public comment has come from Fieldston, Victorian Flatbush, and Greenwich Village Society for Historic Preservation, in that order, areas and groups committed to preserving lower densities regardless of planning considerations beyond their neighborhoods. This pattern would not be surprising to readers of *Where We Live NYC* and underscores for the Commission the wisdom and necessity of a citywide approach animated by fair housing principles.

The Commission addresses individual components of City of Yes for Housing Opportunity below.

Medium- and High-Density Proposals

Universal Affordability Preference

The Commission believes that the proposal to create a new “Universal Affordability Preference”, or UAP, which would extend a floor area preference for affordable and supportive housing to all areas zoned for medium- and high-density residential uses, is appropriate as modified.

In districts with an existing preference for affordable senior housing (AIRS), UAP would expand that preference to all forms of affordable and supportive housing. In districts without a preference, or with a small preference, UAP would create a new preference of 20 percent above

the market-rate FAR. In general, UAP maintains the market-rate FAR of the underlying districts while raising affordable and supportive FARs by a minimum of 20 percent. This would enable both 100-percent affordable developments and mixed-income developments using the recently established 485-x state tax benefit to be somewhat larger if any housing above the market-rate FAR is permanently affordable at an average of 60 percent of Area Median Income (“AMI”).

The Commission notes that zoning preferences and the state tax benefit serve as an engine of affordable housing production in the 13 percent of medium- and high-density areas mapped with a voluntary inclusionary framework today and believes that extending that framework to 100 percent of medium- and high-density districts is sensible and overdue. The Commission recognizes the historic nature of applying an inclusionary framework across all medium- and high-density areas throughout the city, and is pleased to approve the largest zoning change for affordable housing in New York City history.

The Commission is particularly pleased to lower AMI requirements in zoning from 80 percent AMI to 60 percent AMI and to introduce income averaging, which will enable UAP to serve families at a range of incomes, including extremely low incomes (e.g., 30 percent AMI) that zoning programs have not been able to reach in the past. Eighty percent AMI has increased markedly in recent years—to more than \$110,000 for a family of three—and reorienting affordable housing production to lower-income families makes sense where feasible.

The Commission appreciates the widespread support for UAP from housing advocates, affordable housing providers, many elected officials from affected areas, and others. The Commission also heard concerns about UAP, most prominently that it should be structured as a mandatory framework, similar to MIH, and also that required AMIs should be lower than 60 percent. The Commission acknowledges the need for the city agencies, as well as the state and federal governments, to use the full array of tools to create housing for the families at the lowest incomes that need it the most. The Commission also notes the vital role that zoning plays among these tools, but also recognizes the limits—both legal and practical—of what zoning can achieve alone.

On mandates, the Commission is pleased to maintain (and enhance in ways described below) the Mandatory Inclusionary Housing program, which remains in place where mapped and will continue to be applied in the future along with zoning changes that significantly increase residential capacity. As laid out in the CPC Report for MIH, affordable housing mandates—that is, not allowing any housing to be built unless it includes a set-aside for affordable housing—can have harmful consequences when applied inappropriately. Because UAP does not significantly increase residential capacity, and in general maintains market-rate floor area exactly where it is, the Commission notes that mandating affordability would go beyond the set of circumstances previously described by the Commission as appropriate for affordability mandates. If UAP simply layered an affordability mandate on top of existing market-rate FARs, the Commission

notes it would make housing production on affected sites more expensive and less likely than it is today, resulting in less housing than the *status quo*, an outcome that would amplify the consequences of an already severe housing shortage.

Similarly, the Commission encourages production of affordable housing for families at the lowest incomes, but recognizes that UAP must be feasible for privately financed developments on privately owned sites in order to maximize the amount of affordable housing UAP can create. The Commission believes that the current income requirements for UAP will work well with the 485-x state tax benefit to produce more affordable housing at lower incomes than either tool could produce alone, an outcome that would not be assured if UAP requirements were significantly out of step with available state support.

While housing production depends on many factors beyond the zoning, the Commission believes that the proposed UAP framework is best calibrated to significantly increase affordable housing production at lower incomes than zoning programs have been able to reach consistently in the past, and recognizes the power in applying UAP across all medium- and high-density districts at once.

The Commission recognizes that some zoning districts require adjustments to building envelopes and heights to accommodate UAP FARs, especially districts without an existing bump for AIRS that are getting a new maximum FAR for affordable housing.

The Commission heard concerns from some neighborhood residents opposed to height increases but ultimately believes that these adjustments, typically one or two stories, are necessary to ensure that all neighborhoods with UAP can accommodate affordable housing. As the Commission has noted since ZQA in 2016, additional floor area for affordable housing is meaningless if districts do not have building envelopes to accommodate it, preferably with a measure of flexibility to allow for architectural expression and to account for irregular sites.

The Commission sees UAP as an improvement over the IHDA and R10 Inclusionary Housing programs and supports their replacement with UAP. As noted above, this would require developments to provide affordable housing at lower AMIs—60 percent rather than 80 percent—and enable income averaging. It would also retire the outdated and overly generous R10 Inclusionary Housing bonus from the 1980s, which enables developments to bonus from 10 FAR to 12 FAR with as little as five percent affordable housing at 80 percent AMI. The Commission also notes the benefit of reducing complexity costs and the number of different regimes that multifamily developers are expected to navigate, which is not to mention the compliance and administrative costs at HPD and DOB.

The Commission notes that UAP would also transition to a zoning regime where all affordable housing created by the program is on the same zoning lot as any associated market-rate housing, a change from the existing IHDA and R10 inclusionary programs that allow developments to

satisfy requirements by purchasing bonus, known as “certificates”, generated by affordable housing offsite. The Commission acknowledges the many comments received during public review seeking clarification on how this transition would work. To ease this transition, the Commission supports a “sunset” period with vesting for any outstanding or in-process certificates. First, any existing certificates would be vested forever at the bonus ratio at which they were issued; second, any new construction affordable housing projects that have filed a building permit at DOB by the date of enactment and meet subsequent milestones within two years may generate vested certificates at existing ratios; third, any preservation affordable housing projects that have filed an application at HPD by the date of enactment and received approval within one year may generate vested certificates at existing ratios; fourth, affordable housing projects that do not meet these filing deadlines may continue to generate vested certificates at the new UAP ratio for a period of ten years after the date of enactment. While UAP in general will not have an offsite option, the Commission supports maintaining an offsite option for development sites that have one today—that is, sites with existing IHDA or R10 IH areas. Sites within these geographies would be permitted to satisfy affordable housing requirements by purchasing offsite certificates until the supply of such certificates has been exhausted. The ten-year “sunset” period gives the Commission ample time to act if new information supports a general extension of an offsite option.

The Commission heard concerns from some affordable housing providers that generate offsite bonus and other housing advocates and industry professionals who believe that the sunset provision will inadvertently reduce the amount of housing, including affordable housing, in high-density geographies over time. The affordable housing providers note that offsite bonus can be an important source of funding, generally from sale of “certificates” to market-rate developments in the city’s highest density areas, and want to maintain this source of funding beyond the ten-year sunset. The Commission acknowledges this range of concerns, and modifies the proposal to eliminate the sunset on the ability to generate offsite bonus for use in R10 districts and R10 equivalents.

To the extent possible, the Commission would also like to hold harmless developments providing onsite affordable housing under existing inclusionary housing regimes and supports provisions that would achieve this goal. To that end, any developments that have filed a permit application at DOB for any large-scale or other phased developments that have certified for CPC approval by the date of enactment may proceed under the existing inclusionary regulations if subsequent milestones laid out in the zoning text are met.

While the proposal will not create any new MIH Areas, the Commission seeks to harmonize MIH with UAP and enhance the MIH program for future mappings in conjunction with zoning actions that significantly increase residential capacity in medium- and high-density districts. The Commission supports the proposal to equalize MIH FARs with UAP FARs in the small number of zoning districts where proposed UAP FARs are higher than existing MIH FARs. (For

example, MIH gets 3.6 FAR in R6A districts whereas UAP is proposed to get the existing AIRS FAR of 3.9.) In response to longstanding calls from elected officials, including the Speaker of the City Council and members of the housing advocacy community, the Commission is pleased to make MIH Option 3, or a 20 percent set-aside at an average of 40 percent AMI, available as a stand-alone MIH option. Today, that option is only available along with Option 1 (25 percent set-aside at an average of 60 percent AMI) or Option 2 (30 percent set-aside at an average of 80 percent AMI). The Commission notes that, while not universal, many communities want to encourage affordable housing at the lowest possible AMIs under the MIH program, even if that means fewer overall units. The Commission is pleased to provide this additional optionality to communities that want it.

The Commission also seeks to address frictions between MIH regulations and the requirements of 100 percent affordable projects subsidized by HPD and other sources of public funding. Since MIH was created in 2016, the Commission has learned that MIH is incompatible or clashes with requirements for programs like HPD's Open Door homeownership term sheet. Other programs, like ELLA or SARA, are subjected to overlapping and redundant provisions that add time and money to affordable housing projects. The Commission recognizes that requirements in the zoning text are primarily to govern privately financed mixed-income projects that HPD lacks other sources of authority, like a term sheet or regulatory agreement pursuant to subsidy. The Commission supports exempting 100 percent affordable projects from these redundant and overlapping requirements to save these projects time and money, since HPD and other government regulators have ample authority through non-zoning channels to provide oversight.

While UAP increases opportunities for supportive housing across all medium- and high-density areas, the Commission wants to maintain and streamline the ability for supportive housing to access community facility FARs in the small number of districts where these will remain higher than the UAP FARs. Today, supportive housing must seek a special permit to access community facility FARs in R6 districts without a suffix and R7-2 districts, which get 4.8 and 6.5 FAR respectively. This can add a significant amount of time and money to supportive housing projects in these districts, especially as special permits have become more and more onerous since this one was introduced in 1961. The Commission believes that reducing public review to an authorization, which goes to the affected Community Board and then the City Planning Commission for review, better balances the pressing need for supportive housing against any potential planning concerns than a full ULURP, whose time and expense prevents most projects before they get off the drawing board.

Small and Shared Housing Proposals

The Commission believes that the small and shared housing proposals, which would adjust or eliminate out-of-date regulations as part of an effort to relegalize housing types that address important and underserved segments of the housing market, are appropriate.

The Commission recognizes that “dwelling unit factor” (DUF) imposes a minimum average unit size that effectively prohibits developments consisting entirely of smaller apartments, a housing type that, in the past, has provided a foothold in the city for young professionals just starting out, older individuals, and marginally housed populations. The Commission finds it inappropriate to maintain this prohibition in its current form, especially after decades that have seen a decline in household size, both nationally and in New York City, and a rise of individuals who wish to live alone but are forced by the housing market to join with roommates and occupy family-size apartments.

The Commission heard concerns from some elected officials, community boards, and members of the public that removing DUF would spell the end of new two-, three-, and four-bedroom apartments or lead to the creation of inappropriately or even dangerously small apartments. The Commission notes that removing prohibitions on one needed housing type is additive, rather than zero sum, with other needed housing types, and that other aspects of the Housing Opportunity proposal (discussed below) remove obstacles to more family-size apartments. The Commission also acknowledges that the lack of smaller apartments creates intense competition for family-size units, especially in areas generally thought to be gentrifying, putting families with children at a disadvantage relative to households consisting of roommates with multiple incomes.

The Commission believes that a tiered approach makes sense, removing DUF from the city’s more central locations, as represented by the Inner Transit Zone, while reducing DUF to 500 beyond. The Commission notes that other bodies of law, such as the building code, the Housing Maintenance Code, the state MDL, and the federal Americans with Disabilities Act directly or indirectly control minimum apartment sizes, rendering additional regulations in zoning redundant. The Commission also supports eliminating DUF for zoning lots limited to one- or two-family homes; separate regulations limit the number of dwelling units on those sites and would remain in place.

The Commission believes that the re-legalization of shared housing models is appropriate, both for 100 percent affordable projects but also, with adequate regulation, for mixed-income and market-rate projects as well. The Commission notes that other jurisdictions around the country have reintroduced this housing type, which includes shared kitchens, bathrooms, or other common facilities, with positive outcomes for formerly homeless individuals, young professionals, people looking for flexible living arrangements for a few months or a year, and others. The Commission also notes that this would provide a formal legal pathway and greater oversight for a housing type that is informally very common—individuals living in apartments with roommates they may not have known before moving in.

The Commission heard concerns that this will bring back “SROs” and that shared housing is inherently substandard and should remain effectively banned. The Commission notes that the ban on new SROs, which dates to the 1950s, was strongly influenced by prejudice and

exclusionary impulses against the population that lived in them, typically single men, and that in subsequent decades, city agencies came to realize the role this ban played in the rise of homelessness. The Commission notes that a significant number of SROs remain in places like the Upper West Side, and improved oversight has ensured that these housing types remain an important resource in the midst of much higher-cost housing. The Commission recognizes that shared housing is not for everyone—no housing type is—but evidence from other jurisdictions indicates strong demand for both affordable and market-rate shared housing. The Commission also heard from supportive housing providers who note that, for some, the alternative to shared housing is homelessness, not a larger apartment. The Commission believes that shared housing has an important place among the full range of housing options that should be available in New York City.

The Commission notes that fully relegalizing shared housing models outside of a regulatory agreement context will require complementary modifications to other bodies of law, such as the Housing Maintenance Code, but supports removing zoning obstacles in anticipation of those changes.

Eliminate Obstacles to Contextual Development

The Commission believes that the changes to remove obstacles to contextual development on zoning lots with existing buildings, irregular and obstructed lots, waterfront lots, and narrow lots are, as modified, appropriate. At the highest level, the Commission notes that much of the work program of the Department of City Planning over the last fifty years has consisted of moving away from the Urban Renewal-era, tower-in-a-park typology that frequently clashes with the city’s built fabric but was strongly encouraged, even mandated, by the comprehensive rezoning of 1961.

Since that time, many actions of this Commission, including the expansion of Special Districts in the 1970s, the passage of the “sliver law” in the early 1980s, the advent of contextual zoning later in the 1980s, and many subsequent zoning map changes, have implemented land use regulations that encourage development in forms that comport with existing context and provide a more efficient building type than the tall, skinny “Height Factor” buildings that provide less housing than their contextual counterparts and that many New Yorkers have reacted against aesthetically. As a result of these longstanding efforts, over 99 percent of new developments in medium- and high-density areas over the last 20 years have used “contextual” zoning regulations, with definite height limits and straightforward requirements around yards and other open space. The Commission notes that the proposals squarely address the last remaining situations where zoning mandates non-contextual, Height Factor buildings—zoning lots with existing Height Factor buildings, or irregular and obstructed lots—and is pleased to support the culmination of decades of work in support of contextual zoning.

For zoning lots with existing buildings that cannot comply with contextual zoning regulations, the Commission supports the elimination of “mixing rules” that in most situations require any new development on the zoning lot to build pursuant to Height Factor regulations, even when there are ample development rights and footprints for contextual, height-limited housing. The Commission notes the perverse planning outcomes to these rules, which often force developers to double down on outdated zoning when contemporary rules would help to reduce neighborhood conflict and knit zoning lots with existing Height Factor buildings back into their surroundings.

The Commission believes that the proposal to harmonize distance between buildings rules with the state MDL is also appropriate. The Commission notes that the existing rules are a legacy of the height-factor mandate of the tower-in-a-park typology—tall, skinny buildings typically surrounded by parking lots or less functional open spaces. The Commission finds that the MDL’s requirement of a 40-foot distance below a height of 125 feet and an 80-foot distance above 125 feet is protective of contemporary light and air standards while enabling a move away from Height Factor forms if and when new development occurs on the zoning lot.

In response to comments received during public review, and in order to further the intent of these proposals, the Commission modifies the text to allow relaxed distance-between-buildings regulations only for height-limited contextual development. For Height Factor or other non-contextual development, the distance-between-building regulations will remain unchanged. This further reduces the likelihood that sites with existing buildings will produce the types of tall, skinny buildings that planners, advocates, and neighborhood residents have reacted against since almost as soon as the 1961 rezoning was enacted.

The Commission supports simplifying open space requirements on zoning lots with existing Height Factor buildings, noting that complex “open space ratio” calculations, which determines requirements based on proposed building heights and FARs, are a primary obstacle to adding non-Height Factor developments to such zoning lots. The Commission finds that a far simpler lot coverage maximum, expressed as a percentage of the zoning lot, is appropriate, with a heightened open space standard—50 percent maximum lot coverage—for campuses above 1.5 acres to reflect and preserve uses of open space typical on larger campus sites.

The Commission also recognizes the importance of addressing similar issues for irregular and obstructed lots, where odd shapes, extreme depths or other dimensions, or the presence of elevated infrastructure or other obstructions can prevent developments from using contextual zoning and force them to use Height Factor regulations that produce non-contextual developments. The Commission supports the creation for flexible contextual envelopes that enable height-limited development on zoning lots with existing buildings and irregular or obstructed lots than cannot accommodate it today. The Commission notes that a recent history of controversial buildings, some of which have ended up mired in years-long court battles, includes

many height-factor buildings on zoning lots where both developers and neighborhood residents would likely have preferred contextual developments that the zoning prohibited. The Commission is pleased to address the few remaining situations where zoning forces the non-contextual Height Factor buildings that many planners, advocates, neighborhood residents, and others have decried since the 1960s.

Related to the above, the Commission believes that adjustments to building envelopes in waterfront areas can help to address existing obstacles to affordable housing in those areas and are appropriate. The Commission has learned from the experience of recent decades that overly prescriptive waterfront envelopes have necessitated costly follow-up actions for affordable housing projects. The Commission is pleased to apply the lessons from more recent special districts that provide flexibility for affordable housing while maintaining height and setback rules that preserve visual and physical access to the waterfront.

The Commission has heard concerns overwhelmingly focused on a small subset of the situations described above—namely, infill on NYCHA campuses. Commenters expressed concerns about disruption on these campuses and the desire to limit any infill on NYCHA campuses to 100 percent affordable housing, to require tenant approval or a special permit requirement for any NYCHA infill, or to delete the proposals entirely in order to protect NYCHA campuses.

Regarding calls to restrict any infill on NYCHA campuses to 100 percent affordable housing, the Commission notes that for the last decade, *all* infill housing NYCHA has created through mayoral zoning overrides has been 100 percent affordable housing. The Commission recognizes that requiring 100 percent affordable housing goes beyond what the city can accomplish through zoning mandates. The Commission is encouraged by NYCHA's practice and policy on 100 percent affordable housing, however, and believes that zoning should support this and other efforts by NYCHA to address capital issues arising primarily from decades of federal disinvestment.

Regarding calls to eliminate these proposals entirely in response to concerns about NYCHA, the Commission notes this would harm the far more numerous sites where the effects of these proposals is uncontroversial: faith-based campuses prohibited from contextual affordable infill because a church is too tall or set back from the street line; irregular or obstructed sites forced to build non-contextual buildings that tower over anything for blocks around; cooperatives seeking to add housing to defray maintenance costs for existing buildings, and many other situations where the benefit of these proposals has generally been clear to members of the public.

The Commission notes that, unlike privately owned sites, NYCHA may seek mayoral zoning overrides, or MZOs, to enable contextual infill, and this is a process that NYCHA has used to create numerous contextual affordable developments over the last decade. While NYCHA has a measure of flexibility when it comes to zoning requirements, infill development on public housing campuses, including NYCHA campuses, is subject to alternate land use procedures that

emerge from the unique role of state and federal governments under the structure of public housing under the United States Housing Act (USHA) and the State Public Housing Law.

In particular, public housing campus infill proposals are governed by HUD Section 18 under the USHA, which requires consideration of issues relating to housing, transportation, and other land use factors as part of this federal planning and approval process. The Commission notes the evolution of this process in recent years to include robust tenant consultation and approval, enabling residents to participate meaningfully in their campus's future.

Given the existence of federal procedures that consider proposed rehabilitations and developments on individual sites, the pace of positive outcomes under these procedures, and the concerns heard during public review, the Commission modifies the proposal to exempt campuses subject to Section 18 land use procedures described above from the proposed zoning changes. The Commission does not wish to upset this delicately balanced, multilayered, tenant-focused process. The Commission applauds NYCHA and NYCHA residents for their remarkably productive relationship in recent years.

Finally, the Commission finds the changes to the "sliver law", which limits heights on narrow lots in certain zoning districts, to be appropriate and long overdue. As noted above, the sliver law was created in the 1980s to impose height limits on Height Factor buildings and towers on narrow lots at a time before such limits had been incorporated into the underlying zoning. Now that all sites either have an explicit height limit or a height-limited option, the Commission finds it appropriate to let the underlying height limits apply just as they do to other sites within the same districts. The sliver law would continue to apply to narrow sites in applicable non-contextual districts that develop pursuant to Height Factor or tower regulations, which lack explicit height restrictions.

Conversions

The Commission believes that the updates to the city's adaptive reuse regulations, which would expand the highly successful existing framework citywide and to more recent buildings, and newly enable conversion to supportive housing, shared housing, and dorms, are appropriate. At a time when the city is suffering from an acute housing shortage as well as historically high vacancy rates for office buildings and some other non-residential uses, the Commission finds this proposal to be a powerful policy tool to help the city adapt to changing conditions and address pressing challenges.

Given decades of positive experience with adaptive reuse regulations, which provide a looser set of light and air standards to enable non-residential buildings to be converted to residential, the Commission strongly supports the proposal to expand these regulations to all locations throughout the city that allow residential uses. Current applicability encompasses the city's primary and secondary office districts, but the Commission has also heard from faith-based

organizations and other owners of non-residential property located throughout the city who have not had access to these regulations in previous decades but advocate for their expansion. The Commission believes that this change will benefit not only these property owners but the city as a whole in the form of new housing and productive use of buildings that in many cases have long been vacant.

The Commission also supports expanded eligibility for the adaptive reuse allowances from pre-1961 or pre-1977 buildings to all pre-1991 buildings. The Commission notes that the eligibility dates have not been updated in almost three decades, excluding a huge tranche of underutilized office and other non-residential buildings from the 1970s and 1980s. The Commission finds the 1991 date to be appropriate, capturing non-residential buildings that have been through a full financing and leasing cycle. While most of these buildings will maintain their current uses, some buildings that are vacant or underutilized will convert. In the immediate aftermath of considering the City of Yes for Economic Opportunity proposals, the Commission recognizes that flexibility is the lifeblood of the New York City economy.

The Commission believes that expanding the existing adaptive reuse framework to allow conversions to supportive housing, shared housing, and dormitories is overdue, and that increasing flexibility on either side of the conversion process only makes the city's adaptive reuse regulations more powerful. In conjunction with the elimination of dwelling unit factor for conversions, the Commission expects these changes to render a wider range of potential conversions more economically feasible—no longer will high-end, typically large apartments be the only type of project that pencils out.

The Commission supports the removal of restrictions on conversions in C6-2M, C6-4M, C6-1G, and C6-2G districts, which allow new residential development but subject conversions to costly and time-consuming individual approval processes. Zoning restrictions have been unable to preserve legacy uses, such as garment manufacturing in Chinatown, and today contribute to vacancy and underuse of existing buildings in these areas, especially on upper floors. The Commission believes that conversions in these districts should work like they do in all other medium- and high-density districts that allow residential development. The Commission is pleased to provide more opportunities for buildings in these areas to be put to productive use, and supports the Department's work with other city agencies, nonprofits, and legal service providers to protect tenants of existing informal housing in these areas.

The Commission appreciates the broad-based support for expanded adaptive reuse regulations, heard even from members of the public who seemed to oppose virtually every other aspect of the proposals. The Commission also heard and deeply appreciates requests for affordable housing to be part of the city's expanded adaptive reuse regime. The Commission notes that last year's Office Conversion task force, a group of city agency representatives, practitioners, housing advocates, and others, found that conversion is financially feasible for only a small percentage of

vacant and underutilized office buildings, and that affordability mandates drive that feasibility to zero. The Commission is very pleased that, recognizing this, the state legislature has since passed a tax benefit to support affordability in conversions, and that conversions will now include a significant amount of affordable housing for the first time since the modern adaptive reuse framework was created in the early 1980s.

Low-Density Proposals

Low-Density District Fixes

The Commission believes that the proposed adjustments to underlying low-density districts, which would provide flexibility for homeowners and enable two- and multifamily districts to produce two-family homes and small apartment buildings again, are appropriate. The Commission notes that low-density districts have become progressively more restrictive since their inception in 1961, severely compromising the ability of these areas to contribute to the city's housing production even as the housing shortage has continued to worsen. The Commission recognizes that addressing these layers of restrictions to ensure that low-density districts can produce the types of housing they were created to produce is a sensible and basic step. The Commission considered a range of specific changes to FAR, perimeter heights and setback regulations, yard and open space requirements, parking location regulations, and minimum lot area and width requirements. The Commission recognizes that, in many instances, the proposed changes merely reflect existing conditions rather than a set of novel proposals.

The Commission finds the adjustments to FARs to be appropriate. Vast numbers of homes across low-density districts are “overbuilt”, creating difficulties for some homeowners when they want to take out insurance, get a home equity loan, or enlarge their homes, and the Commission is pleased to address this widespread issue. The Commission also recognizes that this additional FAR is necessary on most sites to accommodate a size-limited ADU, a proposal described more fully below.

The Commission believes the adjustments to perimeter heights to be appropriate, and notes that no changes to maximum heights are proposed. Experience from recent decades shows that it can be difficult for many sites to fit two full stories within 21-foot perimeter heights, a major reason why new construction in two- and multifamily low-density districts tends to be single-family. These tight perimeter heights also render many existing homes non-compliant. The Commission also finds that the elimination of rear and side setbacks, which can create cost and constructability issues for new development with minimal, if any, benefits for light and air, is appropriate. This follows a similar move in medium- and high-density districts as part ZQA in 2016.

The Commission acknowledges the extensive existing conditions analysis that went into the low-density yard proposals, and finds that the proposed adjustments to rear, side, and front yards are

appropriate, as are the proposed shallow lot relief and the provision of flexibility for small courts to provide better light and air. The Commission believes that reduction of rear yards from thirty feet to twenty feet (with sliding-scale relief for very shallow lots) and side yards from eight feet to five feet in most districts can provide flexibility for modest home enlargements, ADUs, or simply better layouts for one- and two-family houses or the modest apartment buildings allowed in many low-density districts. The Commission supports the proposals to standardize front yard planting requirements and to simplify yard requirements based on complicated “open space ratio” calculations in the few districts where they remain. The Commission supports the expansion of more flexible regulations for small courts from medium- and high-density districts, which was created by ZQA in 2016 and helps to relegalize some of the features that give many pre-war apartments buildings better light and air than their contemporary counterparts.

The Commission appreciates the need to adjust minimum lot area and width requirements in many districts. Again, this is largely an effort to align these regulations with existing conditions in low-density areas. The Commission notes that, under today’s regulations, many sizeable vacant lots in districts that ostensibly allow multiple dwelling units are forced instead to build one-family homes or to seek costly and time-consuming approval processes.

Among the range of proposals affecting low-density districts, the Commission heard relatively few concerns about these proposed “district fixes.” Notably, however, the Department received over one hundred electronic submissions from residents of Fieldston in the Bronx who object because they believe these adjustments will lead to denser development in R1 through R3 districts. The Commission notes that “district fixes” will not increase the number of dwelling units allowed beyond what is already allowed under the basic regulations and will be utilized only gradually over time through occasional home expansions or the construction of new housing. The Commission stresses that these changes are not intended or expected to alter neighborhood character, especially in R1 districts protected by extensive historic districting, as in Fieldston.

Town Center Zoning

The Commission believes that the proposal to relegalize two to four stories of housing above non-residential ground floors in low-density commercial and mixed-use districts is appropriate. It would revive an iconic building form that represents the built context throughout much of the applicable geography, reinforcing neighborhood character and introducing more “missing middle” housing options in areas that badly need them. The Commission notes the decades-long trend of land use regulations that support either one-family homes or larger multifamily housing, with relatively inexpensive three- to five-story multifamily developments becoming harder and harder to build. Over time, this creates a gap in the housing market that contributes to the housing shortage and makes “starter homes” or relatively affordable rentals increasingly hard to find.

The Commission believes that the associated increases in FARs and heights are appropriate, as are the reduction or elimination of parking requirements for non-residential uses in new mixed developments, which is crucial to provide meaningful opportunities for take up on a wider range of sites where Town Center regulations apply. The Commission is pleased that a preferential FAR for mixed developments will encourage retail and other street-life-enhancing uses on ground floors.

The Commission notes the widespread support for this proposal but heard some concerns about impact on low-density residential areas immediately adjacent to commercial uses. The Commission notes that the proposal maintains a hierarchy of FARs and heights so that, for instance, the lowest density areas farther from transit receive only 1 FAR for residential uses and a 35-foot maximum height, a modest bump in FAR within the same overall maximum height as one-family homes. The Commission also believes that the proposal does not impinge on these areas to a greater degree than the existing commercial or mixed-use districts to which it applies and is pleased at the targeted nature of this proposal to allow incrementally more housing in low-density areas.

The Commission also heard concerns about effects on existing businesses in these areas, such as displacement during redevelopment. On balance, the Commission believes these proposals are beneficial not just for future residents but for local businesses as well. The Commission believes that more residents will reinforce commercial strips and support local businesses, and that heightened vacancy rates for non-residential space in much of the city reduce concerns about the ability of businesses to locate in these areas. Again, the Commission also supports the incentives for ground-floor non-residential space to ensure that redevelopment does not reduce the availability of non-residential space.

Transit-Oriented Development and Qualifying Sites

The Commission believes that the proposal to allow “missing middle” housing on large zoning lots on wide streets or short ends of the block within a half mile of transit stops is appropriate. The Commission notes that “transit-oriented development” (TOD) is one of the basic principles of contemporary planning and addresses some of today’s biggest challenges, including housing shortages and climate change. The Commission acknowledges the years of existing conditions analysis that inform the proposal and appreciates that the qualifying site criteria are based on the types of sites that often have multifamily buildings on them today from an era prior to the 1961 ban on apartments in vast swaths of the city.

The Commission believes that applicability within the city’s expanded transit geographies, including a new “Outer Transit Zone” that expands on the exiting Transit Zone and includes any non-Transit Zone blocks with portions within a half-mile of a subway or rail stop, is appropriate, and will allow for automatic expansion of TOD when new subway or rail stops are created. The Commission finds that additional FAR and height for qualifying sites, ranging from 1 to 2 FAR

and 35 to 55 feet depending on underlying district, is appropriate, as is allowing multifamily housing on lots within one- or two-family districts that meet the above criteria.

The Commission heard from residents of low-density districts, particularly one-family districts who are concerned about the incursion of multifamily housing into their neighborhoods and the effects on neighborhood character. The Commission received several hundred comments from the residents of Victorian Flatbush, for instance, many of whom recommended appropriate locations for new housing outside the neighborhood. The Commission notes that sites must meet several layers of criteria in order to qualify—not only proximity to transit, but also a size threshold and location on a wide street or short end of a block—and that, even then, a large majority of qualifying sites are not expected to develop. This proposal, no less than the others, represents an incremental change across a wide geography that will create some opportunities on the margin but is not intended or expected to result in a transformative amount of development in any one area. With respect to these many comments, the Commission does not believe that large sites, some mere steps from public transit infrastructure that grants enviable access to the city’s job centers, should be legally prohibited from containing modest multifamily housing.

Regarding recommendations by some low-density areas, particularly Victorian Flatbush, to put housing elsewhere, the Commission underscores the nature of the City of Yes for Housing Opportunity, which is to enable a little more housing in every type of residential neighborhood, including areas that have been passed over or protected in the past. For a truly citywide proposal such as this, the Commission notes that there is no “instead”, no alternate locations for housing that could or should relieve more privileged quarters from a role in addressing the collective problem of our housing shortage. This is especially true in areas with excellent access to transit and other infrastructure; the Commission concurs with the rest of the planning field that these are precisely the areas where the city should look for appropriate ways to add more housing.

The Commission believes that extending qualifying sites to large community facility sites is appropriate. Large community facility sites in low-density areas generally create their own context and many of them, such as faith-based organizations and libraries, are increasingly looking for ways to co-locate community facility and residential uses. The Commission notes that an accelerating number of faith-based organizations have sought to develop infill housing on their campuses or redevelop sites with new worship and community space below and affordable housing above. The Commission has also facilitated the successful redevelopment of public libraries in Sunset Park and Inwood in recent years, resulting in lauded updates of library space and over 200 permanently affordable apartments. The Commission is pleased to reduce obstacles to these opportunities through the Housing Opportunity proposals.

Low-Density Infill

The Commission believes that facilitating “missing middle” housing on large campuses in low-density areas is appropriate. Multifamily housing on campuses fills an important role in low-

density areas, whether public housing or private coops and rentals, but existing regulations make it very difficult for campuses with development rights and underutilized space to provide more of it. The Commission supports the proposal to provide campuses of over 1.5 acres with 45-, 55-, or 65-foot height limits, depending on district, as well as simplified open space requirements and a 50-percent lot coverage maximum. The proposal does not increase available FAR beyond the “district fixes” discussed above.

The Commission heard concerns about campus infill proposals, though mostly from medium- and high-density areas about campuses in those districts. The Commission has addressed those concerns above. Low-density campuses tend to be more modest in scale, with more open space and greater distance between buildings. The Commission believes that the proposed height limits—which, at their highest, do not exceed the heights of ubiquitous six-story, semi-fireproof buildings from earlier on the 20th century—help to ameliorate concerns about light and air in low-density areas.

Ancillary Dwelling Units (ADUs)

The Commission believes that the proposal to allow ancillary dwelling units, or ADUs, for one- and two-family homes is appropriate. The Commission believes that the proposal strikes the right balance between enabling ADUs flexibly and ensuring that they are safe and mesh well with existing built fabric. The Commission notes that ADUs will be size-limited and must fit within the maximum FAR for a zoning lot or within the extent of an existing structure, and that any new attached or detached ADU will require clear fire access to the street and must be set back at least five feet from any lot lines. The Commission further notes that ADUs are effectively the only way that the city’s lowest-density neighborhoods can participate, however modestly, in the proposal’s fundamental fair housing goal to enable more housing in every residential neighborhood.

The Commission heard a range of concerns from low-density areas, primarily about neighborhood character, infrastructure, and flooding and safety concerns, generally premised on the belief that participation in an ADU program would be near-universal. Others expressed concerns that ADUs would be too expensive or too onerous to permit and build, largely as an argument to eliminate the proposal rather than to make it more workable.

As a primary response to both neighborhood character and infrastructure concerns, the Commission emphasizes that the ADU and other proposals are designed to be incremental in nature across the widest possible geography, with changes on any one block or neighborhood much more modest in scope and scale than one sees as part of a neighborhood rezoning or even a private rezoning of any size. Based on evidence from other jurisdictions as well as the proposal’s environmental review, the Commission expects to see less than five percent participation in an ADU program over fifteen years. The Commission notes that, overall, the Housing Opportunity proposals are expected to create an average of less than one new unit per acre over a 15-year

period, with the ADU proposal representing only a fraction of those units. The Commission notes that this approach was intentional and specifically motivated by the desire to create enough housing to address the shortage without impacting neighborhood character or overtaxing infrastructure.

Regarding flooding and safety concerns, the Commission notes that no ADUs are permitted in Special Coastal Risk Districts and no subgrade ADUs are permitted within the 100-year flood plain, a more stringent requirement than applies to other types of residential space. The Commission appreciates the ongoing participation of the Fire Department, the Department of Environmental Protection, DOB, the Mayor's Office of Climate and Environmental Justice, and a range of other city agencies in the proposal development and implementation process to address potential safety issues. The Commission notes that ADUs are not inherently more dangerous than other housing types and that ADUs must comply with laws and regulations beyond zoning, such as the Building Code and Housing Maintenance Code, that also support health and safety.

The Commission also received comments from homeowners and advocates such as AARP who support ADUs as a way to provide more options for multigenerational families, new ways for older New Yorkers to age in place, space for younger New Yorkers who want to return to the neighborhood they grew up in after college, or simply a way for middle-income homeowners to earn income for household expenses. The Commission notes that data from other jurisdictions shows that these are the functions ADUs have served in the places that have legalized them. The Commission recognizes that New York City is several years behind other jurisdictions on ADUs, but believes this proposal is well-designed to ensure that one- and two-family homeowners in New York City are not left behind.

The Commission notes that adjustments to other bodies of law, such as the Building Code and state MDL, can make these zoning changes farther reaching if and when the relevant legislative bodies act.

Parking

The Commission believes that the proposal to eliminate parking requirements for new housing development throughout the city, and other changes to parking regulations, as described below, are appropriate.

The Commission recognizes that many other cities in the United States, Canada, and elsewhere have already eliminated parking requirements, with positive consequences for housing production and no obvious adverse consequences for traffic, congestion, or parking availability. While New York City is the most transit-rich city in North America, the Commission acknowledges that many parts of the city remain auto-dependent. If other jurisdictions are any

guide, the Commission expects that developers of projects farther from transit will continue to provide as much parking as they believe building residents will demand.

The Commission notes that the proposal will not cap parking and that many such projects provide more parking than required today, and this proposal will allow that to continue if developers choose. The Commission understands that the proposal would not eliminate parking requirements for existing multifamily housing but would create an authorization that goes to the affected Community Board and to the Commission to eliminate or reduce parking requirements for existing housing.

The Commission also believes that eliminating or reducing parking requirements for non-residential uses in mixed developments, depending on lot size and applicable transit geography, is appropriate. The Commission notes that high non-residential parking requirements can render infeasible mixed developments that would enhance neighborhood character and have the potential to frustrate the intent behind residential parking reforms if not broadened.

The Commission supports other adjustments that would make parking a more flexible neighborhood resource, such as expanding allowances for public use of accessory parking spaces when not needed by building residents, as well as streamlining floor area exemptions for parking to make parking simpler and easier to provide when desired by developers or homeowners. The Commission also supports the proposed technical corrections and cleanups to the Manhattan Core parking regulations.

The Commission heard a range of concerns from elected officials, neighborhood residents, and others who believe that eliminating parking requirements will eliminate parking, greatly exacerbating existing difficulties in many neighborhoods for residents looking for free on-street parking. The Commission acknowledges the frustration of residents who do not want or cannot afford to pay for off-street parking and face intense competition for limited free on-street parking with other neighborhood residents in similar situations. The Commission notes that the worst-case scenario has not come to pass in the many other jurisdictions that have eliminated parking requirements, since development happens gradually and many or most developments continue to provide parking if they believe building residents will demand it. The Commission notes that nothing in the proposal will ban or limit parking; on the contrary, many changes make it easier for developments to provide parking and allocate it more flexibly. Finally, the Commission wishes to acknowledge the profound importance of building more housing and the need to rebalance the relationship between parking and housing to achieve this goal. Without diminishing the concerns expressed about changes to parking regulations, the Commission believes that not being able to find a home is a policy concern of fundamental gravity that the proposed changes to parking can help to address.

Miscellaneous Provisions

New Districts. The Commission believes that the creation of new zoning districts to fill gaps in the hierarchy of densities and, in light of recent state law changes, to accommodate future zoning map changes above 12 FAR, is appropriate.

The Commission heard concerns and questions about residential development above 12 FAR and where these new districts would be mapped. The Commission notes that these districts will only have applicability if and when mapped in the future in conjunction with future planning processes and full environmental review pursuant to CEQR and public review pursuant to ULURP.

Street Wall Regulations. The Commission believes that the changes to street wall and base height regulations, which would allow developments to better align with neighboring buildings and simplify dormer provisions, are appropriate. The Commission lauds changes like these, which take successful approaches from Special Districts or other geographically limited areas, and make them the new rule over a broader geography.

Relief for Irregular or Challenged Sites. The Commission believes that the expansion of successful regulations for irregular and challenged sites is appropriate, including categorical height and setback relief for sites adjacent to elevated infrastructure, an increase in tower lot coverage for small lots, and allowances for compliance with Americans with Disability Act (ADA), rooftop recreation space, or other beneficial but minor alterations that zoning prohibits today for overbuilt buildings. The Commission is pleased that these changes will make better housing, often in more efficient building forms that make better neighbors.

The Commission also supports, with clarifying modifications, the new framework for discretionary relief that subsumes multiple existing BSA and CPC actions created over time into a single, more flexible CPC authorization with definite guidelines for projects that require more relief than is provided through the as-of-right allowances. The Commission heard some concerns from Community Boards and others about the breadth of this action, but believes that clarifying text addresses these issues and underscores the limits to the scope of the authorization.

Qualifying Ground Floor. The Commission believes that simplifying the “qualifying ground floor” criteria, which provide an additional five feet of height for developments in applicable zoning districts, is appropriate. The original intent of these provisions was to incentivize taller ground floors more suitable for non-residential uses, and the Commission finds this purpose is better served by a simple requirement for a 13-foot ground floor rather in order to access additional overall height rather than other conditions unrelated to this objective.

Flexibility for Split Lots. The Commission believes that additional flexibility for zoning lots split by a district boundary—specifically the flexibility for such lots to shift floor area from the lower

density portion of the zoning lot to the higher density portion—is appropriate. The Commission notes that this flexibility has worked well in the few districts where it already exists and supports broader applicability. The Commission notes that it allows floor area to move from generally more sensitive mid-blocks and other lower density areas to generally less sensitive wide streets and other higher density areas, which makes planning sense and is responsive to concerns expressed by some Community Boards about mid-block development.

Tower-on-a-Base Changes. The Commission believes that simplifying and unifying the various tower-on-a-base regulations created over previous decades is appropriate. The Commission notes that the original intent of tower-on-a-base regulations was to encourage development with a contextual base and lower overall heights than traditional tower regulations, and that the higher base heights and tower coverage maximums included in this proposal will result in better outcomes along both dimensions—bases that fit in better with existing built context and lower overall heights. The Commission believes this is responsive to concerns frequently voiced by neighborhood residents in areas where tower-on-a-base regulations apply and would also enable a more efficient building form that would make it easier to develop housing on these sites.

Side-by-Side Residences. The Commission believes that enabling side-by-side two-family residences as-of-right in two-family districts where such residences currently require an authorization is appropriate. The Commission notes that the planning rationale for this restriction has never been clear and believes that affording more flexibility for the design and layout of two-family homes in two-family districts fits in well with the District Fixes outlined above.

Eliminating Exclusionary Geographies. The Commission believes that eliminating various exclusionary geographies, or zoning restrictions that represents anti-housing political outcomes that are difficult to justify in planning terms, is appropriate in the context of these fair housing proposals. The Commission believes: that zoning districts should not have lower FARs and heights in the Manhattan Core than in less central parts of the city; that all R10 and R10-equivalent districts in Manhattan Community District 7 should be able to accommodate bonuses and preferential FARs for affordable housing; that heights in R8 districts in Manhattan Community District 9 should be able to accommodate preferential FARs for affordable housing; that Limited Height Districts, created before the advent of contextual zoning, are no longer necessary now that these areas have underlying height limits; and that remaining restrictions on nursing home development in three Community Districts should be eliminated.

The Commission heard concerns from Greenwich Village Society for Historic Preservation about eliminating the FAR and height penalty within the Manhattan Core. The Commission notes that the Manhattan Core has the best access to jobs and transit of any other geography in the city, and fails to see the planning logic in suppressing housing production there relative to the same districts elsewhere.

Railroad Right-of-Way. The Commission believes that simplifying and streamlining the railroad right-of-way special permit is appropriate and long overdue. The Commission notes that the special permit has been increasingly difficult to administer as the September 27, 1962 applicability date for railroad or transit air space recedes in time, leading to confusion, litigation, and unnecessary delay for zoning lots that may have touched a railroad right-of-way at any time since September 27, 1962. The Commission appreciates the input from the MTA and other relevant entities during the proposal development phase and public review, and believes the proposed tiered approach protects the objectives of the original special permit: to preserve any current or future railroad use, and to prevent unforeseen development outcomes on large zoning lots that sometimes result when railroad right-of-ways are extinguished.

In response to discussions with the MTA, the Commission believes a modification to the proposed definition of “former railroad right-of-way” is appropriate to include a tract of land where a rail company may still have the right to occupy or use such land for railroad purposes but where the rail company has deemed it unnecessary for future railroad purposes. This would allow rail companies that own historic railroad right-of-ways to develop such land for non-railroad purposes if they deem it unnecessary for future transit use.

The current special permit also includes a finding that allows a reference plane other than curb level to be established by the Commission, and such mechanism should be carried over to the proposed authorization for zoning lots that require the proposed certification to build over a right-of-way. Such modification would preserve the Commission’s ability to establish a reference plane for applicable regulations pertaining to height and setback, floor area, lot coverage, and other regulations where a development is built above railroad tracks, and the platform is not the same level as the surrounding curb level or other applicable reference plane.

Landmark TDR. The Commission believes that the modifications to the landmark TDR program, including expanding the transfer radius, allowing transfers within low-density districts and historic districts, and streamlining the approvals process, are appropriate. The Commission notes that the existing rules have been in place since 1968 and have resulted in only about a dozen transfers, all in Midtown or the Financial District. The Commission expects these modifications will help the program achieve its original purpose—to support and preserve landmarks for future generations—and will provide significant support categories of landmark owners, such as religious institutions, that have not been able to benefit from the existing program.

The Commission heard concerns that an improved landmark TDR program would lead to the piling of development rights from several landmarks on a single receiving site or a chain of transfers from landmark to landmark and block to block to inappropriate receiving sites, and others advocated to keep landmark TDRs a special permit. The Commission notes that, outside the highest density commercial districts, landmark transfers may only increase maximum FAR on a receiving site by 20 percent, limiting the ability to “pile” development rights on a single

site, and that development rights may only move from the generating landmark site to a valid receiving site and may not be subsequently transferred. The Commission also believes that maintaining landmark TDRs as a special permit would undermine the goal of these changes, since the time, money, and uncertainty of a full ULURP is beyond the capacity of all but the most sophisticated developers and high-value transfers. A special permit is significantly more onerous now than it was when landmark TDRs were created, and the Commission believes it is time to adjust the amount of process required to a more appropriate level.

Home Enlargement in Certain Geographies. The Commission believes that enabling enlargements of one- and two-family homes as of right rather than the current BSA special permit is appropriate. The Commission notes that over time these actions have become routine but still represent a significant expense and process burden for one- and two-family homeowners. The Commission supports this change within the existing applicable geography and a somewhat expanded area in response to requests from homeowners.

Other Adjustments to Light and Air. The Commission believes that adjustments to rear yard, window-to-lot-line, minimum court dimension, and maximum lot coverage in order to allow better buildings with improved access to light and air are appropriate. The Commission notes that today, rear-yard, window-to-lot-line, and minimum court dimension regulations are set at 30 feet, which effectively force developments on a typical 100-foot-deep lot into a “bar building” form, with apartments with a single exposure on either side of a double-loaded corridor. The Commission supports additional flexibility to relegalize building forms utilizing inner and outer courts to create multiple exposures, windows in kitchens and baths, and cross-ventilation.

The Commission heard concerns from some Community Boards and others who believe that reducing the 30-foot dimension in order to provide additional flexibility would diminish light and air standards, not enhance them. The Commission understands and acknowledges why Community Boards and others might believe this, but points to countless juxtapositions across the city where new “luxury” construction has demonstrably worse access to light and air under existing standards than 75- or 100-year-old buildings next door, when windows in kitchens and bathrooms were standard on larger-lot developments. The Commission believes that zoning can and should encourage better buildings.

Amenities. The Commission believes that changes to zoning incentives for residential amenity space and trash collection are appropriate. These rules exempt recreation space and trash rooms from zoning floor area, but are too narrow and out-of-date to reflect contemporary best practices. The Commission supports extending amenity exemptions to all multifamily buildings, increasing the cap to five percent of zoning floor area, and expanding the types of eligible space to include not only recreational space but also lounges, communal workspaces, package rooms, fitness centers, laundry facilities, wellness services, or pet amenities. The Commission also supports the requirement for amenity space equal to at least three percent of overall floor area. The

Commission also supports changing the current trash room regulations, which predate recycling requirements and the ADA, to a flat three square feet per unit, which would newly enable exemptions for centralized, off-street waste collection.

Special Districts. The Commission believes the approach to the proposal’s applicability within special districts is appropriate. In light of the fair housing principles that animate these proposals, the Commission recognizes the importance of applying changes from this proposal within special districts, in particular UAP and the elimination of parking requirements, with adjustments where necessary to reflect essential planning goals embedded in special districts or exempt provisions recently negotiated in the city’s newest special districts.

Vesting. In response to comments received during public review, the Commission modifies the proposed text to enable projects underway on the date of this proposal’s enactment to proceed, if they choose, under the prior zoning. The Commission recognizes that in almost all instances, this proposal provides new options and opportunities rather than taking them away, but in a text amendment of this size and scope the Commission finds it important to acknowledge and accommodate the reliance interests of those involved in the housing development process.

Conclusion

At a time when the city’s housing shortage threatens an ever-greater number of New Yorkers, limits the ability of the economy to grow, compromises our climate and environmental goals, and impacts the city’s fiscal health, the Commission is proud to forward the biggest and farthest-reaching set of pro-housing zoning proposals in New York City history. The Commission strongly believes in a citywide approach, with a varied set of proposals that reach from the lowest density areas to the highest and make for a stronger, more livable city that ultimately benefits everyone, whether they struggle to find housing or not. The Commission applauds the many stakeholders, advocates, Community Boards, elected officials, and everyday New Yorkers who have participated in the Housing Opportunity process and helped to reach this crucial—but not yet final—milestone. The Commission hopes to look back on this process as the moment when the city embarked on initiatives truly commensurate to the immense challenge that our housing shortage represents.

RESOLUTION

RESOLVED, that having considered the FEIS, for which a Notice of Completion was issued on September 13, 2024, with respect to this application (CEQR No. 24DCP033Y), and the Technical Memorandum dated September 24, 2024 (the “Technical Memorandum 001”) the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS and the Technical Memorandum 001 were evaluated in relation to the social, economic and other considerations associated with the action that are set forth in this report; and
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action as modified is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum 001, constitutes the written statement of findings that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the Proposed Action as modified is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

[VIEW THE TEXT AS ADOPTED BY THE CITY PLANNING COMMISSION](#)

The above resolution (N 240290 ZRY), duly adopted by the City Planning Commission on September 25, 2024 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

**GAIL BENJAMIN, ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK,
DAVID GOLD, Esq., RASMIA KIRMANI-FRYE, RAJU MANN, ORLANDO MARÍN,
RAJ RAMPERSHAD,** *Commissioners*

ALFRED C. CERULLO, III, LEAH GOODRIDGE, Esq., JUAN CAMILO OSORIO,
Commissioners, VOTING NO



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 7	# Abstaining: 1	Total members appointed to the board: 8
Date of Vote: 7/3/2024 12:00 AM		Vote Location: Virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	BX CB2	Date: 7/8/2024 12:37 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 20	# Against: 0	# Abstaining: 0	Total members appointed to the board: 20
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 1332 Fulton Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/12/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	1332 Fulton Avenue

CONSIDERATION: See downloaded document

Recommendation submitted by	BX CB3	Date: 7/8/2024 4:05 PM
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City of Yes Housing Opportunity Comments & Recommendations

Low Density

Zoning for Town Center

Recommend

If a project falls within the zoning guidelines in low-density areas, it should receive fast-track approval and not be subject to cancellation by the community. Concerns regarding traffic congestion and parking available to customers.

Transit-Oriented Development

Recommend

If developers provide parking for tenants at a percentage of market cost. Approve this in low-density areas within a certain distance of bus routes.

Accessory Dwelling Units

Recommend

If these conversions are done within the City's building code, proper inspection must be done before occupancy. Please provide additional information on the potential impact of these improvements/additions on property taxes, not only for the homeowner making these modifications but also for their neighbors.

District Fixes

Recommend

Additions are permanently affordable. Additional information on the potential impact of these improvements/additions on property taxes, not only for the homeowner making these modifications but also for their neighbors.

Universal Affordability Preference

Recommend

20% affordability preference from non-supportive housing
Seniors and Veterans before homeless and non-citizens

Lift Costly Parking Mandates

Recommend

Bus service has to be improved dramatically to encourage people to go without cars
Parking Accessibility

Do Not Support

This does not support the rights of car owners. This will reduce access to parking. This should be removed
Medium-density areas buildings within areas without no street parking should be mandated to have indoor cost-effective parking
There is not enough public transportation available; recent cuts in service do not provide adequate public transportation

Covert Non-Residential Buildings to Housing

Recommend

Restrictions to areas where the density is low
A fair price for apartment rental
Must provide MIH as part of the rezoning process

Small and Shared Housing

Recommend

Units be permanently affordable?

Do Not Support

This will increase density without supporting garbage pickup, policing, etc.
Do not approve of shared kitchens or other common facilities. Recommend removal
No shared kitchens or common shared facilities
This will encourage landlords to create shoddy facilities and gouge tenants
Privacy no hostels

Campus Infill

Recommend

Faith-based organizations are not allowed to develop housing for the homeless population

4 - Do Not Support

This will undermine the ability of faith-based communities to have parking for their vehicles.
This will cause the elimination of green spaces and parking.

New Zoning Districts

Recommend

Remove zoning districts
Develop what we have now
across every part of the city, not to overburden the poorest areas

Update to Mandatory Inclusionary Housing

Recommend

Remove this mandatory inclusionary housing from the text amendment
Ensure that every community district is impacted

Sliver Law

Recommend

Remove from zoning text amendment
Bronx residents have affordability access

Quality Housing Amenity Changes

Recommend

Landmark Transferable Development Rights

Recommend

Landmark status will continue to exist

Faith-based organizations will not be exempt from taxation

Railroad Right-of-Way

Recommend

That this will be a viable addition to the area

Community Recommendations

Housing developments should be designed to match the income levels of the neighborhood. Area Median Income (AMI) should be based on the county or community district, not calculated from the entire metropolitan area.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 29
Date of Vote: 6/27/2024 12:00 AM		Vote Location: Bronx Museum of the Arts	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/27/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Bronx Museum of the Arts

CONSIDERATION: Bronx Community Board Four voted unanimously in favor for City of Yes for Housing Opportunity with conditions pertaining to parking, mass transit and shared housing. Please see the attached document which details these conditions.

Recommendation submitted by	BX CB4	Date: 7/8/2024 1:19 PM
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City of Yes for Housing Opportunity

Bronx Community Board Four Voted in Favor of City of Yes for Housing Opportunity at its General Board Meeting held on Thursday, June 27, 2024 with the following conditions:

1. **Lifting Costly Parking Mandates** - The proposal eases zoning restrictions to allow more housing to be built without addressing the impacts to parking in a District where there is already a crisis in terms of parking availability. More housing will certainly result in more residents, some of whom will need parking. The proposal **must** address the issue of parking availability rather than just lifting parking mandates to enable housing construction.
2. **Mass Transit** - With an overburdened mass transit system already experiencing service issues and delays, Community Board Four feels that construction of any additional housing **must require** correlating upgrades in transit service to account for the additional customers using the system.
3. **Smaller Shared Housing** - The proposal calls for smaller Single-Room-Occupancy type units as well as Shared Housing arrangements. Community Board Four **is not in favor** of this as there is a belief it will create a "Rooming or Boarding House" type of atmosphere. In addition to building more affordable housing for families, there should be a focus on creating more affordable studio or 1-room units for single residents.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 1	# Against: 21	# Abstaining: 0	Total members appointed to the board: 22
Date of Vote: 5/16/2024 12:00 AM		Vote Location: Davidson Community Center	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/16/2024 5:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	DAvidson Community Center

CONSIDERATION: The Community Bard voted to no support this propostion.

Recommendation submitted by	BX CB5	Date: 5/24/2024 9:32 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 0	# Against: 22	# Abstaining: 0	Total members appointed to the board: 22
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 1870 Crotona Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: We support 4 of the proposals, oppose 9, and have no opinion on 2.

Recommendation submitted by	BX CB6	Date: 6/20/2024 11:22 AM
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City of Yes for Housing Opportunity

Instructions: This worksheet is for anyone who chooses to express their support or concerns. If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific goal or project component. You can leave notes in the comments section.

Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development

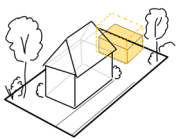


Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



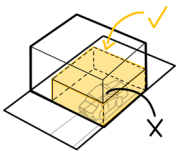
Allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

Support

Do Not Support

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

How to Submit:

If you choose to submit the optional worksheet, please upload it as a pdf to the land use portal as an attachment with your board's final resolution for Housing Opportunity. For any questions, please reach out to us at

HousingOpportunity@planning.nyc.gov





COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 13	# Against: 3	# Abstaining: 5	Total members appointed to the board: 29
Date of Vote: 6/25/2024 12:00 AM		Vote Location: 2950 Southern Boulevard, Bronx, NY 10458	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/11/2024 5:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	2501 Grand Concourse, 3rd Floor, Bronx, NY 10468

CONSIDERATION: Dear Director Daniel Garodnick,	
On June 25, 2024, at its General Board meeting, Bronx Community Board 7 (Bronx CB7) voted in support of City of Yes for Housing Opportunity (ULURP Number: N240290ZRY) with comments and recommendations. Overall, Bronx Community Board 7 supports the following proposed zoning amendments: Town Center Zoning, District Fixes, Universal Affordability Preference, Convert Non-Residential Buildings to Housing, Small and Shared Housing, Campus Infill, New Zoning Districts, Update to Mandatory Inclusionary Housing, Quality Housing Amenity Changes, Landmark Transferable Development Rights, and Railroad Right-of-Way. On the other hand, Bronx Community Board 7 does not support the following proposed zoning amendments: Transit-Oriented Development, Accessory Dwelling Units, Lift Costly Parking Mandates, or Sliver Law.	
Recommendation submitted by	BX CB7
Date: 7/1/2024 4:56 PM	



THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD 7



HON. VANESSA L. GIBSON, BOROUGH PRESIDENT

YAJAIRA ARIAS, CHAIRPERSON

KARLA CABRERA CARRERA, DISTRICT MANAGER

July 1, 2024

Daniel Garodnick, Director
 NYC Department of City Planning
 1775 Grand Concourse, Suite 503
 The Bronx, NY 100539

RE: Bronx CB7’s Opinion on City of Yes for Housing Opportunity

Dear Director Daniel Garodnick,

On June 25, 2024, at its General Board meeting, Bronx Community Board 7 (Bronx CB7) voted in support of City of Yes for Housing Opportunity (ULURP Number: N240290ZRY) with comments and recommendations.

Overall, Bronx Community Board 7 supports the following proposed zoning amendments: Town Center Zoning, District Fixes, Universal Affordability Preference, Convert Non-Residential Buildings to Housing, Small and Shared Housing, Campus Infill, New Zoning Districts, Update to Mandatory Inclusionary Housing, Quality Housing Amenity Changes, Landmark Transferable Development Rights, and Railroad Right-of-Way. On the other hand, Bronx Community Board 7 does not support the following proposed zoning amendments: Transit-Oriented Development, Accessory Dwelling Units, Lift Costly Parking Mandates, or Sliver Law. Bronx CB7’s Proposed Zoning Amendments Feedback Worksheet is below:

Bronx Community Board 7’s Proposed Zoning Amendments Feedback Worksheet		
Low-Density		
Proposed Zoning Amendment	Support / Do Not Support	Recommendations & Comments
Town Center Zoning	Support	Although in support, Bronx CB7 has concerns that more housing will create more traffic congestion in our district.
Transit-Oriented Development	Do Not Support	Bronx CB7 recommends, Neighborhood Assessments be conducted to ensure there are enough services to meet the growing population needs.
Accessory Dwelling	Do Not Support	Bronx CB7 believes that permitting accessory



THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD 7



HON. VANESSA L. GIBSON, BOROUGH PRESIDENT

YAJAIRA ARIAS, CHAIRPERSON

KARLA CABRERA CARRERA, DISTRICT MANAGER

Units		dwelling units could lead to housing that is environmentally hazardous, and unsafe in case of a fire and/or other emergency.
District Fixes	Support	
Medium and High Density		
Proposed Zoning Amendment	Support / Do Not Support	Recommendation (s)
Universal Affordability Preference	Support	Make housing affordable to the average Bronx CB7 resident.
Citywide		
Proposed Zoning Amendment	Support / Do Not Support	Recommendation (s)
Lift Costly Parking Mandates	Do Not Support	Car ownership is still important for individuals with accessibility constraints, seniors, and families with children.
Convert Non-Residential Buildings to Housing	Support	
Small and Shared Housing	Support	
Campus Infill	Support	
Miscellaneous		
Proposed Zoning Amendment	Support / Do Not Support	Recommendation (s)
New Zoning Districts	Support	Make housing affordable to the average Bronx CB7 resident.
Update to Mandatory Inclusionary Housing	Support	



THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD 7



HON. VANESSA L. GIBSON, BOROUGH PRESIDENT

YAJAIRA ARIAS, CHAIRPERSON

KARLA CABRERA CARRERA, DISTRICT MANAGER

Sliver Law	Do Not Support	Bronx CB7 supports the preservation of private homes.
Quality Housing Amenity Changes	Support	
Landmark Transferable Development Rights	Support	
Railroad Right-of-Way	Support	

If you have any questions, please feel free to email me at kcabreracarrera@cb.nyc.gov and/or call me at (929) 496-0748. Thank you.

Sincerely,

Karla Cabrera Carrera
District Manager
Bronx Community Board 7

Yajaira Arias
Chair
Bronx Community Board

cc:

Housing Preservation & Development Commissioner Adolfo Carrión,
Bronx Borough President Vanessa L. Gibson,
Council Members: Eric Dinowitz, Pierina Sanchez, and Oswald Feliz
Assembly Members: George Alvarez, John Zaccaro Jr, and Yudelka Tapia
State Senate Members: Robert Jackson and Gustavo Rivera
Congress Members: Adriano Espaillat and Ritchie Torres



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 29	# Against: 0	# Abstaining: 2	Total members appointed to the board: 31
Date of Vote: 6/26/2024 12:00 AM		Vote Location: Wave Hill 675 West 252nd Street Bronx, NY 10471	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/23/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	In Tech Academy 2975 Tibbett Ave. Bronx, NY 10463

CONSIDERATION: For each and all of the foregoing reasons, The Special Committee, by unanimous vote (with one excused absence), respectfully urges Community Board 8 to adopt in substance the following Resolution with respect to the Proposal:

WHEREAS the Special Committee on City of YES—Housing Opportunity has carefully examined the several parts comprising the submission of City of Yes for Housing Opportunity—2024 (the "Proposal") , consulted with architects, planners and other experts, including City and State public officials, past and present, and conducted three noticed public meetings-hearings on the Proposal and carefully listened to those participating in person or remotely, including representatives of City Planning; and

WHEREAS the Committee has received, reviewed and commented upon drafts of and a final proposed Committee Report, a copy of which is attached hereto and made part hereof, together with annexed appendices; and

WHEREAS after due consideration it is hereby

THEREFORE, BE IT RESOLVED that the Special Committee on City of YES— Housing Opportunity

- Rejects the City of Yes for Housing Opportunity Proposal and finds it lacking in supportive merit and fatally flawed;
- Urges Bronx Community Board No. 8 to likewise accept and promulgate to the appropriate persons and entities the attached Report and its Appendices;
- Calls upon the Members of the New York City Council representing any segment of the population within the Bronx Community Board 8 District to categorically reject the Proposal;
- Urges the New York City Council to reject the Proposal in its entirety as contrary to the public interest.

Report and Appendices attached:

Recommendation submitted by	BX CB8	Date: 6/28/2024 10:17 AM
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BRONX COMMUNITY BOARD 8



5676 Riverdale Avenue ♦ Suite 100 ♦ Bronx, New York 10471-2194 P: (718) 884-3959
F: (718) 796-2763 E: bx08@cb.nyc.gov
<https://cbbronx.cityofnewyork.us/cb8/>

Julie Reyes, **Chairperson**

Vanessa L. Gibson, **Bronx Borough President**

Farrah Kule Rubin, **District Manager**

SPECIAL COMMITTEE, CITY OF YES FOR HOUSING OPPORTUNITY-2024

REPORT AND RECOMMENDATIONS

On or about April 29, 2024, City Planning released the third tranche of its “City of Yes” proposals, this one assertedly focused on the creation of asserted increased Housing Opportunities through the use of Zoning.¹ Though the project had been underway since at least 2023, Community Planning Boards (the descriptive initial title and intended function of Community Boards– the entities designated by the City Charter and sound Planning proponents as the fulcrum for independent Community and public input) were given only 60 days (until June 28, 2024) for the Board’s volunteer- members to read, digest and provide careful and reasoned Community input on the hundreds of pages of developer advocacy offered by City Planning as an integral part of the process.²

The Chair of Bronx Community Board 8, Ms. Julie Reyes, appointed a Special Committee of current board members to review, facilitate a community discussion, report on and offer its recommendations respecting the “City of Yes for Housing Opportunity-2024” proposal (the “Proposal”) advanced by the City Planning Commission and its administrative arm, the Department of City Planning (“City Planning”).

¹ The City Council wisely eliminated or materially revised important aspects of the City of Yes—Economic proposal. Yet the City Planning submission received by this and other Community Boards does not reflect those changes but rests on the former provisos. The failure of City Planning to prepare and distribute to the Community Board’s a simple corrective addendum (to insure informed action by Community Board’s) is troublesome. Notably, the City Council action nonetheless mandates substantive revisions of the Proposal, which, together with the critical flaws herein noted, require rejection of the Proposal as currently framed.

² At the May 23, 2024 initial Department of City Planning presentation to Community Board 8’s Special Committee the DCP representative was asked whether the 60-day period was subject to extension and commentary would be accepted, considered and fully factored in following expiration of that time constraint. A tentative affirmative response was offered which was met by a request from the Committee for written confirmation well in advance of the Special Committee’s June 10 meeting. None has been forthcoming.

Following three public meetings-hearings, at which the attending public, representatives of City Planning and invited Planners spoke, as did members of the Committee and of the Community Board spoke, the Special Committee members exchanged views; and following due consideration, herewith the Special Committee's Report and Recommendations, including, at its conclusion, the Resolution *unanimously* adopted by the Special Committee (with one excused absence).

Executive Summary

New Yorkers are desperate for *truly Affordable* Housing. Those who have fallen on hard times, with disabilities or exiled from their home, like many others who are in crisis, cannot wait for New York City to take action to provide true Affordability.

Yet, though the Proposal is advanced as an Affordable Housing Program or Component, it demonstrably is neither. At best, it is a select developers' blueprint, one that the avaricious, unconcerned with the future of New York City and preoccupied with so-called "market rate" and luxury housing for those in upper income strata, while ignoring or minimizing access to those in moderate or lower income strata that are the most needy of decent housing in much of the City, especially its outer Boroughs, including The Bronx.

As for the Community Board 8 district or area, as we demonstrate in detail below, while the Proposal employs marketing language designed to entice the hasty reader and the uninitiated, it is badly (we believe fatally) flawed in a host of respects, a few of which we detail below and in the Appendices. Simply to illustrate, when scrutinized the Proposal would authorize devastation of sensitive environmental areas (e.g., the Special Natural Area District and resultantly adjacent areas and in the process exacerbate dangers of Hudson River flooding); authorize the destruction of designated-Historical and Landmarked Districts (i.e., Fieldston and the Riverdale Historic District); condemn tenants and occupants of existing multiple dwellings to suffer the ravages of building re-construction-enlargement without their assent or benefit and submit the needy tenants of NYCHA developments to the elimination of green space and other open areas (e.g., sitting areas and even refuse collection areas) to facilitate "infill" construction of towers which not only impede light and air but may impose rental costs that are unattainable by the needy NYCHA tenants or other low and moderate income residents, and this as a but a first step to planned privatization.

The ravages posed by the Proposal also extend the "infill" ravages to other open areas of the community which likewise would assume increased and foreboding density ; omits to provide known and appropriate financial incentives targeted for and limited to the construction and development of housing for low and moderate-income tenants; eviscerates

one and two-family home ownership and authorizes a range of increased density facilities (e.g., another building jammed in the backyard of cheek by jowl small property houses that insure neighborhood destruction); reaches back to the 60's and updates its City of *Yesterday* to encourage the return of the scourge of SRO's and their historical health, fire and safety risks without any concomitant public benefit (other than for the lobbyists who have long pushed for those marginal facilities); removes meaningful Community input into planning and development and extends opportunities for corruption in such areas; undermines environmental protections by promising abolition of Natural Area and Special Districts (e.g., SNAD); further diminishes parking by a one size fits all approach that fails to distinguish between residential areas that mark the outer-Borough's with Manhattan's Central Business District congestion (which the Proposal's developer incentives would worsen; and, to top off the select developer's overly "bountiful gift," creates new and massive Zoning loopholes under which high-rise construction is encouraged to an unprecedented degree such as to induce even greater taxpaying exodus from the City.

The foregoing mélange of horrors is not hyperbole, as we show below. Disappointingly, serious and fundamental flaws in the Proposal abound and are exacerbated by its presentation and marketing. The Proposal requires material *independent and objective* review and wholesale restructuring (preferably guided by academic experts and not indebted appointed politicians if the Proposal is to make sense and be fair and equitable.

The Proposal's numerous flaws—only illustrations of which are here set forth-- present the City Council with a "Poison Chalice." One unassailable solution is for the Council to again demonstrate the integrity and independence to reject the Proposal in its entirety, while retaining *independent and expert* academic institutions to consider the relevant issues and to report to the Council and the public on a targeted and expedited basis with a draft and explanation as to what proper Zoning and other changes will really meet the true Affordable Housing needs in each borough and segment or neighborhood thereof. That is what the City Council and successive Administrations did in generating the current (1961-1965) Zoning Resolution, one that has, with updating amendments, served us well for some 60 years and been widely copied and applauded across the Nation.³

³ The instant Proposal is, as we show herein, flawed in such numerous and material respects as to raise question as to its genesis and its independent and expert forethought. The instant Proposal is wholly unlike the current Zoning Resolution and attendant Housing Maintenance and Building Codes, which were drafted by recognized, independent and expert academics (i.e., Cooper Union and Columbia University) and then presented (free of tainting influences) to the City Council and relevant City Commissioners for review, consultation and amended adoption and implementation. That careful process provided the Council with thoughtful ordinances that, with anticipated updates, have stood the test of some 60 years and been widely acclaimed and copied across the nation. It also produced ordinances that the public had cause to trust. Housing Development and construction are

The Fatally flawed Proposal Illustrated

Below are illustrations and details respecting some of the noted fundamental flaws in the Proposal that the City Council is asked to adopt (and assume responsibility for) together with their adverse implications for the day to day lives of Bronx and other New York City Residents.

- **No Measurable Commitment to Affordable, Permanent Housing in Number or by Household income:** The Proposal’s stated purpose rests on two terms or precepts that are, in context, unquestionably misleadingly vague and deceptive, “Affordable housing” and “Area Median Income” (“AMI”). What is Affordable to Manhattan’s elite is not “Affordable” to residents of the South Bronx, Kingsbridge, Jamaica or Brownsville. Indeed, what is “Affordable” to some in Riverdale is not “Affordable” to others in adjacent zip codes, e.g., Kingsbridge Heights. Yet the pervasive comment respecting the desired housing sought to be achieved and upon which the Proposal rests is a (baseless) claim of Affordability. However, in fact, *no assurance exists* as to whether, let alone how much, if any, *truly affordable* housing must be or will in fact be *permanently* provided under the proposal or even that the *developers who receive any of the benefits of more generous zoning will commit to use it to provide permanent, truly “Affordable housing,”* an undefined term as now flexibly applied, but one which this Board insists must finally be defined.

To be clear, as we later amplify, the Proposal studiously omits to provide or commit that all or even the predominant percentage of the development or construction that is in any material way benefitted by any of the expanded or new zoning provisos *must go solely* to those concededly in need—namely, *low and truly moderate income earners*.⁴ Instead, the Proposal studiously continues the current regimen under which the term “Affordable Housing” deliberately remains misleadingly vague and flexible and the operative AMI is significantly *inflated* by the inclusion in the underlying data of relevant income figures from affluent Westchester and Nassau County communities like Scarsdale and Roslyn, to name a few.

One direct consequence of such data inflation is to artificially *increase* the supposed Area Median Income data utilized to determine eligibility or, stated otherwise, inflated income determinants or benchmarks are thus used to gauge the qualification or eligibility of applicants for specific Affordable Housing. That, in turn, can and currently

extremely complex fields where the successful are sophisticated and demanding (since most developers put their own fortunes and efforts on the line and thus are demanding). It is also an area in which abuse and corruption are known to be rife. Disregard of the foregoing basics can, as here, generate troublesome and ill-considered product .

⁴ Cf., Appendix I --to be re-defined in a revised and *exclusively* New York City-based Area Median Income (“AMI”) data base (see, *infra*).

does unfairly and inappropriately disqualify applicants who, supposedly, are the ones sought to be benefitted. Unassailable support for that conclusion is detailed in the April 2024 Report of the seminal authority on New York City Housing, the Community Service Society, which aptly makes and proves the point. *See, Appendix 2*. Similarly the inapt data unfairly aids higher income applicants to gain access to and pre-empt so-called “Affordable” housing developments by inflating the eligibility benchmarks. Thus families earning as much \$178,000 per annum and more –hardly the actual average median income of most low and moderate income New Yorkers --are formally deemed qualified for housing denominated as “Affordable housing “ by the City. Concisely put, the data supporting affordability upon which the Proposal rests is demonstrably misleading and flawed.

Time and again this Board and its Land Use Committee have informally called attention to the same fundamental flaws. Indeed, this Board’s Land Use Committee *unanimously* called upon the several City Council Members representing any portion of this Community Board District , as well as all Members of the City Council, to remedy these deceptions by legislation that will operate and be applied solely as to the City of New York *alongside and not in derogation of any Federal or other relevant regulations or statutes*.⁵ Yet such constructive criticism continues to fall on deaf ears, fatally undermining the credibility and objective claimed to be advanced by the Proposals. The Proposals blindly ignore this predicate fundamental flaw, thereby negating the stated purpose of the Proposals.

- **The Proposal is an Ill-Considered “One Size Fits All” approach.** As is so often the case with simplistic solutions to complex problems, the Proposal, advances one-size-fits-all-answers that in fact fit few, if any. To illustrate, as later appears under the heading Transportation-Oriented Development, the Proposal advances a formula in and by which developers can secure added Floor Area Ratio (FAR) to build bigger, more dense and bulkier buildings tied primarily to proximity to Transportation facilities,(e.g., subway and train tracks or stations). But there are vast areas of the outer Boroughs that are nowhere near such “springboards” and conversely areas where they sandwich in neighborhoods and communities not suitable for such heavy-handed, wholesale destructive impact. In Riverdale, for example there exist two New York City declared Historic and Landmarked Districts—Fieldston and the Riverdale Historic District. Because both are largely within ½ mile of railroad or subway tracks, both may be ticketed for extinction, though after careful and lengthy hearings and processes both were granted protected status that ill-considered excesses would seek to usurp. *See, e.g., Appendix 3*. So much for neighborhood, community and Historical or Landmark preservation. Indeed, since the Proposal suggests that its aim is to eliminate Special Districts (specifically addressing

⁵ Indeed, The Department of Housing Preservation and Development, under Commissioner Adolfo Carrion, has recognized this indisputable flaw and has prepared, largely for internal use, some Borough wide data, We applaud that effort. However we believe more focused data should be used (e.g., by zip codes), be made public and applied insofar as the City’s interpretations may be applied to insure a greater measure of local accuracy.

the environmentally sensitive Special Natural Area District (SNAD), that seems likely to have been the perverse, albeit covert, intention from the first.⁶

- **Lack of Financial Incentives for Developers to Invest in True Affordable Housing:** Zoning is a critical component of the determination of private investors and developers as to whether, when, where, how and what to build. *However, it is only one factor.* Other critical, if not dispositive ones, include financing (especially the meaningful availability of private or public financing at practical cost), regulatory concerns (especially unnecessarily burdensome regulations and their enforcement and hindrances), restrictive requirements attendant to the labor pool, construction costs and attendant burdens. Additionally, the lack of coordinated planning by and among various governmental entities with respect to the utilization of existing or potential site resources weighs heavily on particular site determinations.⁷ Dispositively, the Proposal not only fails to meaningfully address any of those touchstone issues, it fails to acknowledge that unless those problems *first* are addressed the entire exercise is one in futility. If Developers are not provided the means to plan and build – financial and otherwise – they simply cannot afford to do so. Unless the myriad superfluous obstacles erected by the City are addressed developers simply cannot proceed and unless construction impediments, material and other costs and applicable taxes are re-evaluated true Affordability will remain at best sparse.

When, on a comparable scale, thoughtful action to advance construction and maintenance of housing was last explored (in 1961-1966⁸) independent, non-political and expert academic institutions (e.g., Cooper Union and Columbia University) were retained to guide the effort. Mayors Robert Wagner, John V. Lindsay and Edward I Koch, together with successive Buildings Commissioners, including Harold Birns and Judah Gribetz, and the City Council, turned to such non-political expertise to ensure a sound and honest process that has stood the test of over a half century. By striking contrast the instant Proposal has been in the hands of unelected political appointees, readily accessible to lobbyists for special interests and unconcerned with such essential issues as project

⁶ We have little doubt, for reasons that will later become apparent, the ultimate authors of the Proposals may belatedly cobble up some excuse or explanation, but thoughtful, careful and sensitive Planning would have avoided that concern

⁷ Available sites, especially those controlled by public entities or financial institutions were plentiful until recent years as a result of the massive destruction, foreclosures, condemnations and property abandonments of early to mid 1960's.

However, they have in recent years been largely utilized. There remain, nonetheless, other opportunities, particularly those resulting from the discontinuance or underutilization of public and other sites. Sadly, no cohesive effort has in the last several been made to collect, update and publish that information.

⁸ The current Zoning Resolution, Building Code and Housing Maintenance Code—the coordinated pillars of any successful effort – were thus explored, drafted, legislated and subjected to post enactment scrutiny .

financing or approving and actively supporting updated construction materials and techniques or innovative tax relief and other regulatory reform measures.

- **Occupants and Tenants bear added burdens without benefit.** The Proposals are on their face seriously injurious to Tenants, making no meaningful effort to ameliorate that grievous harm. Thus they explicitly contemplate that owners of certain *extant* residential structures, whether rental, cooperative, condominium, or owner-occupied buildings, may under certain circumstances add to their *existing* structure to the extent of additional FAR. No permit or formal approval requiring Community or *even occupying tenant assent* is mandated. Indeed, the rights of those occupants or tenants are ignored. The predicament of the residential occupant of a to-be reconfigured existing structure is certain to be substantial. They will now be tortured for months, if not years, by construction in and around their home, financially benefiting the owning entity while passing on only the noisy, dusty attendant burdens to the occupants (without any offsetting benefit). Decent, well maintained, safe and comfortable housing is a fundamental right of all New Yorkers and this flaw would impair that right. Yet the Proposal, to its shame, studiously avoids giving that gross tenant burden the attention it merits.⁹

By contrast, the foregoing fundamental problem and other related concerns were wisely addressed by the City of Jerusalem, which had an even more serious housing shortage than is purported to exist in New York City (albeit for different reasons—massive absentee ownership/occupancies). It enacted mutually beneficial corrective programs including the Tama 38 Program. It successfully sought to improve the housing stock by comparable “innovations” (e.g., allowing a developer to add 2 or sometimes more floors and/or expanded floor space to an existing low rise building in return for significantly improved structural benefits for existing occupants (e.g., elevators) and acted only with occupant approvals). Tama 38 and other companion programs took into account the needs and rights of occupants of existing structures, as well as community by requiring predicate governmental permitting, preceded by review and approval both at the occupant and community level, before any such expansion could proceed.¹⁰

The Proposals here advanced pay no heed at all to the rights of existing residents (let alone to community) to, for example, the right of quiet enjoyment. The Proposal

⁹ Presumably, City Planning expects the problem to be dealt with elsewhere, e.g., the courts. However, that imposes the burden of litigation and proof unfairly on the burdened tenant not the benefitted owner-developer. Conditioning receipt of the any benefit on a satisfactory owner-developer showing that the legitimate occupant concerns and those of Community have first been met and agreed to appears essential.

¹⁰ See, e.g. Archnet.Org/sites; *Offer Petersburg, Urna Renewal Capital: This is a Massive Program approved in Jerusalem (Jerusalem Post, Feb. 21, 2024)*

simply fails to *expressly* condition its developer largesse on Occupant rights. That conscious “oversight” is patently unacceptable and reprehensible and provides yet another fatal flaw, one that uncaringly operates as a license to avaricious and unsound development.¹¹

- **The Proposal Eviscerates Homeownership in the Bronx and Elsewhere in the City and Advances the Transferring of Assets to Landlords and Financial Institutions already absorbing individual and community assets across the country.** Just as the Proposal ignores the rights of existing occupants of residential structures to be forced to endure the burdensome construction of enlarged buildings or to have their limited private green space devoured by additional development, so too will neighbors and community be inappropriately disadvantaged. Permitting “backyard cottages, garage conversions and basement apartments,” ostensibly to provide owners “extra cash,” may initially sound harmless but consider the potential plight of residents of North Riverdale or areas of the Webb – Claflin Avenue sections of Kingsbridge Heights. A few years ago, the moderate income homeowners and apartment residents in the Claflin-Webb Avenue section of Kingsbridge Heights found that similar development activities were being undertaken that jeopardized the nature of those communities. Significantly, the area then was one increasingly occupied by people of color who finally had achieved the stable incomes to afford their own homes and attendant privacy and tranquility. Slowly but surely, as their neighborhoods were ravished for profit, prospective and current homeowners despaired because, though the Community Board advanced their cause, City Planning and City government declined to assist them, a pattern repeated in the current Proposals.

The authors of the current Proposal may view single and two-family homes and their owners with disdain, but those occupants form a significant segment and an essential part of the fabric of this City.

The Bronx already has the lowest homeownership rate across NYC. Together with homeowners in the other Boroughs, they provide a stable and considerable segment of the tax base, as well as the business base. The Proposal will erode this key component to asset-development and further strip leverage from residents against the whims of landlords, especially the ever-increasing

¹¹ We are hard put to understand how a assertedly caring government could fail to expressly condition any such owner-largesse on occupant rights.

group of institutional property owners, far removed from tenant concerns or sensitivity for community or neighborhood. Balance is essential, but it is here ignored. This Proposal will eviscerate single- and even two-family homes. In fact, the proposal willingly offers that this plan is for renters, relinquishing assets to the few who retain their homes or transfer ownership to landlords and banks. Across the country, homeowners are transferring assets to financial institutions forgoing long-term community asset development and investment. The Proposal advances that concern in New York.

- **“Infill” and Privatization of Public Housing.** The plight of residents and community illustrated above is amplified by yet another illustration. The New York City Housing Authority, with the enthusiastic support of the DiBlasio Administration and some in this Administration (including City Planning), has embarked on a program termed “infill” and, under various guises, “privatization” of essential accommodations of the NYCHA needy. Extending the rationale of the above-noted incursions on livability, NYCHA has sought out available unoccupied green or other space (e.g., parking, benches, even garbage storage areas) in NYCHA developments and proposes to build additional housing there, including, potentially, market rate housing. NYCHA and its governmental colleagues seemingly believe that light and air, green space and vacant space are proper targets for expansion and that those who live in NYCHA housing have forfeited their rights to light and air. NYCHA developments were never intended to be “sardine cans” or institutional facilities for the needy.

Attached as Appendix 2 are a series of depictions of Washington Houses, a NYCHA development located on the several blocks north of Third Avenue and 97th Street.¹² They show what the “infil” there proposed will do to eviscerate livability by substituting cement for grass, buildings in place of light and air and density in place of livability. That is what NYCHA residents must look forward to. That is also what New Yorkers can look forward to if the City Council permits it by adopting this Proposal.

Compounding that vice, NYCHA has concluded that for-profit developers or property “managers” are an appropriate substitute for governmental support or competent governmental management. Ignored is the fact that for-profit management is not necessarily sound management (especially where selection is not preceded by a specific, targeted Request for Proposals, as contrasted with application of some sort of blanket or sweeping RFP). Furthermore for-profit management comes at a price that

¹² The Special Committee expresses its appreciation to Planner George Janes for that depiction and his efforts to provide enlightenment and expertise.

almost certainly will eventually be thrust in one form or another upon the occupants of NYCHA housing.

Public housing was created to permit government to discharge its fundamental responsibility to insure that decent and affordable housing is available for the needy. Seemingly, there are those in government—clearly not among the needy—whose sensitivities do not extend to their less fortunate neighbors. Neither does the fact that successive prior NYCHA administrations may have been less than laudable excuse this departure, one that finds support in the premises of the instant proposals.

The Proposals repeatedly stress City Planning's support of pernicious "infill" as a sound universal Planning concept, thereby assuming that wall-to-wall cement is the hallmark of sound planning, and advancing density and decay. We respectfully but strongly disagree. New York City is already dense, shadow-ridden and, in many areas, foreboding, except where light and air are permitted to "intrude." The Proposal seeks to expand that foreboding by densely "infilling" without regard to location, neighborhood, need for green space or the like. Unless the Members of the City Council share that myopic view or share City Planning's denigrating view of the rights of NYCHA tenants, they should spurn that effort. and reject the Proposal.

We do not disagree that encouragement of development and construction is an important quest. Tax relief would certainly be beneficial. Expanding the scope of the NYC Housing & Development Corporation's wisely used authorizations and resources would provide one important and effective way to finance significantly more development—sound development; indeed, perhaps more tangible and suitable Affordable housing than the instant Proposal. Repurposing unused or underused properties held by the City and other public entities (e.g., discontinued institutional sites, little used or abandoned garaging facilities), facilities used on a less than efficient basis (e.g., discontinued institutional sites, little used or abandoned garaging facilities), would, if made available for truly Affordable housing on a financially attractive basis (e.g., long term land leasing specifically tied to sharply reduced Affordable apartment rentals), also provide added housing opportunities—without unduly increasing density with haphazard and inappropriate "infill."

Yet another route involves enlisting the efforts and resources of Labor in much the fashion that was employed by the enlightened and responsible United Federation of Teachers financed construction of truly Affordable housing in the Melrose section of the Bronx for both community residents and to attract desperately needed teachers who agreed to assignment to schools in that area for a fixed term in return for some of those brand new apartments. These and numerous other tools for increased Affordable

housing are available if there is a municipal will to be imaginative and innovative, not destructive and simplistic.

- The **Civil Rights Concerns Presented by the Proposal.** Just as the Proposal ignores the rights of existing occupants of residential structures to be forced to endure the burdensome construction of enlarged buildings or to have their limited private green space devoured by additional development, so too will neighbors and community be inappropriately disadvantaged. Allowing “backyard cottages, garage conversions and basement apartments” ostensibly to provide owners “extra cash” may initially sound harmless but consider the potential plight of residents of North Riverdale or areas of the Webb – Claflin Avenue sections of Kingsbridge Heights. A few years ago the moderate income homeowners and apartment residents in the Claflin-Webb Avenue section of the Northwest Bronx found that similar development activities were being undertaken that jeopardized the nature of those communities. Significantly, the Kingsbridge Heights area then was one increasingly occupied by people of color who finally had achieved the stable incomes to afford their own homes and attendant privacy and tranquility. Slowly but surely, as their neighborhoods were ravished for profit, prospective and current homeowners despaired because, though the Community Board advanced their cause, City Planning and City government declined to assist them, a pattern repeated in the current Proposals. Not only does such abandonment smack of Civil Rights Law violations but, on balance, it is indefensible.

While the Manhattan-centric high rise proponents of the current Proposals may view single and two-family homes with disdain, those occupants form a significant segment and an essential part of the fabric of this City. They provide a most considerable segment of the tax base, as well as the business base.

Covid signaled the beginning of an exodus of important elements from the City. As that exodus progressed it diminished small business with retail closures from Madison Avenue to Mosholu Avenue and with it employment opportunities. The instant Proposals, if adopted by the City Council, almost certainly will accelerate that exodus, especially among core taxpaying constituencies

- **SROs Do Not Build Stable Housing or Community Fabric** Just as the Proposal demeans the basic rights of needy tenants to decent NYCHA shelter, so too the authors of the Proposal prevaricate in seeking to promote yet another example of density and its destructive propensities: the return of the SRO's that New York long ago learned –the hard way – present serious health and safety hazards, which a chastised government made significant strides to eliminate. City Planning's advocacy of their return is based on the following fiction.

At page 16 of its “*Zoning Text Amendment Project Description,*” City Planning first correctly states that in the 1960's “... City policy [including City Planning Commission policy] not only blocked new SRO's but actively sought to shut down SRO's that already existed.” However, it then goes to a blatantly inaccurate attempt at historical revisionism designed to whitewash SRO's. and claims that the efforts to eliminate those virulent havens was because “SRO's were seen as attracting an undesirable population of un- or underemployed single men ...” “NONSENSE!!!”

Thus, the NYC Commissioner of Buildings, who in 1966 and 1967 carried forward, with some success, the effort to eliminate existing SRO's, responded to the Special Committee on the subject of SRO's and the above City Planning assertions. He noted that the City's carefully considered public safety project, conducted under his leadership, focused solely upon health and public safety issues. The employment or non-employment of inhabitants was never a consideration. That notion is devoid of merit. Instead, data showed that SRO's were magnets for narcotics sale and use, tourist lurings and assaults, prostitution and other vices, as well as firetraps and catalysts for disease and other hazards and they were located not just in tourist areas but in places like the Upper West side and near schools. The effort to remove those “tinderbox” uses was founded on substantial evidence of serious health, fire and safety hazards. It was largely the product of an initial “heads up” from legendary Manhattan District Attorney Frank S. Hogan, based on extensive law enforcement experience. It followed consultation with the Fire Commissioner and other City officials. It included advice from the Bronx District Attorney's office and leading Congressional and Local Legislators from, among other constituencies, Manhattan's West and East Sides and law enforcement generally, followed by on-site inspections and careful data review, some of which efforts were contemporaneously reported in the media. While the highly profitable scourge of SRO's then was sharply reduced, their lobbyists seemingly have since been assiduously at work, trumpeting SRO's, notwithstanding their continuing hazardous potential to both occupants and nearby residents.

Sad experience, not the false lure of lobbyist enticements, make clear that the return of SRO's is not in the *public* interest. If studio or single rooms with sanitary and “fast food” preparation facilities are desired, they abound (including in Riverdale) and are regularly supplemented in applications heard and approved by Board 8. But those

applications do not include the unsanitary, hazardous and unsafe concerns that marked SRO's. That City Planning has seemingly reached back in history to resuscitate SRO's increases the concerns we have respecting the genesis of the Proposal and its credibility.

- The Proposal **Removes Responsible Oversight and Leaves Key Public Good Open to Corruption:** Firstly, the Proposal is extreme in its removal of local review, input and approval. Secondly, the Proposal that will upend our housing and zoning processes as we know them has only been open for six weeks for public comment, hardly an adequate opportunity for volunteers unaided by well-paid staffs and ample well-briefed "experts.". Thirdly, the Proposal is a one-sided gift to those developers indifferent to the City's future and the overwhelming need of low and moderate income New Yorkers for *truly affordable housing*. It advances sweeping "*as of right*" zoning privileges and authorizations that will materially increase the height and crushing density of New York City and does so immune from Community or other meaningful review, while supporting measures designed to ravage the environment, as well as historic, sound and integrated neighborhoods.

For example, homeowners in North Riverdale or Spuyten Duyvil in Bronx CB 8 (or Kew Gardens-Forest Hills or Staten Island) enticed by "extra cash"¹³ would contribute to environmental degradation and area density that would upend those neighborhoods. The aggregate "extra cash" collected, and housing accommodations created could contribute to home flipping with individuals maximizing their profit and "cashing out", while the community loses its ability to weigh in on housing changes.

Indeed, that the proposal seeks in the process to assault the environment is readily demonstrated, To illustrate, *the Proposal affirmatively advocates the elimination of the environmentally sensitive Special Natural Area Districts ("SNAD") in the Bronx and Staten Island and, compounding the deliberate damage, those environmentally sensitive areas that are proximate to transportation facilities are then laid open to multi-family luxury enclaves or where developers can assemble 1.5 acre tranches a whole "Town Center" can be shoe-horned into a neighborhood. (e.g., much of the Bronx Natural Area District finds its footing in Metro North facilities)*¹⁴

¹³ City Planning, "City of Yes for Housing Opportunity" at Initial (unnumbered) page.

¹⁴ Unsurprisingly, given City Planning's long standing antipathy toward the environmentally sensitive Special Natural Area Districts ("SNAD"), it quite deliberately omitted to provide as an integral part of its Proposal a truly responsive Environmental Impact Statement dealing with issues such as its promised elimination of SNAD and its environmental protections or the devastation that that will create, especially when the sweeping Transportation or "Town Center" bonuses are added. That and other environmental deficits add to the legal deficits of the Proposal.

Another example, of abuses made possible by the Proposals are its embrace of basements as residences. Basements have long been the subject of incursions violative of the State Multiple Dwelling Law (but which various municipal regimes directed be tolerated). Ignored were the manifested hazards of deadly flooding that during Hurricane Sandy and other like tragedies drowned basement inhabitants: electric and other fires and carbon monoxide poisoning that have taken their toll, to name just a few. Sadly, it is far too simplistic to say, “Lets legalize basement, garage or like occupancies.” To meet minimal safety standards significant expenditures must be made to secure electrical, gas and other fixtures against fire or explosion; to provide sanitary facilities and fresh water and waste lines and the myriad other things we take for granted but are essential for health and safety. The cost of those installations, if properly made, is quite significant -- more than the few dollars that City Planning promises the owner-investor. And that is why barely a handful of such legalizations – though currently permitted in many areas – are ever consummated. Is the public interest really served by either enticing property owners down a dead end path or turning the blind eye to such known incursions on public safety or providing a fertile field for corruption. We think not. There is no historical basis for belief that the same impediments will not continue – indeed be expanded – under the Proposals. The minimal number of truly livable and safe housing units thus generated or the extra cash for owners thus permitted or the payoffs to inspectional personnel who offer a blind eye for hire simply do not warrant that betrayal of the public interest.

Moreover, an essential element of the Proposal’s *laissez faire* premises must of necessity presuppose code enforcement, whether of the new Zoning provisions, the Building Code or the Housing Maintenance Code. Thus enforcement of additional construction rights, (e.g., that the added cottage in the rear yard of one’s home really devolves upon a relative or is safely habitable; or that the claimed Affordable housing is truly that and is permanently rented to those thus eligible and other like illustrations requires regulatory enforcement. Self-regulatory enforcement would too often be sham and non-regulation, as in once busy San Francisco, would spell municipal catastrophe. Yet, this Administration has made clear that it has no intention of providing or lacks the means to provide the significant funds for additional inspectors, plan examiners or the like; instead they have been the targets of proposed cuts or non-competitive salaries. Corruption in the inspectional services has historically directly resulted from such short-sighted attitudes. The point is not advocacy of enhanced budgets but a need to drive home

that the Proposals have not been carefully considered in all of their ramifications and contexts.

One final comment on the point bear's repetition. If we substitute for single family homes – however closely to one another they may legally be situated – either an array of appendages (e.g., backyard cottages jammed into minimal space) or multiple story structures or other municipal planning incongruities, we can be certain that New York City will in short order be viewed as one dense transient shelter from which young families and those with means will flee. If there is one lesson the recent pandemic has taught and is teaching: it is that New Yorkers and other urban dwellers have tired of the claustrophobic, especially for 5 or more days a week, and will grasp at any straw for a bit more light, air and release. The massive density the Proposal espouses will test that even further, especially as the shift to suburbia continues, suburban transit expands, and remote office facilities or annex offices increase (a phenomenon already in serious motion). That more long range demographic decision is one that the City Council must also consider and in doing so it should note that approval at this time of these Proposals effectively and adversely resolves the issue.

- **The Proposal Fails to Adequately Assess the Environmental Burden when Existing Impact of Climate Change on Infrastructure Continues Unaddressed:** Yet another fundamental flaw in the Proposal is, as we show below, that it, in material part, it regresses zoning to the framing of the 1916 Zoning Resolution, despite the academically- and independently- crafted and frequently amended 1965 Zoning Resolution. The best case scenario of moderately increased density presupposed by the Proposal is certain to stress infrastructure such as sanitation, water, sewage, and other municipal services, factors not considered in the Proposal and dismissed as immaterial to evade an Environmental Impact study.

Moreover, the stresses in municipal services will be compounded at a time when the Administration has threatened to reduce the existing resources of the relevant essential services. The significant cost that residents will bear in terms of fire and other safety requirements, air pollution, clean streets, transportation, access to classrooms and education, landlord and home-owner loopholes, and other lack of enforcement concerns will destroy the quality of life for affected and surrounding residents.

- **The Proposal Fails to Incentivize Green Space as a Critical Quality of Life Metric While Increasing Density:** The Mayor's Office of Climate and Environmental Justice

focuses on increasing access to parks and open spaces, concentrating on areas of the city that are under-resourced and where residents are living farther than a walk to a park. In no way does this proposal recognize this priority and the health and well-being factors critical to the Proposal.

According to a 2017 study, *The Importance of Greenspace for Mental Health*, “global urbanization has reduced access to and engagement with greenspace, but there is good evidence of a positive relationship between levels of neighborhood greenspace and mental health and well-being. Individuals have less mental distress, less anxiety and depression, greater wellbeing and healthier cortisol profiles when living in urban areas with more greenspace compared with less greenspace. Large differences in disease prevalence are reported when comparing residents of very green and less green settings, even after controlling for socioeconomic status (Maas et al, 2009).”

Zoning should protect apartment buildings from excessive build up, mitigate wedging in buildings in small open spaces that will restrict sunlight, create dynamic spaces for commercial success, opportunities for a community benefits, quality of life, and improving safety, and bring greater equity. The Proposal does not meet those challenges, it exacerbates them.

- **The Proposal’s further Diminution of Parking is as lacking in Reality and Logic as it is in Sanity.** The previously noted Manhattan-centric approach of the Proposals is further illustrated by its attempt to justify the elimination of parking requirements, supposedly for cost saving and space saving purposes.¹⁵

Many parts of the outer boroughs have poor to no adequate mass transit facilities (even assuming, arguendo, the adequacy and safety of extant facilities). Vast areas of the East Bronx, of Queens, Staten Island and Brooklyn simply have no mass transit

¹⁵ One need only drive or walk along Madison avenue north of 42nd Street and understand that even 6-8 lane roadways are quickly reduced to a single lane where two lanes are devoted to buses that rarely use more than one, another lane is devoted to an occasional scattering of bicycles, triple parked trucks and cars consume three and cars. Taxi’s and moving trucks crawl along the remainder spewing fumes. And the mockery of a transportation initiative is heightened when one notes that in recent times where privileged trucks are given tickets for double and triple parking, they receive privileged treatment--an enormous discount from their face amount. Little wonder that the owners don’t give a damn.

The current approach to driving in New York City seems remarkably akin to that proposed in 1965 by the publisher of the conservative *National Review*, William F. Buckley, in his Mayoralty campaign. He had the candor to propose what today is the covert municipal objective: make all streets in the City one-way, out of town. Of course the cars following that path would soon be followed by moving vans.

facilities other than frequently undependable buses. Even in those areas served by buses, the routes frequently do not match the needs. And the parking predicament is compounded by the roadway encumbrances of sheds devouring parking simply to accommodate part time and partial utilization for food service that could just as readily be provided by less sprawling facilities on existing or slightly expanded sidewalks or in the restaurant.¹⁶ There still are those who are baselessly persuaded that there is no limit to the burdens and inconveniences that motorists will tolerate while providing parking tax and meter fees, license fees, camera charges and other Budget sustaining revenue. Adoption of the Proposal may well, however, be the final straw presaging yet another exodus of taxpaying citizens as well as the long-overdue reform of the planning and administrative processes that erode public and community participation and confidence.

- **Transportation-Oriented Zoning**. Transportation – oriented development is by no means a new development. It has long been successfully encouraged in appropriate areas by the Metropolitan Transportation Authority along the Long Island Railroad, Metro North and New Haven lines. Additionally, the current Zoning has for several years made like provision in Transit Zones, which Community Board 8 has encouraged.¹⁷ The current proposal, though bearing a confusingly similar name has little constructive relationship thereto. It is, instead, a device to facilitate the *as-of-right* construction of multiple dwellings-apartment houses up to ½ mile in any direction from a transportation facility that seem intended to engulf and eliminate single and two family homes.

To illustrate, as charts prepared by noted Planner, Paul Graziano, and submitted herewith, illustrate (and those familiar with the Fieldston community in Riverdale will note) the proposed *as-of-right* construction (without any governmental permissions other than a building permit) will allow much of the Fieldston community to become fair prey for multi-story developers.¹⁸ Much of the area between the Hudson River and a block or two west of the Henry Hudson Parkway would also fall prey to developers, as

¹⁶ Add to those illustrations of the confusion and foolishness that the City imperiously terms “transportation policy” by the City, the miserable condition of the City’s streets shockingly brings home where the fault at least partially lies for congestion, While paint is plentiful for lines designed to further narrow and impede passage, asphalt and personnel continue to be withheld for the maintenance and repair of roadways replete with craters, inept repairs following excavations and highways and streets that resemble third world back-alleys.

¹⁷The Land Use Committee of Community Board 8 at its last meeting unanimously expressed support for aa 226 Affordable Unit housing development at 5602-5604 Broadway (directly proximate to the subway’s surface extension) under the existing applicable law ZQA Zoning provisions. That recent illustration of the sound usage of existing Transportation-Zoning law provisions enacted in the recent past underscores the highly questionable necessity of the bloated, and grossly inappropriate new Transportation-Oriented Proposal.

¹⁸ It may well be appropriate for communities and owners desirous of protecting their homes, neighborhoods and investments to consider Restrictive Covenants blanketing areas sought to be ravaged. Their counsel should be consulted.

would Gaelic Park . Much of the area West and East of Broadway below 250th Street and southward to the Marble Hill NYCHA buildings would likewise be impacted, etc, etc *ad nauseum*. See, Appendix 3 ¹⁹ In each cited example, either Metro North Transportation facilities or those of the MTA exist within one-half mile and provide the open-sesame for destructive excess under the Proposal advanced by City Planning. And despite all of the misleading marketing, as we noted in some detail at the outset none of this is limited to Housing for the truly needy.

And if the foregoing excesses were not sufficient this proposal will also eliminate Dwelling Unit Factors from the Zoning Resolution” “...thereby *removing* from the Zoning Resolution controls on the maximum number of dwelling units” or on the size of those units. City Planning, *City of Yes for Housing Opportunity-Project Description*, p. 10. (Emphasis supplied). It takes little imagination to recognize what mischief this makes possible. Thus, as previously noted, in a residential community along Broadway in North Riverdale, a City Agency has already embarked on a project to jam 6 homeless men in a room throughout a single multi-story building as part of that same “sardine can” approach to livability or, worse yet, City Planning’s effort to resurrect SRO’s and their attendant hazards.

Indeed, the Proposal even proclaims that City Planning envisions similar devastation for tree-lined areas by providing “additional flexibility for street tree regulations, curb cuts and other streetscape regulations” that are the hallmark of this and other remaining livable communities in New York City (because those regulations supposedly have “interfered with” (i.e., deterred) avaricious (flavor-of -the-month) “infill developments”).See, *id* at p. 22 and, *supra*, at 12. In fact, the Proposal adds that it would “replace’ open space constraints in various area because, supposedly, “unnecessarily complicated, ” as if to question the skills of Buildings Examiners and City Planning staff, as well as licensed architects.

Transit Oriented Development, which the MTA has used to good and high-minded purpose can be and is being used by MTA in the public interest. This attempt to “free ride” on the name of that acclaimed planning tool involves, however, something far different and *not* in the public interest by reason of the enormity of its disparities—destruction of existing neighborhoods, the homes and communities of numerous New Yorkers . Indeed, no clear or proper end has been shown for this Proposal (i.e., truly Affordable and permanent housing for moderate and low income residents). That is

¹⁹ The Special Committee extends its deepest gratitude and that of Residents of this Community to Paul Graziano, a respected Planner for his significant contribution to our efforts, including the time-consuming *pro bono* compilation or the accompany data. See Appendix C documenting the compelling showing made to the Special Committee by Mr. Graziano.

poisoned chalice that City Planning offers the City Council, a point evident from the careful studies of Paul Graziano. See, Appendix 3. Again, this is not imagined hyperbole the predicate data is from the voluminous City Planning submission

- **The “Town Center” scheme for added Development rights.** As if the excesses noted above were not sufficient, the Proposal offers yet another way in and by which dense development can enshroud and devastate neighborhoods and the community.

Noting that for decades Zoning has permitted the combination of ground floor retail coupled with housing, the Proposal couches its “still more” scheme in the following terms: “The proposal would make low density mixed-use buildings more feasible with additional FAR and height.”²⁰ ((Emphasis supplied). Ground floor convenience stores, restaurants and the like, with low-rise residences above them, have for decades been and are an accepted and desirable element ... in most parts of Community Board 8, as has been the positioning of low rise residential accommodations above those commercial facilities. Added FAR is always welcome, but at some point is its extra density appropriate and necessary? Why more is required *throughout the City* when ample already exists in various portions (like through Board 8) is unclear, other than City Planning’s penchant for excess and refusal to do a selective and thoughtful job.²¹

What in reality is here proposed is an expansive and invasive scheme. Coupled, for example, with access to the Transportation bonus or, stated otherwise, “within the Greater Transit Zone [one-half mile in any direction from any subway or train facility] a commercial ground floor with...” multiple upper floors above “would be allowed.” City Planning, *Housing Opportunity/Low-Density Proposals/ Town Center Zoning*, p. 9. That unabashed City Planning example of excess is Citywide and without stated limitation. No provision is stated for community or other review. Neighborhood considerations are of no moment. All that matters is “more, more and more.”

- **Unique Neighborhood and Protection of Environmental Sensitivity Demise.** The Proposal makes clear that the sweeping actions advanced give little more than lip service to community, neighborhood or local concerns or interests and give promise that

²⁰ City Planning, *Housing Opportunity/Low-Density Proposals/ Town Center Zoning*, p. 9.

²¹ City Planning failure or refusal to do the thoughtful job required again present the the issue of re-structuring that agency to more accurately reflect the outer Boroughs and Communities within each Borough. For example separate Borough Planning Commissions selected from designees from each Community Board in each Borough acting. At least initially on each application in that Borough and the Borough President serving as Chair of the Borough Commission and in person or by proxy as one of nine citywide Commissioners designated, the other 4 to be designated 2 by the Mayor and one each by the Comptroller and Majority Leader of the City Council.

even less will ensue should the Proposal be adopted by the City Council. Moreover, the Proposals are predicated on a “one size fits all philosophy” that is not reflective of sound or deliberate planning in the public interest. The shotgun approach advanced is unsupported by any detailed, independent data and is wholly unacceptable. What works on Manhattan’s affluent Eastside is often foreign to the Westside or in Harlem which, quite properly have their own needs and approaches that merit application.

To illustrate, at significant cost, funded by a charitable foundation and community contributions, as well as with considerable volunteer effort, in 1997 this Board and supportive elected representatives began work on and in 2000 submitted and later secured the adoption of a 197-A Plan, detailing on a carefully defined basis, neighborhood-by-neighborhood zoning throughout Community Board 8 in the public interest and for the benefit of not just the community but for the Borough and City as a whole. It was hailed and adopted by DCP and CPC. Thus, City Planning, then ably led by Amanda Burden, “applauded,” in its October 22, 2003 197-a Plan adoption “...the comprehensive and lengthy planning process [and]...the thoroughly analyzed [197-a] plan” the Community Board produced in conjunction with the Community. Significantly the Commission took pains to note its efforts to “strengthen” the environmentally sensitive SNAD regulations that the Community Board had generated, notably, the same Special Natural Area District and Regulations City Planning’s current staff has in recent years and in this Proposal sought to eviscerate. The then Bronx Borough President, Fernando Ferrer, and the City Council enthusiastically joined in those approvals. Nonetheless, though the environmentally sensitive reasoning and community and public benefits that warranted the SNAD have not changed, other than to become more pressing with climate change and the acknowledged dangers of Hudson River flooding (which wreaked havoc for Metro North in Spuyten Duyvil, Riverdale and beyond during Hurricane Sandy and other storms), those concerns with climate change manifestations, Hudson River Flooding and other environmental impacts are substantively ignored in the current Proposals. Similarly, the limited protections currently in force (e.g., SNAD) that should be expanded, not eviscerated, are seemingly ticketed for elimination (presumably to accommodate development for profit). Indeed, City Planning promises it will strive to eliminate all Special Districts. Another triumph for special interests. This backdoor attempt to eviscerate the 197-A Plan and the environmentally conscious constraints of SNAD, previously endorsed and adopted by every relevant branch of City government, including City Planning and the City Council, has even greater merit today with manifested climate change impacts and this covert attempt to sabotage it of itself warrants rejection of the Proposals.

- **Finally, It Bears Repetition that Even Casual Review of the Proposal Discloses that there Is No Measurable Commitment Thereunder to Affordable, Permanent Housing in terms of Numbers or by Household income. The contrary “Hype” offered to the Public and Reiterated to the City Council is Marketing Rhetoric Devoid of Merit:** Despite the assertions made in the marketing presentations, in the

Proposal and in the presentations made by City Planning to The City Council, there is in fact, no assurance provided as to whether, let alone how much, if any, *truly affordable* housing must or will in fact be *permanently* provided under the Proposal or even that the expanded facilities will be thus limited.

Indeed, as noted at the outset of this Report, the Proposal omits to provide or commit that all or even the predominant percentage of the development or construction *that is in any material way benefitted by any of the expanded or new zoning provisos must go solely* to those concededly in need—namely, low and truly moderate income earners.²² Instead, as later appears, the Proposal studiously continues the current regimen under which the term “Affordable Housing” deliberately remains misleadingly vague and flexible and the operative AMI remains significantly *inflated* by the inclusion in the underlying data of relevant income figures from Westchester and Nassau County communities like Scarsdale and Roslyn, to name a few.²³

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Conclusions and Recommendations

The foregoing illustrations of the Proposal’s many basic flaws are just that, illustrations. The limited time allotted for volunteers to read, understand and respond to hundreds of pages of technical jargon, employed not to illuminate but to overwhelm, has precluded more than here is noted. While there may conceivably be limited aspects of the Proposal that merit further examination, in their present context the Proposals noted and the Proposal in its entirety constitute a fatally flawed series of inappropriate excesses that cannot stand. Indeed, the serious concerns here illustrated hopelessly taint the Proposal.

The Proposal is so plainly one-sided in its desire to advance certain private interests as to raise serious questions warranting inquiry as to their initiation and development. From the standpoint of Bronx Community Board 8 and the Community as a whole the Proposal is fatally flawed and would, if adopted by the City Council, at best, jeopardize the continued vitality of this and other communities through unbridled and overwhelmingly increased density, unsafe and hazardous conditions and circumstances that are fundamentally inconsistent with a sound and livable Community and City. To boot, the Proposals would expose New York City’s Tenant population to uncontrolled ravages, not the least of which is the erosion of the right of quiet

²² Cf., *Appendix 1*, a recent schedule stating the parameters of the AMI (the “Area Median Income”) and Affordable Housing, but which this Board has repeatedly asked to be restated to limit the data upon which it is based to New York City income and omit that of affluent suburbs.

enjoyment and livability that every resident is entitled to. As for Bronx County, which thanks to its Borough elected officials, has made beneficial strides in housing, commerce, employment and livability generally, the retrogression that would likely ensue if the City Council were to adopt the Proposal in whole or any material part would be substantive and significant.

RESOLUTION

For each and all of the foregoing reasons,

The Special Committee, by **unanimous vote** (with one excused absence), respectfully urges Community Board 8 to adopt in substance the following Resolution with respect to the Proposal :

WHEREAS the Special Committee on City of YES—Housing Opportunity has carefully examined the several parts comprising the submission of City of Yes for Housing Opportunity—2024 (the “Proposal”) , consulted with architects, planners and other experts, including City and State public officials, past and present, and conducted three noticed public meetings-hearings on the Proposal and carefully listened to those participating in person or remotely, including representatives of City Planning; and

WHEREAS the Committee has received, reviewed and commented upon drafts of and a final proposed Committee Report, a copy of which is attached hereto and made part hereof, together with annexed appendices; and

WHEREAS after due consideration it is hereby

RESOLVED that the Special Committee on City of YES—Housing

1. Rejects the City of Yes for Housing Opportunity Proposal and finds it lacking in supportive merit and fatally flawed;
2. Urges Bronx Community Board No. 8 to likewise accept and promulgate to the appropriate persons and entities the attached Report and its Appendices;
3. Calls upon the Members of the New York City Council representing any segment of the population within the Bronx Community Board 8 District to categorically reject the Proposal;
4. Urges the New York City Council to reject the Proposal in its entirety as contrary to the public interest.

June 17, 2024

Respectfully submitted

Special Committee on City of Yes—Housing Opportunity 2024.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 28	# Against: 1	# Abstaining: 1	Total members appointed to the board: 30
Date of Vote: 6/20/2024 12:00 AM		Vote Location: BXCB9 General Board Meeting at Shoprite Community Room	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/20/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	BXCB9 General Board Meeting at ShopRite Community Room

CONSIDERATION: The Board voted in favor of all proposals with the exception of the following three: -Accessory Dwelling Units -Lift Costly Parking Mandates -New Zoning Districts		
Recommendation submitted by	BX CB9	Date: 6/25/2024 12:20 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 27	# Against: 4	# Abstaining: 0	Total members appointed to the board: 31
Date of Vote: 6/20/2024 12:00 AM		Vote Location: 2999 Schurz Avenue, Bronx, NY 10465	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/22/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	GAI, 3573 Bruckner Boulevard, Bronx NY 10461

CONSIDERATION: In a vote of 27 to 4, Bronx Community Board voted to disapprove the City of Yes - Housing Opportunity.

Recommendation submitted by	BX CB10	Date: 6/21/2024 3:08 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 31	# Against: 1	# Abstaining: 0	Total members appointed to the board: 33
Date of Vote: 6/27/2024 12:00 AM		Vote Location: Albert Einstein College of Medicine	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/10/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Community Board 11 Office

CONSIDERATION: Please see the uploaded recommendation.

Recommendation submitted by	BX CB11	Date: 7/11/2024 11:11 AM
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City of Yes Housing Opportunity

Ad hoc Committee Recommendation

Over the past several months, our committee has engaged in numerous workshops regarding the City of Yes Economic and Housing Opportunities, specifically focusing on the Metro North Project and its implications for the Northeast Bronx. This initiative represents a significant development effort that has sparked both anticipation and concern within our community.

Regarding the City of Yes Housing Opportunity portion, our committee regrettably cannot endorse this initiative at present. Our recommendation stems primarily from the lack of comprehensive information provided thus far. While we acknowledge the necessity to modified current zoning laws to adjust to current economics and population changes which will enable homeowners to enhance their properties financially, concerns remain regarding the feasibility and inclusivity of the proposed Affordable Housing components.

One critical concern relates to the definition and implementation of "Affordable Housing," particularly concerning rental rates and supportive services necessary to foster tenant success. Equally important is the insufficient provision of opportunities for homeownership within the plan. Moreover, we seek clarity on how essential local agencies, including law enforcement, educational institutions, utilities, and social services, will manage the anticipated influx of new residents.

Our community currently grapples with pressing issues such as crime, school overcrowding, and inadequate infrastructure. Furthermore, the lack of accessible support services within the neighborhood for households, especially those with members requiring disability accommodations, remains a significant challenge.

While we acknowledge the urgent need for additional housing amidst record-high shelter populations and multi-generational living arrangements due to economic pressures, we share the anxieties of our constituents regarding the potential impacts of rapid development. Historical precedents elsewhere in the city underscore our concerns about the potential for irreversible neighborhood transformation.

In light of these considerations, we regrettably advise Community Board 11 to withhold support for the Housing Opportunity Plan until these fundamental questions and concerns are adequately addressed. We emphasize the importance of transparency, thorough planning, and community engagement in ensuring the long-term viability and well-being of our neighborhood.

Regards,

Wendy L Hewlett-Betts
City of Yes Ad-hoc Committee Chair



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 3	# Against: 26	# Abstaining: 0	Total members appointed to the board: 29
Date of Vote: 6/27/2024 12:00 AM		Vote Location: 4101 White Plains Road	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/3/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	4101 White Plains Road

CONSIDERATION: The General Full Board of Community Board 12 met and voted on June 27, 2024 at 7PM against COY - Housing Opportunity. The Public Hearing and the Full Board did not meet on the same day. Quorum was met on both occasions. The Board did go through the worksheet due to time constraints.

Recommendation submitted by	BX CB12	Date: 7/2/2024 12:49 PM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Approved with modifications

Recommendation submitted by	BX BP	Date: 7/8/2024 4:34 PM
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**BRONX BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 BROADWAY- 31ST FLOOR
NEW YORK, NEW YORK 10271-0001**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION NO: N 240290 ZRY-THE CITY OF YES FOR HOUSING OPPORTUNITY

DOCKET DESCRIPTION:

PLEASE SEE ATTACHMENT

BRONX COMMUNITY DISTRICTS: BOROUGH WIDE

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

July 8, 2024
DATE



BRONX BOROUGH PRESIDENT VANESSA L. GIBSON

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

CITY OF YES FOR HOUSING OPPORTUNITY

APPLICATION NO: N 240290 ZRY

IN THE MATTER OF an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to enable more housing and a wider variety of housing types in every neighborhood, from the lowest density to the highest density, to address the housing shortage and high cost of housing in New York City.

The full proposed text can be accessed from the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023Y0427>.

BACKGROUND

The New York City Department of City Planning (the applicant) and the Adams administration acknowledge that the City of New York is currently facing a severe housing shortage. Approval of this application will update and modify zoning ordinances, which will allow for a wider range of housing development throughout the city. In addition, outdated zoning mandates will be amended to facilitate the creation of more housing in a greater number of locations where such developments are currently not permitted pursuant to zoning. The housing currently in development is mostly limited to certain neighborhoods, overburdening them, while other neighborhoods see little to no new development.

The housing challenges The Bronx and New York City face include:

- The citywide apartment vacancy rate is 1.41%, the lowest it has been since 1968.
- In The Bronx, the vacancy rate is even lower at 0.82%.
- Citywide, approximately 50% of renters are “rent burdened,” paying more than 30% of their income on housing. Over 60% of Bronx renters are rent-burdened.
- As of December 2023, the number of homeless New Yorkers living in a shelter was 92,879. Of these, 33,399 (36%) were children below the age of 18.

Proposal

The New York City Department of City Planning is proposing a citywide text amendment to address New York City's severe housing affordability crisis. The proposal advocates reforming the existing zoning regulations that currently restrict the development of more housing citywide and limit it to certain neighborhoods.

The overall objectives of this application include:

- 1) Providing more housing options and housing types
- 2) Reducing economic pressure on gentrifying areas
- 3) Constructing more affordable housing
- 4) Providing flexibility for single and two-family homeowners
- 5) Boosting New York City's economy by creating new jobs and easing housing costs
- 6) Creating more climate-friendly housing near transit

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by Bronx Borough President Vanessa L. Gibson on Monday, June 17, 2024 at 851 Grand Concourse in Room 711, as well as virtually through Webex. Representatives of the Applicant team were present and spoke in favor of the application. Members of the public offered testimony via Webex and in person. Of those offering testimony two spoke in favor and six were opposed. Upon the completion of all testimony, the public hearing was closed. Written testimony was accepted until Friday, June 21, 2024. Of the written testimony received, there was a mix of support and opposition to the various parts of the proposal.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

New York City is experiencing a housing crisis, and how to resolve this crisis is one of the main topics of this proposal. While certain areas of The Bronx and the city as a whole have seen record increases in density and growth since the 1961 zoning regulations came into effect, other neighborhoods have seen minimal to no new housing development. Many of the areas that are currently identified as lower-density zoning districts were zoned that way based on the existing context in 1961, and the zoning did not always have the foresight to anticipate the necessary growth for the future needs of the city. The New York City Department of City Planning's (DCP) proposal to add "a little more housing in every neighborhood" is attempting to address that disparity. These proposed zoning changes would add housing in areas of the city that haven't seen any growth in decades, while also continuing to add units in higher density areas. Adding more development potential across neighborhoods will result in a more balanced distribution of new and diverse housing types.

I will continue to support a balanced approach that results in every community doing their fair share to alleviate this housing crisis. The biggest overall issue I see in meeting this obligation is understanding how the city can meet and keep up with the additional infrastructure demand. There are many areas of The Bronx that need infrastructure improvements today, so if the city were able to improve the overall infrastructure to meet that demand, it would reduce some of the existing concerns that these neighborhoods cannot support additional density. This challenge is exacerbated because these infrastructure improvements will only occur if there is an increased demand. So the question I pose to the City is: if the City wants support for additional density in areas that have existing infrastructure challenges, what assurances can be made to ensure these improvements will happen, and why aren't these challenges being addressed today so current residents can benefit?

Further, I want to ensure that neighborhoods across our borough maintain their existing characters, and that the additional housing development, particularly in low-density neighborhoods, remains consistent with what currently exists. I believe that this proposal must not substantively infringe on the rules surrounding historic districts and special districts that are defined by their unique neighborhood characteristics, such as City Island and the Special Natural Area District. The distinctive identities of these neighborhoods must continue to be preserved.

Additionally, I see the ongoing challenge that the existing housing stock is not maintained up to the level that it should be. Much of the housing stock is in dire need of both routine maintenance and larger capital investments. This is a failure of housing providers, but it is also a failure of the City. The New York City Department of Buildings (DOB) must employ more building inspectors to ensure existing homes are safe for residents, in addition to deploying an increased level of enforcement to ensure that new housing construction is carried out safely.

While these questions are essentially outside the purview of zoning, adding density in any neighborhood requires a holistic approach by the City to ensure that this new density can be absorbed by the communities without leading to negative effects such as overburdened infrastructure and services and that the current residents are not left behind by new development. This is one aspect of what a balanced approach to development should look like.

I understand there are tradeoffs and sensitivities in every community, and I will continue to fight for The Bronx to ensure we are getting the support we deserve. I have been consistent in my message that we need more housing developments that offer larger units (units with at least two bedrooms) where families can grow in place, as well as more homeownership opportunities that create pathways to the middle-class. I will not compromise on what is necessary for The Bronx to be successful into the future. While there are parts of the proposal that I support, there are other parts that I do not believe should move forward at this time.

I will not give my thoughts on all the components of the Housing Opportunity proposal, but I will address the main topics.

There are several components to the proposal: those that impact lower-density residential areas (areas zoned R1-R5), those that impact medium- to high-density residential areas (areas zoned R6-R10), and those that impact all residential areas.

Lower Density Proposals:

Town Center Zoning: I support portions of this proposal. The intent of this proposal is to enable current one-story commercial corridors to build residential housing above existing commercial space. To incentivize this, there is a 0.5 FAR increase in R1 through R3 zoning districts and no maximum height increases, a 1.0 FAR increase with a one-story maximum height increase in R4 districts, and a 0.5 to 1.25 FAR increase with a one- to two-story maximum height increase in R5 districts.

Along commercial corridors, this is a very modest increase to both the FAR and the height of a building and I generally support this provision.

However, I do not support the automatic extension of R5 density provisions to commercial overlays in the new Greater Transit Zone. I believe that the change to allow R5 zoning should be limited to the overlays in the existing transit zone. I believe that the commercial corridors outside of the existing transit zone should go through individual rezonings to determine if the scale proposed here is appropriate, and each should be decided on its own merits.

I also oppose any City Island Special District regulations being superseded by changes in this proposal. The intent of this special district was to preserve the historic scale of the island which has a 35-foot maximum height for new development that can only be overridden with an authorization or special permit. Failing to incorporate the existing context of unique areas like City Island by applying a one-size-fits-all approach is not the best way to implement this proposal.

Transit-Oriented Development (TOD): I endorse this provision. This proposal will allow an increase of 0.5 FAR in R1 districts but will also add a height limit of 35 feet where there is no height limit today. It will also add between 0.4 to 0.5 FAR in R2 and R3 districts with no change to the maximum height, which remains capped at 35 feet. It will add 0.6 FAR in R4 districts with a one- to two-story maximum height increase, capped at 45 feet. It would add between 0.65 to 0.9 with a one- to two-story height increase, capped at 55 feet.

While there is a slight increase in the FAR and height for most of the districts, this increase is relatively modest, adding maximum height limits that are one- to two-stories larger than what is currently allowed and only for the R4 and R5 districts while placing a maximum height limit on R1 districts where there is no height limit today.

This increase will only apply to areas within a half-mile of a rail or subway station which ensures that public transit is accessible for these new units. The proposal also requires the lot be at least

5,000 square feet and be located only on wide streets or on the short end of a block, to ensure the building is at an appropriate scale.

This slight increase will create some additional units but will not change the character of the neighborhoods because the maximum height changes are modest and within a range that is appropriate.

Accessory Dwelling Units (ADU): I endorse this provision. ADUs can include conversions to basements, attics, and garages, as well as standalone structures. In many urban and suburban communities across the country, these regulations are already in place, making it possible for homeowners to add an additional modestly sized dwelling unit to their properties. This is typically done to accommodate an older family member who will then be able to age around family or a younger adult looking to have some independence. The amount of senior housing is not keeping pace with the growth in the senior population, so we must find alternate solutions to support older adults. While ADUs are not a perfect answer, they will allow many families to keep their relatives close while allowing them the autonomy to have their own space or unit.

Allowing ADUs will also create a path for ensuring units are built legally and that they comply with building codes. The conversion of existing spaces – particularly basements – into dwelling units without approval does not meet DOB codes and creates potentially unsafe living conditions, such as locating units where there could be stormwater flooding or creating spaces with no legal egress. Anyone seeking to add an ADU would be required to meet all building codes for fire and stormwater flood safety, among other safety precautions. Failing to institute a legal way to establish ADUs will result in the continued incentivization of a market that is unregulated.

I am pleased that the 800 square foot maximum counts toward the total FAR and that a number of other requirements will ensure ADUs meet general zoning requirements and remain modest in size.

While it is beyond the scope of this proposal, I also feel that it is important to call for an expansion in resources and staff for DOB inspectors to ensure that all the housing in our city, including any new ADUs, are created with the safety and welfare of their occupants in mind. We need more staff at DOB to ensure timely and comprehensive inspections are carried out. We have seen too many tragedies resulting from poor building upkeep, including flooding, fires, and collapses. Additionally, the City and its non-profit partners should collaborate to provide homeowners with more education about ADUs, the process to build them out, and the rights and responsibilities of homeowners who have one on their property.

District Fixes: I endorse this provision. The proposal would modify the basic zoning regulations to allow more flexibility on a lot. This includes the minimum lot size, minimum lot width, FAR, yards, maximum base height, and maximum height in R1 through R5 zoning districts.

Allowing additional flexibility will provide homeowners with the ability to expand or build slightly larger buildings than they could today. One major benefit of this change will be to help non-compliant buildings become compliant. A non-compliant building becomes that way when there are changes to the zoning resolution that then make that building non-compliant with the new zoning regulations. This is an issue that many homeowners face when trying to improve their properties, and this proposal creates a way forward for them. I have heard many stories of homeowners who are not able to modify their homes because they no longer meet zoning rules that have changed over time. Non-compliant buildings are unable to get home loans and are often forced to go to the Board of Standards and Appeals for any zoning relief, which usually results in the improvements not occurring, and, over time, these buildings can fall into disrepair.

This proposal also provides homeowners with more flexible property rights, so they can build and expand their homes based on their needs. This change is modest, and I believe that homeowners should have greater flexibility as long as they stay within the zoning regulations, even if those zoning parameters change slightly.

Medium and Higher Density Proposals:

Universal Affordability Preference (UAP): I endorse this provision. This proposal is similar to the existing Affordable Independent Residences for Seniors (AIRS) which has helped incentivize the creation of affordable senior housing by giving a 20% FAR increase exclusively for permanently affordable senior housing. This proposal is expanding on the AIRS program and would allow all affordable housing in medium- and high-density neighborhoods to get this 20% FAR increase. This proposal simply expands the scope of who can benefit from this incentive and would result in more permanently affordable homes.

Additionally, the UAP will allow for a 60% AMI affordability level, which is a much deeper affordability level than the 80% AMI level under the existing Voluntary Program. It will also allow for income averaging, accommodating a variety of income levels within a single project. This deeper affordability requirement along with the income averaging are both positive additions and will provide flexibility for developing affordable housing options for a wider range of Bronx residents and working-class families.

Citywide Proposals:

I recognize that these proposals address citywide challenges without specific regard for the unique characteristics of Bronx neighborhoods and communities. However, in making my recommendation, I want to ensure that The Bronx can reap the potential benefit of these proposed changes.

Lift Costly Parking Mandates: I cannot endorse this proposal in its current form. The Bronx is home to numerous communities that do not have access to sufficient public transportation options for eliminating parking mandates to be a reasonable idea. The transit deserts in areas like the East Bronx are home to residents who mostly drive as their primary means of getting around. I share residents' concerns that the elimination of parking minimums would result in an already competitive parking situation becoming even worse.

While I recognize the additional costs that parking mandates impose on new market-rate development, I believe that eliminating mandates, particularly outside of areas close to transit, would be harmful to many neighborhoods. If this proposal were to move forward, I would insist that it be limited to areas within a half-mile of a railroad or subway station. This would enable new development in areas where car ownership is not a necessity, while still meeting the needs of residents of communities that rely on cars for transportation.

Convert Non-Residential Buildings to Housing: I endorse part of this proposal. Consistent with my recommendation for the Zoning for Economic Opportunity (ZEO) proposal, I am supportive of commercial uses being converted to residential uses because it is an opportunity to provide new housing in existing buildings. The concerns I had in the ZEO proposal remain valid, as I said in my prior recommendation:

“...my final concern is on-going, which is ensuring the public understands the requirements for where residential and non-residential uses may locate. Allowing commercial above and on the same level as residential does not mean residential buildings will be permitted to just add these uses without going to the Department of Buildings to get the proper approvals. Requiring that buildings meet these requirements to show compliance with noise mitigation and having separate elevators is a high bar for a reason. Building code rules would also have to be complied with, including showing that the building could handle any increased demand on its electrical systems, that it would meet FDNY capacity requirements, and that it obtained a new certificate of occupancy. The only way this proposal will work is if the city enforces these requirements. So, while I am in support of this proposal, I do so with the caveat that enforcement is paramount.”

I would also suggest a change to the proposal, namely that, instead of moving the eligibility date from 1961/1977 to 1991, which would make 1991 the new “permanent” date, that there be a rolling date that will allow conversions based on a 30-year timeframe to avoid having to continuously update this requirement in the future.

Small and Shared Housing (and SROs): I emphatically do not endorse this part of the proposal.

While DCP is correct that there are younger adults who want to live alone and older adults that would like to downsize and that small or shared housing may be beneficial for these individuals, The Bronx has seen the worst types of outcomes from this housing typology in the past, and we have a strong need for units that are suitable for families – units that are larger rather than smaller. This narrative may not comport with the needs of the entire city, so I speak only for The Bronx and our residents who demand better housing options. I will not support any housing that doesn't meet these benchmarks for quality.

I will support quality over quantity and, to do this, we must change the narrative about how we talk about units. We must balance fulfilling the strong need for more units with ensuring that the units we create are of good quality. The narrative around housing production entirely focuses on the number of units created, but we must be able to redefine this narrative to discuss the number of people who are able to be housed. We currently treat all units as though they are equal, such as the Mayor's goal to build 500,000 units or the Governor's goal to build 800,000 units, but that is not reflective of the number of people anticipated to live in these units. I recommend that instead of counting buildings based on their units, we count them based on the number of bedrooms provided. This will more accurately reflect the number of people that are living in the building and will give more value to larger units.

For example, this would increase the value of two-bedroom units because they will be counted as providing housing for two-to-four people, whereas studios and one-bedrooms will be counted as housing for one-to-two people. This is not manipulating the outcome but is more reflective of the total number of people who could live in that building and shows how larger units should be given more value compared to studios and one-bedrooms. A specific example of how this would result in better outcomes is the recently approved East Tremont Cluster NCP project. This proposal included three abutting studio units, but, based on the term sheets, these units could have instead been a one-bedroom apartment and a two-bedroom apartment which could have housed the same number of people or more. However, the three studio units are given more value because it helps agencies meet their unit goals for quantity that they are under pressure to support.

I understand this is out of scope for this proposal, and changing a narrative is not easy, but it gets to some of the core issues for how housing is being financed and constructed under the guise of meeting an arbitrary goal of quantity rather than focusing on how family housing can be built for the middle class. Failing to build an adequate number of multi-bedroom units can result in displacement if families are forced to move out of their neighborhoods to find larger units once their family grows. We must build larger units to accommodate these families in every neighborhood.

Eliminate Dwelling Unit Factor (DUF): I emphatically do not endorse this part of the proposal.

For the same reasons I noted in the “small or shared housing” proposal, I do not support reducing or eliminating the DUF when we must focus on quality over quantity. The Bronx is currently seeing more housing being built than other parts of the city, and much of this housing is conversions or new development which seeks to maximize the number of units that can be built on a given site. By reducing the DUF, it will only increase the number of smaller units and studios that are created.

I understand what this provision is seeking to achieve by facilitating the construction of smaller, more affordable residential units in areas where mass transit options are readily available, and I recognize there is a need for this type of housing, but this need is not greater than the need for family units in The Bronx.

Campus Infill: I endorse this provision as proposed for both high- and low-density locations.

As I noted in my ZEO recommendation, when I think of this proposal and who may benefit, I focus on the residents living in NYCHA housing. Nearly 1 in 17 New Yorkers live in NYCHA supported housing, accounting for over 528,000 residents across 335 conventional public housing and PACT developments. Providing options for infill development would be an opportunity to provide additional housing where it cannot be located today, while also meeting quality housing standards and incorporating requirements for distance between buildings and other protections to ensure light, air, and green space can be accessed by any new residential buildings as well as by existing buildings on the campus.

Furthermore, any new construction on an existing NYCHA development should be done in consultation with the current residents and Tenant Association leadership. This new development should be mixed-income housing geared towards working families and seniors, with any allowable priority for current residents of the development.

Miscellaneous

In addition to these proposals, there are a number of modifications to existing zoning regulations that are included in the ZHO proposal that I will briefly discuss.

Update to Mandatory Inclusionary Housing (MIH) Citywide: I support this provision because it would allow for the deepest levels of affordability to be proposed as a standalone option when being mapped in Appendix F. Under the current zoning resolution, the Deep Affordability option (20% affordable housing at 80% AMI) must also include either Option 1 (25% affordable housing at 60% AMI) and/or Option 2 (30% affordable housing at 80% AMI) when being mapped. This will provide more flexibility for new affordable housing development.

New Zoning Districts Citywide: I support the creation of the new zoning districts. This proposal would create new zoning districts that do not exist today which include R11 (12.5 FAR) and R12 (15 FAR). The proposal also seeks to modify the R6 district, and this new district type is already proposed to be mapped as part of the Metro-North Study special district.

Generally speaking, new zoning districts simply provide more options. Once one of these zoning districts is being proposed for an area, it will then go through a ULURP where it can be considered on its own merits for the community it is being proposed for. I would not support any future proposal to bring R11 or R12 zoning to The Bronx – especially given that we do not have any R10 zoning today – but am cognizant of the fact that this would benefit other parts of the city.

Sliver Law: I endorse this provision, mindful of the fact that it is not likely to have much impact on The Bronx. The law has prevented some sites from participating in the city’s Inclusionary Housing Program. The City of Yes proposals would eliminate the law in contextual districts and for developments using the Quality Housing option in non-contextual districts to enable these sites to accommodate the amount of housing and affordable housing allowed by permitted FAR. As this proposal’s overall result will be more housing options, I support this proposal.

Quality Housing Amenity Changes: I endorse this provision because it provides an incentive to build amenities in new developments while not counting towards the FAR (with a 5% maximum allowance) pursuant to the existing Quality Housing regulations. This ultimately allows for a few additional units by incentivizing better amenities for the residents that will live in those buildings. These amenities could include community rooms, laundry facilities, coworking spaces, fitness spaces, and other areas that all residents can use. I support zoning changes that directly achieve better outcomes for residents such as these.

Landmark Transferable Development Rights (TDRs): I endorse this provision. Buildings that have been landmarked have been so designated because of their unique tie to history. Barring any unforeseen circumstance, these buildings cannot be demolished, even as the surrounding areas may undergo substantial development.

This proposal will allow more flexible rules for transferring FAR, including to areas on other parts of the block or across the street, whereas now the transfer could only happen to adjacent properties. This would not only enable the owner of the landmark to realize a significant source of additional income, but this income could then be used to protect and maintain the landmark itself. In The Bronx, there are several existing landmarked buildings that would benefit from this more flexible TDR provision, such as the Lowes Paradise Theater on the Grand Concourse, the Old Bronx County Courthouse on Third Avenue, the Dollar Savings Bank building on the Grand Concourse, and Morris High School on Boston Road.

Railroad Right-of-Way: I endorse this provision. The current provisions associated with Railroad Right-of-Ways are outdated, unnecessarily cumbersome, and no longer meet their original intent. The Bronx currently has numerous Railroad Right-of-Ways, so making this process simpler would be of great benefit to our borough. There would still be a ministerial action to show compliance on small sites and an authorization on large sites over four acres. I endorse making these two items not subject to ULURP.

Provide Relief for Sites Near Elevated Infrastructure: I endorse this provision. Across The Bronx, there are many miles of elevated subway lines and elevated interstate highways. Given the overwhelming need for additional housing, this provision will better ensure that sites near such infrastructure be developed in a way that reduces the intrusive impact caused by subways and vehicles, including proper noise mitigation, but does not sacrifice the full development potential of a site.

SUMMARY

The City of Yes Zoning for Housing Opportunity provides several solutions to tackle the city's profound housing crisis. New York City remains an attractive place for people to live and raise their families. However, our city cannot continue to grow without creating more housing to provide places for people to live and to bring down the escalating cost of rent. This proposal is a strong step towards making our city a more affordable place to live.

As Bronx Borough President, I know that current housing policies and regulations are coming up short for New Yorkers, especially residents of The Bronx. Many communities in The Bronx have median household incomes of \$40,000 or less, and tenants are simply unable to afford rising rents. New housing development is at historically low levels in our city, and, in some neighborhoods, production is nearly non-existent. At the same time, the demands of Local Laws 11 and 97, skyrocketing insurance costs, and ongoing maintenance issues to keep multi-unit buildings safe, will only make it more challenging to maintain the existing housing stock in our borough.

Reducing outdated zoning ordinances, providing incentives to construct affordable housing where it would otherwise not be permitted to be built, and encouraging new housing to be developed near convenient access to mass transit are some of the ways The City of Yes for Housing Opportunity responds to our city's housing challenges. I also appreciate that these proposals affect every community across the city, echoing what I always say: that it is necessary that all communities do their fair share.

Acknowledging the pragmatic limitations that DCP faces when addressing the complex issues associated with housing, it is encouraging that these proposals are a collaborative effort between DCP and other city agencies. In order to ensure that The Bronx and the rest of the city remain a place where everyone is able to reside in affordable, safe, and well-maintained housing, such

collaborative efforts are necessary. For the Bruckner Sites Rezoning, I asked the Adams Administration to invest in a multi-agency task force of experts to provide comprehensive solutions to infrastructure improvements. Continued inter-agency cooperation is essential to ensuring that all factors that prevent new housing development are addressed in a way that tackles the housing crisis while ensuring that families are secure in their homes and protected from displacement.

In conclusion, I want to commend the New York City Department of City Planning for their commitment to finding ways to streamline the current zoning regulations while maintaining zoning's core intent to protect public health, safety, and general welfare. Urgently addressing outdated zoning ordinances is crucial to support existing housing as well as the new housing production that is vital to our city and neighborhoods.

I want to thank Mayor Adams and Director of City Planning Dan Garodnick for their leadership in supporting and advancing this important proposal, and I recommend approving this application, with my conditions, observations, and modifications included.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 31	# Against: 0	# Abstaining: 0	Total members appointed to the board: 31
Date of Vote: 6/18/2024 12:00 AM		Vote Location: 211 Ainslie Street Brooklyn, NY 11211	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/14/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	211 Ainslie Street, Brooklyn, NY 11211

CONSIDERATION: Please see the attached Vote Sheet, Land Use report and Resolution.

Recommendation submitted by	BK CB1	Date: 6/24/2024 3:15 PM
-----------------------------	--------	-------------------------

The committee voted unanimously to recommend approving the amendments with the following conditions:

1- With respect to the Accessory Dwelling Units (ADUs) the city must perform an extensive flooding analysis to assure the safety of basement apartments, taking into account the Meeker Avenue plume extent, and brownfield, superfund and manufactured gas plant and other contaminated sites throughout the district.

2- With respect to small and shared housing for new residential construction, the community board must have meaningful input in order to assure that the district's needs for multi-bedroom apartments are addressed.

Add Community Board Recommendation

Recommendation to be submitted for:

City of Yes for Housing Opportunity (/projects/2023Y0427) Non-ULURP

The NYC Department of City Planning is proposing a citywide zoning text amendment to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

Was a Quorum Present at your hearing(s)?

A quorum requires the presence of 20% of appointed board members, and not fewer than seven members.

Yes No **05/14/2024 | 211 Ainslie Street, Brooklyn, NY 11211**

Conditional Favorable

Votes In Favor	Votes Against	Abstain	Total Members
31	0	0	31


Vote Location and Date for all actions

Vote Location	Vote Date
211 Ainslie Street Brooklyn, NY 11211	06/18/2024

Recommendation Comment for all actions.

Please see the attached Vote Sheet, Land Use report and Resolution.

Upload supporting documents

 Choose Files

Continue

Please confirm your recommendation information.



Was a Quorum Present at your Hearing(s)?

Yes **05/14/2024 | 211 Ainslie Street, Brooklyn, NY 11211**

Recommendation: Conditional Favorable

Votes in Favor: 31

Votes Against: 0

Abstain: 0

Total Members: 31

Vote Location: 211 Ainslie Street Brooklyn, NY 11211

Vote Date: 06/18/2024

Comment: Please see the attached Vote Sheet, Land Use report and Resolution.

Attached files:

No files attached.

Once your recommendation is submitted, you can not edit it. You'll need to contact NYC Planning to make any changes (ZAP_feedback_DL@planning.nyc.gov or 212-720-3300).

[Submit Recommendation Information](#) [Cancel](#) (continue editing)



COMMUNITY BOARD NO. 1
 435 GRAHAM AVENUE - BROOKLYN, NY
 11211

PHONE: (718) 389-0009
 FAX: (718) 389-0098
 Email: bk01@cb.nyc.gov

Web site: www.nyc.gov/brooklyn1



Landuse: City & Yes Housing

Motion made by: Sonia Iglesias
 Seconded by: Lisa Bamonte

DATE: 6/18/24

	YES	NO	ABS		YES	NO	ABS
GINA ARGENTO				SONIA IGLESIAS	✓		
BOGDAN BACHOROWSKI	✓			MOISHE INDIG			
LISA BAMONTE	✓			JACOB ITZKOWITZ			
GINA BARROS	✓			ROBERT JEFFERY	✓		
ERIC BRUZAITIS	✓			BOZENA KAMINSKI			
IRIS CABRERA	✓			PAUL KELTERBORN	✓		
PHILIP CAPONEGRO	✓			WILLIAM KLAGSBALD			
FRANK CARBONE	✓			MERYL LABORDE	✓		
STEPHEN CHESLER	✓			MARIE LEANZA	✓		
MICHAEL CHIRICHELLA	✓			YAMILLETTE LEBRON	✓		
KEVIN COSTA	✓			MICHELLE LOPEZ			
GIOVANNI D'AMATO	✓			CLEMENTINE McCOY	✓		
ERIN DRINKWATER	✓			ADAM MEYERS	✓		
MIGUELINA DURAN	✓			TOBY MOSKOVITS			
ARTHUR DYBANOWSKI	✓			MICHAL MROWIEC	✓		
ROSEMARY ESPINAL	✓			RABBI DAVID NIEDERMAN			
LLOYD FENG	✓			JANICE PETERSON			
JULIA AMANDA FOSTER	✓			AUSTIN PFERD	✓		
RIFKA FRIEDMAN				BELLA SABEL			
DEALICE FULLER				ISAAC SOFER	✓		
JOEL GOLDSTEIN				SAMEER TALATI			
JOEL GROSS				DEL TEAGUE	✓		
DAVID HEIMLICH	✓			RAFFAELLO VAN COUTEN			
LARISSA HO	✓			WILLIAM VEGA	✓		
KATIE DENNY HOROWITZ	✓			SIMON WEISER	✓		

TIME: 10:45pm TALLY: 31 YES 0 NO 0 ABS 0 RECUSAL



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

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HON. ANTONIO REYNOSO
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

GINA BARROS
THIRD VICE-CHAIRPERSON

DAVID HEIMLICH
FINANCIAL SECRETARY

SONIA IGLESIAS
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

DEALICE FULLER
CHAIRPERSON

JOHANA PULGARIN
DISTRICT MANAGER

HON. LINCOLN RESTLER
COUNCILMEMBER, 33rd CD

HON. JENNIFER GUTIERREZ
COUNCILMEMBER, 34th CD

June 18, 2024

COMMITTEE REPORT

Land Use, ULURP, and Landmarks (Subcommittee) Committee

TO: Chairperson Dealice Fuller and CB1 Board Members

FROM: Ms. Del Teague, Committee Chair
Mr. Stephen Chesler, Committee Co-Chair
Ms. Bozena Kaminski, Landmarks Subcommittee Co-Chair

RE: Land Use Committee Report from June 3, 2024

The Committee met on the evening of June 3, 2024, at 6:00 PM at CB1 District office, 435 Graham Ave. (Corner of Frost St), Brooklyn, NY. 11211

Present: Teague; Chesler; Kaminski; Indig; Kelterborn; Meyers; Niederman; Pferd; Sofer; Vega; Weiser; Kantin*; Kawochka*

Absent: Drinkwater; Itzkowitz; Berger*; Stone* (*non-board member)

A quorum was present. In addition, we were pleased to have non-board residents' participation in asking questions and sharing their opinions.

AGENDA

1- PRESENTATION: CITY OF YES FOR HOUSING OPPORTUNITY

Lucia Maquez Reagan presented. She explained that this city-wide text amendment aims to make it possible to build a little more housing in every neighborhood in order to make an impact on the housing shortage without a dramatic change in any one neighborhood. Ms. Maquez Reagan noted

that CB1 is among the top districts that has contributed to increasing housing capacity over the last decade.

A copy of the presentation is attached. Below is a partial summary

UAPs

Currently we have two zoning tools for income-restricted housing, i.e. Mandatory Inclusionary Housing (MIH) and Voluntary Inclusionary Housing (VIH). The text amendment will add an additional tool, i.e., Universal Affordability Preference (UAP). UAP will replace VIH and will allow buildings to include at least 20% more housing if the additional homes are permanently affordable. Where VIH provides for the affordability to be at 80% AMI, UAP provides for an average of 60% AMI. This change is in part a response to information from communities that they need more housing at lower AMI's.

NEW ZONING DISTRICTS

This is another new tool for affordability. New zoning districts will require MIH but will allow developers to choose an option for deeper affordability than is now permitted. These districts will go through a full ULURP process.

ADUs

The amendments also provide for Accessory Dwelling Units (ADUs), which give more flexibility for single and two-family homeowners. There is limited applicability of these provisions in our district. ADUs permit accessory dwelling units such as backyard cottages, garage conversions and basement apartments. One ADU is allowed per 1-or 2- family building and is limited to 800 sq. feet. The additions will be subject to the safety codes.

CONVERSIONS –Shared and Small housing

Non-residential buildings constructed in areas where residential use is allowed can convert space to home types like supportive housing, shared housing with common amenities, or dorms. In addition the zoning rule known as “the dwelling unit factor”, which requires buildings to have a mix of small and large apartments, will be eliminated. The hope is that the allowance of more small and shared apartments will free up larger units now used by single adults for use by families with children.

END COSTLY PARKING MANDATES

Parking mandates for new developments would be eliminated. However, developers can still voluntarily provide parking. Existing buildings would have to get a special permit to change their parking status.

The proposal does not change on-street regulations. Nor does it modify off-street parking regulations for purely commercial or industrial buildings.

Note: Lucia Maquez Reagan will come back to our June 18th board meeting to provide further information about how the proposed rules affect NYCHA buildings, shared and small housing, and the planned flood analysis for basement apartments.

Recommendation

The committee voted unanimously to recommend approving the amendments with the following conditions:

- 1- With respect to the Accessory Dwelling Units (ADUs) the city must perform an extensive flooding analysis to assure the safety of basement apartments, taking into account the Meeker Avenue plume extent.
- 2- With respect to small and shared housing for new residential construction, the community board must have meaningful input in order to assure that the district's needs for multi-bedroom apartments are addressed.

2- DISCUSSION WITH HPD regarding the total number of affordable units with a corresponding AMI breakdown since 2005.

Elizabeth Johnson from HPD was present to help answer questions about the City of Yes and to get information regarding what information we want regarding affordability. We will reconvene with HPD when they are prepared with the information.

June 2024

city of yes

Housing Opportunity

Brooklyn Community Board 1 Briefing



Overview

Proposals

Low Density

Medium and High Density

Citywide

Other Modifications

Public Review Timeline

Appendix

Background and Key Terms

City of Yes for Housing Opportunity

is a **citywide text amendment** that aims to make it possible to build a little bit more housing in every neighborhood.

“A little more housing in every neighborhood” means the potential to make a big impact on the housing shortage without dramatic change in any one neighborhood



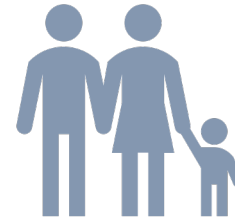
New York City faces a severe housing shortage that makes homes scarce and expensive

The **apartment vacancy rate is 1.41% rate** – the lowest since 1968.

1.27% of Brooklyn rental apartments are vacant.

Over 52% of Brooklyn renters are “**rent burdened**,” meaning they spend over 30% of income on rent.

Income



\$5,833/month

A family of 3 with a household income of **\$70,000 a year***

*Median household income of NYC renters

Rent



\$2,752/month

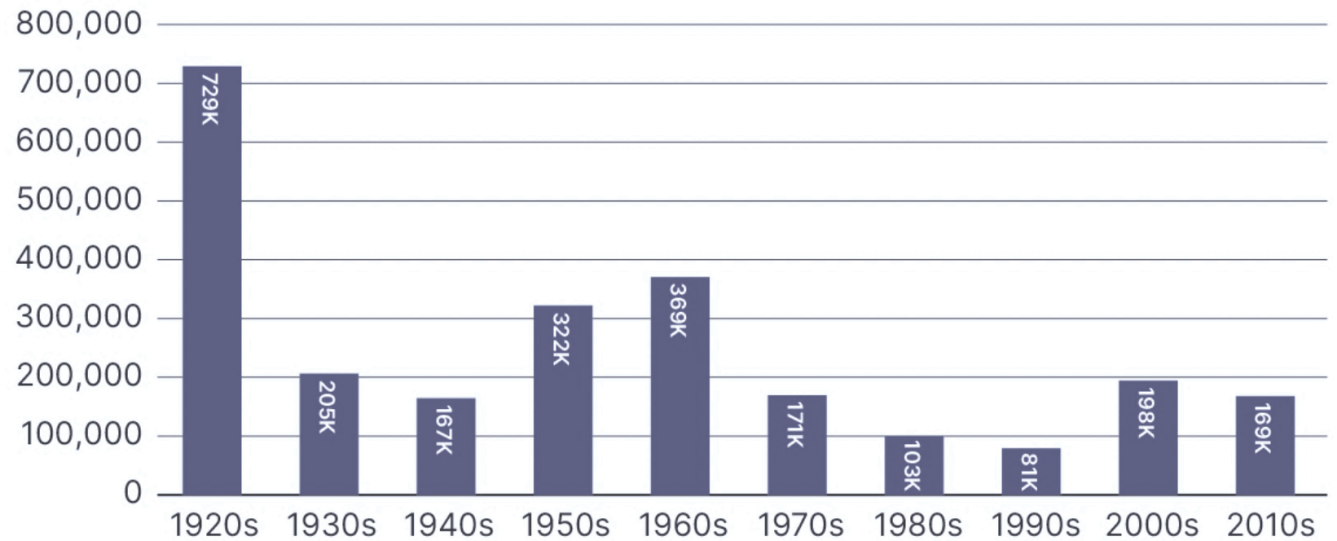
Average **2-bedroom apartment** available in NYC

A family of 3 would have to spend **almost 50% of their income** on rent to afford an **average 2-bedroom home**

New York City is not building enough housing to meet New Yorkers' needs

NYC is **creating far less housing** than it used to in past decades

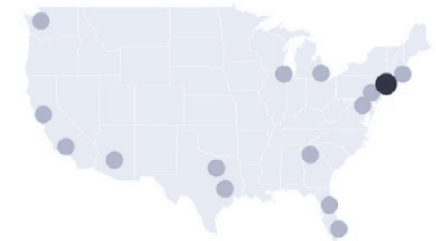
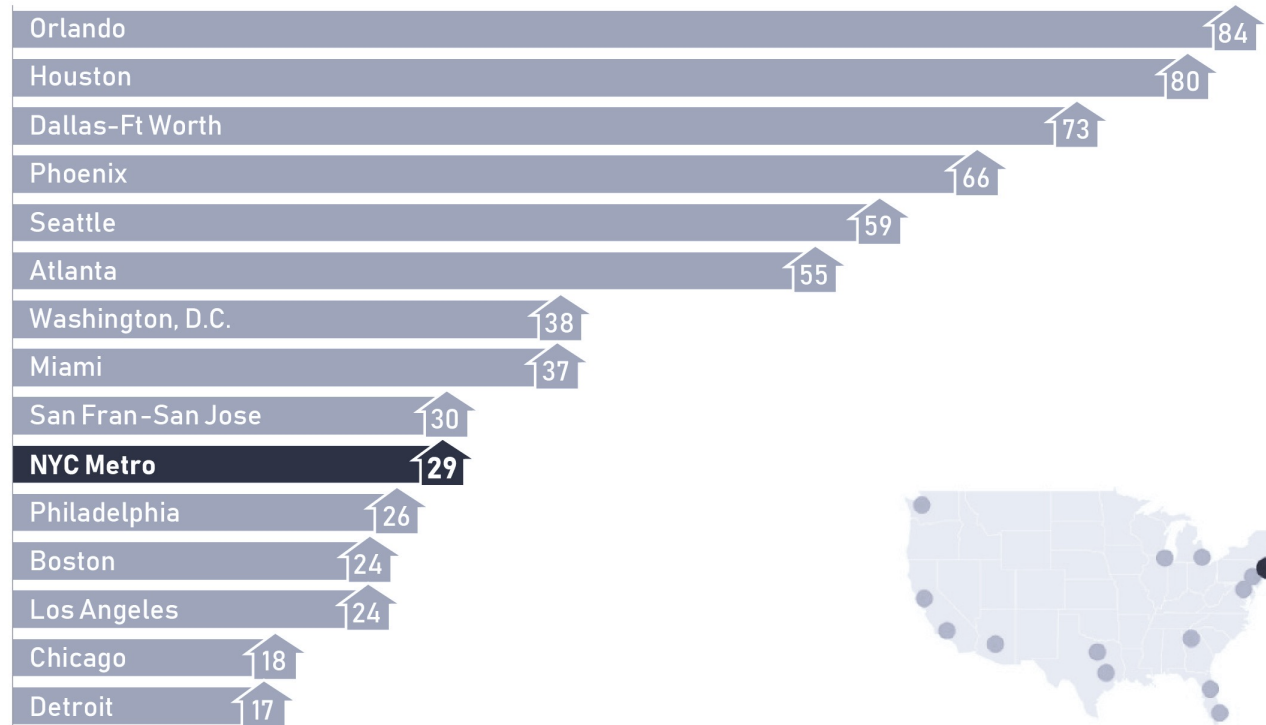
New Housing Production by Decade



New York City is not building enough housing to meet New Yorkers' needs

NYC is **creating far less housing** than it used to in past decades

...and is **producing far less housing** than other major metropolitan areas



Housing Units Permitted per 1,000 Residents (2022), 2013 to 2022

Source: U.S. Census Bureau BPS Annual Files; NYC DCP Housing Database v22Q4; U.S. Census Bureau Population Estimates Program (PEP) 2022 Vintage; U.S. Census Bureau Delineation Files

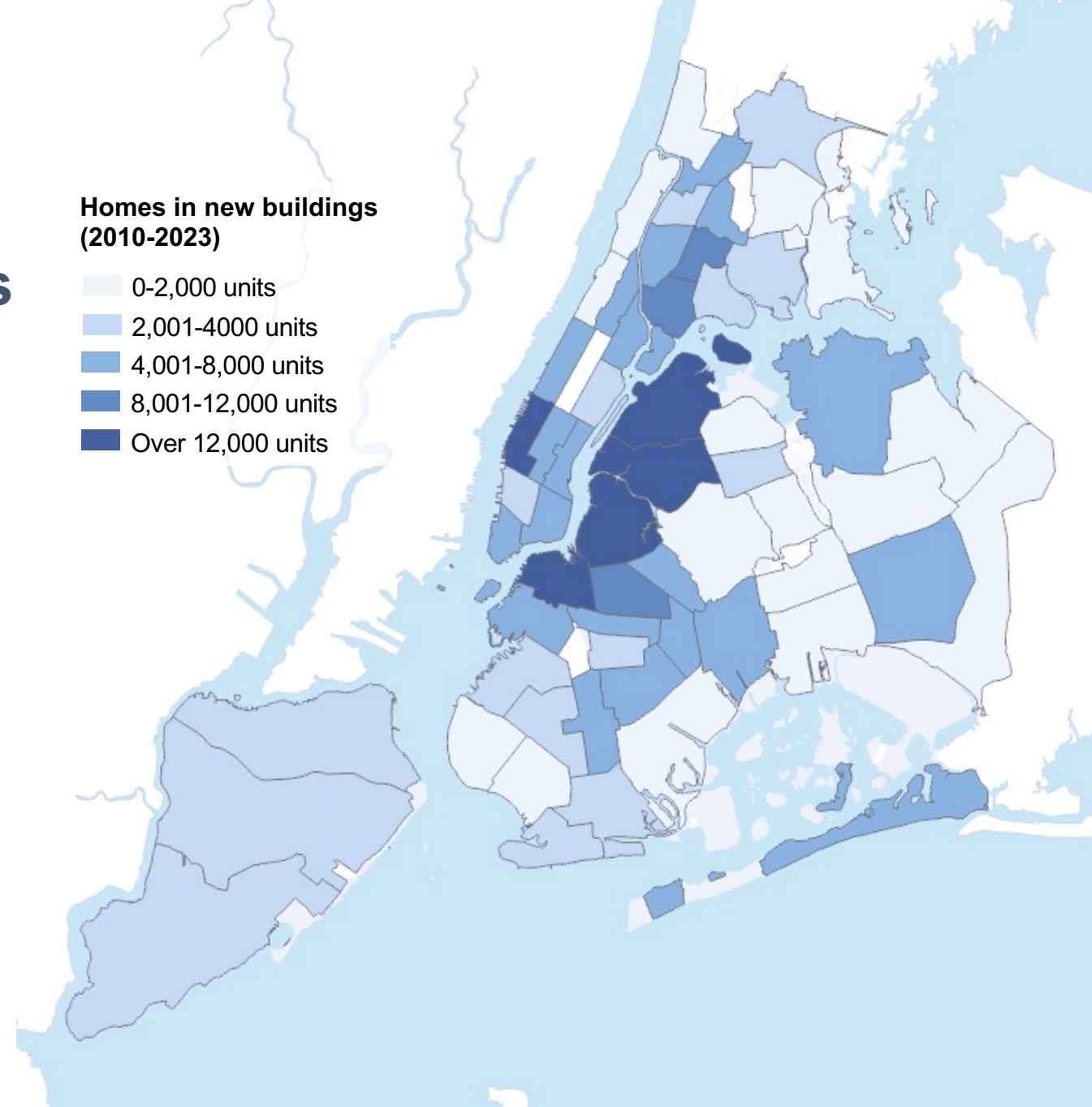
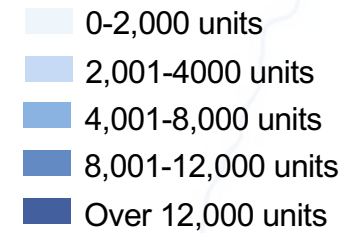
Overview

Almost all of New York City's recent housing production has been concentrated in a few neighborhoods

This puts **additional pressure on just a few parts** of the city to produce almost all new housing

Brooklyn CD 1 is among the top community districts that has **contributed to increasing housing capacity** in the city over the last decade plus.

Homes in new buildings (2010-2023)



Zoning is one tool to address NYC's housing shortage

Other tools to support housing include:

- Subsidies and tax incentives to create affordable housing
- Support for homeownership models
- Tenant protections



Housing Preservation & Development



NEW YORK CITY
HOUSING DEVELOPMENT
CORPORATION



Current zoning tools to facilitate income-restricted housing

Voluntary Inclusionary Housing (VIH):

Inclusionary Housing designated areas (IHda) Program

- Created in 2005.
- Aims to encourage the creation and preservation of affordable housing in designated areas mapped in medium and high-density neighborhoods

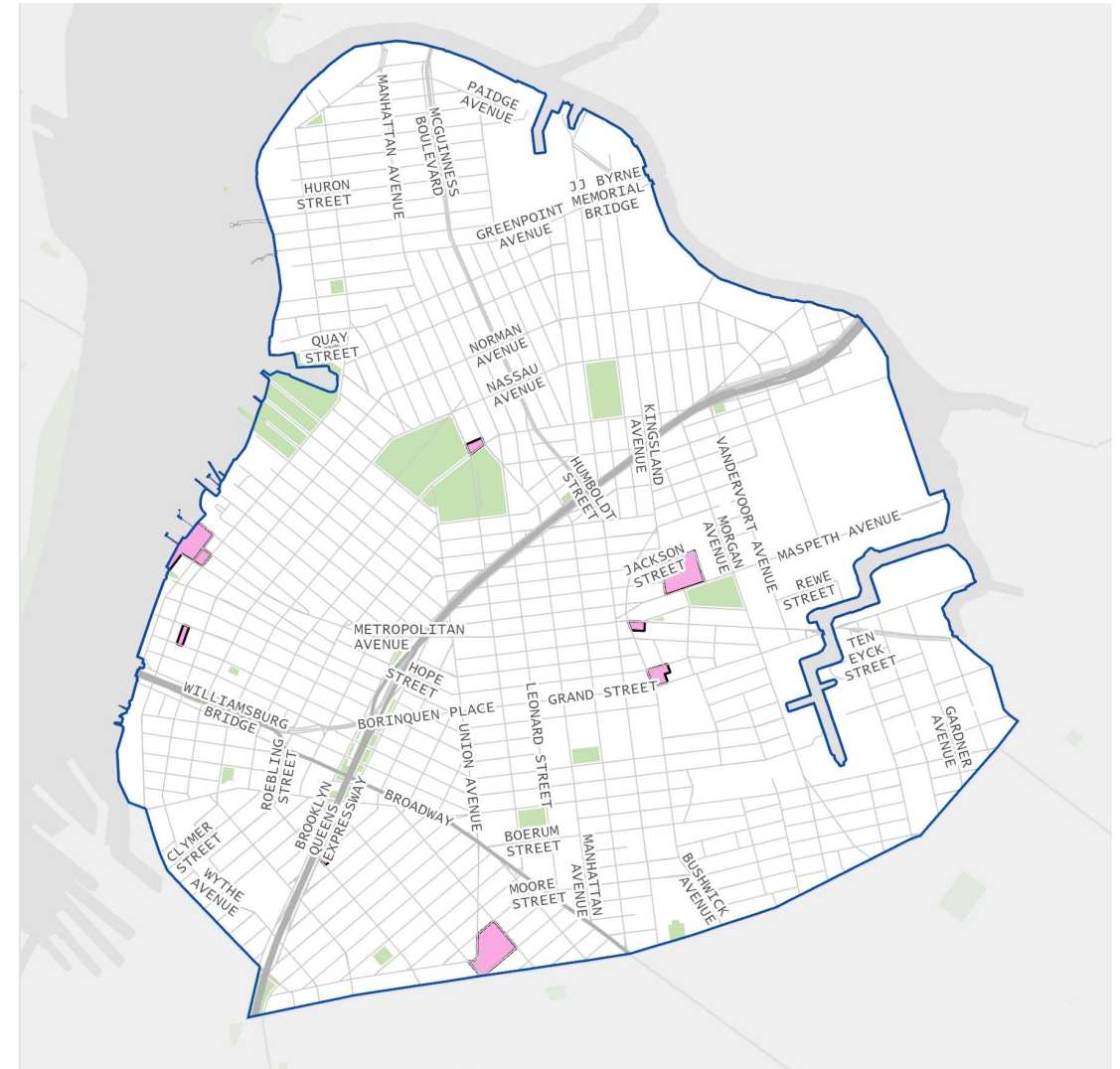


Current zoning tools to facilitate income-restricted housing

Mandatory Inclusionary Housing (MIH)

- Created in 2017 -- the most rigorous zoning requirement for affordable housing of any major U.S. city.
- Requires through zoning actions 20% to 30% of new housing to be permanently affordable.

MIH Option	Affordability %	AMI Levels
Option 1	25%	An average of 60% AMI
Option 2	30%	An average of 80% AMI
<i>In addition, one or both of the following options could be applied:</i>		
Option 3	20%	An average of 40% AMI
Workforce	30%	An average of 115% AMI



Community District Mandatory Inclusionary Housing (MIH)

What we've heard: Affordable housing needs in BK CD 1



Affordable Housing → **Top District priority** identified in the CD Needs (CD Needs 2025)

A top priority that must be addressed as a critical need. **Lack of affordable housing options** remains the most significant concern to Brooklyn Community Board One.



Proposals

Key Goals

- 1 Provide New Yorkers with more housing options and more housing types
- 2 Reduce pressure on gentrifying areas
- 3 Build more housing and affordable housing in high-demand areas
- 4 Boost New York City's economy by creating new jobs and easing housing costs
- 5 Provide flexibility for single and two-family homeowners
- 6 Create more climate-friendly, transit-adjacent housing

Proposals

R1-R5 Districts

**Low
Density**

R6 Districts and above

**Medium and
High-Density**

**Citywide
Proposals**

**Other
Modifications**

Zoning district-specific modifications
→ Includes other zoning relief provisions
intended to support housing construction

Broader geographic applicability
→ Citywide changes and modifications to
certain existing zoning mechanisms

Town Center Zoning

Re-introduce buildings with ground floor commercial and two to four stories of housing above in areas where this typical building form is banned under today's zoning



BK CD 1:
Not applicable

Transit-Oriented Development

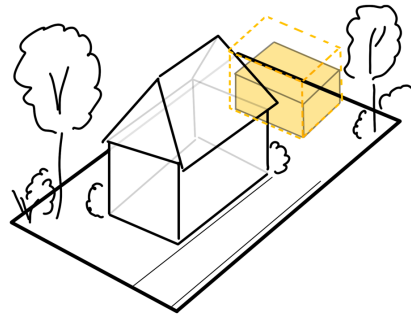
Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.



BK CD 1:
Not applicable

Accessory Dwelling Units (ADUs)

Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.



BK CD 1:
Limited applicability

District Fixes

Give single and two-family homeowners additional flexibility to adapt their homes to meet their needs.



BK CD 1:
Not applicable

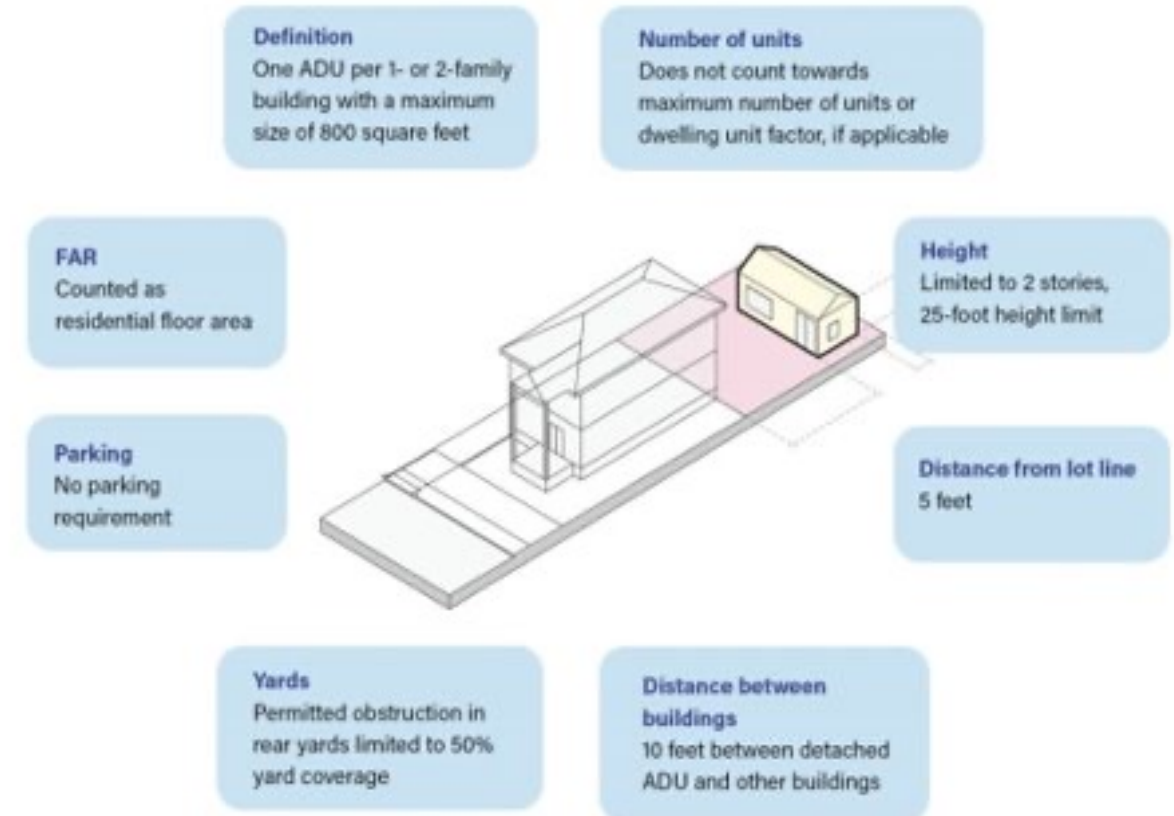


Accessory Dwelling Units (ADU)

One ADU will be allowed per 1- or 2-family home

- One ADU will be allowed per 1- or 2-family building in any zoning district
 - That ADU will be limited to 800 square feet
- A range of types of ADUs – detached, attached, attic or basement.
- ADUs will be required to be 5 ft from the lot line and 10 ft from any other building

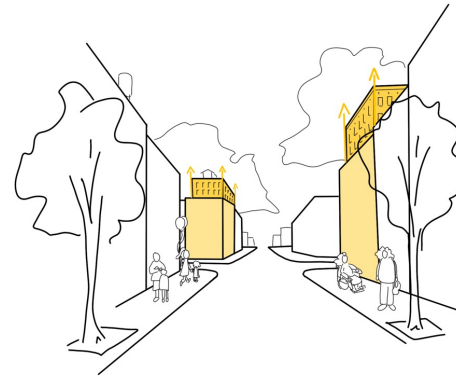
How ADUs Work

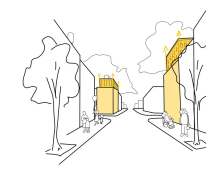


Universal Affordability Preference (UAP)

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.

BK CD 1:
Applicable



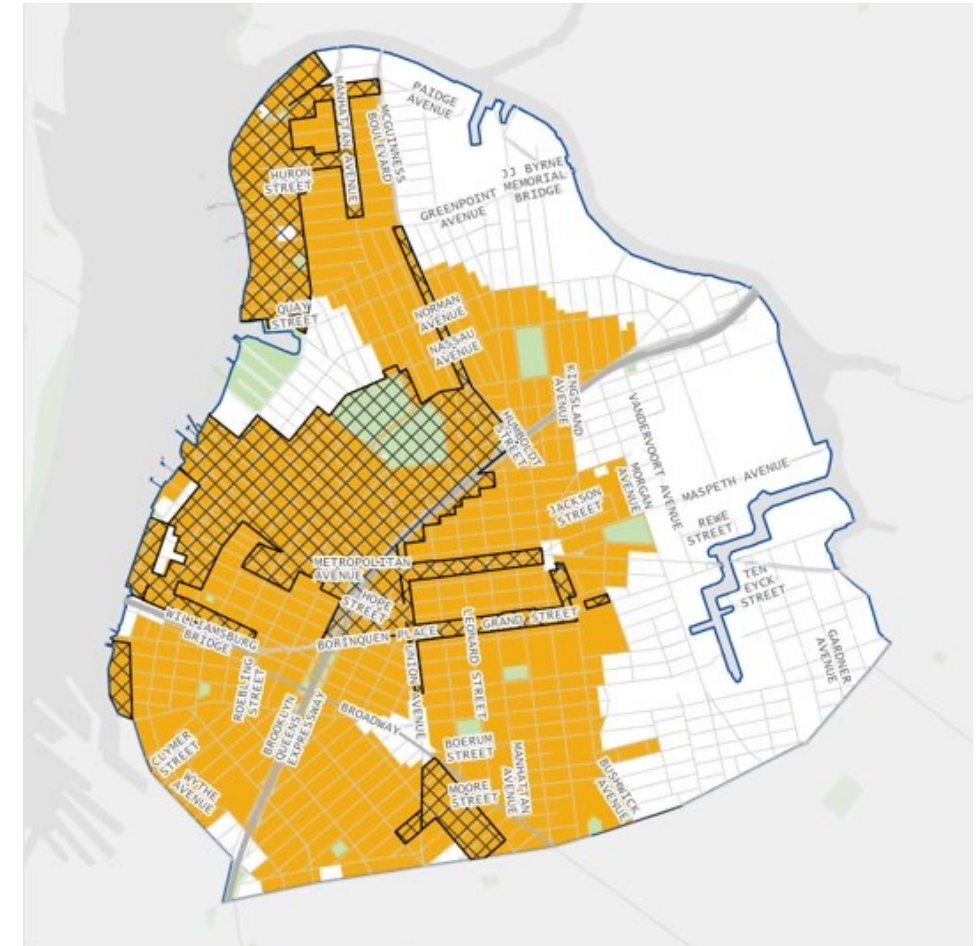


BK CD 1:
Applicable

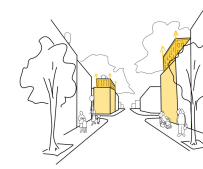
Universal Affordability Preference

The **Universal Affordability Preference (UAP)** would allow buildings to include at least **20% more housing** if the additional homes are permanently affordable.

- Today, most zoning districts allow affordable **senior housing** to be about **20% larger** than other buildings: Affordable Independent Residences for Seniors (AIRS)
 - UAP would expand this framework to **all forms of affordable and supportive housing**
- UAP would **enable incremental affordable housing growth** throughout medium- and high-density districts rather than concentrating it in a few neighborhoods.



Community District
 Voluntary Inclusionary Housing (VIH)
 UAP (R6-R10)



BK CD 1:
Applicable

Universal Affordability Preference

Voluntary Inclusionary Housing (VIH)
80% AMI with no income averaging

What this meant:

All income-restricted units in a VIH building were **80% AMI**

For example, a VIH building could include:

	Income for a family of 3	Rent for a 2-bedroom
80% AMI	\$101,686	\$2,796

Universal Affordability Preference (UAP)
60% AMI with income averaging

What this means:

Homes at a mix of incomes to reach **60% AMI**, including more deeply affordable units.

For example, a UAP building could include:

	Income for a family of 3	Rent for a 2-bedroom
30% AMI	\$38,130	\$1,084
60% AMI	\$76,260	\$2,097
90% AMI	\$114,390	\$3,142

Estimates from HUD Guidelines 2024 and NYC HDC. Rents for specific projects may differ



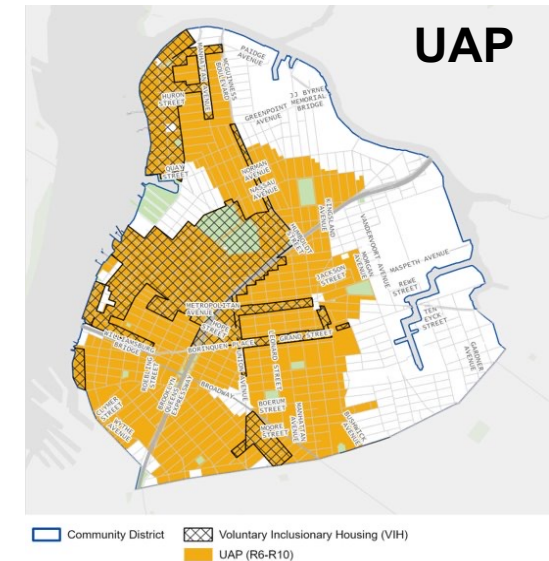
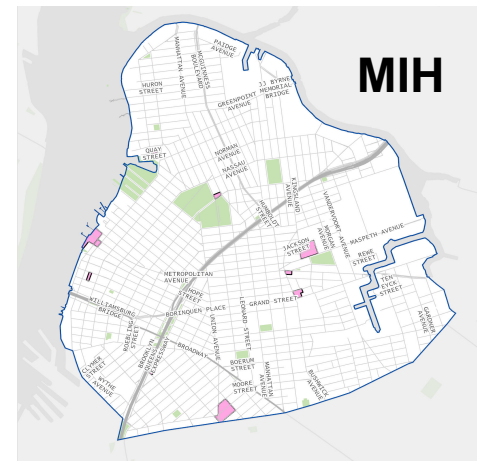
BK CD 1:
Applicable

Universal Affordability Preference

How UAP would affect existing affordable housing programs:

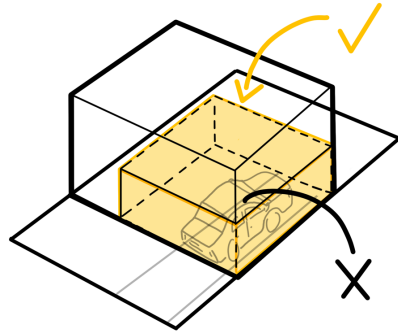
- **VIH:** UAP would replace the existing Voluntary Inclusionary Housing program (IHda and R10 Programs)

- **MIH:** Mandatory Inclusionary Housing will continue to be mapped and existing affordability requirements will remain in place



End Costly Parking Mandates

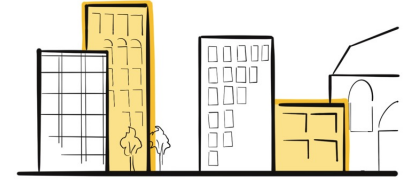
Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.



BK CD 1:
Applicable

Convert Non-Residential Buildings to Housing

Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing



BK CD 1:
Applicable

Small and Shared Housing

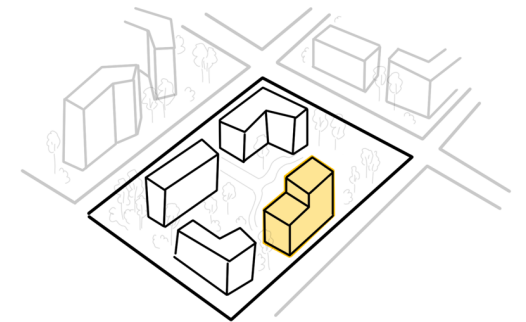
Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.



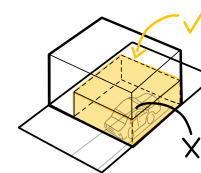
BK CD 1:
Applicable

Infill

Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).



BK CD 1:
Applicable



BK CD 1:
Applicable

End Costly Parking Mandates

Prioritize housing over parking and reduce the cost of housing construction by making off-street parking optional in new buildings.



Issues with Current Parking Mandates



Parking Takes Up Space



Building Parking is Expensive



Parking Hinders Affordable Housing

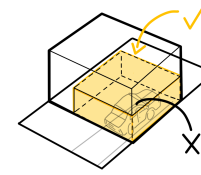


Mandating Parking Drives Up Rent



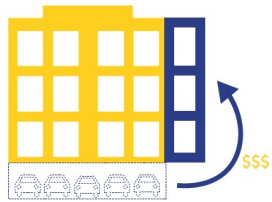
Two parking spaces take up nearly the same space as a studio apartment

Image Credit: Parking Reform Network, 2022



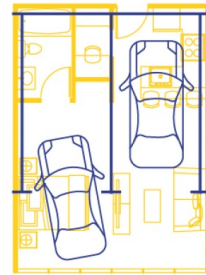
BK CD 1:
Applicable

End Costly Parking Mandates



Cost

The cost of building four off-street parking spots is roughly equal to the cost of building one new home.



Space for Parking or Housing

Two parking spaces take up nearly the same space as a studio apartment.

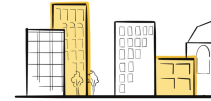


Public Realm

Improved open space, better streetscape, and community facilities can be provided.

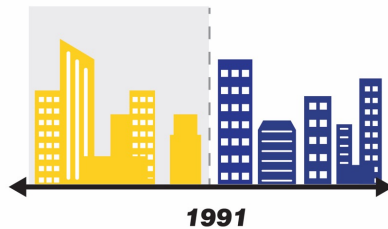
The proposal would:

- **NOT** change on-street parking regulations.
- **NOT** modify off-street parking regulations for purely commercial or industrial buildings.
- **NOT** impose new parking maximums or restrictions on the amount of parking that can be built.
- **NOT** automatically remove existing parking.



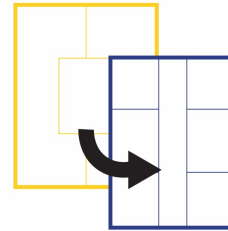
BK CD 1:
Applicable

Conversions



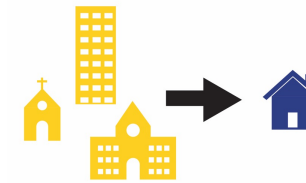
Shift Conversion Date

The cut-off date of eligibility will be moved to 1991 from 1961 or 1977, allowing more buildings to convert into housing.



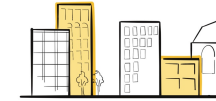
Allow More Home Types

Allow buildings to convert to home types like shared housing or dorms.



Wider Geography

Wherever residential use is allowed, buildings can convert to housing, instead of just those within current eligible geography districts.



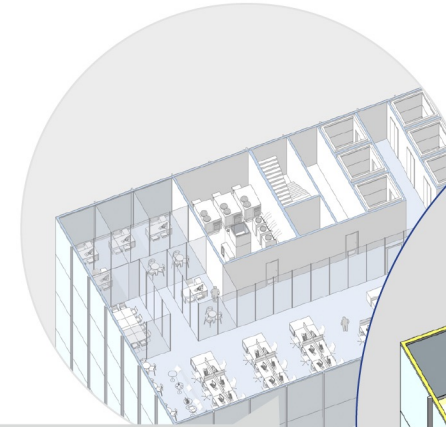
Conversions

Extend and improve the existing adaptive reuse regulations so that more underused, non-residential buildings can become housing.

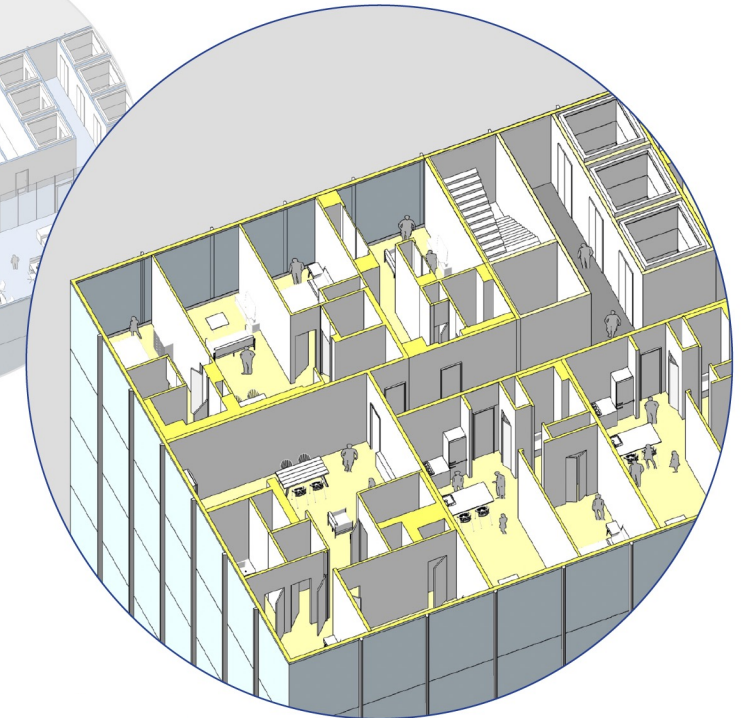
Enable non-residential buildings to convert to more housing types (supportive housing, dorms, or shared housing with common amenities).

Allow conversions for buildings constructed before 1991 and expand eligibility criteria to anywhere residential uses are allowed.

Existing Office



Residential Conversions



When converting office space, the floorplate often must be rearranged to allow for the variety of units types.

Image Credit: © New York City Economic Development Corporation, 2023



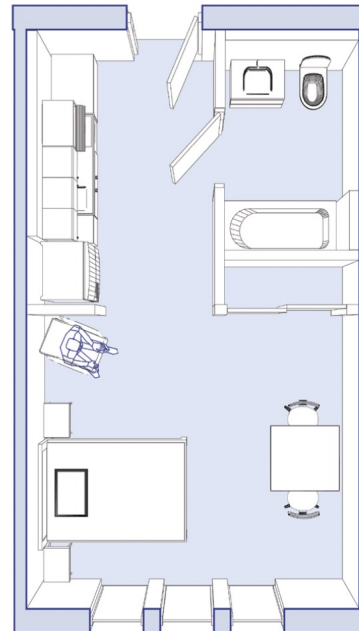
BK CD 1:
Applicable

Small and Shared Housing

Re-introduce housing with shared kitchens or other common facilities and allow buildings with more studios and one bedrooms.

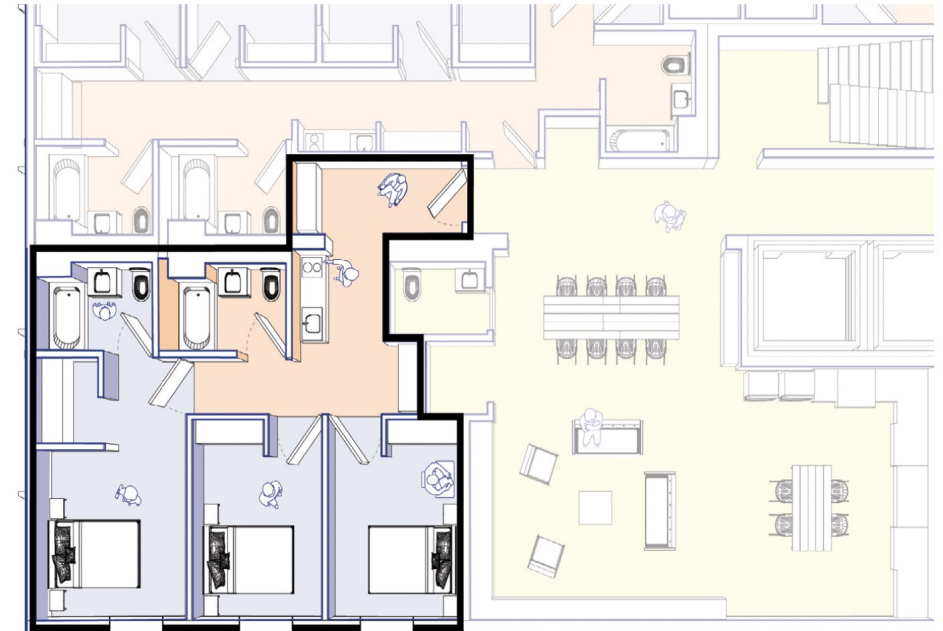
Today, a zoning rule known as **dwelling unit factor** prevents buildings from including small units. Dwelling unit factor is a minimum average unit size, requires buildings to include a mix of small and large units in order to maximize the buildable area. It does not set a minimum size for any one unit.

Small Housing



This proposal does not change minimum health and safety standards for a home but instead would allow more of these unit types to be built.

Shared Housing



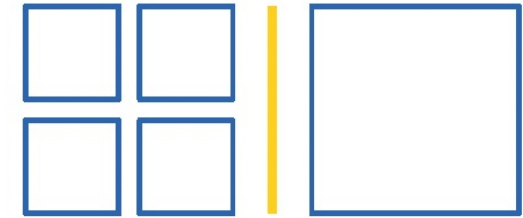
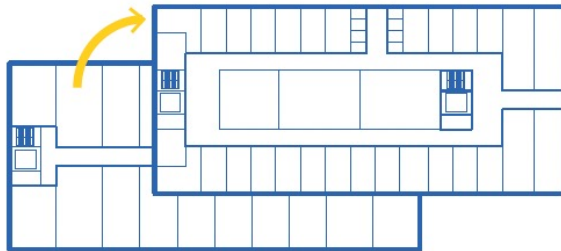
- Shared Spaces within Units
- Shared Communal Spaces across Floor
- Private Rooms

Image Credit: © New York City Economic Development Corporation, 2023



BK CD 1:
Applicable

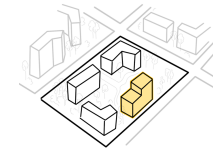
Small and Shared Housing



Shared housing has historically served an important purpose in New York City but today there is no clear path to create it.

Allowing more small and shared apartments could ease the pressure on large family units.

Removing the dwelling unit factor in the Greater Transit Zone can create more housing in areas that have greater access to mass transit.



BK CD 1:
Applicable

Infill

Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more (such as parking lots)

There are different types of campuses: from churches to private residential co-ops, NYCHA campuses and institutions.

A campus is defined as a site over 1.5 acres OR a site with control of an entire block

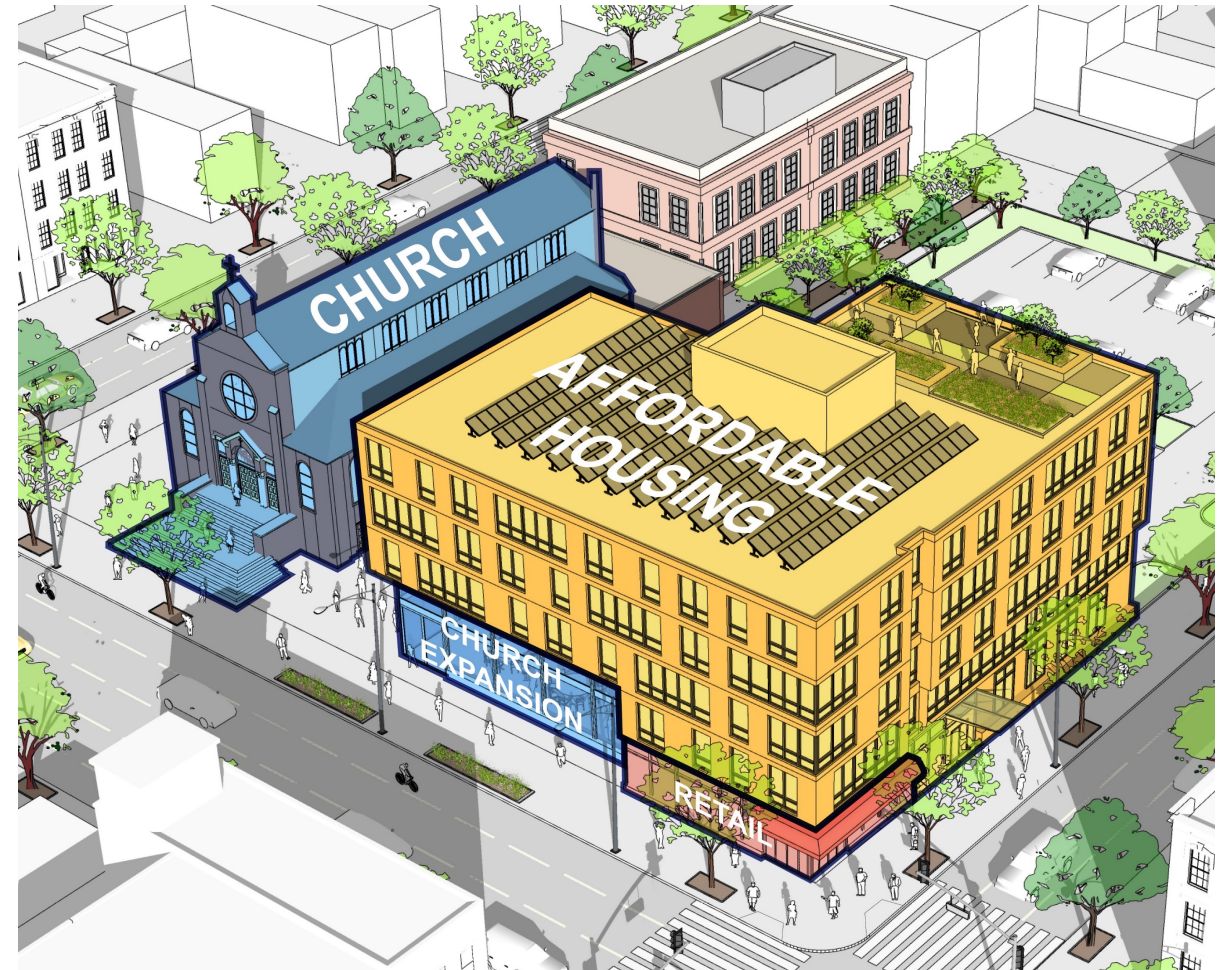
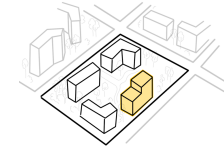


Image Credit: © New York City Economic Development Corporation, 2023



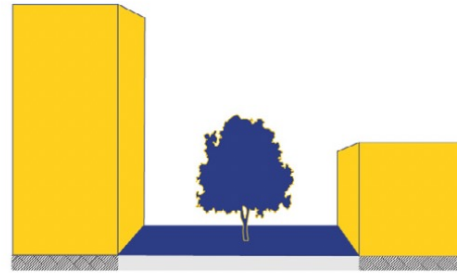
BK CD 1:
Applicable

Infill



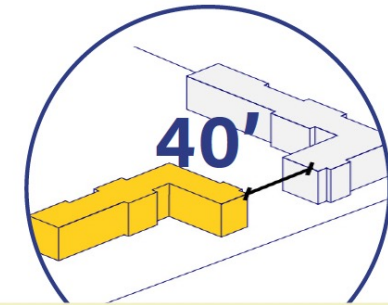
Allow Height-limited Infill

Campuses would be allowed to add buildings under the existing height limits.



Lot Coverage

Housing would be allowed on 50% of campus lot area, allowing a balance of open space and new homes.



Distance Between Buildings

Required distance between buildings would be reduced, offering new opportunities for housing.

New Zoning Districts

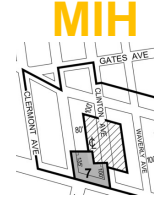
Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements.



BK CD 1:
Applicable

Update to Mandatory Inclusionary Housing

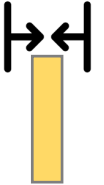
Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own.



BK CD 1:
Applicable

Sliver Law

Allow narrow lots to achieve underlying Quality Housing district heights in R7-R10 districts.



BK CD 1:
Applicable

Quality Housing Amenities

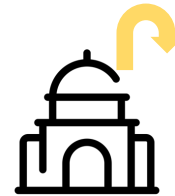
Extend amenity benefits in the “Quality Housing” program to all multifamily buildings, improve incentives for family-sized apartments and shared services and facilities.



BK CD 1:
Applicable

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure.



BK CD 1:
Applicable

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way.





BK CD 1:
Applicable

New Zoning Districts

Create new zoning districts with FARs above 12.0 → R11, R11A and R12

- These zoning districts could only be mapped with Mandatory Inclusionary Housing

Create new medium-density zoning districts to fill gaps in the range of existing zoning districts → R6-2, R6D

New districts **would not be mapped** through City of Yes. **Future discretionary actions** (Rezoning / ULURP) **would be necessary** to “map” the proposed districts.

New zoning district	Basic FAR	UAP/MIH FAR
R6-2	2.5	3.0
R6D	2.5	3.0
R11	--	15.0
R11A	--	15.0
R12	--	18.0

Waterfront Zoning- changes to height and setback regulations

The proposals for waterfront zoning rules would rationalize what DCP has learned from Special Districts and underpin with best practices in urban design.

Address the needs of 100% affordable housing buildings

- Increase maximum base heights
- Introduce a transition zone
- Modernize dormer allowance
- Protect the pedestrian experience along waterfront open spaces

Create an as-of-right path for waterfront developments to use UAP

- Increase maximum tower height caps
- Increase tower footprint allowance, but require broad towers to taper
- Add a minimum base height requirement
- Require tower height variety for lots with multiple towers

Address the needs of constrained sites on the waterfront

- Reduce tower setback distance on shallow lots
- Allow extra length for towers on shallow lots or those with multiple shorelines



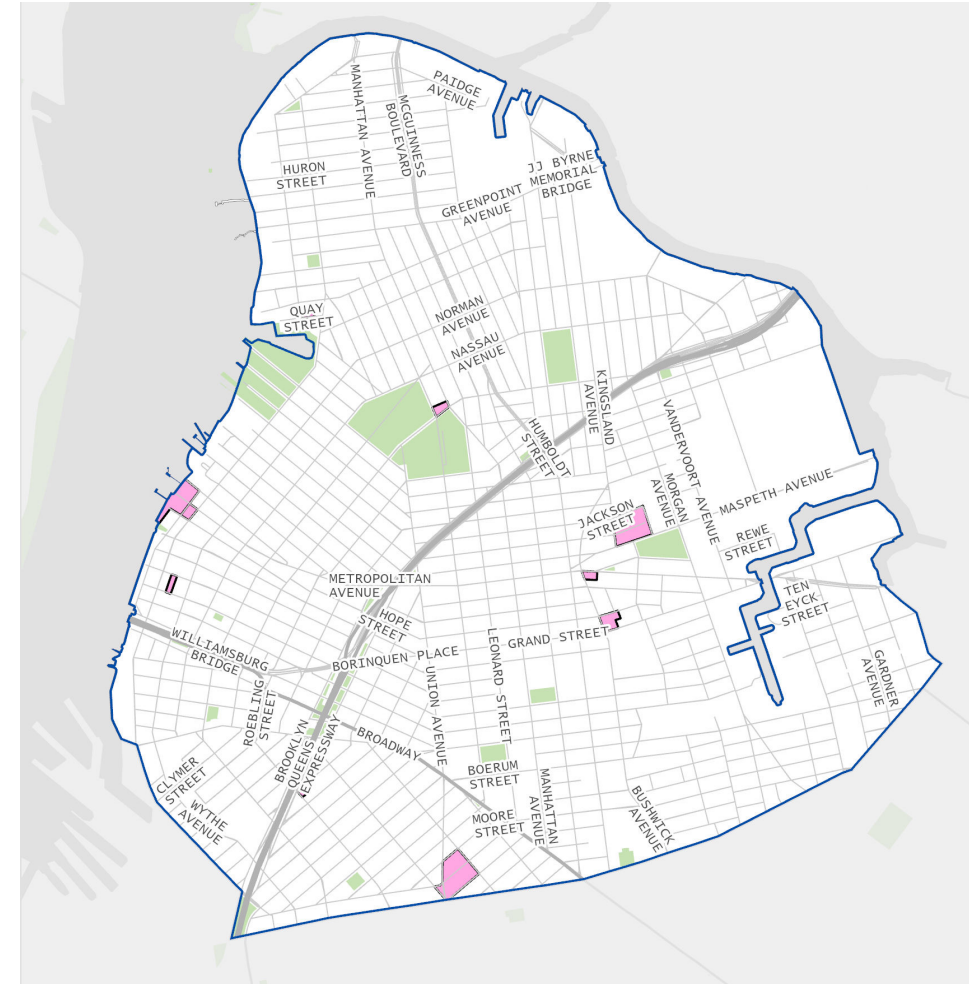
**BK CD 1:
Applicable**

Mandatory Inclusionary Housing

Existing:

MIH Option	Affordability %	AMI Levels
Option 1	25%	An average of 60% AMI
Option 2	30%	An average of 80% AMI
<i>In addition, one or both of the following options could be applied:</i>		
Option 3	20%	An average of 40% AMI
Workforce	30%	An average of 115% AMI

Currently, Option 3 (“Deep Affordability”) cannot be mapped as a standalone MIH option



Community District Mandatory Inclusionary Housing (MIH)



BK CD 1:
Applicable

Mandatory Inclusionary Housing

Proposed:

Allow MIH Option 3 to be a standalone option

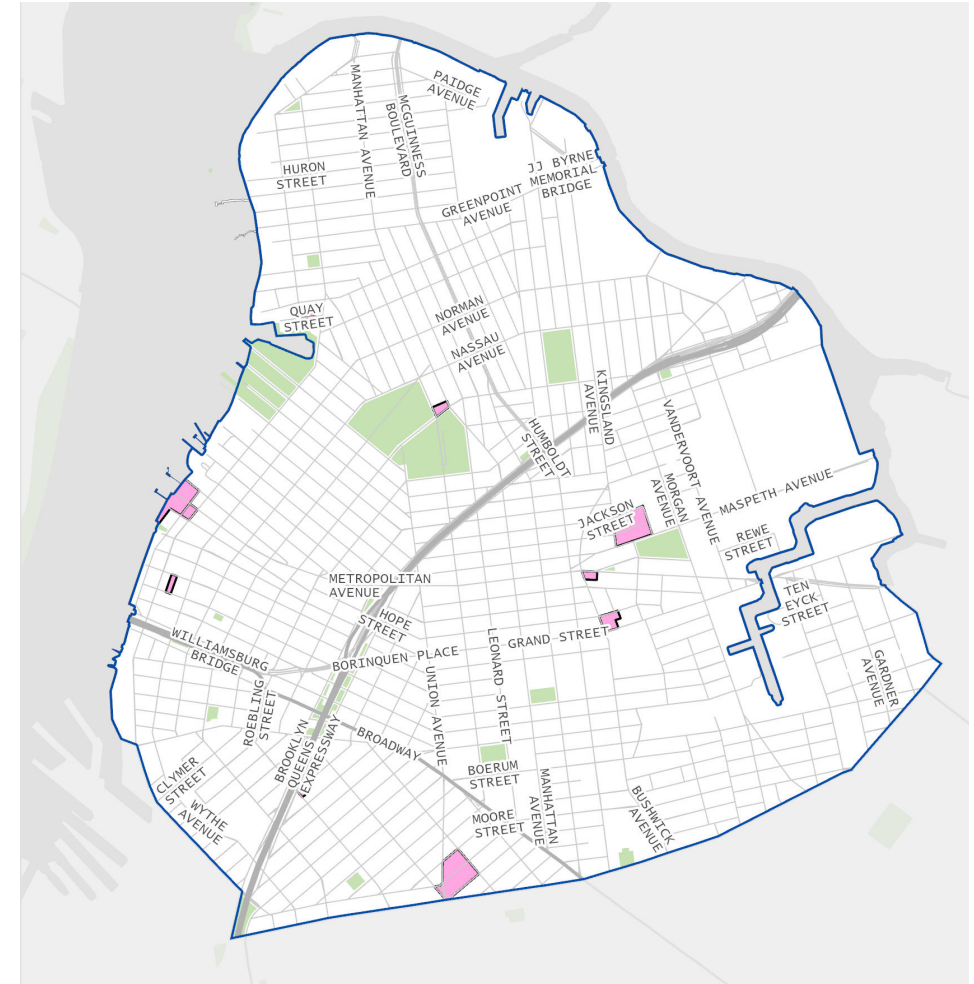
- MIH Option 3 requires a 20% set-aside at an average of 40% AMI

Equalize MIH FARs for districts where UAP FAR is higher

- Ex: R6A MIH would change from 3.6 to 3.9 FAR
- MIH Options would stay the same

Streamline rules for 100% affordable projects

- Reduce conflicts with term sheets and subsidy programs
- Facilitate affordable homeownership



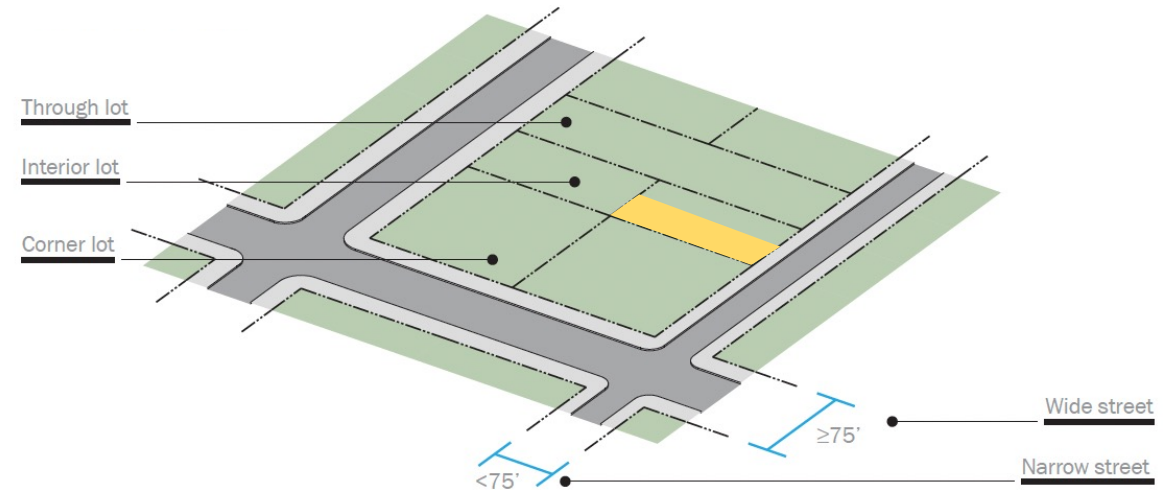
Community District Mandatory Inclusionary Housing (MIH)



Sliver Law

Special height regulations limit the size of narrow buildings in medium and high-density parts of the city.

- **Current rules:**
 - Special height regulations limit the size of narrow buildings in medium and high-density parts of the city.
 - Buildings that are 45 feet wide or less have their height restricted to the width of the adjoining street or 100 feet, whichever is less.
- **Proposal:**
 - Streamline height restrictions to be responsive to the site context, lot type, and street width





BK CD 1:
Applicable

Quality Housing Amenities

Create incentives for better quality housing through rules for amenity space

- Expand amenity benefits in the “Quality Housing” program
- Extend floor area exemptions to all multi-family buildings
- Update rules to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space

Community room, 50 Nevins Street



Image Credit: Dattner

Rooftop recreation, Navy Green

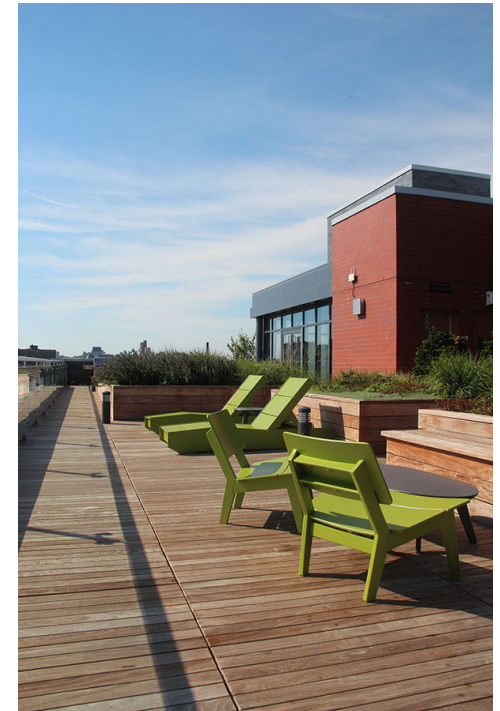


Image Credit: Dunn Development



BK CD 1:
Applicable

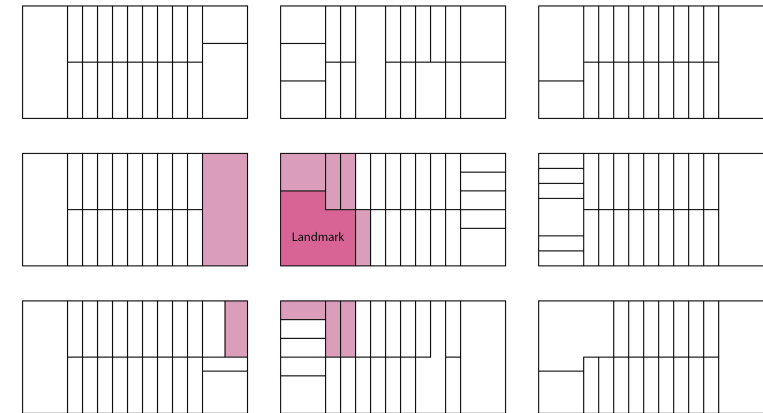
Landmarks Transfers

Minimize restrictions on the ability of designated landmarks to transfer development rights to zoning lots in the immediate vicinity

- Extend existing transfer opportunities to zoning lots on the same zoning block as the landmark or across a street or intersection
- Streamline the approval process
- Expand the program to historic districts and lower density areas

This would help landmarks fund necessary maintenance requirements while also generating new housing opportunities

Current



Proposed



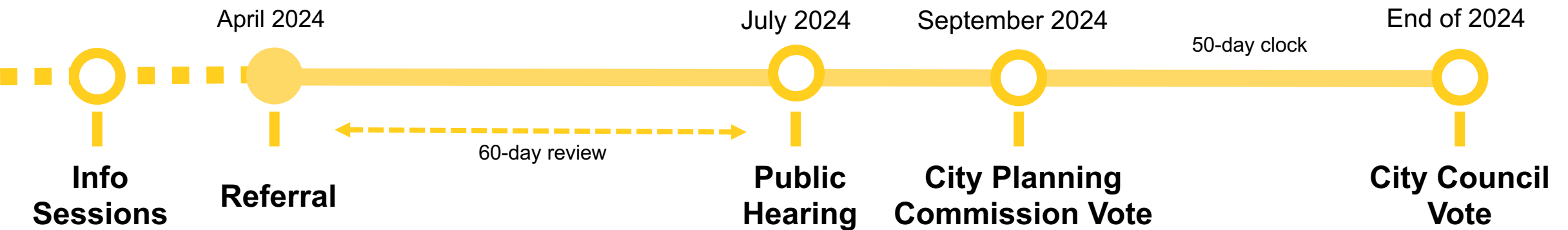
Timeline



City of Yes for Housing Opportunity

Stay in touch!

Email the project team at **HousingOpportunity@planning.nyc.gov** with questions, concerns, and to be signed up for email alerts on this project.



Approximate schedule of public review, for illustrative purposes only

Appendix

Environmental Review

Environmental Review

An Environmental Impact Statement (EIS) for a generic action must provide an estimate of the **amount, type, approximate location, and overall massing/form** of future development and identify the **range of impacts** that may occur. The environmental review studied the effects of the proposal through 3 different methods:

- **Prototypical Site Assessment:** Show how the proposal may affect individual sites in order to typify conditions and effects of the proposal and demonstrate building form
- **Citywide Estimates:** Modeling of the proposal's potential effects citywide in order to discuss the amount and approximate location of future development
- **Representative Neighborhoods:** Selected as “prototypical” for a neighborhood-scale analysis to analyze collective effects of the proposal for density-related technical areas

This EIS represents our best effort to project a range of possible outcomes based on a variety of factors, including some that are beyond the control of the Department of City Planning and New York City.

Environmental Review

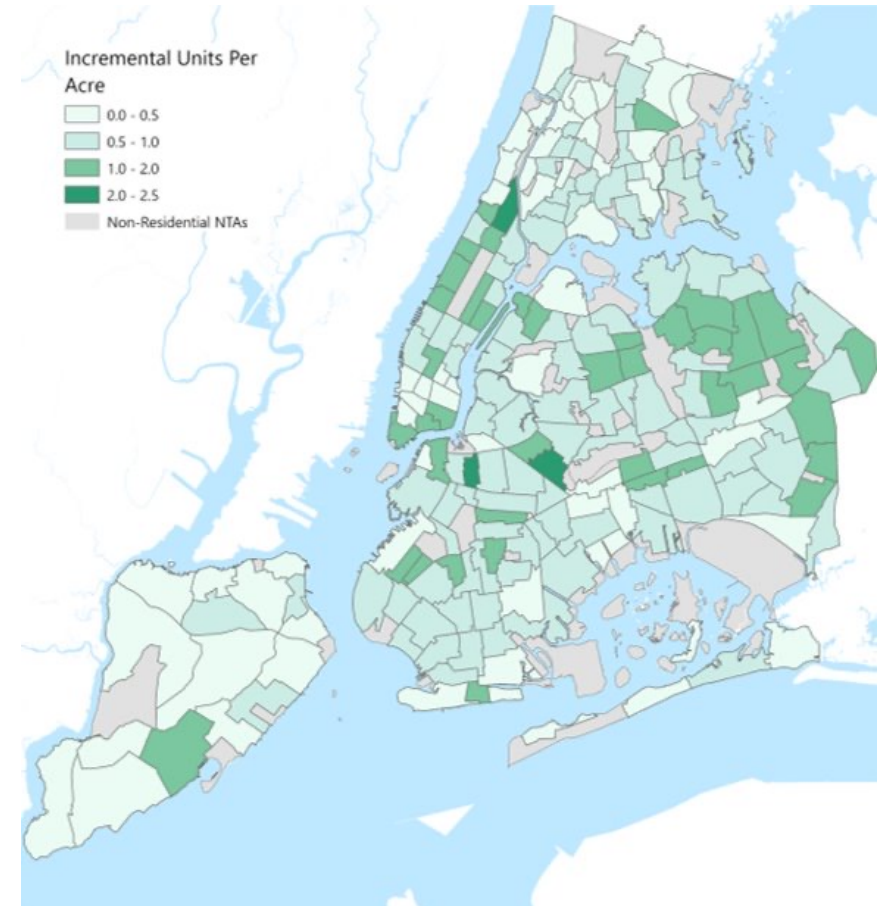
Citywide Estimates: Modeling of the proposal's potential effects citywide in order to discuss the amount and approximate location of future development

A little more housing in every neighborhood:

- The EIS estimates on average a **little less than 1 unit per acre over 15 years**

The results:

- The EIS estimates a citywide housing unit increment range of **58,200 to 108,900 units**



Environmental Review

A Notice of Completion of a Draft Environmental Impact Statement (DEIS) was issued on April 26, 2024

The DEIS identifies no impacts in these categories:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Water and Sewer Infrastructure
- Solid Waste and Sanitation
- Energy
- Greenhouse Gases and Climate Change
- Air Quality
- Public Health
- Neighborhood Character

The DEIS identifies potential for "significant adverse impacts" in these categories:

- Community Facilities and Services (early childhood programs, schools)
- Open Space
- Transportation (traffic, transit, pedestrian)

The DEIS could not preclude impacts in the following categories because their likelihood depends on specific site characteristics: Shadows; Historical & Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Noise; Construction.

No other significant adverse impacts were identified. Mitigation measures are identified in the DEIS and will be detailed in the Final Environmental Impact Statement (FEIS).

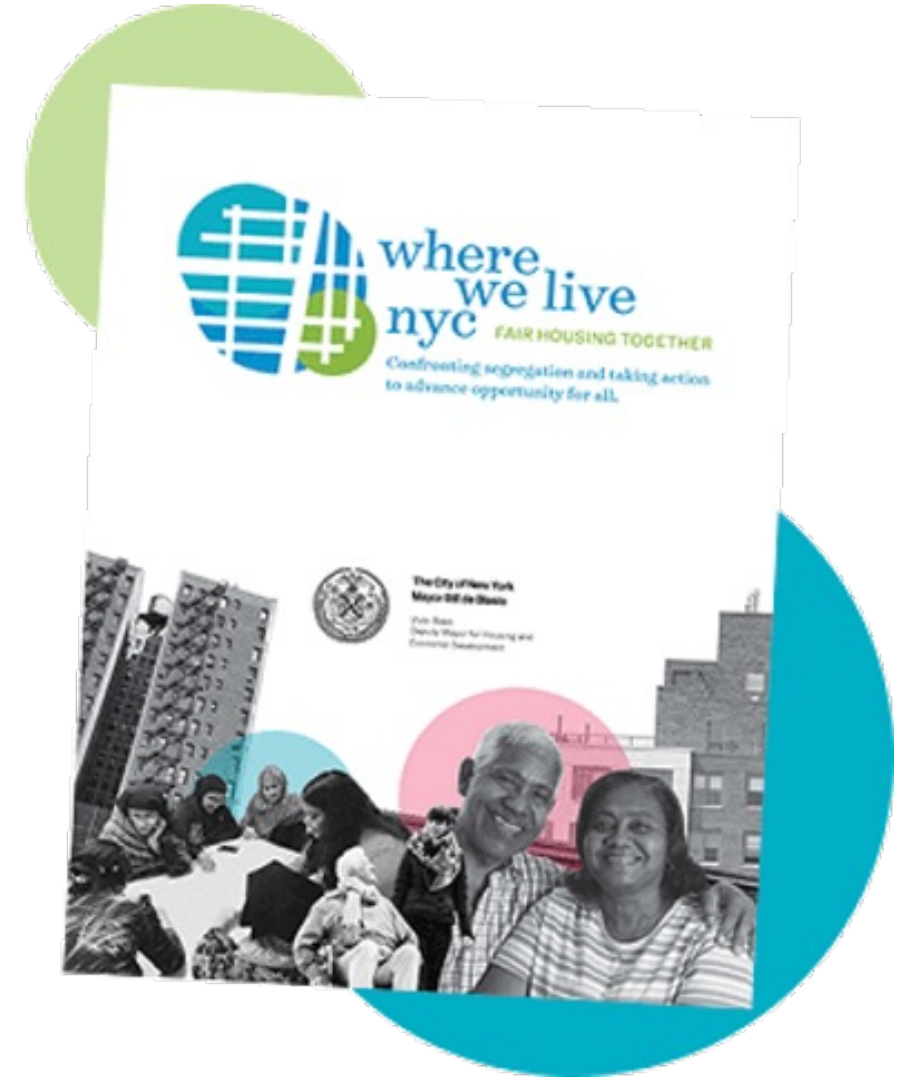
RER

Racial Equity Report

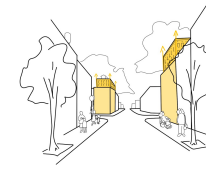
Since this zoning text amendment affects more than 5 community districts, it is subject to the racial equity reporting requirement.

City of Yes for Housing Opportunity emerges directly from the City's fair housing plan, Where We Live NYC, and implements strategies identified in it:

- Increase housing opportunities, particularly for low-income New Yorkers, in amenity-rich neighborhoods
- Improve quality and preserve affordability for existing residents
- Expand the number of homes available to New Yorkers who receive rental assistance benefits



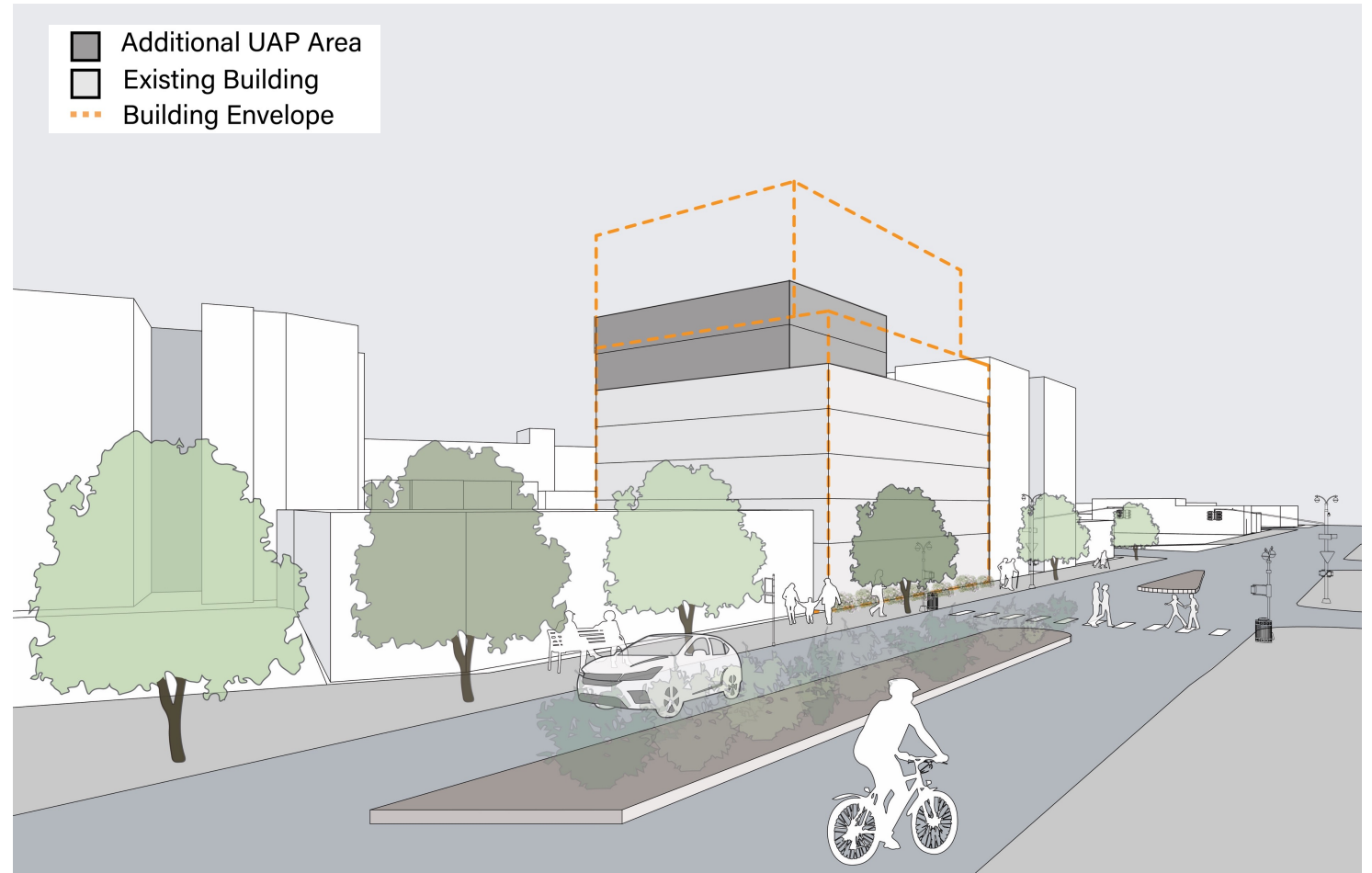
More

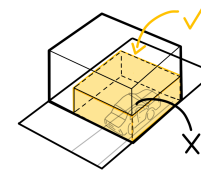


BK CD 1:
Applicable

Universal Affordability Preference

Certain zoning districts are proposed to receive height increases, so that it is feasible for UAP buildings to fit their allowable affordable unit square footage.





BK CD 1:
Applicable

End Costly Parking Mandates

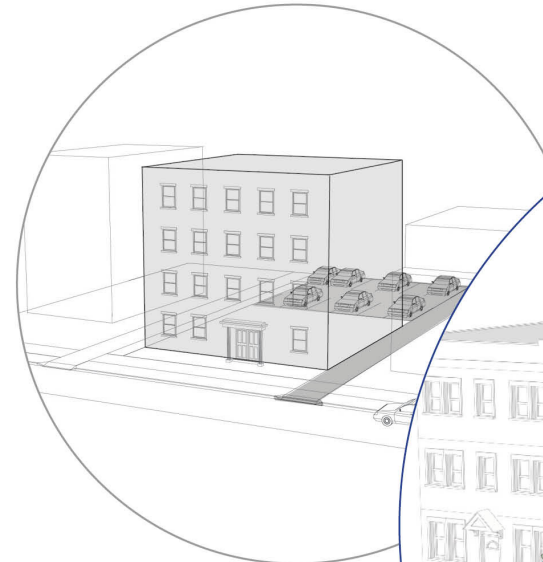
Example:

A developer wants to build a **16-unit** apartment building a 4-minute walk from the nearest subway station

Today, the developer would **stop at 10 units**, because the 11th unit would trigger a **6-space parking requirement**

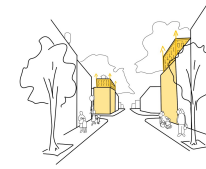
Without parking mandates, they can build the **16-unit building**, providing 6 more urgently needed homes near transit

Existing



Without Parking Mandates





BK CD 1:
Applicable

Universal Affordability Preference

Example:

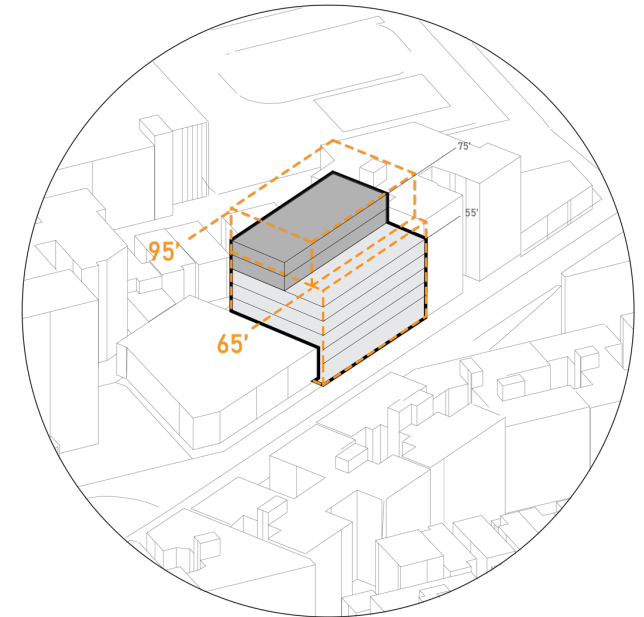
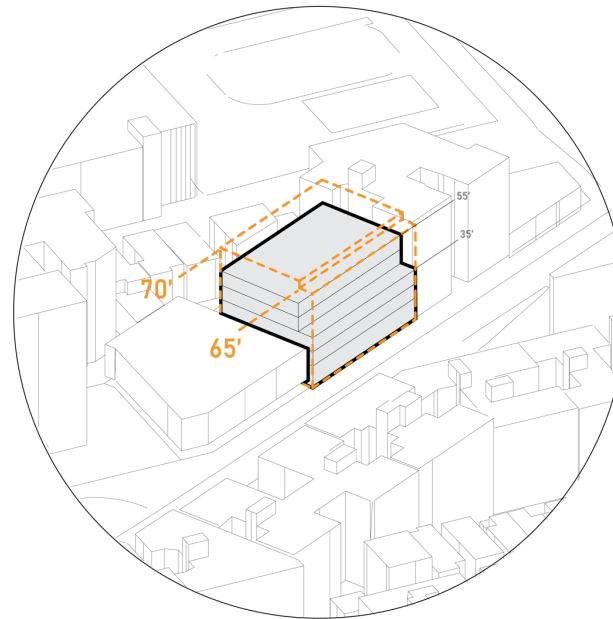
UAP in a mixed-income building in an R6 district.

A developer wants to build a new building in an **R6 district**.

Today, the site is limited to **3.0 FAR**. Under UAP, the site will receive **3.9 FAR**, but anything above 3.0 FAR must be permanently affordable.

This allows for **10-12** more affordable homes.

- Additional UAP Area
- Existing Building
- Building Envelope



Historic District regulations will remain in place and any relevant LPC review processes will remain in place



BK CD 1:
Applicable

Universal Affordability Preference

R6-R8 Districts	FAR		Base Height		Max Height	
	Basic*	Proposed	Current	Proposed	Current	Proposed
● R6B	2.00	2.40	40	45	50	65
● R6 Narrow	2.20	3.90	45	65	55	95
● R6 Wide Outside MN Core	3.00	3.90	65	65	70	95
● R6A	3.00	3.90	60	65	70	95
R6D	**n/a	3.00	**n/a	55	**n/a	75
● R7 Narrow or in MN Core	3.44	5.00	65	85	75	115
● R7 Wide Outside MN Core	4.00	5.00	75	85	80	115
R7-3	5.00	6.00	**n/a	105	**n/a	145
● R7A	4.00	5.00	65	85	80	115
R7B	3.00	3.90	65	65	75	95
R7D	4.66	5.60	85	95	100	125
R7X	5.00	6.00	85	105	120	145
R8B	4.00	4.80	65	85	75	105
● R8 Wide Outside MN Core	7.20	8.64	95	125	130	175
● R8 Narrow or in MN Core	6.00	7.20	85	105	115	145
● R8A	6.00	7.20	85	105	120	145
● R8X	6.00	7.20	85	105	150	175

R9-R10 Districts	FAR		Base Height		Max Height	
	Basic*	Proposed	Current	Proposed	Current	Proposed
R9 Narrow	7.50	9.00	95	135	135	185
R9 Wide	7.50	9.00	105	135	145	185
R9A Narrow	7.50	9.00	95	135	135	185
R9A Wide	7.50	9.00	105	135	145	185
R9X Narrow	9.00	10.80	120	155	160	215
R9X Wide	9.00	10.80	120	155	170	215
R9D	9.00	10.80	85	155	--	215
● R10 Narrow	10.00	12.00	125	155	185	235
● R10 Wide	10.00	12.00	155	155	210	235
● R10A Narrow	10.00	12.00	125	155	185	235
● R10A Wide	10.00	12.00	150	155	210	235
R10X	10.00	12.00	85	155	--	235

● R district or R equivalent currently mapped in BK CD 2

2024 AMI

The AMI for all cities across the country is defined each year by U.S. Department of Housing and Urban Development (HUD).

Family Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	110% AMI	120% AMI	130% AMI	165% AMI
1	\$32,610	\$43,480	\$54,350	\$65,220	\$76,090	\$86,960	\$97,830	\$108,700	\$119,570	\$130,440	\$141,310	\$179,355
2	\$37,290	\$49,720	\$62,150	\$74,580	\$87,010	\$99,440	\$111,870	\$124,300	\$136,730	\$149,160	\$161,590	\$205,095
3	\$41,940	\$55,920	\$69,900	\$83,880	\$97,860	\$111,840	\$125,820	\$139,800	\$153,780	\$167,760	\$181,740	\$230,670
4	\$46,590	\$62,120	\$77,650	\$93,180	\$108,710	\$124,240	\$139,770	\$155,300	\$170,830	\$186,360	\$201,890	\$256,245
5	\$50,310	\$67,080	\$83,850	\$100,620	\$117,390	\$134,160	\$150,930	\$167,700	\$184,470	\$201,240	\$218,010	\$276,705
6	\$54,030	\$72,040	\$90,050	\$108,060	\$126,070	\$144,080	\$162,090	\$180,100	\$198,110	\$216,120	\$234,130	\$297,165
7	\$57,780	\$77,040	\$96,300	\$115,560	\$134,820	\$154,080	\$173,340	\$192,600	\$211,860	\$231,120	\$250,380	\$317,790
8	\$61,500	\$82,000	\$102,500	\$123,000	\$143,500	\$164,000	\$184,500	\$205,000	\$225,500	\$246,000	\$266,500	\$338,250

Area Median Income
Income eligibility and rent for City-financed affordable housing projects are based on a measure called Area Median Income (AMI).

The 2024 AMI for the New York City region is **\$139,800** for a **three-person family (100% AMI)**.

Income Bands and Percent of AMI

Income Band	Percent of AMI
Extremely Low-Income	0-30%
Very Low-Income	31-50%
Low-Income	51-80%
Moderate-Income	81-120%
Middle-Income	121-165%

Proposal Background

city of yes for Housing Opportunity

An illustrated guide



Illustrated guide

Provides detailed information about the proposals with technical illustrations



City of Yes for Housing Opportunity is a plan to tackle our housing shortage by making it possible to build a little more housing in every neighborhood. Together, we can make our city more affordable without dramatic changes in any one community.

An important part of this plan is the **Universal Affordability Preference**, which would allow buildings to include at least **20% more housing if the additional homes are permanently affordable**.

How it works:

Universal Affordability Preference (UAP) would apply in medium- and high-density neighborhoods across the city. Additional housing created through UAP would be permanently affordable to households earning 80% of the area median income. This means UAP reaches deeper affordability levels than the Voluntary Inclusionary Housing program it replaces. UAP would also use income averaging to serve a range of families, including those with very low incomes.

To see how the program works, take a proposal for a building in a high-cost neighborhood like the Upper West Side:



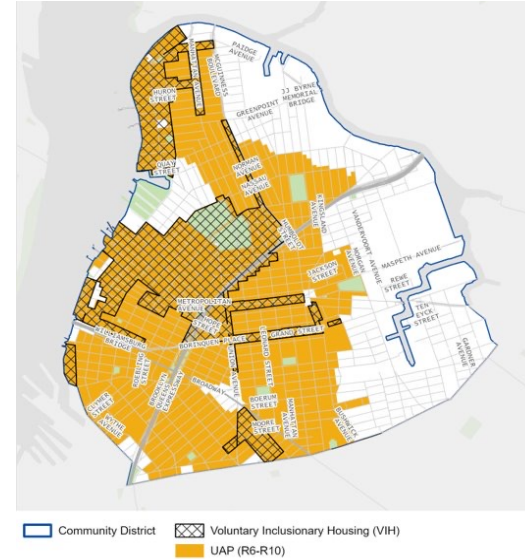
■ = Areas where UAP applies



Under *Universal Affordability Preference*, the building can be at least 20% larger, so long as it uses that extra space for affordable housing. The result is **more permanently affordable homes** for working families in a **high-cost neighborhood**.

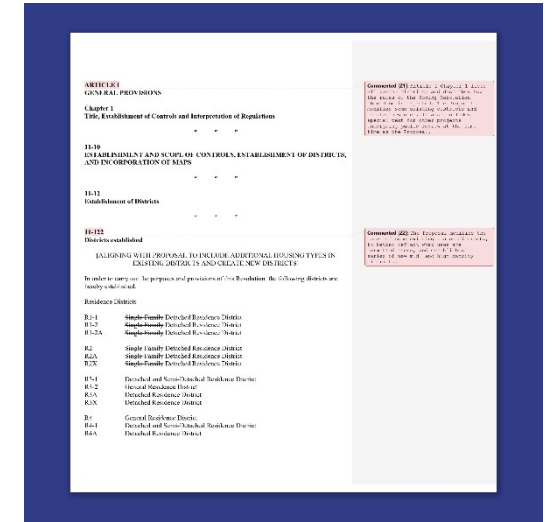
One-pagers

Succinct overviews of different proposals elements



Applicability maps

Maps showing how proposal applies in each Community Board



Annotated zoning text

Explanatory notes and descriptions of proposed text

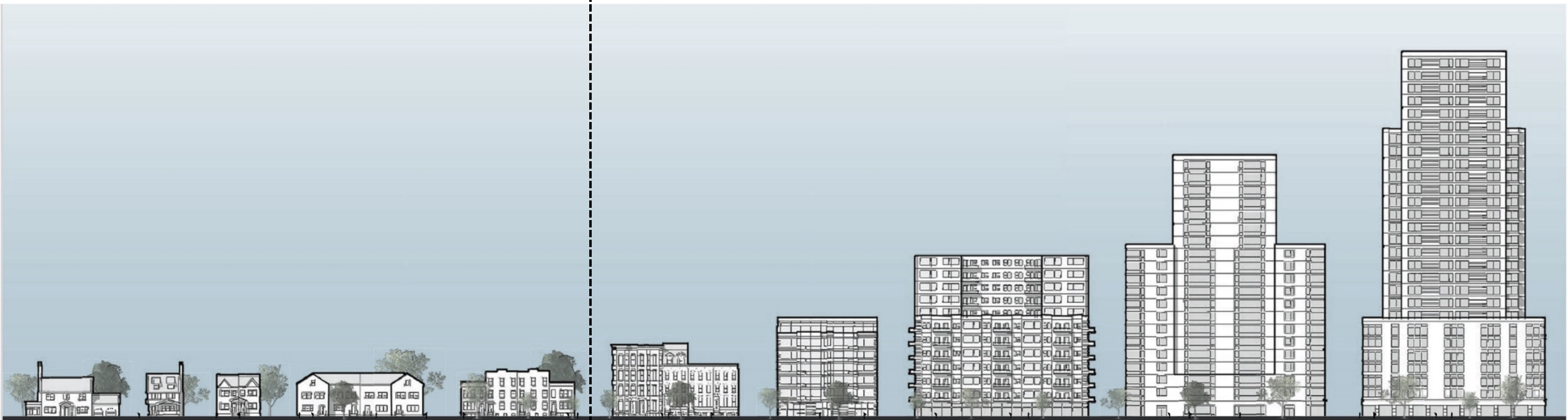
Background on how adding additional housing supply can help combat high housing costs

- UCLA [round-up of recent research](#) found five studies supporting that "market-rate housing makes nearby housing more affordable"
- [Supply Skepticism \(2017\)](#) and [Supply Skepticism Revisited \(2023\)](#), found "increases in housing supply moderate housing prices and rents overall"
- These findings have also been written about by the [popular press](#) and [think tanks researching housing](#)

Zoning Districts

Low density areas

Medium and high density areas



R1

R2

R3

R4

R5

R6

R7

R8

R9

R10

Single-family

Two-family

Medium and high density multi-family

Low density multi-family

Key Terms

Affordable Independent Residence for Seniors (AIRS)

A category of low-income senior housing that is eligible for additional floor area and more flexible height and setback regulation in many districts. An AIRS is a building, several buildings, or a portion of a building, containing residences where at least 90 percent of the dwelling units are occupied by at least one person aged 62 years or over and where all of the units are income-restricted housing units, other than a super's unit.

As-of-right Development

A development that complies with all applicable zoning regulations and other laws and does not require any discretionary action by the City Planning Commission (CPC) or Board of Standards and Appeals (BSA). A large majority of development in the city is as-of-right.

Base Height

The maximum permitted height of the front wall of a building before any required setback.

Building Envelope

A three-dimensional space that defines the maximum volume within which a structure can be built on a zoning lot. This is shaped by applicable height, setback, lot coverage and yard controls.

Building Height

A building's vertical dimension, measured from the curb level or base plane to the roof of the building (not including permitted obstructions above a height limit, such as elevator bulkheads).

Bulk

The combination of controls including lot size, floor area ratio, lot coverage, open space, yards, height and setback that determine the maximum size and placement of a building on a zoning lot.

Contextual District

A zoning district that regulates the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to reflect a form consistent with the scale and character of many neighborhoods. Residence and Commercial Districts with an A, B, D or X suffix are contextual zoning districts.

Conversion

A change of a building's use to another use category, such as from a commercial to a residential use group.

Density

Generally, refers to a combination of bulk and concentration or intensity of use, often describing extent or degree of concentration. For residential use, density is often used descriptively to refer to the dwelling unit factor

Development

Either the construction of a new building or other structure on a zoning lot, the relocation of an existing building to another zoning lot, or the establishment of a new open use on a tract of land.

Key Terms

Development Rights

Generally speaking, an amount of floor area permissible on a zoning lot. When the floor area that has been built is less than the maximum amount of floor area permitted, the difference is often referred to as “unused development rights.”

Dwelling Unit

Consists of one or more rooms in a residential building, or residential portion of a building, that also contains cooking and sanitary facilities and is inhabited by one or more persons living together, maintaining a common household. Most conventional apartments or houses in New York City consist of dwelling units.

Enlargement

A change to an existing building that increases its floor area, or an expansion of an existing open use onto a portion of a zoning lot not previously used for that purpose.

Floor Area

The sum of the gross area of each floor of a building. Several types of spaces are excluded from this sum, including mechanical space, cellar space, open balconies, elevator or stair bulkheads etc.

Floor Area Ratio (FAR)

The principal bulk regulation that controls the size of buildings. Each zoning district specifies a maximum FAR for a use which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable for that use on that zoning lot.

Height Factor Building

A building containing residences whose residential bulk is determined by a corresponding range of height factors, floor area ratios and open space ratios, and is set within a sky exposure plane. Higher floor area ratios are permitted for tall buildings surrounded by open space.

Limited Height District

A zoning designation established prior to the creation of contextual districts, superimposed on certain areas designated as historic districts by the Landmarks Preservation Commission (LPC). Limited Height Districts cap total building heights and are mapped in areas of the Upper East Side, Gramercy Park, Brooklyn Heights and Cobble Hill.

Narrow Street

A street that appears on the City Map with a width of less than 75 feet.

Non-complying or Non-compliance

A lawfully existing building that does not comply with one or more of the bulk regulations of the applicable zoning district. This frequently occurs because a building was constructed prior to the zoning currently in effect. The degree of non-compliance generally may not be increased.

Non-conforming or Non-conformity

A lawfully existing use that would not be permitted under the use regulations of the applicable zoning district. This frequently occurs because a use was established prior to the zoning currently in effect. The degree of non-conformance generally may not be increased.

Key Terms

Quality Housing Building

A building that is developed, enlarged, extended or converted pursuant to the Quality Housing Program.

Quality Housing Program

The program encourages development consistent with the character of many established neighborhoods. Its bulk regulations set height limits and allow high lot coverage buildings that are set at or near the street line. The Quality Housing Program also requires amenities relating to interior space, recreation areas and landscaping.

Residence District

A zoning district, designated by the letter R (R3-2, R5, R10A, for example), in which only residences and community facilities are permitted.

Residential District Equivalent

A zoning designation assigned to a C1, C2, C3, C4, C5 or C6 District that establishes the regulations for any residential uses within the district, usually referred to as a “residential equivalent.” For example, the residential portion of a building in a C4-4 District must follow the bulk regulations of its residential equivalent, an R7 District.

Setback, Building

A requirement for the upper floors of a building to be located further from a lot line than lower floors to allow more light and air to the street or the lower stories of the building.

Sky Exposure Plane

A plane that defines the building envelope in non-contextual districts designed to protect light and air at street level. The sky exposure plane is a virtual sloping plane that begins at a specified height above the street line and rises inward over the zoning lot at a ratio of vertical distance to horizontal distance set forth in district regulations.

Street Frontage

Portion of a zoning lot facing a street.

Transfer of Development Rights (TDR)

In limited circumstances specified in the Zoning Resolution, TDR allows for the transfer of unused development rights from one zoning lot to another, to preserve historic buildings, open spaces or unique cultural resources.

Wide Street

A street that appears on the City Map with a width of 75 feet or more. Most bulk regulations applicable to wide streets are also applicable to buildings on intersecting streets within 100 feet of a wide street.

Zoning Lot

A tract of land typically comprising a single tax lot or two or more adjacent tax lots within a block. The zoning lot is the basic unit for zoning regulations.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 10	# Abstaining: 0	Total members appointed to the board: 42
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 179 Livingston	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/29/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Brooklyn Paramount / 385 Flatbush

CONSIDERATION: See attachment; the Board elected to vote individually on 13 proposals.

Recommendation submitted by	BK CB2	Date: 7/8/2024 4:49 PM
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Eric L. Adams
110th Mayor of New York City

CITY OF NEW YORK Brooklyn Community Board No. 2

Lenue H. Singletary, III
Chairperson



Antonio Reynoso
19th Borough President of Brooklyn

July 03, 2024

Daniel Garodnick, Chair
New York City Department of City Planning
120 Broadway, 31 Floor
New York, NY 10271

Dear Chair Garodnick:

Brooklyn Community Board 02 has conducted the following public meetings regarding the **City of Yes for Housing Opportunity** Citywide text amendment proposal:

- [May 15, 2024](#) - Land Use Committee Informational Meeting and Public Q&A
- [May 29, 2024](#) - Public Hearing & Land Use Committee Meeting
 - 13 members of the public testified in support of the proposal; 0 against. The majority of the comments were related to the need for more (and more affordable) housing, with several speaking in favor of lifting mandatory parking mandates.
 - Following the public hearing, the Land Use Committee commenced a regular public meeting and engaged in vigorous discussion for two and a half hours, reviewing each individual proposal applicable to BKCD2.
 - The Committee decided to take no position on the three low-density proposals that aren't applicable to the District (Town Center Zoning, ADUs, and Low-Density District Fixes).
 - The Committee was unable to reach consensus on the Special Downtown Brooklyn District proposal, and thus did not forward a Recommendation to the full Board.

- [June 12, 2024](#) - Full Board Meeting / With additional discussion, a proper quorum of the full Board voted on the 13 proposals relevant to our District:

Transit-Oriented Development **Recommend Approval (40-2-0)**

- Applicable only to a handful of R5-B lots in BKCD2
- One Board Member felt that 3-5 stories is not enough, while another expressed concern about density and quality of life issues in Clinton Hill.

Universal Affordability Preference (UAP) **Recommend Approval (41-0-1)**

- **Limited Height Districts (LH-1)** **Recommend Approval (32-10-0)**
- **Special Downtown Brooklyn District** ***No Motion Successfully Passed***
 - Several Board Members felt that medium-density areas adjacent to the tallest parts of Downtown Brooklyn shouldn't be burdened with out-of-context construction to allow developers to maximize FAR.

Lifting Residential Parking Mandates **Recommend Approval (34-7-1)**

- A Board Member noted that no single transportation mode or solution works for all residents.
- Another believes that removing mandatory parking is an unfair benefit to developers.

Converting Non-Residential Buildings **Recommend Approval (41-1-0)**

Small & Shared Housing **Conditional Approval (33-7-2)**

- The Board recommends an amendment that 20% of the total floor area of affected buildings be affordable at an average of 50% AMI.

Campus Infill **Conditional Approval (35-6-1)**

- The Board recommends that the distance between buildings be increased from 40 ft. to 60 ft. to match rear-yard requirements of 30 ft., providing 60 ft. of total space between buildings.
- The Board recommends that any campus infill be required to provide minimum 20% affordable housing at 60% maximum AMI.

New Zoning Districts **Recommend Approval (39-3-0)**

Update to MIH **Recommend Approval (40-1-1)**

Sliver Law **Recommend Approval (36-6-0)**

Quality Housing Amenity Changes **Recommend Approval (41-1-0)**

Landmark Transferable Rights **Recommend Approval (36-6-0)**

As always, we appreciate the opportunity to review and comment on these groundbreaking proposals, and to contribute our local perspectives to your deliberations.

We are particularly grateful to your agency's Borough leadership and staff who took extraordinary care in tailoring their presentation materials to the particulars of our Community District, and consistently provided helpful context and timely follow-up to our many questions throughout this process.

Please feel free to contact the District Office with any questions.

Sincerely,

Lenue (Lenny) H. Singletary III

Lenue (Lenny) H. Singletary III (Jul 8, 2024 10:40 EDT)

Lenue H. Singletary, III
Board Chair, Brooklyn Community District 2

CC: Hon. Antonio Reynoso, Brooklyn Borough President
Hon. Crystal Hudson, New York City Council
Hon. Lincoln Restler, New York City Council



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 0	# Abstaining: 1	Total members appointed to the board: 49
Date of Vote: 6/12/2024 12:00 AM		Vote Location: Hope Gardens Older Adult Center	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/12/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Hope Gardens Older Adult Center

CONSIDERATION: Note the board voted separately on and did not support the 'Lift Costly Parking Mandates' (in favor: 13, against: 20, recused: 1) and 'Small and Shared Housing' (in favor: 8, against: 24, abstained: 1, recused: 1) proposals.

Additional note the above abstention is intended to reflect a board members recusal.

Recommendation submitted by	BK CB4	Date: 7/8/2024 5:46 PM
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THE CITY OF
NEW YORK



Brooklyn Community Board No. 4

1420 Bushwick Avenue, Suite 370
Brooklyn, New York, 11207-1422

Telephone: 718-628-8400

Email: bk04@cb.nyc.gov

Website: www.nyc.gov/brooklyn4

Robert Camacho - Chairperson
Celestina León - District Manager

BUSHWICK

ELECTED OFFICIALS

HON. ANTONIO REYNOSO
Borough President

HON. JENNIFER GUTIERREZ
34th Council District

HON. SANDY NURSE
37th Council District

**2024-25 EXECUTIVE
BOARD OFFICERS**

ROBERT CAMACHO
Chairperson

DESMONDE MONROE
1st Vice Chairperson

MILAGROS SANDOVAL
2nd Vice Chairperson

FELIX CEBALLOS
Recording Secretary

JERRY VALENTIN
Treasurer

JO-ENA BENNETT
Parliamentarian

June 24, 2024

Daniel Garodnick, Director
NYC Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: City of Yes for Housing Opportunity

Dear Director Garodnick,

At the board's June 12th public hearing and regular meeting, the full board voted as follows in reference to the City of Yes for Housing Opportunity text amendments.

The committee and other board members in attendance emphasized concerns about the density of the proposed text amendments, the lack of independent technical assistance, and the short time frame for review and to provide feedback. They also tasked the board's Economic Development + Housing and Land Use Committee with providing additional feedback on the amendments that the board foresees will have the greatest impact on Bushwick.

Blanket vote on all proposals excluding the 'Lift Costly Parking Mandates' and 'Small and Shared Housing' proposals.

In favor: 32, Against: 0, Recused: 1

Total Members: 49

Members Present: 33

Low-Density

Town Center Zoning, Transit-Oriented Development, and District Fixes – Support

- Limited or no applicability in the district
- Support provided to allow other districts to further develop and provide a fairer share of new housing opportunities

Accessory Dwelling Units – Support

- Exclude areas impact by stormwater flooding
- Create safety standards and regulations for areas impacted by stormwater flooding
- Expand the De Blasio era basement conversation pilot program

Medium and High Density

Universal Affordability Preference - Support

- Reduce the affordability requirement to 50% AMI with income averaging
- Mirror transit-oriented development criteria: restrict to wide streets, short ends of the block, 5,000 sq ft or larger

Citywide

Lift Costly Parking Mandates – Do Not Support

(In favor: 13, Against: 20, Recused: 1)

- Access to parking remains a district wide issue

Convert Non-Residential Buildings to Housing - Support

- Require an affordability component
- Exclude small and shared housing from allowable conversions
- Require community board review

Small and Shared Housing – Do Not Support

(In favor: 8, Against: 24, Abstained: 1, Recused: 1)

- Concerns were raised about Bushwick’s history with SROs, which led to an increase in public safety and quality of life issues.
- Restrict to transit corridors (ex. Broadway, Myrtle Avenue, Flushing Avenue)
- Restrict the elimination of dwelling unit factor to these buildings

Campus Infill – Support

- Require an affordability component
- Limit market rate unit production
- Require community board review

Miscellaneous

New Zoning Districts, Update to Mandatory Inclusionary Housing, Sliver Law, Quality Housing Amenity Changes, Railroad Right-of-Way – Support

- Limited or no applicability in the district

Landmark Transferrable Development Rights - Support

- Cap development at existing zoning
- Restrict lot assemblages
- Require an affordability component

Sincerely,



Celestina León
District Manager



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 24	# Abstaining: 1	Total members appointed to the board: 49
Date of Vote: 6/20/2024 12:00 AM		Vote Location: 127 Pennsylvania Avenue - Brooklyn, New York 11207	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/26/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	127 Pennsylvania Avenue, 3rd Floor - Brooklyn, New York 11207

CONSIDERATION: Comments/Recommendations will be submitted with fully signed resolution.		
Recommendation submitted by	BK CB5	Date: 7/9/2024 4:26 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 34	# Against: 0	# Abstaining: 2	Total members appointed to the board: 36
Date of Vote: 6/12/2024 3:00 AM		Vote Location: NYP Brooklyn Methodist Hospital	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/23/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Van Alen Institute- 303 Bond Street

CONSIDERATION: We're happy to inform you that Brooklyn Community Board 6, at our June 12th, 2024, Full Board meeting, approved the City of Yes (COY) for Housing Opportunity zoning text amendment. The vote was functionally unanimous, with thirty-four members voting in favor and two abstaining due to cause.

We've now approved all three portions (Carbon Neutrality, Economic Opportunity, and Housing Opportunity) of the City of Yes initiative. We believe implementing COY will make New York City environmentally sound, economically equitable, and more affordable.

We still hope for a more comprehensive planning process but are happy to support and approve COY in its entirety.

Sincerely,

Eric McClure- Chairperson
Michael Racioppo - District Manager

Recommendation submitted by	BK CB6	Date: 6/13/2024 3:02 PM
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The logo for Brooklyn Community Board 6, featuring the letters 'CB6' in a large, bold, blue font.

**BROOKLYN
COMMUNITY BOARD 6**

**BROOKLYN
COMMUNITY
BOARD 6**

Letter of Support

June 13, 2024

**Daniel Garodnick, Chair
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271**

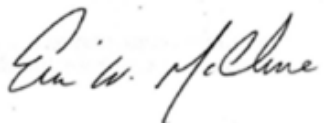
Dear Chairperson Garodnick:

We're happy to inform you that Brooklyn Community Board 6, at our June 12th, 2024, Full Board meeting, approved the City of Yes (COY) for Housing Opportunity zoning text amendment. The vote was functionally unanimous, with thirty-four members voting in favor and two abstaining due to cause.

We've now approved all three portions (Carbon Neutrality, Economic Opportunity, and Housing Opportunity) of the City of Yes initiative. We believe implementing COY will make New York City environmentally sound, economically equitable, and more affordable.

We still hope for a more comprehensive planning process but are happy to support and approve COY in its entirety.

Sincerely,

Handwritten signature of Eric McClure in black ink.

**Eric McClure
Chairperson**

Handwritten signature of Mike Racioppo in black ink.

**Mike Racioppo
District Manager**



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

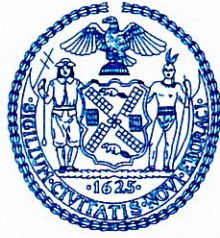
Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 29	# Against: 9	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/13/2024 12:00 AM		Vote Location: 4201 4th Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/3/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	4201 4th Avenue

CONSIDERATION: Brooklyn Community Board 7 supports the City of Yes for Housing Opportunities, provided that:	
1) Universal Affordability Preference (UAP) average AMI is reduced from 60% to 30%.	
2) It creates a minimum number of dwelling units for affordable housing to a mix between studios, 1 BR, 2 BRs and larger.	
3) Town center zoning requires the creation of affordable units.	
4) Unit size is capped to ensure that higher FAR results in more units.	
5) The maximum height for buildings is reduced on 5th Avenue, between 40th and 47th Streets, and on 23rd and 24th Streets to protect the view corridors from Sunset Park to New York Harbor and from the Statue of Minerva in Green-Wood Cemetery to the Statue of Liberty.	
Recommendation submitted by	BK CB7
Date: 8/28/2024 12:12 PM	



THE CITY OF NEW YORK
BOROUGH OF BROOKLYN
COMMUNITY BOARD #7

Julio Pena III
Chairperson

Jeremy Laufer
District Manager

Antonio Reynoso
Borough President

July 1, 2024

Dan Garodnick
Commissioner
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Commissioner Garodnick:

Community Board 7/Brooklyn held meetings in May and June, 2024 concerning the “City of Yes” Housing Opportunity and we voted on several motions concerning the various aspects of the zoning proposal at our Board’s June 12, 2024 meeting. Our Board Members took different positions on several aspects of the proposal and several amendments were presented to our members. Our Board chose to incorporate several of these amendments as part of our overall motion to support COYHO. In many cases, our Board Members chose to include caveats which we believe point out deficiencies in the plan that we feel need to be addressed for the overall success of the proposal, particularly regarding its impact on the local community. These concerns are addressed in detail beneath the motion and vote below.

The Board voted on the following motion:

Brooklyn Community Board 7 supports the City of Yes for Housing Opportunities, provided that:

- 1) Universal Affordability Preference (UAP) average AMI is reduced from 60% to 30%.**
- 2) It creates a minimum number of dwelling units for affordable housing to a mix between studios, 1 BR, 2 BRs and larger.**
- 3) Town center zoning requires the creation of affordable units.**
- 4) Unit size is capped to ensure that higher FAR results in more units.**
- 5) The maximum height for buildings is reduced on 5th Avenue, between 40th and 47th Streets, and on 23rd and 24th Streets to protect the view corridors from Sunset Park**

4201 Fourth Avenue, Brooklyn, NY 11232 (718) 854-0003

E-mail: bk07@cb.nyc.gov

Twitter: @BKCB7 Facebook Page: Brooklyn Community Board #7

Serving Sunset Park and Windsor Terrace

to New York Harbor and from the Statue of Minerva in Green-Wood Cemetery to the Statue of Liberty.

The motion was approved by a vote of 29 – in favor, 9 – opposed, with 0 – abstentions.

While our Board general supports more affordable housing creation within our community, we believe the current plan has several aspects which need to be changed in order to have a greater positive impact, and less negative impacts, on our local community.

Universal Affordability Preference (UAP) average AMI is reduced from 60% to 30%

Community Board 7/Brooklyn believes a 60% UAP average is too high for our community. The area medium income of Community District 7 is 50% of the City's AMI, meaning the vast majority of our community members would not be able to afford "affordable" housing in their own community. A 60% average was believed to be unfair for our residents and our members chose to require a lower average to reflect the needs of our local community, not the City in general, as COYHO does. It was felt that the 60% average was not meant for our residents and would not have a significant impact on affordability for our community.

It creates a minimum number of dwelling units for affordable housing to a mix between studios, 1 BR, 2 BRs and larger

Our Board Members have long been concerned that there are not enough family-sized affordable units in our community and that every new housing development should have a mix for affordable studios, one-, two- and three-bedroom and that minimum numbers of each should be a requirement of any zoning change.

Town center zoning requires the creation of affordable units

Our Board Members are concerned that town center zoning is merely a giveaway to property owners, increasing the allowable size of a building and increasing the value of the property for nothing in return for the community. Our Board Members firmly believe that any artificial increase in property value should require the creation of affordable units. Without such, we believe the increased property value will also increase the value of surrounding properties, making them less affordable to our community residents.

Unit size is capped to ensure that higher FAR results in more units

Our Board Members raised concerns about higher FAR leading to the development of larger, rather than more, units. This concern has grown with stories of luxury high-rises in other communities with multiple floor luxury units. Our Board Members do not wish to see such developments in the local community and call on City Planning to cap the size of units within properties that develop additional capacity to ensure additional units, rather than just larger buildings.

The maximum height for buildings is reduced on 5th Avenue, between 40th and 47th Streets, and on 23rd and 24th Streets to protect the view corridors from Sunset Park to New York Harbor and from the Statue of Minerva in Green-Wood Cemetery to the Statue of Liberty

Our Board has long called on the Department of City Planning to protect the historic view corridors from the terminal moraine in Sunset Park and from the Statue of Minerva in Green-Wood Cemetery. In fact, a proposed building that would have blocked the view corridor from the Statue of Minerva to the Statue of Liberty was the impetus for the rezoning of a large swath of our community in 2005. When the bulk of Sunset Park was rezoned in 2009, our Board learned from this experience and called for the protection of the view corridor from Sunset Park to NY Harbor, the expanse of which covers the view from downtown Manhattan to the Verrazzano Bridge. Our Board Members were shocked to learn that COYHO could potentially allow 9-story buildings on 5th Avenue, which we believe will block the view from the park. We call upon the Department of City Planning to finally realize the historic nature of these view corridors and the profound negative impact oversized developments can have on the history and quality-of-life of our community.

As we did in our letters concerning our previous votes on City of Yes, we including copies of all written testimony provided to the Board prior to our Board's vote on this matter.

Thank you for the opportunity to share Community Board 7/Brooklyn's opinions regarding the various aspects of the City of Yes for Housing Opportunity proposals.

Sincerely,



Julio Pena III
Chair



Jeremy Laufer
District Manager

cc: Elected Officials

YES TO HOUSING COALITION

May 31, 2024

Dear Community Board members,

We write to you as a united coalition of pro-housing advocates, experts, affordable housing developers, and civic leaders to express our unwavering support for the City of Yes for Housing Opportunity zoning text amendment. Our more than 130 members work and live in every neighborhood across the city. And in every community, including yours, residents are struggling due to the housing and affordability crisis.

We are at a critical moment. Nearly 500,000 households are severely rent-burdened across the five boroughs, paying more than 50% of their income on rent. In addition, nearly 130,000 people experienced homelessness and stayed in a city shelter on average in March. The solution to the crisis is more housing and more affordable housing.

The proposals in the City of Yes will generate more affordable housing while promoting climate and sustainability goals. The zoning changes also promote fair housing by facilitating the addition of housing in every neighborhood across the city, including those that have seen little new housing in recent decades, while preserving the character that makes each community great.

Unfortunately, housing production — especially affordable housing production — has not been shared equitably across the city. Some neighborhoods are doing more to address the crisis than others. Between 2014 and 2023, the top 10 producing districts welcomed more than 3,500 affordable housing units, while the bottom ten producing districts financed just 200 units or less. In fact, the top-producing district — District 17 in the Bronx — produced 7,182 units in 10 years, as many new units as the lowest-producing 21 districts combined.

Zoning is a powerful tool that should be used responsibly. It is also one of the few tools available to ease the crises before us and adopt a set of policies that will add housing in low, medium and high-density districts to ensure that every neighborhood can work together to add to our affordable housing supply. Current zoning law does not reflect New Yorkers' current or future needs, and we must finally address these stark disparities in housing by updating our outdated zoning code.

Every neighborhood has a responsibility to our fellow New Yorkers and the families who would be a part of our community if given the chance. We look forward to working with you to shape a more equitable and affordable city for all. Please don't hesitate to reach out (you can contact Brendan Cheney at NYHC: brendan.cheney@thenyh.org) with any questions about our work or on the City of Yes for Housing Opportunity zoning text.

Sincerely,

The undersigned
Association for a Better New York
American Institute of Architects New York
Amie Gross Architects

The Arker Companies
Ascendant Neighborhood
Development Corporation
Asian Americans For Equality

YES TO HOUSING COALITION

Association of Tenants of Lincoln Towers

BRC

Breaking Ground

The Briarwood Organization

Bright Power, Inc.

Brisa Builders Development

Broadway Community, Inc.

Bronx Pro Group LLC

C&V Consulting

CAMBA Housing Ventures, Inc./CAMBA, Inc.

Camber Property Group

Catholic Charities POP Development

Catholic Community Relations Council

Chhaya

Chinatown BID/Partnership

Citizens Housing and Planning Council

CLOTH

Community Housing

Improvement Program (CHIP)

Community Preservation Corporation

Concern Housing

Corporation for Supportive Housing (CSH)

Curtis + Ginsberg Architects LLP

Dattner Architects

The Delaine Companies

Designing the WE

Douglaston Development

East End YIMBY

Enterprise Community Partners

EW Howell Construction Group

Fair Housing Justice Center

Fifth Avenue Committee

Fordham-Bedford Housing Corporation

Forsyth Street Advisors

FPWA

FXCollaborative Architects LLP

Genesis Companies

Geto & de Milly, Inc.

Goddard Riverside

Gotham Organization

Habitat for Humanity New York City
and Westchester County

HANAC

The Health & Housing Consortium

HELP USA

Homeless Services United

Hope Community Inc.

Housing and Services, Inc.

Housing Rights Initiative

The Hudson Companies

Interfaith Assembly on
Homelessness and Housing

JASA

Jonathan Rose Companies

Joy Construction

K2New Business Development

L+M Development Partners

Lantern Community Services

Lantern Organization

LISC NY

LiveOn NY

Low income Investment Fund (LIIF)

Macquesten Development

Madd Equities

Matrix New World Engineering

MBD Community Housing Corp.

Mega Contracting

Milestone Development LLC

Monadnock Development

YES TO HOUSING COALITION

Neighborhood Housing Services of NYC
Neighborhood Restore HDFC
New Destiny Housing
NYC Housing Partnership
NYC New Liberals
New York Building Congress
New York Housing Conference
New York League of Conservation Voters
New York State Council of Churches
The NHP Foundation
Niskanen Center
The NRP Group
NYSFAFH
Open New York
Open Plans
Pennrose
Perci PBC
Phipps Houses
PRC
Project Renewal
Purpose by Design Architects
Queens Bronx Building Association
Real Estate Board of New York (REBNY)
Red Stone Equity Partners
Regional Plan Association
Riders Alliance
RiseBoro Community Partnership
RKTB Architects
Robin Hood
Rockabill Development, LLC
Safe Horizon
Selfhelp Realty Group
Services for the Underserved
Settlement Housing Fund, Inc.
Shams DaBaron, Da Housing Hero
Shelter Rock Builders
SKA Marin
Slate Property Group
SMJ Development
St. Nicks Alliance
Supportive Housing Network of New York
TF Cornerstone
Transportation Alternatives
Trinity Church Wall Street
Trinity Financial
Type A Projects
UHAB
Unique People Services
University Neighborhood Housing Program, Inc.
Urban Architectural Initiatives RA P.C.
Urban Pathways
Urbecon LLC
VIP Community Services
Volunteers of America-Greater New York
Wavecrest Management
Westhab
West Side Federation for Senior and Supportive Housing
WHEDco
Xenolith Partners LLC
Youth Action Programs and Homes Inc.
Yuco Management
Zillow

From Kate Navarro-McKay:

Eliminate Parking Mandates

I live at 378 9th Street, I own a car, and I think we need to get rid of parking mandates.

It's absolutely crazy that in a transit-rich neighborhood where housing is so unaffordable, we are demanding that developers spend a fortune building new homes...for cars.

If a developer wants to build a garage, that's great. They can rent out or sell those spaces!

But making housing more unaffordable for EVERYONE so that car owners like me can have an easier time finding a free space to store our car on the street?

That's ridiculous.

It's bad enough that we've lost so many valuable transportation and loading/unloading lanes by turning them into linear parking lots where owners like me store our cars for weeks at a time.

It's bad enough that giving up 2/3 of every side street to free parking means our side streets are not just congested and useless as bus routes, but also frequently impassable when delivery, repair, moving or garbage trucks are doing necessary work.

But adding to the housing crisis in this city to protect the free parking lanes that only benefit the select few, at an enormous cost to everyone?

Adding to the expense of housing so that more people bring more cars into the city to further slow down our buses, add to the expense of deliveries in the city, further slow down emergency response vehicles, and endanger pedestrians and bikers?

This is nuts.

Let housing be built for people, and let car owners like me figure out what to do with our stuff when we're not using it. Same as everyone else does.

From Perry Rajnovic:

To whom it may concern at Community Board 7,

I'm writing today to express my strong support for lifting parking mandates citywide as part of the City of Yes for Housing Opportunity Text Amendment.

Since the days of Robert Moses, minimum parking requirements in our zoning code have placed parking over people. Parking mandates negatively affect our city's housing stock, livability, and climate; fully lifting them citywide is the best way forward for our city's future.

The exorbitant cost of building parking directly contributes to the housing crisis. Forcing developers to pay \$67,500 on average and up to as much as \$150,000 per spot leads to higher rents and renders some affordable housing impossible to build. Cities that have abolished parking mandates have seen a surge in the amount and affordability of new housing created.

Parking mandates make the city less livable and walkable. They perpetuate a cycle where more parking causes more driving, which in turn creates more demand for parking, necessitating more parking construction and car-centric street design, and on and on. Lifting mandates helps break the cycle and encourage public and active modes of transportation, fostering a more vibrant and accessible streetscape.

Finally, our dependence on cars, spurred in part by the required construction of new parking, contributes greatly to our climate crisis. In New York, transportation is the leading cause of greenhouse gas emissions, and personal car usage accounts for more than half of that. Lifting parking mandates promotes greener transportation options, which helps reduce emissions. Parking lots also contribute to flash flood risk and the heat island effect, both of which have disproportionate impacts on communities of color; lifting mandates is a climate justice issue.

I strongly support lifting parking mandates citywide as a critical step towards building more affordable housing, boosting livability, and fostering climate sustainability. Many other large American cities have done so and already are reaping the benefits, it's high time NYC join that list.

Thank you,
Perry Rajnovic

From Rachael Fee:

Dear Community Board 7 Members:

I'm a resident of CB 7 writing to express my strong support for the City of Yes for Housing Opportunity and to urge CB7 to vote "yes". I know there are endless statistics to support adding more housing as the solution to bring down rents, increase homeownership and housing options for New Yorkers because I work in affordable housing policy and advocacy and often cite these statistics. NYC builds fewer homes than even San Francisco and the housing supply shortage is giving landlords all the power. The result is rising rents, outsized rent burdens, skyrocketing homelessness and lack of housing options.

As a member of this community, I have observed the sharp increases in rents and home prices and their negative consequences. Too many people I love have left NYC because they can't afford this neighborhood. This includes my sister who lived on Prospect Ave, my best friend on 16th Street and 2 of my kids' best friends, to name a few.

I have witnessed many friends and neighbors suffer with mice, broken appliances and leaks because their landlords won't make repairs and they've even swallowed rent increases while enduring these conditions. They have all said the same thing when I asked about demanding repairs or moving- there is no where else to rent.

I also come across many desperate stories relating to affordability because of my job. A woman in Queens recently emailed me asking if I could help her elderly brother, who is a war veteran, find an affordable senior housing apartment. She worries about his mental health living alone and his declining mobility. He's 84.

A mother of two staying in a shelter in the Bronx left me a voicemail asking if I know if any housing options. She doesn't want to raise her kids in a shelter. She has a job and CityFHEPS but can't find an apartment.

A long time renter in Manhattan whose building is being sold contacted me for help. She's elderly with a small pension but there is nothing for rent within her budget or even close to her budget. She's lived in the same apartment for decades but might have to ask her sister in Long Island to move in. She's devastated to lose her independence and leave her community.

Three teachers in my kids' D15 elementary school have asked me about finding affordable housing. A fourth moved out of state because it's too expensive.

City of Yes will allow zoning changes to add more housing in every neighborhood and more affordable housing in higher density neighborhoods and that's exactly what's needed to start to bring down rents and give New Yorkers more housing options. In this district UAP will bring affordable housing where there are siting opportunities for new buildings; over time, town center zoning will likely add new housing over retail and restaurants in the lower density commercial corridors and some homeowners will likely make their basements into ADUs.

I urge CB7 to vote "yes", in favor of more housing. Saying "no" to protect the status quo will support neighborhoods across NYC in blocking new housing and the affordable housing crisis will just get worse.

Sincerely,

Rachel Fee

RachelFee@hotmail.com
505 16th Street
Brooklyn, NY 11215

Good morning Jeremy,

In anticipation of the next Board Meeting on Wednesday, June 12th, I watched a replay of last Monday's City of Yes presentation. In retrospect, I was disappointed in the apparent inaccuracy of zoning factors built into the proposal and somewhat offended by some of the comments made relative to down-zoning.

I was also disappointed to learn that there seems to be no connection or a future plan from the City of New York, with all its land and buildings, to contribute to the "City of Yes" program. If this is a Mayoral/City-advocated proposal, how is City property absent from this significant endeavor?

Mr. Tsai was very impressive in his presentation and his knowledge of the City of Yes proposal; however, the pat-response is that the execution would be fairly spread across the city with a little bit of change to each neighborhood.

I made the point that the "Low Density" designation given to Windsor Terrace was inaccurate after identifying R5B as a zone assigned to a majority of apartment buildings in Windsor Terrace that house multiple units. Not one and two family residences as defined by zone R5B .

If you remember, Mr. Tsai acknowledged the disparity in district zoning and building units on the ground and density itself. If Windsor Terrace is a microcosm of the city, the premise of the City of Yes proposal is based on misinformation. The one- size- fits- all scenario doesn't apply.

The reference to down-zoning suggesting that residents of mostly "wealthy, white" neighborhoods coalesced to prevent further building in their community was inappropriate. It does not apply to the Windsor Terrace residents I know who are active in their attempt to prevent oversized properties in the neighborhood. I'm not so naive to think that down-zoning and other methods weren't used for illegitimate real estate purposes in New York. But the fight against "further building" in Windsor Terrace was against taller buildings out of neighborhood scale. City Planning back in the eighties created the contextual zoning that did allow for appropriate development while preserving the unique character of Brooklyn neighborhoods. Not to keep people out, as inferred by Mr. Tsai's response.

Examples include 101 PPSW where a community fight stopped a much taller structure from being built by Prospect Park. Park Circle is a more recent example of an effort to reduce the size of a developer's plan. Next up: the Arrow Linen property.

I would urge Community Board 7 not to support this proposal until more accurate zoning information is developed and NYC is brought into the playbook.

Respectfully,

Gerald Mulvaney

June 3, 2024

Jeremy Laufer, District Manager
Brooklyn Community Board 7
4201 4th Avenue
Brooklyn, NY 11232

Re: City of Yes Housing Opportunity Zoning Proposal Public Testimony

Jeremy:

As community representatives of Brooklyn Community District 7 and the residents of Sunset Park and Windsor Terrace, we urge you to **vote NO on the City of Yes Housing Opportunity resolution**. The proposals included in the City of Yes Housing Opportunity zoning resolution intend to provide significant relief to affordable housing solutions only within as-of-right zoning regulations, with the premise that homeowners, landlords and developers have equal opportunity to contribute to solving NYC's affordable housing crisis. However, the stark reality of **what will result from the intention for "a little more housing in every neighborhood" will be developer-led housing developments at significant density and scale in primarily underserved communities, fundamentally altering the character and context of existing neighborhoods and straining existing infrastructure necessary to sustain resilient and desirable communities**. The intention of the zoning resolution suggests uniformity to increased development in all kinds of properties, however the zoning resolution alone does not account for what is most likely to result from these changes altering our neighborhoods. At greatest risk should this proposal pass are the neighborhoods in Brooklyn Community District 7 that are currently built to low density with 1-2 family homes and manufacturing zones that will experience a significant increase in density driven entirely by developers, not homeowners and small businesses. In no way is this proposal supporting what communities need while also solving for the affordable housing demand in NYC.

"Fairness is a first-order principle for building a city, but it is complex and challenging to achieve. It requires a persistent commitment to public transparency – to lay bare the inequities in our neighborhoods – and at times, it requires choosing a more challenging path in pursuit of more equitable outcomes. In the absence of a principled framework for how bureaucratic decisions should be made, the City's siting decisions will be driven by not-in-my-back-yard politics and path-of-least-resistance planning, deepening and solidifying racial and economic disparities across our neighborhoods. ."

"Fair Share? Siting New York City's Municipal Facilities" report, November 9, 2023

Key externalities of why the zoning resolution as proposed does not achieve its purpose:

- NYC lacks the financial incentives to allow homeowners to provide incremental solutions for affordable housing, hence it only being viable for developers who must build at significant scale in order to meet their financial pro forma. The tax incentives currently being pursued with the State will only benefit developers.
- There is no corresponding plan by any City or State agency or utility that provides complimentary infrastructure solutions or funding that are critical for increased density in communities that have been underserved for decades.
- Spot zoning is required in almost all instances for new development as most of the opportunities for redevelopment are in neighborhoods that are currently not zoned for the kinds of affordable housing density the city at large demands; the proposed zoning resolution does not recognize this outcome as a factor, allowing for additional FAR on rezoned higher density residential properties in low to medium density communities.

It is imperative that the proposed zoning resolution consider the real effects of what these changes allow, as developer driven solutions will be at scales that have no relationship to the neighborhoods in which they are built.

While the negative impacts of this zoning resolution are currently echoing through resounding community objections, as the City considers real solutions to meet our affordable housing demand, this letter includes some key considerations that begin to define a more nuanced solution that places equal protections for the communities that will be most affected by legislative changes to zoning that could be carried forward in collaboration with Community Boards, City Leaders, DCP and communities. The City’s most underserved communities are at the greatest risk of the adverse effects of large scale developments when developers use all of the mechanisms available to them to build bigger.

Address inappropriate density through rezoning restrictions

Unfortunately, even with tax incentives, new affordable housing developments are only financially viable through density, often via a spot zoning process that increases density of residential uses most often on properties in low density residential and manufacturing districts. The zoning text notes specifically in **23-03 General Purpose of Residential Bulk Regulations** that the bulk regulations should:

“protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.”

However much of what will be developed for affordable housing isn’t as-of-right today based on the permitted zoning use on these sites. The zoning resolution alone isn’t enough to require development to contribute to “desirable and stable residential neighborhoods,” and does not account for developers purchasing multiple properties to then rezone and build at massive scale

and density. Provisions should be put in place in the zoning resolution that only incentivize with UAP and additional zoning area bonuses when rezoning for residential uses match the adjacent residential use density of the neighborhood when they occur, and eliminate the area bonus for sites that pursue spot zoning for high density residential use that is incongruent with the adjacent residential zoning uses. This will prevent developers who will seek a higher density residential use to build even larger developments with FAR increases offered in the UAP plan, ensuring that the protection noted in the zoning resolution for residential areas actually maintain desirable and stable residential neighborhoods.

Provide Infrastructure solutions to support the demand

The infrastructure of NYC is aging and not adequately serving the needs of its residents today, in which the lack of capacity will only be compounded by increased density through large scale affordable housing developments. Basements continue to flood due to undersized storm sewer infrastructure as a result of aging combined sewer systems that have not been maintained or upgraded to respond to the increased demand due to incremental growth of development over decades, water mains still connect residences with lead piping and risk failure, and our electrical infrastructure is being tested with increased electrification efforts encouraged in the City to reduce greenhouse gas emissions through Local Law 97. We also do not have solutions to address increased demand on public transportation to reach areas of our boroughs that otherwise require the use of cars as parking provisions are further eroded in the proposed zoning resolution. City agencies and utility companies should be required to establish and implement an infrastructure plan prior to any potential zoning approval process, including ULURP. It has been noted by DCP in public meetings that the success of the housing opportunity proposal is effective interagency coordination, however they have done nothing to mandate these solutions as part of the zoning resolution. This effectively makes what is a necessity a request, not an obligation, putting residents at risk.

Brooklyn Community District 7, along with many other Community Districts, is underserved by our City's infrastructure today in which every year, residents spend tens of thousands of dollars to repair flood damaged basements from failing sewer systems that are not maintained and are undersized to support the current demands during an average rainfall event. Prerequisites for DEP to address increased demand should be recognized in the zoning resolution to require high level storm systems and cloudburst solutions as well as greater investment in our streetscapes to provide street trees and bioswale solutions to address the increased volume of stormwater we experience.

Homeowners are individually investing in solutions that support the City of Yes Carbon Neutrality goals by installing PV panels on our roofs. Yet with zoning area increases permitted by the City of Yes Affordable Housing developments, our homes will experience significant shadows from these developments, diminishing solar capacity from these investments as a result of larger than appropriate developments. This is at odds with the most recent changes in the NYC Building Code requiring PVs and/or green roofs on major renovations and new construction, rendering these required solutions ineffective. Roof top areas for PVs should be

given protections for access to sunlight if all of NYC is going to contribute to electrification requirements of the Local Laws and the NYC Department of Buildings.

As Brooklyn Community District 7 residents, our limited on-street parking currently supports our public school teachers for the numerous public schools that continue to expand in Sunset Park, as well as the MTA's Jackie Gleason Bus Depot employees who commute by car from other areas of the City to provide necessary services to everyone in Brooklyn. As new economic and housing developments rapidly increase, the need for parking for those outside of our community who commute to Sunset Park will also only increase, without greater investment in public transportation and considerations for increased parking that prioritizes electrical vehicles. The elimination of on-site parking provisions of the zoning resolution must be reconsidered to not overburden already challenged residential neighborhoods with the lack of on-street parking.

DOT, DEP, MTA and others should map out clear recommendations that align with the anticipated outcomes of the housing opportunity zoning resolution for what should be done to address both the current needs of the community and the significant burdens that will be placed on our existing infrastructure. City agencies should be required to provide specific proposals with timelines for investment to address the rapid growth that will disproportionately impact our neighborhoods. The zoning resolution must require effective interagency coordination and collaboration before the zoning resolution is put in place in order for it to be a success.

Provide special provisions for sensitive community districts

Special Provisions should be included in the zoning resolution for Brooklyn Community District 7 that includes the upland at 5th Ave down to the waterfront to establish height limits to protect view corridors that extend from Greenwood Cemetery to Sunset Park. 5th Ave today does not have large developments, providing unique view corridors from Sunset Park and Greenwood Cemetery that should be protected to prevent developments that would obstruct views to the waterfront. In particular, it should be recognized that Sunset Park as well as Greenwood Cemetery are uniquely impacted by the higher grade elevation on 5th Ave that front these 2 open areas require special consideration for development height to protect the visual corridor as noted in Article VI of the NYC Zoning Resolution.

Not only is there a concern from the upland down to the waterfront, but with the inverse condition of the higher grade elevation going from the waterfront up to 5th Ave. The topography of this particular area requires special consideration in which large developments on 5th Ave have a greater negative impact to residential blocks on the side streets as a 7 story building on 5th Ave has the effect of a 10 story building when looking upland, creating even greater density in neighborhoods with 2-3 story homes as buildings of significant density and height cast shadows on entire blocks.

From 5th Ave to the waterfront, from Greenwood Cemetery to the north extending to Sunset Park to the south, the existing zoning district is R6B, with commercial C2-4 on the avenues. Additionally, from 39th Street to 37th Street on 5th Ave there are existing M1-2 manufacturing

uses. As properties along 5th Ave are being considered by developers for medium to high density residential spot rezoning, these unprotected view corridors are at risk. If spot zoning for residential use occurred on the M1-2 sites, this special provision should require the same R6B/C2-4 use as the existing neighborhood to protect these view corridors. With the City of Yes Housing Opportunity proposals for UAP and FAR bonuses, with an R6B use, it would allow for 3-4 story developments that are in keeping with the intent of the bulk regulations to:

“protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established.”

Within this Special Provision for Brooklyn Community District 7, there should be restrictions placed on building heights, as well as limitations on the change in zoning use to protect unique view corridors.

Prioritize existing developer assets

What is likely the fastest and most appropriate way to provide affordable housing at scale with little to no impact on the existing density of our neighborhoods is through properties already owned by developers- the conversion of non-residential buildings to housing in Manhattan’s existing dense business centers. This also provides more sustainable development to reuse existing buildings rather than build new, getting the city closer to its carbon neutrality goals. Developers are already examining their existing portfolio of properties looking for opportunities to reposition their existing under-utilized commercial office buildings; the supply is available to meet the demand. A real win in the zoning resolution would be to focus on redevelopment to bring affordable housing density to our most dense urban environments in Manhattan, which has the infrastructure and social service facilities to support the demand.

Prioritize permanent housing

The Comptroller’s Office’s “Fair Share? Siting New York City’s Municipal Facilities” report from November 9, 2023, geospatial analysis confirms that:

“Homeless shelters are heavily concentrated, with some communities taking on 100 times more shelter beds than others, and four community districts having no shelters at all. Overall, the demographic of neighborhoods with no shelter beds are predominately white.”

What must be considered, and is truly at risk in Community District 7, is manufacturing and transient hotel uses for conversion to shelters rather than focused on permanent housing solutions. There should be more robust restrictions in the zoning resolution for affordable housing that prohibits sitings in over-saturated districts, and limitations on “community use facilities with sleeping accommodations” by Community District to more equitably distribute this transient housing type throughout all five boroughs. There should be a direct correlation to the

latest Department of Social Services data in terms of number of beds in a Community District and permitted community facility uses with sleeping accommodations.

Conclusion

The City of Yes Housing Opportunity proposal before you includes only a fraction of the solution that will have outsized, irreversible effect without significant modification to provide holistic solutions that establishes a comprehensive framework to truly address the affordable housing crisis in NYC while allowing our diverse communities to thrive. The city is not driven by developers and their interests alone, it is built upon the investment of local residents who drive the economies of their communities, and who contribute to what makes NYC great. As leaders of this great city, and as representatives of our community, you can help us to provide the proper guardrails and incentives to both allow people to live in NYC affordably and protect the unique neighborhoods we call home. As representatives of Brooklyn Community District 7 and the residents of Sunset Park and Windsor Terrace, we urge you to **vote NO on the City of Yes Housing Opportunity resolution.**

Sincerely,



Carrie Moore

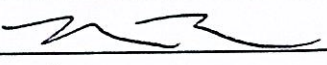
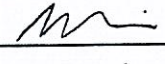
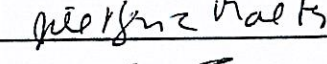

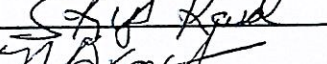
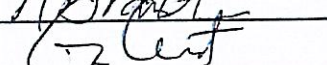


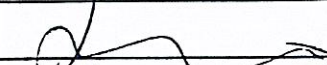
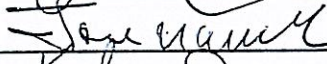
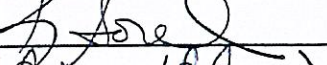
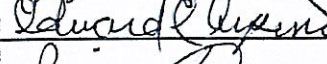
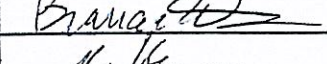


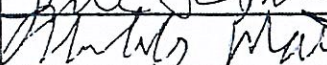
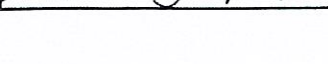

455 37th Street, Brooklyn NY 11232

Enclosed: Signed petition by Community District 7 residents

Cc: Antoinette Martinez, Brooklyn CB7 Housing Committee Member; Mike Feretti, resident; Skip Karol, resident

I, the undersigned, petition our City Officials to vote **NO** on the proposed City of Yes for Housing Opportunity proposal issued for public review on April 29, 2024.


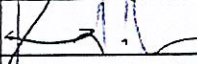
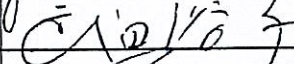
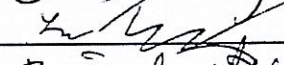
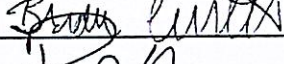

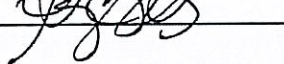
The signatures provided below are in support of the positions outlined in the letter dated June 3, 2024 regarding "City of Yes for Housing Opportunity Zoning Proposal Public Testimony" enclosed herein.

NAME	ADDRESS *	SIGNATURE
Matthew Montasano	454 37 th St.	
Rebecca Pagnia	452 37 th St	
Jill MALTER	456 37 th St	
Mike Ferretti	448 37 th ST	
SKIP KAROL	418 37 th ST	
NANCY BRANTON	459 37 th ST	
GEORGE LEONATI	457 37 th ST	
Norma Sanchez	447-37 th St	
SARU TRAN	437 37 th	
Jeffrey Huang	437 37 th	
JOSE VARRIO	427-37 th St	
Katherine Sorel	428 37 th St.	
EDUARDE APARICIO	434 37 th St	
Bianca Diaz	417 37 th St.	
John Reynolds	417 37 th St.	
JOHN CHESTER	435 37 th St	
JULIE HERZNER	435 37 th ST	
VICTOR MALTER	456 37 th ST	

* Brooklyn, NY 11232

I, the undersigned, petition our City Officials to vote **NO** on the proposed City of Yes for Housing Opportunity proposal issued for public review on April 29, 2024.

The signatures provided below are in support of the positions outlined in the letter dated June 3 2024 regarding "City of Yes for Housing Opportunity Zoning Proposal Public Testimony" enclosed herein.

NAME	ADDRESS *	SIGNATURE
LOIS ARONOW	458 37th	
DAVID HELLMAN	436 37th	
HIROKO TAKEBA	436 37th Street	
Leslie Ferretti	449 37th Street	
Erida Curtis	430 37th St.	
RYAN MOORE	455 37th St.	
KYLE PISTER	419 37th Street	

* Brooklyn, NY 11232

I, the undersigned, petition our City Officials to **vote NO on the proposed City of Yes for Housing Opportunity proposal** issued for public review on April 29, 2024.

The signatures provided below are in support of the positions outlined in the letter dated June 3, 2024 regarding "City of Yes for Housing Opportunity Zoning Proposal Public Testimony" enclosed herein.

NAME	ADDRESS *	SIGNATURE
Adam Hayes	419 37th Street, Brooklyn, NY	<small>DocuSigned by:</small> <i>adam hayes</i>
Eric Andrew Schmidt	441 37th Street, Brooklyn, NY	<small>DocuSigned by:</small> <i>Eric Andrew Schmidt</i>
Brewster Brownville	438 37th street Brooklyn NY	<small>DocuSigned by:</small> <i>Brewster Brownville</i>
Giancarlo Roma	444 37th Street, Brooklyn, NY 11232	<small>DocuSigned by:</small> <i>Giancarlo Roma</i>
Gina Brotherton	421 37th St. Brooklyn, NY 11232	<small>DocuSigned by:</small> <i>Gina Brotherton</i>
Michael Brotherton	421 37th St, Brooklyn NY 11232	<small>DocuSigned by:</small> <i>Michael Brotherton</i>
Michael Schumacher	443 37th St. Bklyn, NY	<small>DocuSigned by:</small> <i>Michael Schumacher</i>
Tony Freitas	438 37th Street Brooklyn, NY	<small>DocuSigned by:</small> <i>Tony Freitas</i>

* Brooklyn, NY 11232



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 27	# Against: 4	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/13/2024 12:00 AM		Vote Location: 158 Buffalo Avenue, Brooklyn, N.Y.	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/13/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Weeksville Heritage Center, 158 Buffalo Avenue, Brooklyn, NY 11213

CONSIDERATION: See Attached.		
Recommendation submitted by	BK CB8	Date: 7/8/2024 12:00 PM



COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213
(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

Antonio Reynoso
Borough President

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

June 26, 2024

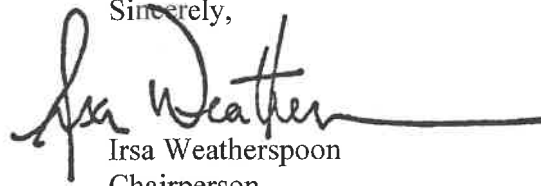
Mr. Dan Garodnick, Chairperson
City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Dear Chairperson Garodnick,

At the June 13, 2024 Community Board 8 general meeting, members voted 27 in favor, 4 opposed, with 0 abstentions to withhold support for the overall City of Yes: Housing Opportunity Zoning Text Initiative. Members voted on each of the initiatives individually after significant discussion during two Housing and Land Use Committee meetings of the Board. While there was significant support for some of the proposals, many members believed that the cons of the initiative would outweigh the pros, especially as written without modification. As such, the Board encourages the agency to carefully consider the concerns expressed within this document and make necessary modifications and amendments.

We recognize the massive undertaking that is the entire City of Yes proposal and appreciate the hard work and efforts that the agency's employees invested in drafting a proposal to make this city better, and we thank you for the opportunity to comment on such important matters facing our community. If you have any questions, comments, or concerns, please do not hesitate to contact us.

Sincerely,



Irsa Weatherspoon
Chairperson

Proposal Explanation	Discussion	Recommendation
<p>1. Town Center Zoning</p> <p>Re-introduce buildings with ground floor commercial and 2 to 4 stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.</p>	<p>Does not apply in CB8, only applies in low density areas (up to R5). Allows to build 1-3 stories of residential on top of 1 story commercial spaces. This loosens the floor area ratio (FAR) and height requirements to create opportunities to build 1-3 floors of residential. Requires low density zoning with commercial overlay.</p>	<p>Board voted 30 in favor to say no comment.</p>
<p>2. Transit-Oriented Development</p> <p>Allow modest, 3-to-5 story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.</p>	<p>Does not apply to CB8. Must be within ½ mile of subway or rail; be 5k sqft; at corner/wide street or short end of block. A lot of such buildings exist and were made illegal over time.</p>	<p>Board voted 30 in favor to say no comment.</p>
<p>3. District Fixes</p> <p>Give homeowners additional flexibility to adapt their homes to meet their families' needs.</p>	<p>Creates a legal framework to ensure that units that have been deemed illegal due to zoning are made safe.</p>	<p>Board voted 30 in favor to say no comment.</p>
<p>4. Railroad Right of Way</p> <p>Simplify and streamline permissions for development involving former railroad rights of way. (citywide)</p>	<p>Would not allow capping of existing train lines/routes. This does not apply to CB8.</p>	<p>Board voted 30 in favor to say no comment.</p>
<p>5. Accessory Dwelling Units</p> <p>Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.</p>	<p>ADUs: 1 or 2 family homes in any zoning district would allow one ADU up to 800sqft. Can be on top, in a basement, in the back. Have requirements of how far it has to be away from a building.</p> <p>Attached homes would not be able to build detached ADU. All ADUs will be able to be used for a rental unit, can accept vouchers, etc. they would still have to follow fair housing laws.</p>	<p>Vote to support as is 19 in favor, 13 opposed.</p>

	<p>ADU vs DU: ancillary dwelling unit—can still be in a single family district and add an ADU and not exceed the number of DUs for the district.</p>	
<p>6. Universal Affordability Preference</p> <p>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.</p>	<p>UAP: big one for district 8. Buildings will get 20% additional bulk if the additional is permanently affordable at an average of 60% of the AMI. The 20% additional bonus equates to roughly 15 to 20 feet of additional height or 1 to 2 extra stories (ex: a building in non contextual R6 that is capped at 65 feet or 6 stories will now be able to be 75 to 80 feet or 8 stories should UAP be executed. A building in R6B that is capped at 5 stories or 50 feet can be increased to 65 feet and perhaps 7 stories).</p> <p>Developers can use income averaging to achieve the 60% AMI meaning that AMI levels can be lower and higher than 60% so long as the average of the affordable units is available at 60% AMI. (Ex: in a building with an extra 12 units created using UAP, 4 units can be available at 40% AMI, 4 units at 60% AMI, and 4 units at 80% AMI.)</p> <p>UAP is similar to what is available via Voluntary Inclusionary Housing, or VIH, which is the less used version of MIH and only available in areas where there is a senior housing priority. There is currently no bonus for additional senior housing in areas zoned R6B, which is the contextual zoning in CB8 affecting all of Prospect Heights and the area of Crown Heights west of Bedford Avenue (the Crown Heights West Rezoning area). UAP creates this bonus across the entirety of District 8.</p> <p>Additionally, the proposal will increase affordability levels since it will be available at 60% of the AMI, unlike the current standard 80% of the AMI for VIH.</p>	<p>Voted 32 in favor, 1 opposed to withhold support for the proposal UNLESS UAP is used for 40% of the AMI or whichever MIH allows as the lowest AMI at the time the provision is utilized.</p>

	<p>Even though DCP believes that 60% AMI is feasible for private development projects, several on the committee believe that developers are already getting a huge financial benefit since UAP adds bulk as of right and prohibits them from having to apply for a variance for a bigger building. As such, the agency should require higher affordable percentages and even lower AMI.</p>	
<p>7. Lift Parking Mandates Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.</p>	<p>This proposal generated opposition and at times testy exchanges between committee members. While there are some that believe DCP's narrative that fewer parking mandates reduce costs which ultimately get transferred as savings to renters, many others disagreed, and instead demanded other community benefits such as greater affordability rates at an even higher percentage set aside.</p>	<p>Voted 25 in favor with 7 opposed to withhold support for lifting parking mandates</p>
<p>8. Non-residential building conversions Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.</p>	<p>This proposal allows adaptive re-use by easing regulations on building conversions. It does not apply to areas that do not have residential use written into the zoning (for instance, does not apply to manufacturing districts). This proposal has no affordability requirements as written currently.</p>	<p>Voted 31 in favor, 1 opposed to withhold support unless affordability requirements are added to the proposal at 40% of the AMI (OR whichever MIH allows as the lowest AMI at the time the conversion is made with no less than 30% of units set-aside for this purpose.</p>

<p>9. Small and Shared Housing</p> <p>Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.</p>	<p>Note: These are two separate proposals in one unit for discussion. The first proposal is to create even more small units (studios, efficiencies) in housing developments. The second is to bring back undesirable housing types made illegal in the Guigliani era such as SRO's, hotel apartments, and the growing preponderance of shared unit spaces like Common Housing where strangers each rent a room in an apartment and share kitchen, bath, and "common areas in the apartment."</p>	<p>After a vote to support small but to withhold support for shared failed, the Board voted 25 in favor, 6 opposed to withhold support for this initiative as written under any circumstances.</p>
<p>10. Campus Infill</p> <p>Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).</p>	<p>Discussions on what is defined as "not buildable space," with concerns over the loss of green space, open space, light and air, and the increase in heat effects from less air circulation.</p>	<p>Voted 25in favor, 6 opposed to withhold support due to risk of losing green and open space, light and air, and added density to overcrowding.</p>
<p>11. New Zoning Districts</p> <p>Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)</p>	<p>By default, the committee appreciated that mid-level jump between FARs created by this proposal. There is still substantial confusion, however.</p>	<p>Voted 30 in favor to support the proposal.</p>
<p>12. Update to Mandatory Inclusionary Housing</p> <p>Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)</p>	<p>The committee concurred that there was no real sense or value in opposing this proposal as written, but agreed also that the 20% of units set aside for the deep 40% AMI affordability levels should be even higher.</p>	<p>Voted unanimously with 30 in favor to support the proposal with the provision that DCP increase the set aside percentage from 20% to 25% at 40% of the AMI or whichever AMI is the lowest allowable by MIH at the time.</p>

<p>13. Quality Housing Amenity Changes</p> <p>Extend amenity benefits in the “Quality Housing” program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)</p>	<p>Intense discussion on assurances that residents are not charged additional fees to use the amenities, thus creating spaces that are inaccessible to all residents of a new building.</p> <p>DCP also explained that of the 3% of floor space that must be set aside for common areas, a family sized unit (like a 3 or 4 bedrooms) at the end of a hallway will count toward this.</p>	<p>Voted 30 in favor, 1 opposed to withhold support unless it is in writing that residents will not be charged additional fees to use the common spaces.</p>
<p>14. Landmark Transferable Development Rights</p> <p>Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)</p>	<p>This proposal only applies to individual landmark churches. It increases the radius for sale of air rights from the lots touching the landmark structure to all of the lots on the same block, all of the lots on the opposite side of the street, and the lots across the intersection.</p>	<p>Voted 21 in favor with 9 opposed to withhold support for the initiative citing concerns of abuse of church lands.</p>
<p>15. Sliver Law</p> <p>Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.</p>	<p>Sliver Laws are an outdated height limit that was created before the height limits of today. Height was limited to width of street or 100 feet. Sliver lots are less than 45 feet in width.</p> <p>Several lots in CB8 are the higher R8 density, currently housing rent stabilized units. There is concern that these rent stabilized tenants could become victim to speculators that would use this proposal to redevelop the sites and eliminate the affordable stabilized units. The committee does not want to make it more attractive to develop such lots.</p>	<p>Voted 30 in favor, 1 opposed to withhold support for the proposal.</p>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 3	# Against: 20	# Abstaining: 3	Total members appointed to the board: 26
Date of Vote: 6/24/2024 12:00 AM		Vote Location: 400 Empire Boulevard, Brooklyn, NY 11225 - MS61	

Please attach any further explanation of the recommendation on additional sheets as necessary

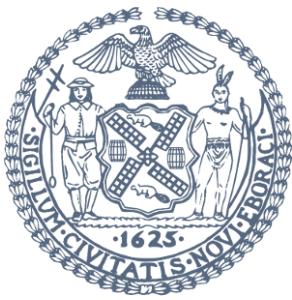
Date of Public Hearing: 5/30/2024 7:00 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	890 Nostrand Ave, Brooklyn, NY 11225

CONSIDERATION: Our Board does not vote at public hearings. Our vote on the City of Yes - Housing Opportunity took place at our June General Board meeting on Monday, June 24, 2024.

Link to vote video: <https://www.youtube.com/live/MnxLKdkaxnY?si=VWJ8QmM9UH5I8qiu>

Link to public hearing: https://www.youtube.com/live/CC0Q9ih3W7w?si=Na-Rot-_W6wkQOKP

Recommendation submitted by	BK CB9	Date: 7/6/2024 11:53 AM
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BROOKLYN COMMUNITY BOARD 9

Antonio Reynoso
Borough President

Dante B. Arnwine
District Manager

Fred P. Baptiste
Chair

Ethan Norville
1st Vice Chair

Felice Robertson
2nd Vice Chair

Linda Watson-Lorde
Executive Secretary

Mayna Legoute
Treasurer

Nicolas Almonor
Member-at-Large

(vacant)
Member-at-Large

BROOKLYN COMMUNITY BOARD 9 RESOLUTION CITY OF YES FOR HOUSING OPPORTUNITY

WHEREAS, Brooklyn Community Board 9's (CB9) median annual household income is \$77,000, the median wage is \$42,000 and 30% of our households make less than \$50,000 a year; and

WHEREAS, the City of Yes has stated that the justification for zoning density increases is the .39% vacancy rate for units renting for less than \$1100 per month; and

WHEREAS, the Universal Affordability Preference (UAP) level is established at 60% of Area Median Income (AMI) which is \$83,880 for a family of 3 as of 2024 and \$65,000 for a single person for 2024 (studio rent \$1,630 per month); and

WHEREAS, per the NYC Department of City Planning (DCP), City of Yes aims to build 100,000 units across the city by 2040 by "adding a little more housing everywhere"; and

WHEREAS, CB9 has built 4,000 units of housing from 2010-2023; and

WHEREAS, there are over 2,500 permitted units in the district, of which 800 are income-restricted; and

WHEREAS, CB9 has 55% non-white residents and the racial equity impact analysis failed to predict the impacts of this proposal on communities of color, the number of affordable housing units or where they would be built, or the effects of displacement on communities of color; and

WHEREAS, CB9 zoning currently permits up to 25,000 new units to be built; and

WHEREAS, CB9 opposes the demolition of existing housing and strongly supports the preservation of existing affordable housing, including existing rent-stabilized and NYCHA housing; and



BROOKLYN COMMUNITY BOARD 9

WHEREAS, the City of Yes UAP zoning increases are highest in R6 zones on narrow streets, increasing zoning density from 2.2 to 3.9 and second highest in R7 zones from 3.44 to 5.0, compared with the zoning increases in contextually zoned communities which are as low as 10%; and

WHEREAS, the majority of the land area of District 9 is covered by R6 and R7 zoning; and

WHEREAS, the City of Yes proposal would do nothing to stop as of right demolitions of small buildings for luxury apartments that raise rents and cause primary and secondary displacement; and

WHEREAS, the City of Yes Universal Affordability Proposal would nearly double “as of right” development potential in our community, creating the possible demolition of currently affordable housing stock, the acceleration of displacement/gentrification, and other unmitigated impacts on local resources and infrastructure; and

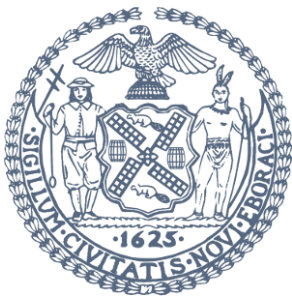
WHEREAS, community districts already have the ability, with the approval of the community board and the local council member to map voluntary and mandatory inclusionary housing on specific sites where they believe density increases are appropriate and will be the best option to facilitate new affordable housing; and

WHEREAS, CB9 has a great need for housing for families; and

WHEREAS, a substantial number of CB9 residents drive and need parking; and

WHEREAS, the City of Yes proposal to eliminate parking mandates would only benefit larger market rate buildings as the current zoning code already allows reduced parking requirements for affordable units and buildings under ten units; and

WHEREAS, the majority of CD9 1- 3 family homes are on lots too small to accommodate a separate 800 sf , 2 story dwelling without impacting both the owners and the neighbors light and air; and



BROOKLYN COMMUNITY BOARD 9

WHEREAS, the “Missing Middle” and Transit Oriented Development (TOD) density increases for R1-R5 zones would lead to significant density increases primarily on a single block of our district which already has extremely large single-family houses; and

WHEREAS, the district’s preference is to work with single family blocks that need to expand their homes for the use of their families to map more appropriately sized increases or allow for an expedited variance for single family homes similar to CD 14.

THEREFORE it is **RESOLVED**, Brooklyn Community Board 9 **strongly opposes** the City of Yes Universal Affordability Preference zoning density increases as it incentivizes a “destroy and rebuild” model, which would trigger significant adverse environmental impacts, significant racial equity impacts, and fair housing violations; and

It is also **RESOLVED**, the proposed Universal Affordability Preference units are not sufficiently affordable for the households in our district or our city who most need affordable housing; and

It is also **RESOLVED**, CB9 is **opposed** to the removal or reduction of parking mandates and recommends the consideration of parking waivers as per the current rules, on a case-by-case basis; and

It is also **RESOLVED**, CB9 **opposes** the removal of the dwelling unit factor which would allow the creation of buildings with mostly studios and 1-bedroom units; and

It is also **RESOLVED**; CB 9 **opposes** the across-the-board reduction of backyards from 30 ft to 20 ft and side yards in R1-R5 districts from 8 ft to 5 ft and variances should be considered on a case -by-case basis.

It is also **RESOLVED**, CB9 **supports** the grandfathering and legalization of existing ADU’s, which include basements and existing structures, and new ADU’s on lots larger than 5,000 sf, no taller than the typical one-story garage, i.e. 15 ft tall and no more than 400 sf in total size; and



BROOKLYN COMMUNITY BOARD 9

It is also **RESOLVED**, CB9 requests to be to be exempted entirely from the UAP program unless and until our as-of-right zoning is changed to more closely align with our built density and height, like other mixed density Brooklyn Districts; and

It is further **RESOLVED**, CB9 opposes the “Missing Middle” and “Transit Oriented Development” increases for the community district.

ADOPTED: JUNE 24, 2024



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 33	# Against: 3	# Abstaining: 2	Total members appointed to the board: 38
Date of Vote: 6/20/2024 12:00 AM		Vote Location: Bay Ridge Center, 15 Bay Ridge Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/20/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Bay Ridge Center, 15 Bay Ridge Avenue, Brooklyn NY

CONSIDERATION: Members voted overwhelmingly to submit an unfavorable recommendation regarding the proposed City of Yes: Housing Opportunity text amendment. A summary of concerns is attached.

Recommendation submitted by	BK CB10	Date: 7/2/2024 12:10 PM
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Community Board Ten

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Chair
JOSEPHINE BECKMANN
District Manager

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

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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

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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

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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, 86th 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.)

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)



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 47
Date of Vote: 6/20/2024 12:00 AM		Vote Location: Bensonhurst Center for Rehabilitation, 1740 84th Street, Brooklyn, NY 11214	

Please attach any further explanation of the recommendation on additional sheets as necessary

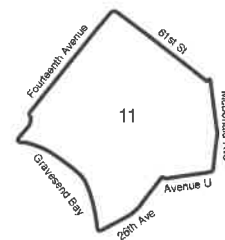
Date of Public Hearing: 6/20/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Bensonhurst Center for Rehabilitation, 1740 84th Street, Brooklyn, NY 11214

CONSIDERATION: Please see attached.		
Recommendation submitted by	BK CB11	Date: 6/25/2024 12:12 PM



Laurie Windsor
Chairperson

**THE CITY OF NEW YORK
COMMUNITY BOARD No. 11**
2214 BATH AVENUE
BROOKLYN, NEW YORK 11214



Marnee Elias-Pavia
District Manager

City of Yes Housing Opportunity
Recommendation

Town Center Zoning: Re-introduce buildings with ground floor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Opposed:

- For new residential over ground floor commercial, the buildings should be no higher than 2-stories unless there is an existing 3-story residential above a store on the same block.
- Where there is no residential above commercial on the block, the new residential should be no higher than the existing residential buildings. If the residential buildings on the same block are 2 stories, then only 1-story of residential over commercial.
- No residential above 3 stories anywhere unless it complies with existing zoning.

Transit-Oriented Development: Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Opposed

- CB 11's current zoning is in a "predominantly built-up area", which is a blockfront entirely within an R4 or R5 district (in which optional regulations that permit higher floor area ratios and lower parking requirements)
- Most of our residential areas are designated as a R4 and R5 zoning.
- Additionally, many of our existing buildings have lower floor area than what is permitted by zoning.
- No reason to expand the allowable bulk for development. They can build as-of-right.

Accessory Dwelling Units: Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Opposed

The committee had no objection to the possibility of legalizing basement apartments and will further discuss that proposal in the NYS Basement Pilot Project. However, based upon existing flooding conditions in the district we cannot support reductions in yard requirements or standalone ADU's. The committee also had concerns regarding access for emergency vehicles, ingress, and egress.

District Fixes: Adjust FAR, perimeter heights, yards, and other rules to provide flexibility for homeowners.

Opposed

- **Many properties already have available FAR to adapt to their needs. Additionally, the BSA may permit an enlargement of an existing *single- or two-family detached or semi-detached residence*, within the following areas:**

Community Districts 11 and 15, in the Borough of Brooklyn;

Universal Affordability Preference: 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.

Opposed

The committee felt that 60% AMI was too high for older residents.

Lift Costly Parking Mandates: Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Opposed

- **While we recognize the goals of eliminating mandatory parking mandates, we cannot support until real policy decisions are enacted to support the streetscape text amendment, the proliferation of**

illegal parking pads, and illegal parking (hydrants), and the lack of street tree plantings.

Convert Non-Residential Buildings to Housing: Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

No objections.

Small and Shared Housing: Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Opposed

There are concerns regarding the lack of a plan or policy to legalize the existing illegal conversions or overcrowded units, as well as concerns over our infrastructure being over utilized whether it's sewers or our schools.

Campus Infill: Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Opposed

The Board further called for policy changes and incentivization to spur development rather than sweeping zoning changes that do not guarantee affordable housing.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 40	# Against: 1	# Abstaining: 0	Total members appointed to the board: 41
Date of Vote: 6/26/2024 12:00 AM		Vote Location: St. Paul's Church - 2801 West 8th Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/22/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	NY Aquarium Education Hall - 602 Surf Avenue, Bklyn 11224

CONSIDERATION: See attached letter

Recommendation submitted by	BK CB13	Date: 7/8/2024 8:17 PM
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BROOKLYN COMMUNITY BOARD 13
1201 Surf Avenue – 3rd Fl., Brooklyn, NY 11224
(718) 266-3001 FAX (718) 266-3920
<http://www.nyc.gov/html/bkncb13>

ANTONIO REYNOSO
Borough President

JEFF SANOFF
Chairperson

EDDIE MARK
District Manager

July 3, 2024

Stephanie Shellooe
NYC Planning Commission
120 Broadway 31st floor
New York, N.Y. 10271

Dear Ms Shellooe:

At the June 26, 2024, meeting of Community Board 13 a vote was taken for City of Yes-Housing Opportunity.

Community Board 13 rejected City of Yes-Housing Opportunity.

Motion: Community Board 13 to reject City of Yes – Housing Opportunity

The vote was: In Favor: 40, Opposed: 1, No Vote: 2

Motion carried (quorum present)

Please find below Community Board 13 comments:

1. Community Board 13 represents the areas of Coney Island, Brighton Beach, West Brighton and Gravesend. About 80% of the boundaries of Community Board 13 are in a flood zone where there are mandatory evacuation orders. We strongly believe that bringing more housing into this already overdeveloped (Thousands of new units and thousands of new residents have recently been added to this area) and unprotected flood zone is dangerous. **The Coney Island/Brighton Beach peninsula MUST be excluded from City of Yes-Housing Opportunity proposal.**
2. The City does not have a comprehensive plan for infrastructure updates. Bringing more housing into the flood zone without major infrastructure upgrades puts current and future residents in danger.
3. The City of Yes-Housing Opportunity does not have any plans for increasing the number of school seats, medical services, social services, etc.
4. City of Yes-Housing Opportunity proposal is based on an EIS. Please see #11.

5. Even though City of Yes-Housing Opportunity aims to increase the number of affordable housing units (UAP), it does not include an adequate number of apartments to achieve this goal. The proposed percentage of affordable units in new developments will benefit developers only. The percentage of affordable units in new development that benefit from increased height and FAR should be increased to a minimum of 30% and accommodate households with AIM of 40% instead of 60%.
6. The parking mandate for new buildings should not be lifted due to the lack of safe, reliable and accessible public transportation.
7. While we agree with the extended guideline for Residential Conversion, we strongly believe that small and shared housing programs resulting from the conversion of non-residential buildings should be designed as a “steppingstone” for shelter recipients and/or individuals with income below the poverty level. Such a program should have strict requirements regarding room size, number of individuals permitted in each room as well as guideline for requirements of permitted number of residents sharing kitchen, bathroom and other facilities.
8. Community Board 13 does not support a proposal of Town Center Zoning, Transit Oriented Development, Creating New Zoning Districts, as well as other parts of the City of Yes-Housing Opportunity, within flood zones with mandatory evacuation. Our community is already overdeveloped without any protection from natural disasters.
9. Campuses: Community Board 13 does not support this proposal. It will bring more traffic, removal of green spaces and overload infrastructure that is already out of date.
10. Accessory Dwelling Units (ADUs): While we understand that this proposal might benefit some homeowners as well as their families, we strongly believe that the proposed text does not specify the necessary requirements for such conversion and does not rule out the self-certification process, which is dangerous. We strongly oppose any conversion within flood zones with mandatory evacuation.
11. This is a blanket EIS. Although it mentions the possibility of additional EIS’s, it looks like once the City of Yes is adopted, it will make it less likely that additional EIS will be required. Therefore, it will be difficult or impossible to address impacts as they arise.

The EIS only looks at what it calls “prototypical” areas. The closest “prototypical area” to our area is Sheepshead Bay. Our area is very, very different from anywhere in Sheepshead Bay.

The geography of Sheepshead Bay, Brighton Beach and Coney Island are very different from each other. The development is different. The infrastructure (water & sanitary/storm water lines) are different. Flooding issues are different. The demographics are different. It is impossible to use a “prototypical community” to determine the impacts on another community, especially shoreline communities.

City of Yes believes that the solution to decreased ground water infiltration from increased lot coverage is retention basins, bioswales, etc. But the water table throughout Brighton Beach and Coney Island is very, very high. During storm surge events, buildings flood not only from the street, but from hydrostatic pressure – the water table rises, and flooding comes up through their foundations. Some of the older stores on Brighton Beach have a “basement within a basement” to address existing groundwater incursion. A retention basin was installed under Asser Levy Park some years ago and it quickly filled with saltwater from the ground and was rendered useless. Coney Island has frequent episodes of “blue sky” flooding because storm water outfalls are below water at certain points in the tidal cycle. The “solution” to this problem - raising the outfalls and installing pumping stations, will be outrageously expensive and will likely never happen. Because of the geography and infrastructure limitations, if we allow more construction with greater FAR and lot coverage, we reduce storm water infiltration and create more flooding problems.

“While components of the Proposed Action could result in an overall reduction of pervious surfaces throughout the city and an increase in stormwater flows, the existing stormwater conveyance system throughout the city is expected to accommodate the incremental stormwater flows generated by the Proposed Action. Therefore, the Proposed Action would not have a significant adverse effect to citywide stormwater flows.” City of Yes’s claim that the NYC sewer system has adequate capacity is ridiculous beyond words. If the wastewater treatment plants (WWTPs) had sufficient capacity, all stormwater would be treated before discharge. The existing storm water system “accommodates” excess stormwater by discharging raw sewage into every waterway around the city. Every time there is a heavy rain, the entire NYC sewage system is overwhelmed, and raw sewage pours into our waterways via combined sewer overflows (CSOs). The problem will only get worse as development increases.

While it may require some upgrades on sanitary/storm water pipes that service an individual project, City of Yes does not look at cumulative impacts to the wastewater treatment system. It gives some examples using average output for a specific plant (Tallman Island) but as we all know, rainfall in NYC is frequently setting new daily records. Increased rainfall results in more raw sewerage discharging into our waterways, because more ground is covered with impermeable surfaces and more stormwater goes into the system. Upgrading the wastewater treatment plants (WWTP’s) is not only difficult and very expensive, but it is not the only part of the solution.

To eliminate CSO events, every neighborhood that has combined sewer lines must have new, separate sanitary and storm water lines installed. There is no mention in City of Yes about separating sewer lines in areas where they are now combined.

Although water saving showerheads and have been mandated for years, combined sewer overflow has not diminished and CSO events are more frequent. Coney Island Creek has a huge CSO that comes from the Owl's Head WWTP (Bay Ridge, Bath Beach etc.). More development means that more foul smelling sewage will pour into the water surrounding our area. The EIS does not address how development in one area can impact water quality in other areas. In shoreline recreational communities like Brighton and Coney Island, CSO discharges anywhere in NYC results in a greater likelihood that our beaches will be unsuitable for swimming. Decreased recreational water quality adversely impacts our seasonal economy.

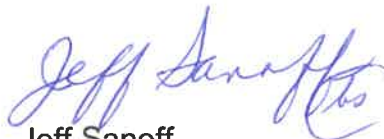
The EIS bases their sewage capacity claims on the size of regulators and outfalls. But many of the sewer lines around here were designed for bungalows and they are very, very, small. So, if there is too much development along a small sewer line it backs up into homes before it gets to the big regulator.

Our area is a MANDATORY evacuation zone. When a flood evacuation is declared, everyone must get out of the flood zone, including those who live in so called "resilient" buildings. If you live in a "resilient" building that has a generator you will be able to flush your toilet and (maybe) keep your refrigerator on. But those residents will be in the same disaster as everyone who lives in the "non-resilient buildings": No bank, pharmacy, safe food supply or transportation and no way to get in or out because of impassable streets clogged with debris. Furthermore, there is only a minimal amount of space in hurricane shelters. There are roughly 100,000 people living in the 11224/11235 zip codes. If half find shelter on their own, that leaves roughly 50,000 people – and their pets - from southern Brooklyn that need mandatory hurricane shelter. We don't have a fraction of that capacity. By increasing development in flood zones, the City of Yes will put more people in the path of destruction. What is really needed is a moratorium on development in flood zones.

Sincerely,



Eddie Mark
District Manager



Jeff Sanoff
Chairperson



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 14	# Against: 2	# Abstaining: 1	Total members appointed to the board: 17
Date of Vote: 6/25/2024 12:00 AM		Vote Location: 810 East 16 Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/11/2024 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	810 East 16 Street Brooklyn

CONSIDERATION: Conditions are described in the recommendations specific to proposals 1-15. Items 2, 4 and 6 were favorable with conditions. Items 1, 8 and 9 were unfavorable with conditions. Accordingly, the overall favorable vote is contingent upon all conditions set forth.

Recommendation submitted by	BK CB14	Date: 7/3/2024 1:42 PM
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BROOKLYN COMMUNITY BOARD 14
FLATBUSH–MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

ERIC L. ADAMS
Mayor

ANTONIO REYNOSO
Borough President

KARL-HENRY CESAR
Chair

SHAWN CAMPBELL
District Manager

EXECUTIVE COMMITTEE

EDWARD CEN
First Vice-Chair

HINDY BENDEL
Second Vice-Chair

SHAHID KHAN
Third Vice-Chair

FLORENCIA CHANG-AGEDA
Secretary

ERIC OST
Member-at-Large

DEBORAH VALENTIN
Member-at-Large

ALVIN M. BERK
Chairman Emeritus

July 3, 2024

Daniel Garodnick
Director, Department of City Planning
Chair, City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Dear Chair Garodnick,

New York City is a city of neighborhoods. The housing in our neighborhoods vary from densely packed high-rises to sprawling Victorian houses, from brownstones and limestones to public housing campuses. There are homes on the shores, above stores and increasingly in neighborhoods that used to be manufacturing hubs. The people who live in these neighborhoods hail from a rich, diverse, and storied canvas of backgrounds, cultures, and more. This tapestry of people and experiences is what makes New York City, this city of neighborhoods, so great. The neighborhoods also have a range of topographies – some are along the waterfront, others high up on hills, two boroughs are on a large island, two are islands of their own and one is on the mainland.

Clearly this is not a one-size-fits all city. Different neighborhoods have different needs. City policies impact various neighborhoods differently. The perspective, insights, lived experiences and voices of local community members are key to shaping policies that work best for diverse populations in diverse neighborhoods.

The agency that the New York City Charter empowers to ensure that hyper-local insights are considered in the formulation of programs and policies are Community Boards. Under-resourcing, undervaluing and underutilizing community boards results in outcomes that have more unintended consequences, are less efficient and frankly, less democratic.

In the meantime, the members of CB14 have conditionally approved 12 out of the 15 proposals as reflected in the worksheet, which demonstrates their general support for many of the intended goals of the amendments. However, the proposals that were not supported were deeply flawed and the conditions are not casual suggestions. Further, the overall recommendation of the board is contingent on all the conditions within the proposal. As such, while Brooklyn Community Board 14 members voted to approve COY Housing Opportunity with conditions, this decision should not be read in any way as support for how this process has been undertaken. Moreover, the robust sets of conditions to the individual components of the plan demonstrates these initiatives require a substantial amount of work to achieve what we feel are complete, cohesive zoning requirements that will serve the needs of our district, and all New Yorkers. The full board voted on comments pertaining to the timing of certification and time allotted for consideration as well as DCP's lack of district level environmental assessments.

Specifically, “the Department of City Planning has once again held back details of a proposal and certified at a time that coincides with New York City Charter directed summer recess for (volunteer) community boards. The opportunity for local public input becomes abbreviated and rushed. We object to the timing and the time limits of the City of Yes for Housing Opportunity zoning text amendment.” And “within DCP’s own language is an admission that a city level of analysis for an environmental impact statement leaves impacts at the local level unknowable. We believe that potential impacts could exacerbate several chronic flooding conditions. We oppose the plan until district level data are gathered, shared and considered.”

Note that when DCP certified COY HO on April 29th, CB14 had already set its May calendar. Therefore, CB14 had to hold a public hearing on June 11th. Its June board meeting had been postponed to the 17th. The Board then had to hold a Special Committee of the Whole meeting on June 25th to meet the July 8th deadline imposed by DCP. As per the NYC Charter, Community Boards do not meet during the summer. Giving CB14 such a short deadline for its nearly 50 volunteer members to consider the thoughts, hopes, and concerns of roughly 165,000 residents for a 700+ page document whose impacts cannot be accurately predicted was unreasonable. To demand that 58 other community boards do the same within the same short deadline for over 8 million residents is unjust.

The practical implications for the lack of time and local data means that we do not have a clear sense of how aspects of COY for Housing Opportunity will interface with other components. DCP representatives were unable to answer how quality housing applied to small and shared housing. In addition, information regarding the application of the District Fixes proposal was represented by DCP representatives erroneously. Members of our community were able to identify this egregious misrepresentation of facts and when presented to DCP representatives at the Committee of the Whole meeting, they were flummoxed, tried to stick to the original definitions, finally reached someone with more direct knowledge at DCP, and corrected the original statement. This necessitated renewed debate which significantly changed the previously approved conditions to effectively return the proposal back to the definition originally presented by DCP (i.e. to limit 1.0 FAR to CB14’s currently defined Special Permit area pursuant to Section 73-622 of the zoning resolution).

Importantly, we have not even scratched the surface as to how the combination of all three COY zoning text amendments will cooperatively impact our district. We will attempt to attain a consultant and will be happy to share the results with DCP in order to further plans that reflect the needs of our district.

The board has entrusted the CPC to listen closely to community members working and living in the variety of neighborhoods in NYC that will be forever changed. Value the wisdom that comes from experience and expertise. Don’t allow good ideas to fall victim to bad plans.

Once again, this board has granted DCP a lot of faith. Do not make us regret this decision.

Sincerely,



Karl-Henry Cesar
Chair

cc: Hon. Rita Joseph, 40th NYC Council District
Hon. Farah Louis, 45th NYC Council District
Hon. Kalman Yeger, 44th NYC Council District
Hon. Inna Vernikov, 48th NYC Council District
Hon. Shahana Hanif, 39th NYC Council District



BROOKLYN COMMUNITY BOARD 14
FLATBUSH–MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

Recommendations – City of Yes for Housing Opportunity
July 3, 2024

ITEM 1 – Transit Oriented Development

Allow 3-5 story apartment buildings on *large lots, that are on wide streets (75') or corners and within .5 miles of subway or rail stations.

Do Not Approve with conditions. Full Board Vote: 32-8-0

Disapprove Transit Oriented Development unless the following conditions are met: the Victorian Flatbush neighborhoods involved in the 2009 rezoning, including West Midwood Neighborhood Association, Ditmas Park West Association, Beverley Square West Association, the Caton Park Association, and South Midwood Resident Association are carved out for a sufficient amount of time to engage in a meaningful public process in which they can come to a decision that makes sense for their communities.

ITEM 2 – Accessory Dwelling Units

Permit as-of-right accessory dwelling units such as detached backyard residential units, garage conversions, and basement apartments all up to 800 square feet.

Approve with conditions. Full Board Vote: 35-2-2

Approve with the conditions that 1) potential basement ADUs require substantiation that the location has not flooded in the past four years and 2) require a public process for converting or building ADUs rather than allowing ADUs to be as-of-right.

ITEM 3 – District Fixes

Adjust requirements to allow .1-.25 additional FAR; decrease minimum lot sizes, reduce rear yard requirements from 30 to 20 feet; reduce side yard requirements to 5 feet; increase heights from current 21 to 25 feet and current 25 to 35 feet.

Approve with conditions. *Committee of the Whole Vote: 10-6-1

Approve with the condition that District Fixes are only applied to CB14's current Special Permit District (as per 73-622).

***Note:** For clarity in CB14's records please note that the board voted on this item at its June 17th board meeting based on incorrect information provided by DCP at the Board's June 11th public hearing. The resulting recommendation was to be approved with a set of conditions. However, upon receipt of accurate information, specifically that the 1.0 FAR allowance would pertain throughout the district, the board revisited the item at the June 25th Committee of the Whole meeting. The final recommendation is:

ITEM 4 – Town Center Zoning

Allow mixed use buildings on commercial streets in low-density areas such that two-four stories of residential units could be added to commercial ground floor buildings.

Approve with conditions. Full Board Vote: 31-3-6

Approve with the condition that the FRESH zoning text amendment of 2021 will be preserved.

ITEM 5– Lift Parking Mandates

Eliminate mandatory parking requirements for new buildings. (Parking allowed but not required.)

Approve. Full Board Vote: 20-16-1

ITEM 6– Universal Affordability Preference

In medium and high-density areas, allow an additional 20% of space as long as all of it is affordable at 60% (household of 1 - \$65,220; of 2- \$74,580; of 3 - \$83,880; of 4 - \$93,180; of 5 - \$100,620) or supportive housing.

Approve with conditions. Committee of the Whole Vote: 14-1-1

Approve with the condition that the city will explore the expansion of vouchers for deeper affordability.

ITEM 7 – Convert Non-residential Buildings to Housing

In buildings constructed before 1991 (either 1961 or 1977), conversion of commercial to residential use including supportive housing, dorms or shared housing with common amenities.

Approve. Committee of the Whole Vote: 14-0-0

ITEM 8– Small and Shared Housing

Allow housing with shared kitchens or other shared facilities. This includes buildings with only studios, as well as homes with private bedrooms and shared facilities. Decrease “dwelling factor units.”

Do Not Approve with conditions. Committee of the Whole Vote: 10-5-1

Disapprove due to the absence of HPD and DOB guidelines.

ITEM 9 — Campus Infill

Allow housing to be built on the unused space of campuses with multiple buildings. (Campus: over 1.5 acres or a site with control of an entire block.)

Do Not Approve with conditions. Committee of the Whole Vote: 11-5-1

Do not approve due to a lack of meaningful dialog with affected neighborhoods unless there is a public input process for applications.

ITEM 10 — New Zoning Districts

Create new Residence Districts that can be mapped in central areas in compliance with State requirements.

Approve. Committee of the Whole Vote: 15-0-2

ITEM 11 — Update Mandatory Inclusionary Housing

Allow the deep affordability level to be used on its own as an option.

Approve. Committee of the Whole Vote: 17-0-0

ITEM 12 — Sliver Law

Allow narrow lots to achieve underlying (Quality Housing) heights in R7-10 districts.

Approve. Committee of the Whole Vote: 16-0-1

ITEM 13 — Quality Housing Amenity Changes

Extend benefits in this program to all multifamily buildings and add incentive for family-sized apartments, trash storage and disposal, and shared amenities (laundry, mail rooms, office space).

Approve. Committee of the Whole Vote: 16-0-1

ITEM 14 — Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure.

Approve. Committee of the Whole Vote: 9-3-3

ITEM 15 — Railroad Right of Way

Simplify permissions for development involving former railroad rights of way.

Approve. Committee of the Whole Vote: 10-1-4



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 5	# Against: 34	# Abstaining: 0	Total members appointed to the board: 39
Date of Vote: 5/21/2024 12:00 AM		Vote Location: 2001 Oriental Boulevard, Room U112, Brooklyn, NY 11235	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/21/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Kingsborough Community College 2001 Oriental Boulevard, Faculty Dining Room U112, Brooklyn, NY 11235

CONSIDERATION: Please see attached Community Board 15 Recommendations.		
Recommendation submitted by	BK CB15	Date: 6/3/2024 10:36 AM



The City of New York Brooklyn Community Board 15



ANTONIO REYNOSO
BOROUGH PRESIDENT

ERIC ADAMS
MAYOR

THERESA SCAVO
CHAIRPERSON

LAURA SINGER
DISTRICT MANAGER

OFFICERS

RONALD TAWIL
FIRST VICE –CHAIRPERSON
RAISA CHERNINA
SECOND VICE –CHAIRPERSON
JACK ERDOS, ESQ
TREASURER
ALLEN POPPER, ESQ
SECRETARY

Recommendations for Amending the *City of Yes for Housing Opportunity Proposal*

1. Restrict Transit-Oriented Development (TOD) in Low-Density Districts (R1-R3)

- We recommend that TOD should not apply to R1, R2 and R3 districts, which predominantly consist of detached single-family homes. The introduction of apartment buildings in these areas would starkly contrast with the existing community character. Instead, we support incremental residential development changes such as converting single-family homes to two-family homes, relaxing bulk regulations for home enlargement, and permitting accessory dwelling units as outlined in other parts of the *City of Yes* proposal.

2. Refine the Scope of the Greater Transit Zone

- We propose reducing the radius of the "Greater Transit Zone" to a quarter-mile from transit stations, aligning with typical "pedestrian sheds" (i.e., a five-minute walk), and ensuring that the areas included are genuinely walkable to transit locations. This adjustment would prevent the inclusion of areas where driving remains predominant and where transit access is not as feasible as suggested.

3. Adjust Parking Requirements Rather than Eliminating Them

- Completely removing parking requirements could lead to challenges in areas where public transit is less accessible. We recommend a nuanced approach that considers the specific needs and characteristics of each neighborhood or zoning district. This approach should adjust rather than eliminate parking requirements, especially in lower-density areas where public transit options are limited.

4. Maintain Existing Perimeter Wall Height Regulations in R1-R3 Districts

- The proposed increases in perimeter wall heights and overall building heights could disrupt the architectural harmony and scale of existing neighborhoods. We recommend maintaining the current height limits

Agenda subject to change without prior notice.

The City of New York

Brooklyn Community Board 15

to preserve the pitched roof styles that are characteristic of our communities and prevent out-of-scale developments.

5. Infrastructure Assurance

- Ensure that infrastructure enhancements accompany any increase in housing capacity to prevent overburdening existing facilities. This includes improvements in transportation, utilities, schools, and healthcare services.

6. Prohibit Accessory Dwelling Units (ADUs) in One- and Two-Family Zoning Districts

- We recommend prohibiting ADUs in R1-R3 districts. ADUs can increase population density, straining infrastructure and services like parking, utilities, and schools. Moreover they risk altering the character of the City's low-density neighborhoods. We support focusing ADU development in mid-density residential neighborhoods with suitable infrastructure, better access to transit, and a more built-up character.

We believe these recommendations aim to balance the critical need for more housing with the preservation of the unique characteristics of New York City's lower-density residential neighborhoods. By implementing these suggestions, we can achieve a more sustainable and respectful approach to solving our housing crisis.

Sincerely,

Theresa Scavo

Chairperson

Agenda subject to change without prior notice.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 1	# Against: 26	# Abstaining: 3	Total members appointed to the board: 48
Date of Vote: 6/25/2024 12:00 AM		Vote Location: Mt. Ollie Baptist Church	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/22/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Mt. Ollie Baptist Church

CONSIDERATION: See attached

Recommendation submitted by	BK CB16	Date: 7/31/2024 1:49 PM
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**THE CITY OF NEW YORK
COMMUNITY BOARD NO. 16**

444 Thomas S. Boyland Street -Room 103
Brooklyn, New York 11212



ANTONIO REYNOSO
Borough President

E-mail: bk16@cb.nyc.gov
Website: www.nyc.gov/brooklyncb16
Tel : (718) 385-0323

GENESE MORGAN
Chairperson

July 30, 2024

NYC Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Re: City of Yes for Housing Opportunity

At its monthly Executive committee meetings on May 20, 2024, and June 24, 2024, and its public meetings held on May 21, 2024, Community Board #16 met with NYC Department of City Planning, to discuss the proposed zoning text amendments of the City of Yes for Housing Opportunity concerning housing growth in every neighborhood and received with respect to Community District 16 and its unique neighborhood challenges. At its June 25, 2024, meeting members of the board voted 1 in favor, 26 in opposition and 3 abstentions to the request for support of the proposal elements.

Attached is detailed feedback concerning the board's decision titled "Community Board 16 Response and Counter Proposal."

Very truly yours,

A handwritten signature in black ink, appearing to read "Genese Morgan".

GENESE MORGAN
Chairperson

City of Yes for Housing Opportunity

Community Board 16 Response and Counter-Proposal

2024

Community Context

Brownsville and Ocean Hill are communities with a rich history of activism and resilience. In response to Jewish flight, the predominantly Jewish neighborhoods of Brownsville and Ocean-Hill received an influx of Black and Latino residents seeking affordable housing.¹ The shift of the face of the “ghetto” led to systematic government divestment which coupled with the loss of a middle class, and a loss of jobs previously provided by local factories, created one of the highest concentrations of poverty in the nation.² The increased poverty and increased population then resulted in increased unemployment, underserved schools, crime, and violence that persist today. Historic events/conflicts, namely the Ocean Hill Brownsville Teacher’s Strike, police disparate treatment of Blacks vs Jews, the aftermath of the 1977 Blackout led to withdrawal by the government and larger society.³ Many other Brooklyn neighborhoods⁴ have experienced gentrification and by extension an increase in resources, for better or for worse. The same cannot be said for Brownsville. In effect, Brownsville became an island isolated from resources and insulated with stigma and Ocean Hill a reluctant sibling looking to run away from the family name.⁵

This historical background is significant and relevant because it provides context for the current housing landscape, dearth of resources, high rates of poverty and violence, and overall communal sentiment of societal abandonment. This context also provides the basis for the City of New York to continue its journey of rectifying decades of neglect. The suggestions offered by this counter proposal will not heal all the community’s wounds but since the problems began with housing perhaps the solution can also begin with housing.

It is well established that with eighteen (18) NYCHA public housing developments within only 1.2 square miles, Brownsville has the largest concentration of public housing in the nation.⁶ Public welfare programs are necessary to address various economic and social concerns faced by families, but it shouldn’t punish families for working and it should support those families who seek to transition out of public housing. A path forward looks like revamping

¹ Brownsville, Brooklyn: Blacks, Jews, and the Changing Face of the Ghetto
https://books.google.com/books?id=ya7R_KRaNP4C

² Id.

³ <https://www.nytimes.com/2018/11/17/opinion/teachers-strike-liberals-ocean-hill-brownsville.html>
<https://tempestmag.org/2023/09/ocean-hill-brownsville-and-the-freedom-schools-of-1968/>
<https://www.vitalcitynyc.org/articles/brownsville-and-bay-ridge>

⁴ Crown Heights has a significant history of tension between Jewish and Black residents which delayed gentrification but ultimately was outweighed by the proximity to downtown Brooklyn and high concentration of “desirable housing.”
<https://www.cbsnews.com/newyork/news/crown-heights-riots-30-years-later/>
<https://citylimits.org/2016/08/18/riot-anniversary-finds-jews-and-blacks-of-crown-heights-facing-common-threat-displacement/>

⁵ <https://www.brownstoner.com/forum-archive/2007/10/bedfordstuyvesa-2/>

⁶ <https://map.cityofnewyork.us/wp-content/uploads/2019/01/Brownsville-Houses-Policy-Brief.pdf>

NYCHA to provide structural programs and incentives that support families transitioning out of public housing.

The dense developments in Brownsville are faced with turf wars and limited means of financial mobility and security thus, home ownership is often a pipe dream. Inherent, to building homes is creating economic opportunities that make home ownership viable.

We know our city has a declining infrastructure, increased technology needs, and an aging civil servant population. Building a technology hub within Community Board 16, using federal funds, will allow revitalization to take place and an opportunity to energize a rising generation that is intertwined with technology.⁷ Expanding targeted programming to prepare residents, particularly Brownsville NYCHA residents, for immediate employment with practical and technical skills (i.e. Job Corp, professional licensures) for trades and various City government jobs also provides a means to ownership. Partnering with communal and faith-based entities that desire to own land but need capital and government subsidies to facilitate development are another avenue to ownership as exemplified by the Nehemiah homes.⁸

As these incentives begin to shift the landscape, the City of New York should also consider a local variation of HOPE VI (which was brought to Ocean Hill's Prospect Plaza Houses and will eventually provide Ocean Hill with mixed income housing) with an emphasis on homeownership instead of displacement.⁹ Public housing was never meant to be and should not be used as a permanent life sentence but instead a platform to launch into larger society. Perhaps an end to the turf will allow for the community to heal and expand.

To shift both the narrative and reality for residents of Community Board 16 there has to be an example and a path to generational wealth. Housing and land ownership have always been a beacon and means to build wealth within this country. Community Board 16 deserves the same opportunities experienced by other Brooklynites, other New Yorkers, and other Americans. Neighboring communities such as Bedford Stuyvesant, while historically plagued with similar issues, do not have a narrative of despair whether erroneously placed by outsiders or adopted by community members themselves. Critics often point to historic landmarks and brownstones that are identified as "desirable housing" as well as various economic opportunities.

Community Board 16 deserves and arguably requires "desirable housing" to provide an example within the community of wealth and generational wealth. An example looks like pushing developers to ***Bring Brownstones to Brownsville***. In essence, when developers look to propose new housing in Brownsville and Ocean Hill it shouldn't only consist of dense sky rise buildings that are uncharacteristic of Brooklyn. Rather, projects should include homes like Brownstones that not only accommodate multiple families or encourage families to age in place but increase both the value, aesthetic, and pride in the community.

On behalf of the board members of Community Board 16 and the people who call Ocean Hill and Brownsville their home, we hope that this counter proposal initiates necessary dialogue,

⁷ <https://www.eda.gov/funding/programs/regional-technology-and-innovation-hubs>

⁸ <https://brooklynnehemiah.org>

⁹ <https://citylimits.org/2023/10/12/as-chelsea-demo-plans-move-ahead-a-look-back-to-nychas-brooklyn-razing/>

facilitates crucial change, and brings overdue funding to a community that has been left behind for far too long.

Low-Density

Town Center Zoning

In response to the proposal to Re-introduce buildings with ground floor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. The proposed commercial-residential blend buildings already exist in mass on most main thoroughfares throughout Brownsville including East 98th Street, Pitkin Ave, East New York Ave and Ocean Hill including Atlantic Ave and Ralph Avenue to name a few. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests clarification as to the type of businesses that will be allowed below the proposed residential housing. Further, as it relates to purportedly increasing such housing across the entire city, CB 16 requests data transparency as to how many of the proposed buildings are built throughout the respective community boards in comparison to what historically existed. Transparency looks like an annual report and public hearing (may be biennial) to disseminate data and shed light on which neighborhoods continue to shoulder the burden of the city's housing.

Finally, should this proposal pass, the New York City Department of Planning/NYC Planning Commission needs to bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to own or build the proposed housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground floor/underground parking.

Transit-Oriented Development

In response to the proposal to Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. The proposed "modest" sized apartment buildings already exist in mass throughout Brownsville and Ocean Hill near every major subway and rail station for the A and C lines, J and Z lines, the LIRR, and the 3 and 4

subway lines. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB16, requests data transparency as to how much of the proposed buildings are built throughout the respective community boards in comparison to what historically existed. Transparency looks like an annual report and public hearing (may be biennial) to disseminate data and shed light on which neighborhoods continue to shoulder the burden of the city's housing.

Further, the New York City Department of Planning/NYC Planning Commission needs to bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Transit Authority, NYC Metropolitan Transit Authority, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to own or build the proposed housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, street parking solutions such as reducing alternate side parking, ground floor/underground parking, and free/reduced transportation.

Finally, since the City seeks to increase housing that is transit accessible, stakeholders such as the NYC Transit Authority and the NYC Metropolitan Transit Authority need to revisit how the Brownsville and Ocean-Hill communities are serviced. Currently, many of the subway stations throughout CB16 are underserved with long wait times even during rush hours, Buses are often delayed and rerouted including *Schleppie* award winner for most unreliable service: the B12, and stations are often unsanitary breeding grounds for rats and viral infections.

Accessory Dwelling Units

In response to the proposal to Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to own or build the proposed housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the

overall cost of energy, and street parking solutions such as reducing alternate side parking and ground floor/underground parking.

Further, CB16 requests a streamlined process with NYC Department of Buildings that will remove many of the barriers to obtaining appropriate permits including property violations that predate the current ownership, paths to legalization (without fines or penalties) of basement apartments, existing works and structures.

District Fixes

In response to the proposal to Give homeowners additional flexibility to adapt their homes to meet their families' needs, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to make alterations to their exist housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground floor/underground parking.

Further, CB16 requests a streamlined process with NYC Department of Buildings that will remove many of the barriers to obtaining appropriate permits including property violations that predate the current ownership, paths to legalize existing works and structures, without penalties, provided there are no immediate safety threats.

Medium and High Density

Universal Affordability Preference

In response to the proposal to 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, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. This proposal alters the skyline and reduces our air rights. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal that addresses the NYC Housing Connect process as any additional housing will be posted to the housing lottery process.

Currently, tens of thousands of New Yorkers apply for affordable housing and the lengthy wait and review process restrict access to affordable housing from those families that really need it. Further, the City's definition of affordable does not accurately reflect the income of most of the residents in Brownsville and Ocean Hill thus, many of the new "affordable" apartments are not financially accessible. As a solution, in lieu of increasing the community preference which has historically in forced segregation, CB 16 should be offered the right of first refusal for any new developments. In practice, applications for new developments should be made limited to CB 16 community members only for 45 to 60 days before release as a part of the lottery process. Additionally, creating a shifting standard wherein applicants will be evaluated by either the Federal AMI standard or a proposed City alternative standard, that addresses the neighborhood specific income disparities, will allow for an applicant to be evaluated by the standard that affords the least amount of rent possible. This practice can also be modeled in other community districts facing the concerns of gentrification and consequently displacement.

Citywide

Lift Costly Parking Mandates

In response to the proposal to eliminate mandatory parking requirements for new buildings; Parking would still be allowed, and projects can add what is appropriate at their location, Community Board 16 submits the following:

CB 16 rejects this proposal as it will disproportionately increase the burden of parking on the CB 16 community. Instead, where developers seek to limit existing parking and create future burden on parking, projects must detail creative solutions to parking which is an expressed need of the CB 16 community. For instance, many developed projects in other parts of Brooklyn such as Flatbush incorporate ground floor parking. Projects should consider ground level and underground (basement, sub-basement) parking.

Convert Non-Residential Buildings to Housing

In response to the proposal to make it easier for underused, nonresidential buildings, such as offices, to be converted into housing, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. CB 16 rejects this proposal as it will disproportionately increase the burden of housing onto the CB 16 community

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal that addresses the NYC Housing Connect process as any additional housing will be

posted to the housing lottery process. Currently, tens of thousands of New Yorkers apply for affordable housing and the lengthy wait and review process restrict access to affordable housing from those families that really need it. Further, the City's definition of affordable does not accurately reflect the income of most of the residents in Brownsville and Ocean Hill thus, many of the new "affordable" apartments are not financially accessible. As a solution, in lieu of increasing the community preference which has historically in forced segregation, CB 16 should be offered the right of first refusal for any new developments. In practice, applications for new developments should be made limited to CB 16 community members only for 45 to 60 days before release as a part of the lottery process. Additionally, creating a shifting standard wherein applicants will be evaluated by either the Federal AMI standard or a proposed City alternative standard, that addresses the neighborhood specific income disparities, will allow for an applicant to be evaluated by the standard that affords the least amount of rent possible. This practice can also be modeled in other community districts facing the concerns of gentrification and consequently displacement.

Small and Shared Housing

In response to the proposal to re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to make alterations to their exist housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground floor/underground parking.

Campus Infill

In response to the proposal to make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of

Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to make alterations to their exist housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground level/underground parking.

Further, CB 16 requests that any funding or incentives be extended to collectives, community land trusts, community-based entities such as churches and other groups. CB 16 is home to the historic Nehemiah homes developed by local citizens and churches seeking to better the CB 16 community. Grant funding that targets and incentives community-based churches and groups to develop their land is a mutually beneficial condition.

Miscellaneous

New Zoning Districts

In response to the proposal to create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements (citywide), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal that addresses the NYC Housing Connect process as any additional housing will be posted to the housing lottery process. Currently, tens of thousands of New Yorkers apply for affordable housing and the lengthy wait and review process restrict access to affordable housing from those families that really need it. Further, the City's definition of affordable does not accurately reflect the income of the majority of the residents in Brownsville and Ocean Hill thus, many of the new "affordable" or so called "inclusionary" apartments are not financially accessible. As a solution, in lieu of increasing the community preference which has historically in forced segregation, CB 16 should be offered the right of first refusal for any new developments. In practice, applications for new developments should be made limited to CB 16 community members only for 45 to 60 days before release as a part of the lottery process. Additionally, creating a shifting standard wherein applicants will be evaluated by either the Federal AMI standard or a proposed City alternative standard, that addresses the neighborhood specific income disparities, will allow for an applicant to be evaluated by the standard that affords the least amount of rent possible. This practice can also be modeled in other community districts facing the concerns of gentrification and consequently displacement.

Update to Mandatory Inclusionary Housing

In response to the proposal to allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own (citywide), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal that addresses the NYC Housing Connect process as any additional housing will be posted to the housing lottery process. Currently, tens of thousands of New Yorkers apply for affordable housing and the lengthy wait and review process restrict access to affordable housing from those families that really need it. Further, the City's definition of affordable does not accurately reflect the income of the majority of the residents in Brownsville and Ocean Hill thus, many of the new "affordable" or so called "inclusionary" apartments are not financially accessible. As a solution, in lieu of increasing the community preference which has historically in forced segregation, CB 16 should be offered the right of first refusal for any new developments. In practice, applications for new developments should be made limited to CB 16 community members only for 45 to 60 days before release as a part of the lottery process. Additionally, creating a shifting standard wherein applicants will be evaluated by either the Federal AMI standard or a proposed City alternative standard, that addresses the neighborhood specific income disparities, will allow for an applicant to be evaluated by the standard that affords the least amount of rent possible. This practice can also be modeled in other community districts facing the concerns of gentrification and consequently displacement.

Silver Law

In response to the proposal to allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts, Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to create new housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground/underground parking.

Quality Housing Amenity Changes

In response to the proposal to extend amenity benefits in the “Quality Housing” program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space (citywide), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish to make alterations to their exist housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground/underground parking.

Landmark Transferable Development Rights

In response to the proposal to make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure (citywide), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters. Further, like many historically black and underserved communities throughout New York City, CB16 faces the threat of displacement of long- time residents due to gentrification and out-pricing.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table to ensure that community members from Brownsville and Ocean Hill have the right of first refusal for the sale of any unused development rights. Specifically, any sale will be first posted publicly with adequate notice given to the community board office and local government official offices.

Railroad Right-of-Way

In response to the proposal to simplify and streamline permissions for development involving former railroad rights of way (citywide), Community Board 16 submits the following:

Community Board 16 (hereinafter CB 16) is already substantially burdened by dense residential buildings, NYCHA Housing, supportive housing, and shelters.

However, to the extent that this proposal passes and is applicable to neighborhoods within the Brownsville and Ocean-Hill area, CB 16 requests that the New York City Department of Planning/NYC Planning Commission bring all stakeholders to the table for an interagency

proposal including, but not limited to, the NYC Department of Finance, the NYC Department of Buildings, the NYC Department of Environmental Protection, regulated utility companies such as Consolidated Edison Company of New York, Inc. and National Grid; and any other stakeholder entities that can facilitate grant funding, low interest loans, and tax break incentives for CB16 community members who wish create housing, city-wide agreements that will fix or structure the utility rates inasmuch as increased buildings increase the overall cost of energy, and street parking solutions such as reducing alternate side parking and ground/underground parking.

Further, CB 16 requests that any funding or incentives be extended to collectives, community land trusts, community-based entities such as churches and other groups. CB 16 is home to the historic Nehemiah homes developed by local citizens and churches seeking to better the CB 16 community. Grant funding that targets and incentives community-based churches and groups to develop their land is a mutually beneficial condition.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 1	# Against: 30	# Abstaining: 2	Total members appointed to the board: 33
Date of Vote: 6/18/2024 12:00 AM		Vote Location: SUNY DOWNSTATE MEDICAL CENTER - 395 LENOX ROAD, BROOKLYN, NY 11203	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/18/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	SUNY DOWNSTATE MEDICAL CENTER (AUDITORIUM) - 395 LENOX ROAD BROOKLYN, NY 11203

CONSIDERATION:		
Recommendation submitted by	BK CB17	Date: 7/12/2024 2:38 PM



The City of New York

COMMUNITY BOARD 17

4112 Farragut Road, Brooklyn, NY 11210

Tel: (718) 434-3072 Fax: (718) 434-3801

Sherif Fraser

District Manager

Executive Officers

Rodrick F. Daley M. Ed. SBL
Chairperson

June Persaud
First Vice Chair

Monzurat Oni
Second Vice Chair

Julia James
Treasurer

Jibrill Morris
Secretary

July 2nd, 2024

To the Department of City Planning,

On behalf of Community Board 17, I would like to extend our gratitude to your team for their unwavering support and responsiveness in addressing our questions related to the City of Yes for Housing Opportunity Text Amendment. The team's thoroughness and patience were greatly appreciated.

On June 18, 2024, Community Board 17 held our General Board meeting and voted on the City of Yes proposal. The vote was overwhelmingly against the proposal, with 30 members voting No, 1 member voting Yes, and 1 member abstaining.

During our 90-day review process, we held several discussions and utilized a survey to provide context to our decision, breaking out the proposal into 10 points of discussion:

1. Town Center Zoning
 - a. Support: 31%
 - b. Oppose: 69%
 - c. Comments and Concerns:
 - i. The current rezoning proposal lacks sufficient comprehensiveness and area-specific detail to be effective.
 - ii. The environmental impact study has not thoroughly analyzed the effects on individual neighborhoods.
 - iii. More detailed analyses of increased population density impacts by neighborhood are needed.
2. Transit-Oriented Development
 - a. Support: 24%
 - b. Oppose: 76%
 - c. Comments and Concerns:
 - i. Insufficient resources and infrastructure exacerbating current overcrowding in gyms, train stations, and parks.
 - ii. Negative environmental impacts on public transit, sunlight, and green spaces, with underestimated strain on electrical and water resources.
 - iii. Lack of guaranteed affordability, with increased supply not equating to affordability.

- iv. Transit-oriented housing should prioritize lower-income individuals and those without cars, with measures to reduce car usage.

3. Accessory Dwelling Units

- a. Support: 38%
- b. Oppose: 62%
- c. Comments and Concerns:
 - i. Inadequate environmental impact study analyzing neighborhood-specific impacts.
 - ii. Lack of community collaboration for proper future planning and mitigation.
 - iii. Broad ADU regulations allowing loopholes and negative uses.
 - iv. Need for refined regulations, including larger dimension requirements from the house to the ADU and adjacent properties.
 - v. Unclear tax implications for participants.

4. Universal Affordability Preference

- a. Support: 28%
- b. Oppose: 72%
- c. Comments and Concerns:
 - i. Lack of genuine affordability measures, with AMIs not reflecting neighborhood incomes.
 - ii. No guarantee of affordable units beyond the expansion.
 - iii. Contradictory actions by the city increasing rent-stabilized rents.
 - iv. Burden on communities to accept large, under-resourced developments.
 - v. Need for concrete affordable housing requirements in the plan.

5. Mandatory Inclusionary Housing – Updates

- a. Support: 33%
- b. Oppose: 44%
- c. Needed Additional Information: 23%

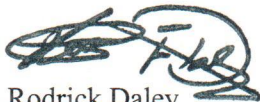
6. Ending of Required Parking Mandate

- a. Support: 25%
- b. Oppose: 75%
- c. Comments and Concerns:
 - i. Opposition to parking requirement changes in neighborhoods reliant on vehicles.
 - ii. Current parking strain exacerbated by new housing developments.
 - iii. Inadequate community assessment by the city.
 - iv. Developer incentives over community needs.
 - v. Misleading justification for eliminating parking requirements.
 - vi. Existing double-parking issues.
 - vii. High demand for parking spaces indicates scarcity.

- viii. Need for significant transit improvements before reducing parking spaces.
- 7. Enable Conversion of Underused Buildings - Expand Adaptive Reuse Regulations Citywide
 - a. Support: 40%
 - b. Oppose: 56%
 - c. Unsure/need more information: 4%
 - d. Comments and Concerns:
 - i. The change could be useful, but text amendments must be clear and decisive to prevent loopholes, unsafe structures, and out-of-place developments.
- 8. Remove Arbitrary Zoning Rules to Allow Small and Shared Apartments in Central Locations
 - a. Support: 46%
 - b. Opposed: 54%
 - c. Comments and Concerns:
 - i. The proposal increases density without addressing community impacts, aiming to maximize rental income by squeezing more people into limited space.
- 9. Eliminate Barriers to Contextual Infill
 - a. Support: 29%
 - b. Oppose: 71%
 - c. Comments and Concerns:
 - i. Contextual housing preserves neighborhood character and property values, and the proposal risks decreasing property values, neighborhood appearance, culture, and functionality.
- 10. Creation of New Zoning Districts
 - a. Support: 24%
 - b. Oppose: 76%
 - c. Comments and Concerns:
 - i. The proposal suffers from poor planning of increased density and its likely negative impacts, with inadequate community analysis and failure to accommodate large population increases.

In closing, we hope that this comprehensive feedback will serve as a valuable guide in refining and improving the proposal. Our goal remains to ensure that any amendments to our city's planning and zoning policies reflect the needs and aspirations of our diverse communities. We look forward to continued dialogue and collaboration to create a more equitable and sustainable future for all New Yorkers.

Regards,



Rodrick Daley
Chairperson



Kwame Afreh
Chair
Land Use Committee

E-Mail: bk17@cb.nyc.gov

Website: <https://cbbrooklyn.cityofnewyork.us/cb17>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 27	# Abstaining: 0	Total members appointed to the board: 27
Date of Vote: 5/30/2024 12:00 AM		Vote Location: 1097 Bergen Avenue	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/30/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	1097 Bergen Avenue, brooklyn, NY

CONSIDERATION: Community Board 18 unanimously voted against the City of Yes Housing Opportunity

Recommendation submitted by	BK CB18	Date: 7/8/2024 12:39 PM
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BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Please see attached memo for full comment.

Recommendation submitted by	BK BP	Date: 7/8/2024 4:21 PM
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Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application

CITY OF YES FOR HOUSING OPPORTUNITY – N240290ZRY

IN THE MATTER OF a proposal by the NYC Department of City Planning (DCP) for a citywide zoning amendment to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

CITYWIDE, BROOKLYN COMMUNITY DISTRICTS 1-18

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: CITY OF YES FOR HOUSING OPPORTUNITY – N240290ZRY

The City of Yes for Housing Opportunity is the third proposal within a package of zoning changes put forward by the Adams administration, including Carbon Neutrality and Economic Opportunity. As a set of citywide text amendments, this proposal affects much of the zoning code including residential zones, parking requirements, commercial conversions, and incentive programs in an effort to accelerate market rate and affordable housing production, permit a greater variety of housing units, and allow for greater flexibility in building form (i.e., bulk, height, lot coverage, etc.).

Though the proposal is described as a means to "address the housing shortage and high cost of housing in New York City," the proposal should be best understood as a housing supply strategy rather than a housing affordability strategy. The citywide amendments are designed to address a wide range of issues through relaxing rules that would increase the flexibility of what can be built, stimulate new as-of-right development in all areas of the city, and to relegalize non-conforming uses (i.e., reallowing residential uses above commercial). While the proposal does put forward a voluntary affordable housing production program, its means for requiring the production of affordable housing does not meet the city's gaps in the supply of housing for people at all income levels, especially for deeply affordable housing. Despite this

shortcoming, the proposal does include some important strategies for incentivizing the production of affordable housing, particularly for development undertaken by non-profit and mission-driven developers who would benefit from additional housing capacity on projects that are already deeply affordable.

This citywide proposal is unique in that it touches each community, bringing an approach to increasing housing production that is not targeted to one particular neighborhood, rather a set of text amendments that cut across boroughs, special districts, and zoning categories to rethink how the built form can be updated while still being compatible with neighborhood character. City of Yes for Housing Opportunity is characterized by the applicant into four main categories, which serve as a framework for the review of the application by the Brooklyn Borough President:

1. Citywide

- Lift Costly Parking Mandates
- Convert Non-Residential Buildings to Housing
- Small and Shared Housing
- Campus Infill

2. Low-Density

- Transit Center Zoning
- Transit-Oriented Development
- Accessory Dwelling Units
- District Fixes

3. Medium- and High-Density

- Universal Affordability Preference

4. Miscellaneous

- Establish New Zoning Districts
- Update to Mandatory Inclusionary Housing
- Sliver Law
- Quality Housing Amenity Changes
- Landmark Transferable Development Rights
- Railroad Right-of-Way

As a package of amendments, careful consideration is required to assess how any potential amendments or edits stand to impact housing production as well as which neighborhoods and areas of the city will receive zoning changes that make development more feasible. The Borough President agrees with the applicant that too few neighborhoods have been overburdened with new housing growth and market pressure while other areas of the city have been slow to produce new housing. Zoning is a contributing factor to this citywide pattern. A citywide text amendment is a viable strategy to begin to address shortcomings, remove outdated barriers to housing production, and to update our expectations of what can be built across the city.

Community & Borough Boards Recommendations & Discussion

Staff from the Borough President's Office attended discussions, hearings, and presentations at every Brooklyn Community Board during the review period between May 8, 2024, and July 8, 2024. As a citywide text amendment application, it is subject to concurrent review by the Borough Presidents and Community Boards.

Borough President Reynoso held a public hearing for this application on Monday, June 17, 2024. Three members of the public testified and 15 submitted written testimony. The Brooklyn Borough Board held a public hearing for this application on Tuesday, June 4, 2024. The Brooklyn Borough Board anticipates revisiting their recommendation on this application during their September meeting, after voting to table the discussion during the June meeting.

As of July 8, 2024, eight Brooklyn CBs have uploaded their recommendations to the Zoning Application Portal, including the following recommendations:

- *Unfavorable*: CB 8, CB 9, CB 10, CB 11, CB 15
- *Favorable* : CB 6
- *Conditional Favorable*: CB 1, CB 14

Key Discussion Themes

Process

Community Boards expressed concerns about the limited time provided to review the proposal, spanning nearly 1,400 pages of the zoning resolution as well as hundreds of pages within the Draft Environmental Impact Statement and Racial Equity Report. DCP made efforts to make the proposal more accessible and break the materials down, including providing an annotated draft zoning text, FAQs, a proposal feedback worksheet, virtual town halls, and applicability maps and presentations to help local communities better understand which aspects of the proposal would affect their area. DCP staff provided presentations to all Community Boards and answered their questions, both in person and in writing.

Community Boards took different approaches to deliberations around the proposal, with some utilizing DCP's proposal feedback worksheet as a guide and others setting discussion priorities more organically in response to Board interest or public comments. Members of the Borough Board expressed challenges making a recommendation prior to action being taken by their local Community Board or unresolved discussion to determine an appropriate Board position. Some Community Boards, such as Brooklyn Community Board 9, established a separate City of Yes Committee to review the application outside of their already established land use committee. It is difficult to capture all of the nuances of the community discussion, but the following section attempts to lift up some of the critical discourse that helps to shape the Borough President's recommendation.

Coordinated Planning & Citywide Growth Strategy

Many Brooklyn Community Boards' discussions referenced a desire for a more coordinated planning effort. CB 6 offered support for City of Yes, noting that their support for Carbon Neutrality, Economic Opportunity, and Housing Opportunity does not replace "a more comprehensive planning process." CB 15 was seeking assurance that "infrastructure enhancements [would] accompany any increase in housing capacity to prevent overburdening existing facilities" (i.e., transportation, utilities, schools, and healthcare services).

Given the citywide nature of the proposal, Community Boards have different experiences with growth and change. This was evident at the Borough Board meeting in which a CB 5 representative spoke to the disparity of affordable housing production and the concentration within their district, while other Community Boards have seen little to no new affordable housing projects. Representatives from CB 17 and CB 9 raised concerns on overconcentration of new development in low- and moderate-income communities of color. This concern was echoed at CB 9 in discussing the relative rates of change in mid-to-high-density neighborhoods relative to changes in low-density neighborhoods, comparing changes to allow ADUs and expanded building forms relative to a 20% floor area increase available through the proposed Universal Affordability Program (UAP). There was a desire to more equitably distribute new housing capacity across the city. Some discussion identified Town Center Zoning as a strategy to alleviate market pressure from rapidly growing neighborhoods like Bushwick.

The Boards broadly supported using transit as a growth strategy. Even in the Community Board recommendations seeking to limit the scope or degree of proposed changes, they supported concentrating changes within those areas with the highest level of transit access.

We heard discussion and received recommendations that affirmed the use of street width and lot size as a mechanism for codifying missing middle housing. In some cases, this pointed to restricting zoning changes for smaller lots, though discussion varied on which new building forms and modifications make be compatible with lower density areas (ADUs, multiplexes, attached housing).

Community Boards and members of the public expressed skepticism of increasing supply as a viable strategy to address the housing challenges across the city. As a result, much criticism was centered on the mechanisms for encouraging and requiring more affordable housing, the uncertainty if lowered construction costs would translate to lower rents, and trouble quantifying the scope of housing need by income level, household and bedroom size, and tenure (homeownership or rentals). Many Community Board members referenced challenges tenants face to find and secure high-quality, affordable housing as well as the need for greater tenant protections, particularly in reference to the Rent Guidelines Board and recently adopted changes in Albany.

As a component of increased supply, some Community Boards indicated fears of speculative development, a rapid increase in the number of demolitions, and uncertainty about the opportunities to intervene should there be unanticipated patterns of development resulting from this proposal. CB 9 expressed concerns about a shift in development economics as additional available FAR, particularly in R6 zones provided under UAP, may lead to accelerated demolitions and redevelopment.

There was considerable discussion on how to interpret “a little bit of housing everywhere” between Community Boards. In some areas, neighbors saw the value of “unlocking” additional housing capacity in areas around the city. In areas experiencing more growth, there were fears of accelerated development and demolition. Further still, communities questioned if this proposal was significant enough to make an impact on housing costs or choice for tenants and potential homeowners, relative to the tight housing market and timeline for producing new housing. While some agreed that more zoned capacity would be helpful, there were questions about more immediate interventions, particularly for lower-income households.

Some Community Board members conveyed worries about less community review if more projects would be moving forward as-of-right with expanded development capacity and flexibility resulting from this proposal.

Housing Choice & Affordability

Boards undertook considerable deliberation on affordability, particularly around the UAP proposal. CB 11 indicated that “sixty percent of AMI was too high for older residents” despite the proposal allowing for income-averaging, hopefully resulting in a greater depth of affordability as some units could be provided at both sub 60% and up to 100% of AMI. CB 7 also is seeking a greater depth of affordability under UAP to reduce the average AMI from 60% to 30% to better match community incomes and local needs.

Community Boards also sought out opportunities to increase requirements of affordability through other proposals as they questioned the community benefits from increasing buildable FAR or removing the requirement for providing parking. CB 7 has requested that the Town Center Zoning proposal be accompanied by an affordability requirement, saying that “any artificial increase in property value should require the creation of affordable units.” Perhaps this requirement could be scaled to the amount of additional development potential, rather than mimic MIH or UAP.

Unit diversity was a theme that persisted. While the primary means for enabling the production of a greater diversity of unit sizes within the proposal are the dwelling unit factor and Quality Housing amenity incentives that encourage family-sized units, much discussion centered around neighborhood preferences, anticipated demand for smaller units, and the likelihood of additional new studio and one-bedroom units being able to free up larger units that are currently occupied by non-familial households (roommates). CB 15 included discussion at their Full Board meeting of accessible housing for people with disabilities as an important factor to prioritize with all new housing opportunities, from ADUs to high-rises.

Parking

Discussion on parking varied, as is expected, given the diversity across the borough. Some Community Boards responded swiftly to object to the removal of parking requirements. Others engaged in discussions around the need for parking relative to the cost of providing parking, acknowledging both anecdotal patterns of new residents and expectations of new tenants. CB 11 “recognized the goals of eliminating mandatory parking mandates” and outlined a set of additional policies to coordinate and clarify needed to receive their support. Some Boards discussed using building size or affordability levels as mechanisms to help regulate parking need, pointing to DCPs examples on smaller buildings that underbuild rather than building required parking.

Neighborhood Character

Neighborhood character was discussed across the borough. There continues to be confusion between the existing uses and underlying zoning (i.e., a two-story building within a zoning district that may allow for a six-story building). In areas with unused floor area, the potential difference between existing zoning and proposed changes was perceived to be higher (i.e., a change in use from two stories to eight stories, rather than the change in zoning from six stories to eight stories). Some communities expressed a

preference that new development match the current built forms and heights. CB 11, in discussing the Town Center Zoning proposal, suggested in their opposition that “where there is no residential above commercial on the block, the new residential building should be no higher than existing residential buildings.” They also commented that relief available through the BSA is sufficient for individual homeowners who need additional flexibility. It would be expected that areas that have experienced higher BSA applications would see a reduction resulting from City of Yes, as there would be more allowed as-of-right.

Ongoing Discussion

The Borough President encourages members of the CPC and City Council to continue to wrestle with some of the questions that emerged from Community Board discussion, including:

- Does this proposal introduce enough variety of “missing middle” housing to allow for more housing in areas that have been slow to grow?
- Is the proposal right-sized or are there areas of the city that are taking on an outsize portion of new housing capacity?
- Are there additional approaches to facilitate new development that are more consistent with the City’s de facto growth strategy that focuses growth near transit?
- What is the right approach to balance producing a higher volume of housing units versus being more targeted to reflect the needs of communities (unit size: family-sized housing; depth of affordability: targeting very low-income households; and accessibility: basement and backyard ADUs)?

Approval Rationale

Borough President Reynoso believes that the proposed actions are appropriate, though insufficient. There is too little housing produced under this proposal to make significant dents in alleviating housing pressure, not enough affordability, and some inconsistency in policy approach.

Process, Referral Resources, and Environmental Review

On the whole, Borough President Reynoso appreciates the quantity and quality of resources, review, and information provided by the Department of City Planning throughout the proposal. DCP staff have been available and forthcoming in providing answers, clarifications, or further data about the proposal. The Borough President also recognizes that the Draft Environmental Impact Statement (DEIS) generated by this proposal is substantial; it deploys a methodology not only to estimate impacts of the proposal, but also to characterize the built environment and housing market of each of the city’s neighborhood tabulation areas (NTAs).

That said, Borough President Reynoso is disappointed that the data, vocabulary, and methodology of the DEIS largely did not extend beyond the pages of report or the CEQR process. For both this text amendment and City of Yes for Economic Opportunity, DCP invited public review participants and the general public to provide itemized feedback for each part of the proposal. Unfortunately, the analysis in the DEIS does not facilitate this kind of itemized analysis. Members of the public looking to understand how many residential units might be added by an individual part of that proposal will struggle to find this information, as the likely effects of the proposal are bundled together through various Prototypical Sites and Representative Neighborhoods.

In a vacuum, this methodology makes sense, as a single site would be affected by multiple proposals should the entire text amendment come to pass – but combining the analysis of all proposals together is at odds both with the premise that DCP is eagerly seeking feedback to individual parts of proposal and with the reality that piecemeal modifications will likely be made by City Council at the end of public review. The unfortunate impression given by the DEIS is that the time for analysis and meaningful feedback is actually already over. In that sense, it is perhaps understandable why DCP would choose not to further

incorporate the DEIS into the way it presents the proposal as not to risk giving the wrong impression that public review is a mere formality.

The result is that this text amendment is another case where the environmental review process feels separate from how the City, its residents, and its elected officials actually talk about planning. Throughout the public review period, DCP has stated that the origins of this proposal were in the Where We Live Fair Housing report. This proposal was a missed opportunity to create a unified methodology, vocabulary, and geographies connecting this zoning and supply strategy with the City's fair and affordable housing plans and long-term capital planning.

In other words, the City is still in need of a truly comprehensive planning effort.

Alignment with the Comprehensive Plan for Brooklyn

In October 2023, Borough President Reynoso published the Comprehensive Plan for Brooklyn. The plan included four frameworks to guide the development, policymaking, and land use decisions across the borough. The Housing Growth and Parking Demand Management framework identified a series of Housing Priority Areas, defined as areas where housing production has lagged behind other parts of the borough and population growth overall. Within these areas, the framework calls for a transit-oriented development strategy, with mixed-use nodes of housing and neighborhood amenities in a quarter mile of rail stations, increased residential density within a half-mile walkshed, and "gentle density" housing changes such as accessory dwelling units (ADUs) and "missing middle" housing typologies for areas beyond.

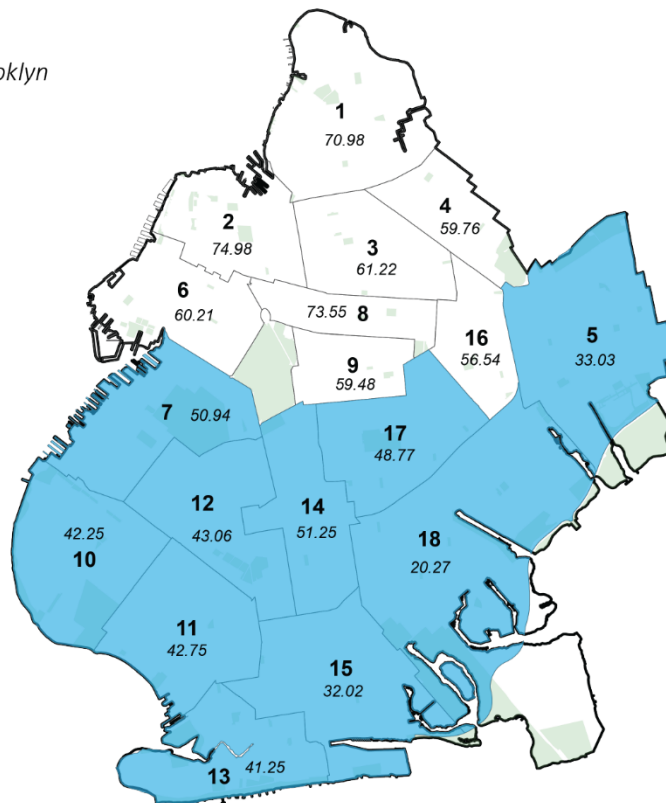
Housing Priority Areas

As identified in the Comprehensive Plan for Brooklyn

Housing Priority Areas

Community Districts with fewer than 55 residential units per acre of buildable land.

Each Community District is labeled with currently existing residential units per acre of buildable land.



The Comprehensive Plan for Brooklyn is a living document; as new data (both quantitative and qualitative) becomes available, these Housing Priority Areas will continue to be updated to consider additional factors such as the spatial distribution of unit consolidations, vacancy rates, and rent-stabilized and Section 8 housing, among others. For the purpose of reviewing this text amendment, the plan provides a simple

guidepost: does City of Yes for Housing Opportunity further the goal of increasing housing supply in the parts of the borough where housing growth has not kept pace?

The framework also identified a few key areas for transit-oriented development informed by expansion opportunities analyzed in the MTA’s 20-Year Needs Assessment. Utica Avenue, currently served by the heavily used B46-SBS bus, has long been eyed for a subway expansion. The Interborough Express would be a new transit service utilizing the existing Bay Ridge Branch freight line to connect Brooklyn and Queens. While much of the proposed route would connect areas with existing transit service, the route would also include several infill stations near East Flatbush and Canarsie that are currently beyond the subway network. Finally, a proposed extension of the 3 train south of Linden Boulevard would bring new subway service to parts of East New York.

As outlined in the Plan, Borough President Reynoso supports investment and expansion of the subway and bus networks and believes that the City should proactively plan for higher densities along these corridors. Unfortunately, the Department of City Planning has not been given the mandate to conduct comprehensive planning. This text amendment is a supply strategy based on a few changes to the Zoning Resolution. In lieu of a true comprehensive planning effort, Borough President Reynoso will instead consider: **does City of Yes for Housing Opportunity provide useful tools, concepts, or precedents to proactively plan for transit-oriented development in these parts of the borough?**

Rationalizing the Transit Zone

Much of the proposal revolves around an amended “Greater Transit Zone,” comprising two parts:

- Inner: the currently existing Transit Zone, plus the Manhattan Core and Long Island City Areas
- Outer: all new areas to be added, falling into two categories:
 - Fixes: All blocks not already within the transit zone within a half mile radius of a subway station
 - Commuter rail stations: All blocks within a half mile radius of LIRR, MNR, and SIR stations

There are four proposals that use the Greater Transit Zone to assign various allowances, zoning changes, or new waivers: Town Center Zoning, Transit-Oriented Development, Small and Shared Housing, and Lift Costly Parking Mandates. The various policies and zoning allowances per transit zone are depicted below in Table 1.

Geography		Proposal				
		Low Density		Citywide		
		Town Center Zoning	Transit-Oriented Development	Small and Shared Housing	Lift Costly Parking Mandates	
Greater Transit Zone	Inner Transit Zone	R5 equivalent above commercial	3-5 stories in low density residential	Eliminate dwelling unit factor	Parking requirements lifted	Mixed-use parking waiver for all sites; Maximums remain in Manhattan Core and LIC
	Outer Transit Zone			Reduce and simplify dwelling unit factor		Mixed-use parking waived for sites < 10,000 sf
Outside of Greater Transit Zone		~R4 equivalent above commercial				Mixed-use parking waived for sites < 5,000 sf

The boundaries and definitions of these new transit zones greatly affect the proposal. Borough President Reynoso believes the new Greater Transit Zone should be altered in three ways:

- 1) Fixing the Existing Transit Zone
- 2) Repurposing the Outer Transit Zone for SBS Corridors
- 3) Adding Additional “Core” Transit Zones to Brooklyn

The result of these changes will be to create a clearer, graduated hierarchy between the Core, Inner, and Outer Transit Zones. These zones would be used to assign different zoning proposals to be elaborated under each proposal in this recommendation. Table 2 outlines the Borough President’s proposed hierarchy of transit zones and corresponding proposals. All items in bold and italicized represent amendments or additions to DCP’s proposal.

Table 2: BBPO Proposed Transit Zones						
Geography		Proposal				
		Low + <i>Medium</i> Density		Citywide		
		Town Center Zoning	Transit-Oriented Development	Small and Shared Housing	Lift Costly Parking Mandates	
Greater Transit Zone	<i>Core Transit Zones*</i>	**	**	<i>Maximum dwelling unit factor</i>	Residential parking requirements lifted <i>Flexible parking</i>	Existing Manhattan Core, LIC parking maximums <i>New parking maximums</i>
	Inner Transit Zone	<i>R6</i> equivalent above commercial	<i>5-6 stories in low density residential</i>	Eliminate dwelling unit factor		Mixed-use parking waiver for all sites;
	Outer Transit Zone	R5 equivalent above commercial	3-5 stories in low density residential			Mixed-use parking waived for sites < 10,000 sf
Outside of Greater Transit Zone		~R4 equivalent above commercial	<i>Add greater flexibility to R1-R3</i>	Reduce and simplify dwelling unit factor	Mixed-use parking waived for sites < 5,000 sf	

*Would include Manhattan Core and Long Island City Area

**Follow-up actions not to be included in this proposal

Fixing the Existing Transit Zone

The existing Transit Zone established in 2016 loosely corresponds with the subway network. However, the relationship between the transit zone boundary and actual transit stations is hazy and includes several conspicuous carveouts. In Brooklyn, the Transit Zone roughly corresponds to a half-mile radius surrounding subway lines north of the Bay Ridge Branch rail line, the freight right-of-way proposed as the future Interborough Express (IBX) transit service. South of this line, the transit zone roughly corresponds to a quarter-mile radius.¹ Several neighborhoods are excluded from the zone altogether: much of Borough Park, Brighton Beach, Bensonhurst, and the entirety of Bay Ridge are excluded despite much of these neighborhoods being a stone’s throw from a rail station. The land use rationale for these inconsistencies and exclusions is not stated in the Zoning Resolution or other planning documents.

¹ A similar pattern occurs in Queens, where south of the Port Washington Branch of the LIRR, the Transit Zone corresponds to a roughly quarter mile corridor along Queens Boulevard.

In this text amendment, DCP is proposing to patch the holes of the existing Transit Zone through the creation of a new “Outer Transit Zone.” Borough President Reynoso supports the general effort to fill in these gaps but believes that these areas should have been included in the Transit Zone from the beginning. This text amendment is an opportunity to correct these unclear and arbitrary exclusions and clearly state a land use rationale for what the Inner and Outer Transit Zones represent. Including these excluded areas in an “Outer” Transit Zone would preserve the exclusion of these areas from the original transit zone by maintaining a distinction in the Zoning Resolution. As will be elaborated below, the Outer Transit Zone should be a distinct geography with its own land use rationale and vision, not just a corrective measure for carveouts to previous versions of the Transit Zone.

Currently, the Transit Zone is defined in the Zoning Resolution by a handful of static maps that remain unchanged regardless of any changes to the transit network. As part of the updated definition of the Greater Transit Zone, City of Yes is proposing a new mechanism that would automatically define any block within a half-mile of a mass transit station as within the Greater Transit Zone. Borough President Reynoso supports this method of expansion. As outlined in the Comprehensive Plan for Brooklyn, the Borough President believes the City should anticipate and plan for growth around future transit expansions such as a subway expansion under Utica Avenue and the IBX. The proposal as written would achieve this recommendation.

Additionally, Borough President Reynoso strongly supports including commuter rail stations in the new definition of the Greater Transit Zone. This change will be particularly impactful in eastern Queens, which is widely mapped with low density R1-R3 residential districts that are more restrictive than the lowest density parts of Brooklyn. Though these districts are outside of the borough, they re-direct market pressure on to Brooklyn neighborhoods and tenants by excluding the potential for transit-oriented development across a significant part of the city. Transit-oriented development around commuter stations, both within and beyond city limits, is an essential step towards easing the region’s housing crisis.

As outlined in the Comprehensive Plan, Borough President Reynoso believes the region’s commuter rail networks should begin functioning as a regional rail network oriented toward moving people across the region throughout the day, rather than oriented toward traditional commuting trips between “bedroom communities” and Manhattan. The proposed addition of LIRR, MNR, and SIR stations to the transit zone is aligned with this framework for regional transportation: more housing choice near rail stations will facilitate more local job density and demand for regional rail trips.

Repurposing the Outer Transit Zone for SBS Corridors

As presented, the difference between the Inner and Outer Transit Zones is minimal in terms of the differing policies assigned to each geography. As seen in Table 1, the Inner and Outer Transit Zones apply the same allowances for the Town Center Zoning and Transit-Oriented Development proposals. The Lift Costly Parking Mandates proposal includes some distinctions between the two zones for mixed-use parking waivers but the brunt of the proposal, the lifting of residential parking requirements, is identical across the entire city.

Perhaps the most substantial difference between the Inner and Outer zones is in the Small and Shared Housing proposal, where Dwelling Unit Factor is proposed to be eliminated in the Inner Transit Zone, but only simplified and reduced in the Outer Transit Zone. For this proposal, there is no step down between the Outer Transit Zone and areas outside of the Greater Transit Zone altogether.

Overall, there are few aspects of the proposal that apply exclusively to the Outer Transit Zone. Rather than defining any unified principles of transit-oriented development or urban design, the Outer Transit Zone’s main function is to correct the gaps in the previous Transit Zone.

Borough President Reynoso believes the Outer Transit Zone should be repurposed around Select Bus Service (SBS) corridors: areas with access to frequent, express-style bus service with dedicated travel

lanes but further than a 10-15 minute walk to the rail network. Many of these areas are mixed-use local retail corridors, as highlighted in the Town Center Zoning proposal.

In Brooklyn, these areas correspond to three corridors: the B44-SBS along Nostrand Avenue south of Brooklyn College, the B46-SBS along Utica Avenue south of Church Avenue, and the B82-SBS along Flatlands Avenue and Kings Highway between Canarsie and Midwood.

An Outer Transit Zone based on SBS corridors would most significantly affect Brooklyn. In the Bronx, the effect would be to close the small gap in the zone between Webster Avenue and Boston Road. In Staten Island, the S79-SBS route is in the shadow of the Staten Island Railroad, which would already be added to the Transit Zone. In Queens, most of the SBS corridors are interlaced with rail lines that are either already in the zone or would be added under the proposed definition. The most significant addition would be the Q44-SBS corridor in Kew Gardens Hills and College Point, following in the footsteps of the discontinued World's Fair subway line and LIRR Whitestone Branch.

Unlike with the Inner Transit Zone, the boundaries of the Outer Transit Zone should be manually established in the Zoning Resolution rather than automatically defined by the placement of bus stops. The MTA and DOT should be able to act nimbly and efficiently when planning and adjusting SBS routes. For example, the B46-SBS originally extended to Williamsburg Bridge Plaza along Broadway. It was adjusted to terminate at Woodhull Hospital, as the Broadway section of the route turned out to be redundant to J/M/Z train service. The fundamental premise of adding boosted transit service along Utica Avenue was correct but required adjustments at the margins. Attaching zoning implications to such decisions would complicate transportation planning and add additional scrutiny and public review expectations to the MTA and DOT.

Additionally, defining the Outer Transit Zone manually offers an opportunity to tailor boundaries around unique conditions present along several SBS routes. For example, an as-the-crow-flies calculation of the B46-SBS or Q44-SBS routes might include several blocks in Mill Basin and Whitestone, despite being separated from bus services by a body of water and the on-ramp of the Whitestone Bridge, respectively.

By implementing these changes, the transit zones would be succinctly described as follows:

The **Inner Transit Zone** should be understood as all parts of the city with access to the subway and rail network.

The **Outer Transit Zone** should be understood as all parts of the city with access to frequent bus service, but beyond the extent of the rail network.

Additional Core Transit Zones

In addition to the Inner and Outer Transit Zones, Borough President Reynoso believes an additional "core" geography should be expanded to Brooklyn and other outer boroughs to further facilitate transit-oriented development near significant transit and jobs hubs such as Downtown Brooklyn, Atlantic Terminal, and the Northside of Williamsburg. This zone should include an additional tier of policies aimed at encouraging transit-oriented development. In the context of the current proposal, this would correspond to a higher tier of TOD and Town Center Zoning bonuses, parking maximums in addition to waiving all minimums, and the introduction of a maximum dwelling unit factor to stymy the ongoing loss of housing units to consolidations.

There is already precedent for a Core Transit Zone in the Zoning Resolution: the Manhattan Core and Long Island City geographies include various controls on parking. Borough President Reynoso believes this precedent should be extended to Brooklyn.

Transit Zone Recommendations:

In summary, Borough President Reynoso recommends the following changes to the Greater Transit Zone:

The **Inner Transit Zone** should be amended to include all blocks within a half-mile radius of a rail (subway, LIRR, MNR, SIR) station, as well as all blocks west of Colonial Road in CD 10, and all blocks west of Bedford Avenue in CDs 14 and 15. The opening of any new rail stations should automatically expand the boundaries of this zone.

The Inner Transit Zone would include the following proposals:

Inner Transit Zone Comparison		
Proposal	DCP Proposal	BP Recommendation
Town Center Zoning	R5 equivalent above commercial	R6 equivalent above commercial
Transit-Oriented Development	3-5 stories in low density residential districts	5-6 stories in low density residential districts
Small and Shared Housing	Eliminate dwelling unit factor	
Lift Costly Parking Mandates	Parking requirements lifted	
	Mixed use development parking waivers available for all sites	
		Flexible parking definition added

The **Outer Transit Zone** should be amended to include areas within a half-mile of SBS bus route corridors as of July 2024 and not already within the Inner Transit Zone. In Brooklyn, this corresponds to:

- B44 SBS: Nostrand Avenue south of Avenue K
- B46 SBS: Utica Avenue south of Church Avenue
- B82 SBS:
 - Flatlands Avenue between Remsen Avenue and Utica Avenue
 - Avenue K between Utica Avenue and Troy Avenue/Kings Highway
 - Kings Highway between Troy Avenue and Bedford Avenue

The boundaries of this zone should be defined manually, and not automatically expanded upon the opening of a new SBS route or stop.






The Outer Transit Zone would include the following proposals:

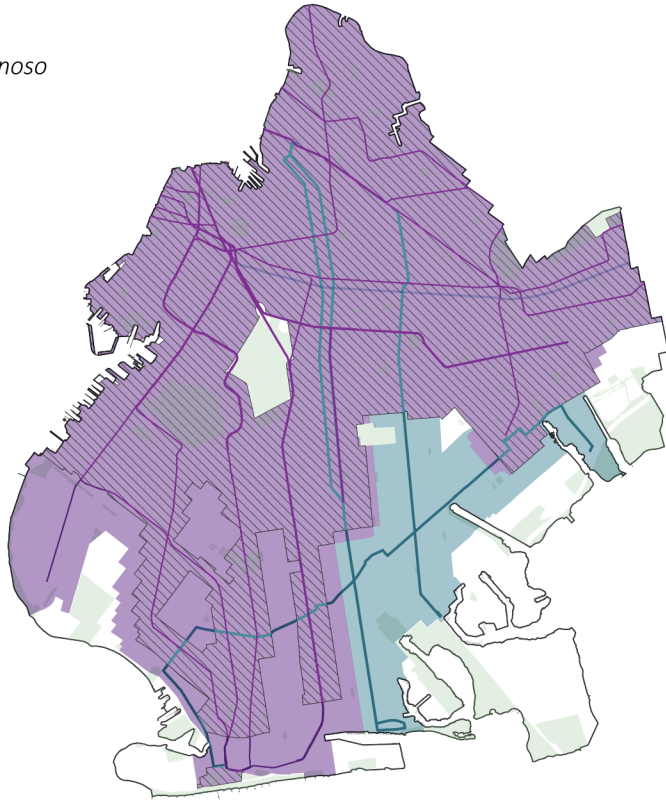
Outer Transit Zone Comparison		
Proposal	DCP Proposal	BP Recommendation
Town Center Zoning	R5 equivalent zoning	
Transit-Oriented Development	3-5 stories in low density residential districts	
Small and Shared Housing	Reduce and simplify dwelling unit factor	Eliminate dwelling unit factor
Lift Costly Parking Mandates	Parking requirements lifted	
	Mixed use development parking waivers available for sites > 10,000 sf	
		Flexible parking definition added

In follow-up actions, a new **Core Transit Zone** be established that includes areas such as Downtown Brooklyn, Atlantic Terminal, and the Northside of Williamsburg. This zone would include a parking maximum policy modeled after existing maximums in Manhattan and Long Island City, a maximum dwelling unit factor to control against unit consolidations, and a higher tier of town center zoning and transit-oriented development regulations.

Updated Transit Zones

As proposed by Brooklyn Borough President Reynoso

-  Current Transit Zone
-  Inner Transit Zone
-  Subway Lines
-  Outer Transit Zone
-  SBS Routes



Low-Density Proposals:

Transit Oriented Development (Approve with modifications)

Borough President Reynoso believes that the proposal should be amended to provide more density within the Inner Transit Zone. The densities currently proposed by DCP should apply to a larger Outer Transit Zone defined around SBS corridors in the outer boroughs (as outlined above).

As presented, the proposal would increase housing capacity in the low-growth, low-density parts of the borough. According to our analysis, this proposal would add zoning capacity for approximately 57,000 residential units.² Ninety-four percent of these units would be within Community Districts identified as Housing Priority Areas in the Comprehensive Plan for Brooklyn.

However, Borough President Reynoso believes the proposed growth in these districts is still rather modest, both in terms of the magnitude of the new proposed densities and the spatial distribution of where these new densities would apply. While there are nearly 90,000 parcels identified in Brooklyn's low-density districts within DCP's proposed Greater Transit Zone, fewer than 4,000 meet the criteria of being larger than 5,000 square feet and being located either on the short end of a block or facing a wide street. While this figure may slowly increase as consolidations increase the number of parcels meeting the minimum lot size, these parameters will still drastically reduce the footprint of the proposed changes.

² This analysis is an estimate of new zoning floor area only and does not account for or forecast market conditions.

In many cases, the buildings on these parcels are currently overbuilt. Of the 3,637 eligible parcels in Brooklyn, one quarter are currently overbuilt and would remain overbuilt with the new proposed densities. No new development would be facilitated by the proposed changes at these sites. At another quarter of eligible parcels, a portion of the proposed density bonus would be eaten up by merely legalizing the existing building. Aggregated at the borough level, about 36% of the proposed density bonus on these sites would be spent in this way.

At many of these sites, the new floor area leftover after legalizing the existing density would be small, and also unlikely to facilitate any new construction. For example, 3001 Fort Hamilton Parkway is a mixed-use multifamily building in an R5 district within the Greater Transit Zone and currently overbuilt by 0.69 FAR. After receiving the proposed FAR boost, this parcel would have only 300 square feet of floor area left over to develop, less than the dwelling unit factor of 870 in this zoning district. These bits and pieces add up: although the proposal is adding 4.6 million square feet of residential floor area to these overbuilt lots, this area is only estimated to allow a little over 5,000 residential units. While critical to bring existing units into compliance, we should be clear-sighted that additional zoning capacity is needed to unlock additional development in these areas.

As such, Borough President Reynoso recommends that this proposal should go further. First, it should allow slightly higher densities of 5-6 stories within the Borough President's proposed Inner Transit Zone. The fact that a quarter of eligible sites would still be overbuilt after the proposed changes shows that buildings of this scale are already common in these areas of the borough. The lot size and street width parameters would ensure that buildings of this scale would not dominate these areas, but rather complement the existing housing stock in a similar manner to the already existing overbuilt buildings. Second, DCP's proposed density of 3-5 stories should apply to the Borough President's proposed Outer Transit Zone, defined around the SBS bus corridors of Nostrand, Utica, and Flatlands Avenues.

Town Center Zoning (Approve with modifications)

Borough President Reynoso believes the proposed actions should be strengthened. As with the Transit-Oriented Development proposal above, there should be additional housing capacity by increasing the residential equivalency from R5 to R6 in Town Center areas.

This additional capacity can better balance growth across the city and take advantage of market preferences to be close to business districts, transit, and other amenities that are already collocated in these areas.

Accessory Dwelling Units (Approve with modifications)

The Borough President is supportive of new standards for ADUs. This is a straightforward method to add new density with minimal impacts to neighborhoods' look and feel. Other cities have expanded their allowances for accessory units, including permitting two ADUs provided that one is detached and the other one is within the existing structure (i.e., attic, garage, or basement). Additional flexibility could be considered to allow an additional unit if one of them is affordable (at or under 60% AMI).

The Borough President is concerned about fair housing protections for tenants seeking this new housing type. It is critical to extend fair housing protections to these units in one- and two-family houses. There have been increases in reports of housing discrimination, particularly for sources of income and use of vouchers, in recent years. ADUs need to be accessible to all potential tenants and free of discrimination.

ADUs are a critical part of a comprehensive approach to increasing housing supply in every neighborhood. From the perspective of facilitating an equitable distribution of new housing growth, removing this proposal would prevent lower-density areas from contributing to the solution. Further still, ADUs allow potential relief from financial pressures on homeowners of color who wish to create housing options for relatives or children, increase property value, and generate additional rental income.

The Borough President agrees with several Community Boards who raised concerns around safety for tenants in basement ADUs in areas vulnerable to stormwater flooding but are outside of the coastal zone.

District Fixes (Approve)

Borough President Reynoso believes the proposed actions are appropriate. The proposed district fixes would facilitate additional housing capacity in low-density districts, which are predominantly located in the low-growth Housing Priority Areas identified in the Comprehensive Plan for Brooklyn.

Medium- and High-Density Proposals

Universal Affordability Preference (Approve with modifications)

Borough President Reynoso recommends that the proposal be amended to encourage deeper levels of affordability, apply to lower density districts, and exempt specific areas due to nearby sensitive resources.

The proposal would be strengthened by aligning the AMI of qualifying units with income averaging outlined in HPD term sheets. This amendment results in encouraging deeper affordability by altering qualifying units to include up to 80% of AMI instead of 100% of AMI.

UAP should be expanded to include large lots in R5 districts. Borough President Reynoso is concerned that, as presented, UAP will replicate uneven development patterns by applying only to higher density districts. Neighborhoods such as Williamsburg and Downtown Brooklyn that have been upzoned to R6 districts and above would qualify for additional FAR bonuses, while lower-density neighborhoods zoned R5 and below will not. To mitigate this potential disparity, Borough President Reynoso recommends that DCP extend UAP to R5 districts, which are widely mapped across the Housing Priority Areas identified in the Comprehensive Plan. In order to accommodate the challenges of building affordable housing at lower densities, DCP should develop a tier of UAP bonuses catered specifically to large parcels 10,000 sf or larger within R5 districts.

The lots adjacent to Brooklyn Botanic Garden (BBG) should be removed from the UAP geography. The area next to BBG has been subject to various private applications that have sought to raise the capacity of the surrounding sites. These applications have been met with community opposition due to unavoidable shadow impacts on the garden, particularly its greenhouses. Given the sensitivity of this resource, these sites should be removed from the UAP geography. Borough President Reynoso believes this is a unique resource and should not be seen as a precedent for further carveouts to the UAP geography.

Projects that have applied to use the Voluntary Inclusionary Housing (VIH) program should be given a grace period that permits projects to move forward under the existing VIH program.

Citywide Proposals

Lift Costly Parking Mandates (Approve with modifications)

Borough President Reynoso is supportive of the removal of parking minimums as costly barriers to development. Though removal of parking requirements makes housing less costly to build, there are no guarantees that the resulting housing will be more affordable. In some cases, the expectation would be that removal of parking requirements will make development feasible where it currently is not. This is consistent with Recommendation 2.2.1 in the Comprehensive Plan for Brooklyn, to eliminate residential parking requirements across the whole borough.

Borough President Reynoso is sensitive to concerns that there is no mechanism to ensure that the savings from not building parking infrastructure is passed on to tenants in the form of reduced rents. While such a mechanism may sound appealing as a way to inject additional affordability into the proposal, it may be short-sighted. At the heart of this proposal is the idea that it should be easier to build additional housing

rather than car storage. Currently, the opposite is true: developers looking to build more housing than parking are required to pursue special waivers. In many cases, developers choose to build only 10 units (just below the threshold where projects are required to build parking) when they could build more so they can automatically waive out of parking requirements rather than pursuing this separate, discretionary permit.

Attaching affordability requirements to parking reductions could threaten to produce a similar dynamic: even if reducing parking for additional units would “pencil out” better on the balance sheets, added complexity and legal fees for pursuing a special permit may discourage developers from pursuing this pathway. Ultimately, Borough President Reynoso prioritizes the production of housing, whether market rate or affordable, over the provision of car storage.

Affordable Housing > Market Rate Housing > Parking

The proposal is limited in its policy goal to encourage the production of housing not parking. The proposal should be amended to introduce parking maximums that could be tiered relative to the Transit Zone. The City already has established parking maximums within the Manhattan Core and Long Island City Area. This amendment is more aligned with City policy around transit to discourage car trips.

Borough President Reynoso recommends that DCP create a new “flexible-use” parking definition within the Zoning Resolution. A new designation would provide a mechanism for better parking demand management by enabling extra parking spaces in new and existing developments to be leased or used by other nearby developments, including neighbors and commercial uses. This modification would allow for the market to right-size parking and provide a mechanism for underutilized residential parking to help meet local parking needs.

The Borough President also recognizes that it is critical to unbundle parking to better align cost-savings to tenants without cars. While understanding that developers handle the leasing of parking in different ways, currently, the cost of building parking is incorporated into the costs that all tenants pay in rent, whether they use it or not. While some buildings operate under a combined rental cost for a unit including parking space, a better policy would be to require separate leases for off-street parking and the unit. This policy shift would help to better align the reduction in parking requirements with the reduction in rent.

The Borough President supports increased transparency on housing development costs so that policy makers, Community Board members, and potential tenants can understand the relationship between providing parking (or other amenities) and the financial impact on development feasibility, projected rent, and parking utilization.

Conversions (Approve)

Borough President Reynoso believes the proposed changes are appropriate. Given the complexity of converting such sites, it may not be realistic to include an affordability requirement through the Zoning Resolution.

The Borough President remains concerned about the pressures on industrial land uses and jobs within the borough and is encouraged that Industrial Business Zones are excluded from the proposed expanded geography for conversions.

Small and Shared Housing (Approve with modifications)

Borough President Reynoso is supportive of amendments to allow more small and shared housing with modifications to better align with the transit zones. As presented, dwelling unit factors would only be eliminated in the Transit Zone as it exists today. As elaborated above, Borough President Reynoso believes this geography is flawed; areas wrongly excluded from the Transit Zone in 2016 should not be

grandfathered into a different dwelling unit factor policy. Instead, dwelling unit factors should be eliminated within the boundaries of the Borough President's proposed Inner and Outer Transit Zones.

Small and shared units have an important role in the outer, lower-density parts of the borough. A recent survey by the Citizen's Housing and Planning Council (CHPC) found that the existing housing stock is not meeting residents needs in these districts: 19% of respondents reported dissatisfaction with the privacy of their living situation or the ability to live with who they please. Small and shared housing units would provide more options for seniors who want to downsize or young adults who may want to branch out and live on their own, but still want to be near family and friends in their neighborhood. This same survey found that 42% of residents in low-density neighborhoods live in multi-family buildings that can no longer be built. Allowing small and shared units in these areas could help fill this demand and allow more people to live closer to their existing social networks.

In addition to reducing and eliminating dwelling unit factors, Borough President Reynoso recommends that DCP include a maximum dwelling unit factor that would apply in Core Transit Zones. A maximum dwelling unit factor would protect multi-family buildings (e.g., brownstones) from being consolidated into single-family mansions.

Many census tracts in Brooklyn have *lost* housing units since 2014. Currently, it is easier for a property owner/developer to eliminate a residential unit than to eliminate a parking space required by zoning. In other words, parking is more protected by the current Zoning Resolution than housing. Removing parking minimums citywide, introducing parking maximums in additional core geographies, and introducing a maximum dwelling unit factor will de-privilege parking spaces over people.

Campus Infill (Approve with modifications)

Borough President Reynoso supports additional flexibility on large sites and campuses. The standards are appropriate to encourage good building spacing while allowing sites to take advantage of their existing allowed floor area. This is a critical improvement to facilitate faith-based redevelopment for community partners who are looking to build projects on underutilized parking lots.

The Borough President proposes removing publicly owned sites (including schools, hospitals, and NYCHA campuses) from the proposal. These sites would benefit from a greater public input process. Removing public lands from this proposal would not preclude future strategies for development on public land.

Flexibility within a large campus may be granted under Large Scale Developments. This current process is a more nuanced procedure designed to encourage good urban design and applicant flexibility with input from the City Planning Commission. By creating a one-size fits most strategy, there may be unintended consequences. In some cases, the new minimum distance may be appropriate, while it may be out of scale in others.

Miscellaneous Proposals

New Zoning Districts (Approve with modifications)

The Borough President is supportive of developing new zones that can better respond to new opportunities and conditions in the code. New zoning designations are helpful to lay out a vision, but can be difficult to discuss without the context of where they will be mapped. This runs the risk of limiting creativity and responsiveness to the reality on the ground.

While the proposal gives new standards to take advantage of a raising of the FAR cap, it does not exhaust the possibilities for expanding the range of missing middle housing types. One key example is the provision of multiplexes, courtyard housing, and attached housing that would add much needed unit and tenure diversity to lower-density areas of the city. The Borough President recommends updating zoning standards on larger lots or corner lots within R1-R3 zones to allow these needed forms of missing middle

housing that are compatible with established neighborhoods. A threshold of lots above 10,000 sq ft could help introduce or reintroduce these building forms into one- and two-family neighborhoods. The diagram below, from Opticos Design, Inc., demonstrates a more complete range of missing middle housing types.



This is consistent with Comprehensive Plan Recommendation 2.2.5, to develop more “missing middle” housing such as three- and four-family homes.

Updates to MIH (Approve)

The Borough President commends the proposal to allow the deeper affordability option as a standalone option.

Sliver Law (Approve)

The Borough President supports activating narrow lots in R7-R10 districts by allowing them to achieve underlying Quality Housing heights.

Quality Housing Amenity Changes (Approve)

The Borough President supports the changes to the Quality Housing amenity incentives. This is one of the few areas within the proposal that advances the production of family-sized units and responds to strategies to provide additional amenities for tenants and the successful operation of larger buildings.

Landmark Transferable Development Rights (Approve with modifications)

The Borough President supports the proposal to allow for a larger set of receiving sites for unused development rights for landmarked buildings. The proposed geography should be extended further to include all parcels on adjacent blocks rather than just those parcels facing the surrounding streets. This would provide further support to landmarks in areas with limited infill opportunities.

Railroad Right-of-Way (Approve)

The Borough President supports changes to facilitate development on these sites.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following modifications and conditions:

Modifications: The following tables outline the Borough President’s proposed modifications to the citywide text amendment as described above by their desired outcomes as they relate to each proposal.

Table 3. Increase Supply of Housing through Good Urban Design

A little bit of housing in every neighborhood does not move the needle substantially. More is needed to increase housing production. This can be accomplished through concentrating additional growth around transit and incorporating more missing middle housing that is compatible with neighborhood character.

Proposal	DCP Proposal	Modification/Amendment
<i>Town Center Zoning</i>	R5 equivalent residential above commercial within Greater Transit Zone, ~R4 equivalent residential above commercial elsewhere.	Permit R6 equivalency through an expanded Inner Transit Zone, R5 equivalent in an expanded Outer Transit Zone, ~R4 equivalent elsewhere.
<i>Transit-Oriented Development</i>	3-5 stories in low-density residential districts within the Greater Transit Zone.	Permit 5-6 stories in low-density residential in the Inner Transit Zone. Permit 3-5 stories in low-density residential in an expanded Outer Transit Zone.
<i>New Zoning Districts</i>	New zoning districts provide framework for new zoning allowed by lifting residential FAR cap. These zones still need to be mapped in a separate land use and environmental review.	Consider developing additional zoning designations in the low- to moderate-density category to facilitate more missing middle housing, including courtyard apartments and multiplexes.
<i>Small and Shared Housing</i>	Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.	Eliminate the dwelling unit factor within expanded Inner Transit Zone. Reduce and simplify dwelling unit factor outside of the Inner Transit Zone. Introduce maximum dwelling unit factor within the Core Transit Zones.
<i>Campus Infill</i>	Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).	Remove public land (NYCHA, schools, hospitals, etc.) from Campus Infill proposal.
<i>Landmark Transfer of Development Rights</i>	Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure.	Increase receiving sites to include all tax lots on adjacent blocks.

Table 4. Decrease Construction Cost and Increase Affordability

There is an implicit understanding that reducing the cost of construction will facilitate additional development for projects that are currently too costly to build. While reduced development costs do not guarantee reduced rents, additional development across the city brings a cooling effect to the overall housing market.

While increasing supply is critical to addressing the housing crisis, this proposal should maximize all opportunities to introduce additional affordability, namely through encouraging deeper affordability and expanding the UAP area.

Proposal	DCP Proposal	Modification/Amendment
Universal Affordability Preference (UAP)	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.	Expand UAP to R5 zones with additional FAR to facilitate affordable units. Extend a grace period to projects currently within the Voluntary Inclusionary Housing (VIH) program. Exclude parcels adjacent to Brooklyn Botanic Garden from UAP.
<i>Update to MIH</i>	Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own.	Lower the AMI of qualifying units from 100% AMI to 80% AMI, while retaining the income averaging to 60% AMI.
<i>Lift Costly Parking Mandates</i>	Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location	Introduce new parking maximums in Core Transit Zones. Create a new “flexible parking” designation to allow excess parking to be greater utilized within communities. Unbundle the costs of parking from tenant rent and leases.

Conditions: The following items of discussion refer to ideas and policy proposals that fall outside of the scope of the City of Yes proposal but are nonetheless compatible to help address community concerns and the shortcomings of zoning alone.

Support is provided on the requirement of the City to **affirmatively further fair housing**. Any removal or substantial alteration to the suite of proposals, especially within the Low-Density proposals, would unduly call on areas of the City which are already significantly contributing to housing production. The City Council can demonstrate further leadership by ensuring that policies, incentives, and procedures are aligned to contribute to more housing choice and access to opportunity by leveraging:

- [Local Law 167 of 2023](#): Speaker Adams’ Fair Housing legislation will require City agencies to conduct a fair housing assessment and plan every five years beginning in October 2025. This newly required plan will assess the underlying housing need, evaluate housing production, and establish housing production targets consistent with the requirements under the federal Fair Housing Act. This assessment and goal setting will assist New York in establishing a locational strategy to better align with housing needs. HPD’s [Where We Live](#) outlines the following as contributing factors to the City’s fair housing challenges:
 - “Siting and type of affordable and accessible housing in NYC and the region”
 - “Community opposition to housing and infrastructure investments that accommodate growth in NYC and the region”

The fair housing planning required by Local Law 167 must address and overcome these factors to deliver a growth strategy that creates more choices for tenants and home buyers.

- [Intro 0078-2024](#): Councilmember Restler’s Public Land for Public Good bill would require that when the City disposes of land, it will prioritize not-for-profit developers and community land

trusts. These developers have been able to consistently deliver deeper affordability and more social services that meet the needs of low- to moderate-income New Yorkers.

- Increased enforcement for the Certification of No Tenant Harassment and the Fair Housing Act, including increased budget for the City Commission on Human Rights.

The Borough President reaffirms that **City of Yes is only a chapter in a larger book**. Increasing housing supply is critical to addressing the city's housing crisis, but more also must be done to increase tenant choices and protections, as well as the preservation and production of affordable housing. Such strategies include:

- Passing needed legislation to reduce barriers for tenants and homeowners to access housing. More action is needed to make sure that it is both easier to build and easier to rent or buy.
 - [Intro 0360-2024](#): Councilmember Ossé's FARE Act Bill is a commonsense bill that reduces barriers to New Yorkers who could otherwise afford housing.
 - [Intro 0407-2024](#): Public Advocate Williams' Co-op Disclosure Bill brings new transparency to purchasing to help discourage discrimination and allow new homeowners to have an even playing field.

The Borough President asserts **that character is insufficient on its own to prevent additional housing capacity**. We cannot have a scenario that allows our communities to physically look the same while ignoring the displacement of communities who have long called them home. We need strategies that are complementary, not restrictive. Such strategies include:

- Designating more individual landmarks in Brooklyn. There are significant structures that do not benefit from the protections and financing available through designation. Community beloved buildings, like the Dangler Mansion at 441 Willoughby Avenue in Bedford Stuyvesant, are good examples of history that could have been preserved while allowing for greater transfer of development rights.
- While City of Yes brings greater flexibility to transfer landmark development rights, there is not an equivalent mechanism for increasing housing production and flexibility within established Historic Districts.

The Borough President celebrates the elimination of parking requirements as a critical strategy to reduce the cost of construction. Additional tools are needed to **develop a more comprehensive and coordinated system for parking demand management** to help communities transition from a scenario where parking is free and scarce to priced and available. We must find solutions that continue to create access for those who rely on automobiles while balancing our ability to prioritize other activities within the public realm, increase access to the places people need to get to, and allow more people to be able to afford to live closer to where they work.



July 8, 2024

BROOKLYN BOROUGH PRESIDENT

DATE



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 35	# Against: 2	# Abstaining: 4	Total members appointed to the board: 50
Date of Vote: 7/23/2024 12:00 AM		Vote Location: 1 Centre Street, 19th Floor	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/13/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	1 Centre Street, Room 2202 - North

CONSIDERATION: See attached

Recommendation submitted by	MN CB1	Date: 8/5/2024 4:45 PM
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COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: July 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	2 Opposed	4 Abstained	0 Recused

RE: City of Yes for Housing Opportunity (COYHO) Zoning Text Amendment

WHEREAS: As part of New York City Mayor Eric Adams’s “City of Yes” initiative, the New York City Department of City Planning (DCP) has proposed a series of changes to the Zoning Resolution (ZR) three broad zoning categories: (1) carbon neutrality, (2) economic opportunity, and (3) housing opportunity; and

WHEREAS: DCP previously proposed a citywide zoning text amendment aimed at zoning for carbon neutrality by implementing numerous changes to the ZR “to remove impediments to, and expand opportunities for, decarbonization projects” throughout New York City. As part of the review by all 59 of the City’s Community Districts under the Uniform Land Use Review Procedure (ULURP), on June 27, 2023, Manhattan Community Board 1 (CB1) passed a resolution approving, with certain specified conditions, the Carbon Neutrality Zoning Text Amendment; and

WHEREAS: DCP also previously proposed a citywide zoning text amendment, described as a “comprehensive overhaul of zoning regulations” to “primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts,” with 18 specific proposals to meet four broad goals of spurring economic opportunities. As part of the review by all 59 of the City’s Community Districts under ULURP, on January 23, 2024, CB1 adopted a resolution with varying recommendations as to each of the 18 proposals contained in the Zoning for Economic Opportunity Text Amendment; and

WHEREAS: As the lead City agency and applicant, DCP now proposes a citywide zoning text amendment “[t]o create more housing and more types of housing” through a series of specific changes to the Zoning Resolution (ZR) which fall into four broad areas: (1) Low-Density Districts, (2) Medium- and High-Density Districts, (3) Parking, and (4) Other Initiatives; and

WHEREAS: As of the application’s certification to community boards, the annotated text of the COYHO amendments consists of 1,386 pages. The entire application and zoning text language are available on the DCP’s Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023Y0427>; and

WHEREAS: The application contains at least 15 specific proposals, organized among the four broad zoning categories noted above. The applicant has solicited Community Boards' feedback through a "Proposed Feedback Worksheet," which organizes the 15 specific proposals among four categories ("Low-Density," "Medium and High Density," "Citywide," and "Miscellaneous"), described more specifically in the Zoning Text Amendment Project Description. Following the "Proposed Feedback Worksheet," the June 20, 2024 memorandum from CB1 land use consultant George Janes describes each of these proposals as follows:¹

A. Low-Density Proposals

1. ***Town Center Zoning***: This portion of the text amendment, according to the Janes memo, "would allow housing above businesses on commercial streets in low density zoning districts. Newly constructed buildings can have 2-4 stories of residential above a commercial ground floor. This change requires increases in the underlying FAR in R1 through R5 districts with commercial overlays. Along with the increased FAR, this proposal includes changes to height, yards, open space, court requirements, lot size and other measures. Further, the change would permit any low density districts with a commercial overlay on a block that is within ½ mile of a transit station to use the building envelope and FAR for R5 districts. This would include the relatively low density districts in Staten Island that are near the Staten Island Railroad."
2. ***Transit-Oriented Development (TOD)***: This proposal, according to the application's Project Description, makes a number of changes within the so-called Inner and Greater Transit-Oriented Development Areas, specifically "enable[ing] transit-oriented missing middle housing on large sites within the Greater Transit-Oriented Development Area—that is, the Manhattan Core and Long Island City, the Inner Transit-Oriented Development Area, and a newly created Outer Transit-Oriented Development Area that will generally encompass all areas within a half-mile of a transit stop. These initiatives add housing in parts of the city that have produced very little in recent decades, but also encourage housing options for older, smaller, or lower-income households that face particular challenges finding appropriate housing in low-density areas."

¹ Throughout CB1's review of this and the other City of Yes citywide zoning text amendment applications, George Janes of George M. Janes & Associates, a land use consultant retained by CB1, provided invaluable research and technical expertise to CB1's Land Use, Zoning and Economic Development (LZE) Committee. Mr. Janes spent many hours working the Committee, attending the Committee's meetings on the application, where he explained critical impacts of the application throughout CD1, and otherwise helping CB1 leadership and Committee members through their varied questions. Mr. Janes ultimately authored memoranda that synthesized for Committee members the specifics of each category and the specific proposals within each, which guided the Committee's discussion and debate that culminated in this resolution. CB1 publicly thanks Mr. Janes for his help to CB1 in reviewing this application.

According to the Janes memo, “In all low density districts near transit, COYHO will permit 3-5 story apartment buildings on lots that are at least 5,000 SF. This change applies even in districts where multiple dwellings are currently not permitted. To accommodate the change, additional FAR is allowed to approximately double and some of the higher density districts see height increases.”

3. ***Accessory Dwelling Units:*** According to the Janes memo, “COYHO defines a new type of residence called an ‘accessory dwelling unit’ or ‘ADU’ with a maximum size of 800 square feet. ADUs would be placed in rear yards behind one and two family homes as a new permitted obstruction in the rear yard. They would need to be located no closer than five feet to a yard line and can be up to 25 feet tall. They can also be placed in attics and possibly in some basements, if the basements can be legally habitable. This is a low density proposal that does impact Manhattan. In Manhattan, townhouses that have a side yard or alley access could add an ADU in the rear yard. Further, this change reduces the standard residential rear yard from 30 feet to 20 feet. It also adds to the permitted obstructions in the rear yard so this change is significant to all Manhattan districts.”
4. ***District Fixes:*** According to the Janes memo, “‘District Fixes’ is short-hand for a series of changes to lot size, lot width, FAR, height and setback for all low density districts. The idea is that some lots can be smaller and some buildings can be bigger. These changes are not as large as those seen in the Town Center Zoning and Transit Oriented Development proposals, but together with these other changes, ‘District Fixes’ increase the allowable densities in nearly all the low density districts. The only variable is how much the increase is.”

B. Medium- and High-Density Proposals

5. ***Universal Affordability Preference (UAP):*** According to the Janes memo, “UAP replaces the Bloomberg-era Inclusionary Housing (IH) program and the older optional R10 inclusionary housing bonus. UAP provides typically 20% additional floor area in R6-R12 districts. The extra floor area must be used for affordable housing with units that average to 60% of the AMI. UAP would apply everywhere EXCEPT Mandatory Inclusionary Housing (MIH) areas. MIH areas would still require affordable housing at the AMIs required when they were mapped. COYHO makes small adjustments to permitted FARs under MIH so that MIH and UAP FARs match UAP is optional but the affordability it provides is permanent and must be recorded on the deed. UAP requires that all the additional floor area must go toward affordable housing. Existing Inclusionary Housing areas can provide affordable housing off-site, but the off-site option will sunset in 10 years. While the program is optional, if developers use the new 485x tax incentive, they are also likely to use UAP, as the affordable floor area provided can be used to qualify for both UAP and 485x. The additional FAR and

the height increase is similar to the existing Affordable Independent Residences for Seniors (AIRS) program, after which UAP is modeled. UAP is the only affordability component of COYHO.”

C. Citywide

6. ***Eliminate Parking Requirements:*** According to the Janes memo, “Outside the Manhattan Core (Districts 1-8), zoning requires on-site accessory parking spaces to be provided for most residential developments. The number of spaces required varies considerably by zoning district and the presence or absence of affordable housing, but some kind of parking requirement applies to most places outside the Manhattan Core. COYHO removes this requirement and makes the provision of on-site parking optional: if a developer wants to provide parking, they can. The current floor area exemptions still apply to parking that’s provided, but if the developer doesn’t want to provide parking, or provide as much parking as required by current zoning, they don’t have to. COYHO makes the provision of on-site parking a decision that is entirely left to the developer. **This proposal does not directly impact CDs 1 through 8, which do not have any parking requirements.**” (emphasis added).
7. ***Convert Non-Residential Buildings to Housing:*** This proposal, according to the Janes memo, would “change the adaptive use regulations by expanding where and how they apply. It does this in three ways. First, it expands geographic eligibility to the entire City. Second, it expands the buildings that can be converted to those built as recently as 1990 (eligibility is currently limited to 1961 in most places). Third, it expands the types of units that can occupy these buildings, such as dormitories, shared and supportive housing, as well as apartments. Currently, only ‘class A’ apartments are allowed in these conversions.”
8. ***Small and Shared Housing:*** This proposal, according to the Janes memo, would “remove the ‘dwelling unit factor’ [referred to as the ‘DUF’ in the application’s documents] in Manhattan and other high density areas and reduce it elsewhere in the city. The [DUF] is a zoning measure that ensures buildings cannot be built solely with tiny units. The factor that is currently used is 680 SF. It was higher in most Manhattan districts, but then lowered to 680 SF in 2016 as a part of Zoning for Quality and Affordability. ... If this change is adopted, minimum unit sizes would be determined by the Housing Maintenance Code and the Building Code. When the minimum requirements in those codes are combined, DCP has reported in the past that the smallest practical average unit size would be about 325 SF.”
9. ***Campus Infill:*** According to the application’s Project Description, this proposal “seeks to eliminate zoning obstacles that make infill housing development difficult or impossible on campuses and other zoning lots with existing buildings but significant amounts of unused floor area and un- or underutilized open space. To provide more opportunities for infill development, the Proposed Action would

(1) replace complex infill ‘mixing rules’ ... and restrictive open space and height regulations with a simpler regime based on FAR, infill height limits, and lot coverage maximums and (2) reduce distance-between-buildings requirements to harmonize zoning regulations with the state standards in the Multiple Dwelling Law. The Proposed Action seeks to facilitate appropriate infill development to provide additional opportunities for housing and where possible enhance the connectivity of campuses and other height factor zoning lots into surrounding context.”

And according to the Janes memo, “In Manhattan, campuses are typically housing developments and most are owned by NYCHA, but there are other significant campus developments like Stuyvesant Town, Southbridge Towers, Washington Square Village, and Franklin Plaza among others. ... COYHO changes are very significant and will make infilling the open spaces on these estates much easier. It simply makes the height factor regulations optional and allows new infill development on the campuses to use a different set of much simpler zoning regulations. COYHO removes the requirement for ‘residential open space’ entirely. ... Infill can be entirely market-rate: affordability is not required to receive zoning relief, but if it meets minimum affordability requirements, the entire campus benefits from beneficial FARs. Consequently, R7-2 zoning districts that max out at 3.44 FAR, and are often much less, can go to 5.01 FAR regardless of the amount of open space or the height factor.”

D. Miscellaneous

10. ***New Zoning Districts***: This proposal, according to the Janes memo, “includes new zoning districts, which will be added to the Zoning Resolution, but will not yet be placed on the zoning map. Any attempt to add them to the zoning map will be a ULURP action, which will require the application to follow the land use process.”
11. ***Updates to Mandatory Inclusionary Housing (MIH)***: This proposal, according to the Janes memo, “creates new ZR sections for Mandatory Inclusionary Housing with many of the changes designed to integrate UAP and MIH into definitions and other applicable regulations. To keep MIH consistent with UAP FARs, the proposal grants zoning districts in MIH areas higher UAP FARs, while allowing the MIH AMI requirements and set-asides to be applied for the options that were mapped in the MIH area. The proposal also allows the current Deep Affordability Option, Option 3, to be selected on its own for MIH developments. Currently, Option 3 must be used in combination with Options 1 or 2. The result is that there will be small increases in the maximum FAR of MIH areas that have the following zoning districts: R6A goes from 3.6 FAR to 3.9 FAR[;] R7-2 goes from 4.6 FAR to 5.01 FAR[; and] R7X goes from 5.0 FAR to 6.0 FAR[.] The FARs of other MIH districts remain unchanged.”

12. ***Sliver Law***: This proposal, according to the Janes memo, “would allow the underlying zoning to regulate the height of nearly all buildings. The sliver law was put into effect in the early 1980s to prevent tall, slender buildings that were taller than the buildings they abut. The rationalization at the time was that these buildings are out of character when they stick up above the neighboring buildings. To be clear, the sliver law limit is on top of the existing height limits of the underlying district. For example, if a building is in a district with a 75-foot height limit and is on a 60-foot street, and it is less than 45 feet wide, then it has a 60-foot height limit if it is not adjacent to a taller building; it cannot achieve the 75-foot height limit granted by its underlying zoning.”

13. ***Quality Housing Amenity Changes***: This proposal, according to the Janes memo, “effectively ends the Quality Housing Program as we’ve known it. The Quality Housing Program (QH) was adopted in the mid-1980s and it required a high coverage, height limited building and various program elements like recreation spaces, trash rooms and laundry rooms to be included in the building. QH exempted all or portions of these required spaces from the definition of floor area, so that developers could build a larger, though still height limited, building than they could if QH was not used. Also called ‘contextual zoning,’ the Quality Housing Program has been considered a great success, accounting for nearly all the rezonings that occurred after it was first developed. The QH program gave something to everyone: Developers got to build a larger building, tenants got a building with more amenity spaces, and neighbors got a predictable, height limited building form. COYHO expands Quality Housing benefits to all multi-family buildings, including unlimited height towers. It still requires recreation spaces up to 3% of a building’s gross floor area, but allows other amenities to increase the space being exempted to 5%. COYHO also provides an exemption for common corridors of either 50% or 100%, depending on conditions similar to the current program. Instead of a flat 12 SF per trash room, COYHO would allow a 3 SF deduction per unit for the trash room.”

14. ***Landmark Transferable Development Rights (LTDR)***: According to the application’s Project Description, this action would “loosen restrictions on the ability of designated landmarks to transfer unused development rights to zoning lots in the immediate vicinity. ... [It] would expand the program to historic districts and lower density areas and extend existing transfer opportunities to other zoning lots on the same zoning block as the landmark zoning lot or across the street or an intersection from that block. Furthermore, transfers would be permitted by authorization for transfers that require limited bulk modifications on receiving sites, or certifications for transfers that do not require bulk modifications.”

As described in the Janes memo, the proposed expansion of the existing Landmarks TDR program “allows development rights transfers to a surrounding area, defined as zoning lots where the landmark is located and zoning lots across a street or street intersection. The amount of floor area that can be transferred can

increase the size of the receiving site by no more than 20%, except in 15 FAR districts where there is no limit on the amount of floor area that can be transferred this way.”

15. ***Railroad Right-of-Way:*** This proposal, according to the Janes memo, “reduces or eliminates the required approvals for developments that are building over or in a current or former railroad right-of-way, or using floor area generated by the right-of-way. The Special Permit for Development Within or Over a Railroad or Transit Right-of-Way or Yard (ZR 74-61) would be eliminated and would be replaced with two authorizations: one for railroad rights-of-way under four acres and one over four acres.”

WHEREAS: Mr. Janes’s and the LZE Committee’s review identified several additional topics where changes are proposed to the ZR, including new residential building standards, new “tower on base” building envelope provisions, bulk modifications for non-complying buildings, and amendments relating to floor area ratio (FAR) from low-FAR to high-FAR districts, most of which does not impact Community District 1 (CD1). While questions and concerns in these areas were raised with the applicant—specifically including discussion of rear and side yards and amendments to the required space for legal windows—the Committee has expressed its concerns but offers no formal feedback on those issues at this time; and

WHEREAS: The application was certified by the NYC City Planning Commission (CPC) on April 29, 2024 and referred to all 59 community boards for a 60-day review period. While the deadline for Community Boards’ review originally set to expire on July 8, 2024 by ULURP rules under the original certification, in order to afford Community Boards additional review time, the applicant and CPC subsequently agreed to accept all Community Board recommendations up to the time of CPC’s hearing on the application, expected to be scheduled in September 2024; and

WHEREAS: The LZE Committee of Manhattan Community Board 1 (CB1) began formal review of the COYHO application at the LZE Committee’s May 13, 2024 meeting. Officials with DCP attended the May 2024 meeting and provided an extensive presentation of the application’s 15 proposals, including maps of proposals’ applicability throughout CD1. The LZE Committee tracked many of its questions and responses to the COYHO application in a written document following the May meeting; and

WHEREAS: CB1 held a public hearing on the COYHO application on May 28, 2024; and

WHEREAS: The LZE Committee continued review of the application at its June 10, 2024 meeting, where members posed additional questions around the UAP and residential conversions proposals, advocated for additional affordable housing opportunities in the proposal (including for deeply and permanent affordable housing for a range of incomes), and more. Officials with DCP attended the June

2024 meeting and provided feedback on the Committee’s written and in-person questions, specifically tailored to the application’s potential impacts throughout CD1; and

WHEREAS: Officials with DCP appeared again for the Committee’s final review at its July 8, 2024 meeting, and DCP officials engaged in discussion with LZE Committee members during their questions and debate on all 15 proposals; and

WHEREAS: Upon further discussion and debate at the July 2024 meeting, the LZE Committee considered and voted separately on each of the COYHO application’s 15 proposals, including discussions and votes on requesting various modifications. Though LZE Committee members voted to “approve,” “disapprove,” or “approve / disapprove with conditions or modifications” as to each proposal—and thus the Committee’s vote count varied on each proposal—the LZE Committee came to a consensus on a single resolution expressing the recommendations as to each separate proposal as set forth below; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 makes the following recommendations as to the COYHO Zoning Text Amendment application:

General Comments and Conditions Applicable to All Parts COYHO: CB1 expressly conditions its recommendations on the COYHO text amendment application on the following comments and requested modifications. While CB1 sees merit in a number of the various proposals, albeit most with conditions, CB1 **must vote no** on the overall COYHO Zoning Text Amendment **unless** the following critical issues are satisfactorily addressed in the final proposal:

- CB1 does not accept the premise that any material amount of affordable housing will be developed in our district without the incorporation of a meaningful mandated affordable housing component. The voluntary Universal Affordability Preference program, we believe, is wholly inadequate in our high density, high demand, high home-ownership district, to generate sufficient affordable housing. COYHO must incorporate into all zoning changes as part of this proposal **mandates** for the inclusion of affordable housing units;
- Our district has an extraordinary commercial infrastructure that is ripe for conversion to residential. We have already seen substantial conversions take place with no affordable housing component. We cannot afford to lose more commercial conversion opportunities in our district. Commercial to residential conversions must have a mandatory affordable housing component;

- As noted below, any public housing campus infill must be 100% affordable;
- The overarching objective of COYHO is to produce “a little more housing in every neighborhood,” yet the proposal is separated into density levels – low and medium-high – with no assurance that proposals across all neighborhood densities will be approved. CB1 believes COYHO as approved must incorporate sufficient zoning provisions across all density districts such that the objective of producing housing across all neighborhoods be achieved;
- CB1 further asks that, with this application and any future changes to the ZR or other changes to increase housing supply, there be requirements for analyses (beyond current environmental impact statement components) on how the proposed changes will impact infrastructure and the delivery of public services, such as public transportation availability, public school seats, open and park space availability, *etc.*;
- Also with this application and any future changes to the ZR or other changes to increase housing supply, CB1 further requests that the City and other relevant governmental bodies commit specific corresponding capital investment monies to provide needed investments in resources and infrastructure to support the additional residential housing envisioned in each of the City’s Community Districts; and
- As to each of the 15 specific proposals of the COYHO Zoning Text Amendment, CB1 makes the following recommendations:

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
1	Town Center Zoning	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
2	Transit-Oriented Development (TOD)	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
3	Accessory Dwelling Units	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This should be modified to add that it would apply only in R-1 to R-5 low-density districts. ● This should be modified to consider allowance for attics and basements, but not to allow for the reduction of backyards and side yards for ADU.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
4	District Fixes	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
5	Universal Affordability Preference (UAP)	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Create a fourth-tier option, increasing the affordability band to 130% of AMI. ● Raise the average AMI to 70%. ● The UAP Offsite Option’s sunsetting provisions should be amended to 5 years instead of 10 years with an appropriate City permit.
6	Eliminate Parking Requirements	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
7	Convert Non-Residential Buildings to Housing	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● All conversions under this proposal should mandate the inclusion of affordable housing units. ● For all buildings newly allowed to convert under this proposal, rather than allow an entire building to convert to residential use, require that any residential floor area above the residential FAR maximum of the site be affordable subject to requirements under UAP. ● Require that any buildings converted under this proposal must maintain all existing (1) means of trash compaction and indoor, fully off-sidewalk storage and collection; and (2) methods for off-street deliveries and off-street move-ins/outs. ● Require a special permit process for the conversion of hospitals, medical centers, nursing homes, and education and religious spaces, to the extent not already required by ULURP. ● Amend the provision, as described in the application’s Project Description, which would “[c]hange the cutoff date for conversion from 1961 or 1977 to 1990,” such that the cutoff date is set on a rolling basis for buildings built more than 35 years earlier, instead of the fixed date of 1990.
8	Small and Shared Housing	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
9	Campus Infill	Disapprove (With Modifications)	<ul style="list-style-type: none"> Any application for a campus in-fill should require a special permit process. Any campus in-fill should be required to be 100% affordable housing.
10	New Zoning Districts	Disapprove (With Conditions)	<ul style="list-style-type: none"> Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
11	Updates to Mandatory Inclusionary Housing (MIH)	Disapprove (With Modifications)	<ul style="list-style-type: none"> For each MIH option, deepen AMI averages, increase the percentage of affordable units per development, require a greater percentage of deeply affordable units per development, and increase the number of allowed income bands to ensure a range of lower incomes are evenly targeted.
12	Sliver Law	Disapprove (With Modifications)	<ul style="list-style-type: none"> Relief from the “Sliver Law” should be granted as an incentive to provide affordable housing units instead of being provided to all developments.
13	Quality Housing Amenity Changes	Disapprove (With Modifications)	<ul style="list-style-type: none"> Mandate the inclusion of building infrastructure like package/mail rooms, trash compactor space, and trash storage rooms, as opposed to offering a non-exclusive list of amenities as an incentive for up to 5% deduction.
14	Landmark Transfer Development Rights (LTDR)	Disapprove (With Modifications)	<ul style="list-style-type: none"> Include a 60-day comment period for Community Board recommendations on any transfer. Apply the 20% limitation of LTDR transfers in all zoning districts, as opposed to unlimited transfers in 15 FAR districts.
15	Railroad Right-of-Way	CB1 takes no position on this proposal	



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 27	# Against: 12	# Abstaining: 1	Total members appointed to the board: 0
Date of Vote: 7/18/2024 12:00 AM		Vote Location: St Anthony of Padua Church, Lower Hall, 155 Sullivan Street, New York, NY 10012	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/8/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	3 Washington Square Village Ste 1A New York NY 10012 and via Zoom Videoconference

CONSIDERATION: Please see the full text of the Community Board 2 / Manhattan Resolution adopted July 18, 2024, for the full details of CB2/M's position, and the conditions and recommendations relating to this important proposal.

Respectfully submitted.

Recommendation submitted by	MN CB2	Date: 7/19/2024 4:19 PM
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Susan Kent, *Chair*
Valerie De La Rosa, *First Vice Chair*
Eugene Yoo, *Second Vice Chair*



Antony Wong, *Treasurer*
Emma Smith, *Secretary*
Mark Diller, *District Manager*
Brian Pape, *Assistant Secretary*

Community Board No. 2, Manhattan

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July 19, 2024

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

Hon. Chair Garodnick:

At its Full Board meeting on July 18, 2024, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

The **City of Yes for Housing Opportunity** (COYHO) is a complex citywide zoning reform proposal from the Department of City Planning (DCP) covering many aspects of zoning with the stated goal of building a little more housing in every neighborhood. This approach, while worthy in its goal, fails to address in CB2M many of the failures and shortcomings of past rezonings as they related to the production of housing. CB2M believes that any zoning reforms specifically applicable within CB2M **must**: a) incentivize the production of housing over commercial and office development and b) include within any new housing production a significantly stronger mandate for required affordable housing.

Whereas:

1. CB2M has a history of strongly advocating for affordable housing (AH) in our district, but we have consistently lost to private developers in negotiations for the inclusion of voluntary new AH or inclusion of AH as of right in the Hudson Square district, as well as losing a huge amount of rent regulated units across the district prior to passage of the Housing Stability and Tenant Protection Act of 2019 through various decontrol loopholes. CB2M also has faced a steady loss of housing units due to conversions of multi-unit buildings to single-family homes.
2. While CB2M understands the need for more housing, we urge the proposal to be much bolder to incentivize affordable housing as a **mandatory** part of the entire COYHO. This could create a real incentive, where if developers of market rate housing want to move forward, they will need to incorporate affordable housing in their projects.
3. CB2M acknowledges the great need for housing in general. The COYHO plan addresses this city wide, but only in the area of market rate housing.

4. The only component of COYHO that touches on affordable housing relies on voluntary programs, which CB2M has seen rarely generates the number of projected units and does nothing to address the imbalance of commercial to residential in our district.
5. Key to our thinking on this issue is the 2013 Hudson Square rezoning, which was projected to create 3,300+ units of housing and included what the City considered generous incentives for building affordable housing. Since then, only nine new residential properties have been or are currently in the process of being built, culminating in adding only 1,618 new residential units to the neighborhood, 18% of which are affordable. Meanwhile, commercial projects such as the Google and Disney campuses have been built on sites projected for housing development.
6. COYHO will impact each community, neighborhood and community board differently across our diverse city of 8.33 million. CB2M believes that each of the communities specifically impacted by the many components of COYHO should have a louder and more decisive voice on those specific issues. Many of those proposals that do not directly impact CB2, such as town center zoning, elimination of parking mandates, transit-oriented development, district fixes and railroad right-of-way may include positive elements within them, but CB2M believes that the voices of communities that are directly impacted by those elements of COYHO should be considered first in determining how to best incorporate those elements within their own communities and still achieve the citywide goals of COYHO.

Whereas proposals for COYHO include:

1. **Universal Affordability Preference and Updates to Mandatory Inclusionary Housing.** Universal Affordability Preference (UAP) is a program that replaces Voluntary Inclusionary Housing (VIH). It is designed to give additional floor area, typically 20% or more, in exchange for affordable housing with an average of 60% AMI. The updates to Mandatory Inclusionary Housing (MIH) are zoning text changes that would allow for Option 3 (“deep affordability”) to be selected on its own within Manhattan.
2. **Convert Non-Residential Buildings to Housing.** This proposal is designed to expand adaptive reuse regulations, allowing them in more geographical areas and with a larger subset of eligible buildings. The entire City would now be eligible, and buildings that were built up to 1990 would be eligible (previously, buildings were eligible if they were built in 1961 or before).
3. **Accessory Dwelling Units.** Accessory dwelling units (ADUs) are defined as a new type of residence structure that is at most 800 square feet and can be situated in the rear yard of a single- or two-family dwelling.
4. **Campus Infill.** This proposal changes how campuses can be developed, where a campus is defined as a housing development such as NYCHA, but the definition also includes other campus developments such as Washington Square Village in CB2M. These rules change how new development can occur in these campuses, moving away from “height factor zoning” which preserves the open space on these campuses and simplifies the zoning rules, removing the requirement for “open space” entirely. These infills can also be market-rate.
5. **Small and Shared Housing.** This proposal removes the “dwelling unit factor” in Manhattan, which is a method of ensuring that buildings are not built solely with small units. The reason for removing the dwelling unit factor is to allow for a greater variety of housing types, including single-room occupancy (SRO housing with shared kitchens and common facilities, and micro apartments.
6. **Landmark Transferable Development Rights.** This proposal would allow as-of-right transfers of development rights, commonly referred to as “air rights”, from individual landmarks across a greater geographic area.

7. **New zoning districts.** This is a technical change that adds four new zoning districts in the Zoning Resolution but does not add these to the zoning map.

Therefore be it resolved, Community Board 2 Manhattan is **opposed** to COYHO because it fails to address two long standing issues which stunt the production of housing and affordable housing across all income levels in CB2M, specifically the lack of incentivization of housing production over commercial and office development and the lack of inclusion of required affordable housing within new developments; and rejects COYHO **unless these issues are addressed and** the following changes are made:

1. **Update Mandatory Inclusionary Housing to reduce reliance on Universal Affordability Preference.**

CB2M is severely disappointed that COYHO places too much reliance on the UAP, instead of making substantive improvements to the mandatory affordable housing program. Notably, UAP is the **only** affordability component of COYHO. Overall, this represents a missed opportunity to create more affordable housing, and CB2M supports updating MIH through a text amendment that for each MIH option would: a) deepen AMI averages; b) increase the percentage of affordable units per development; c) require a greater percentage of deeply affordable units per development; and d) increase the number of allowed income bands to ensure a range of lower incomes are evenly targeted. UAP formalizes a policy that makes affordable housing optional and moves the City away from a framework of mandatory affordable housing. CB2M has also seen that, given a choice, developers have not chosen the voluntary program in the past, such as in the 2013 Hudson Square rezoning (see above).

2. **Convert Non-Residential Buildings to Housing.**

CB2M supports conversion of vacant offices and other non-residential buildings to housing but urges City Planning to further disincentivize developers to build offices instead of housing in CB2M to more fully realize the goals of COYHO. Historically, commercial buildings have typically been granted a larger FAR than a residential building in CB2M, so in a conversion scenario it is likely that the building being converted will have a larger FAR than if it had originally been built as a residential building. This is effectively a “bonus” for the developer. In keeping with the mindset that any bonus should be used for production of affordable housing, this proposal will be more effective and equitable in requiring that any difference between the total FAR of a converted office building and the maximum allowable FAR of a residential building in the same zoning be allocated towards affordable housing.

3. **Legalize Accessory Dwelling Units in R1 through R5 districts.**

CB2M contains a number of single- and two-family dwellings with rear yards, although the requirement for direct access to a street does limit the number of eligible lots.

There may exist configurations, similar to how carriage houses were incorporated into numerous Village townhouses, where an ADU may now be legalized within CB2M, although DCP categorizes this as “low density” proposal. In light of that possibility, it would be remiss to not include a provision for mandating affordable housing in these units.

4. **Revise Campus Infill to Protect Affordable Housing Residents.**

CB2M supports making it easier for campuses to add new buildings but insists that Mitchell-Lama and other public housing site campuses allow for use of Quality Housing regulations only through a new CPC special permit that requires 100 percent affordability on public sites, requires that public housing and large scale development sites meet certain findings related to impact on existing buildings and residences, and grants the City Council the opportunity to hear and vote on each application. This will protect existing affordable housing residents and preserve public review as these sites are expanded.

5. **Eliminate Dwelling Unit Factor for Small and Shared Housing.**

CB2M supports proposals that would bring a diversity of housing types to the district. The proposal to re-introduce housing with shared kitchens or other common facilities would do so by eliminating the dwelling unit factor, currently set at 680 square feet. However, there is a concern that eliminating the dwelling unit factor would allow developers to produce buildings of all-studio apartments, decreasing the diversity of apartment types. A better solution may be to lower the dwelling unit factor, not eliminate it, thereby allowing single-room occupancy style housing while also preventing all-studio developments. Reducing, but not eliminating, the dwelling unit factor would still allow for micro apartments, which have been very successful in other cities as an entry point for people having their own dwelling.

6. **Add Affordability Mandates when Expanding Radius of Transferable Development Rights for Individual Landmarks.**

CB2M contains 70+ individual landmarks and is home to fourteen historic districts, so this is of special concern to CB2.

Allowing individual landmarks to sell development rights across a wider transfer radius and simplifying the procedure would create a useful market for Development Rights, allowing owners of landmarked buildings to generate funds for upkeep and maintenance of their historic buildings. The proposal also does not mandate the inclusion of affordable housing, which CB2M feels is a missed opportunity.

Be it further resolved that:

7. CB2M opposes the use of CPC authorizations for new projects and zoning changes instead of existing CPC or BSA special permits, which involve a public hearing to ensure that the needs and voices of our community are heard and acted upon.
8. CB2M agrees that the Mandatory Inclusionary Housing program needs to be overhauled.
9. CB2M finds the move away from Quality Housing to be unfortunate. This move severely reduces light and air requirements, and we recommend reconstituting the reliance on the standards of Quality Housing.

Be it further resolved that CB2M supports:

10. **The creation of new zoning districts of:**

- R6D: a 3 FAR district (with 75-foot height limit)
- R11: a 12.5 FAR district (with 325-foot height limit, permits towers)
- R11A: a 12.5 FAR district (with 325-foot height limit)
- R12: a 15 FAR district (with 395-foot height limit, permits towers).

Be it further resolved that CB2M strongly supports measures that will increase both the affordable *and* the market rate housing supply.

Vote: Passed, 27 Board Members in favor.

12 in Opposition (S. Aaron, A. Diaz, C. Dignes, A. Fernandez, J. Kaye, R. Kessler, J. Liff, B. Listman, M. Metzger, E. Siegel, F. Sigel, E. Smith)

1 Abstain (R. Sanz)

We respectfully request that your agency take action consistent with the positions expressed in the above.

Sincerely,



Eugene Yoo, Co-Chair
Land Use and Housing Committee
Community Board #2, Manhattan



Katy Bordonaro, Co-Chair
Land Use and Housing Committee
Community Board #2, Manhattan



Susan Kent, Chair
Community Board #2, Manhattan

SK/fa

Hon. Mark Levine, Manhattan Borough President
Hon. Adrienne Adams, NYC Council Speaker
Hon. Christopher Marte, NYC Council, 1st District
Hon. Carlina Rivera, NYC Council, 2nd District
Hon. Erik Bottcher, NYC Council, 3rd District
Hon. Brian Kavanagh, NY State Senate, 27th District
Hon. Brad Hoylman-Sigal, NY State Senate, 47th District
Hon. Grace Lee, State Assembly, 65th District
Hon. Deborah J. Glick, NY State Assembly, 66th District
Chelsea Evans, CB2, Man. Urban Planner, City Planning Commission



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 29	# Against: 3	# Abstaining: 0	Total members appointed to the board: 32
Date of Vote: 7/23/2024 12:00 AM		Vote Location: Cooper Union	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	MN CB3	Date: 7/25/2024 12:54 PM
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TITLE: Community Board 3, Manhattan, supports City of Yes - Housing with a Favorable Recommendation with Modifications to increase incentives to create more affordable housing.

WHEREAS, NYC is experiencing an historic housing crisis, with apartment vacancy rates at its lowest since 1968 at 1.4%. More than half of New Yorkers spend much more than 30% of their income on rent, and sheltered homelessness has risen dramatically over the last 25 years.¹ NYC also builds far less housing than previously, and household sizes have diminished, causing a need for more homes; and

WHEREAS, the housing shortage has economic consequences, including \$2 billion in lost tax revenue, soaring rents, and forcing many prime-aged New Yorkers to leave.² The gap to solve this crisis would be the creation of affordable housing to offer a stable home for those left behind. However, the NYC has not produced enough affordable housing despite its programs and tax incentives; and

WHEREAS, NYC has always come together during a crisis. The City of Yes for Housing Opportunity Zoning Text Amendment proposal ("COYHO") offers a sweeping change to the zoning, allowing for additional housing throughout the five boroughs. Each area of the City will have an opportunity to add much needed housing and over time spur the creation of new housing units; and

WHEREAS, COYHO emerged directly from Where We Live NYC, the city's comprehensive fair housing report conducted from 2018 to 2020 in conjunction with over 150 community board and organizations and dozens of government agencies across the city.³ The report was very clear about the exclusionary policies (typically in wealthier and whiter areas) that created the housing shortage over a period of many decades, and outlined the real human consequences of the shortage – high rents, gentrification and displacement pressure in less wealthy and less white areas, segregation, overcrowding, and homelessness, among other ills; and

WHEREAS, Where We Live NYC lays out goals, strategies, and concrete action that we as a city can take to address the housing shortage and its consequences and "affirmatively further fair housing" in response to federal Fair Housing Act requirements and COYHO was developed based on all the major components that were laid out in this comprehensive fair housing report to bring the zoning changes necessary to move toward the goals expressed by the report's Fair Housing Framework⁴; and

¹ Office of the Comptroller, *Charting Homelessness in NYC*, <https://comptroller.nyc.gov/services/for-the-public/charting-homelessness-in-nyc/overview/#:~:text=Sheltered%20homelessness%20in%20New%20York,from%2022%2C955%20to%2062%2C679%20individuals>

² Citizens Budget Commission, *A Building Crisis*, <https://cbcny.org/building-crisis>

³ The City of New York, *Where We Live NYC*, <https://www.nyc.gov/assets/hpd/downloads/pdfs/wwl-plan.pdf>

⁴ The City of New York, *Where We Live NYC Explore the Goals*, <https://wherewelive.cityofnewyork.us/the-plan/explore-the-goals/>

WHEREAS, COYHO is a comprehensive proposal that together creates a balanced approach where all neighborhoods contribute to the city's housing crisis, and removing any sub-proposals would reinforce the residential segregation of the past; and

WHEREAS, COYHO was developed to work in tandem with New York State tax breaks that will incentivize the development of new affordable housing, such as a new tax incentive for multifamily rental construction, a tax incentive program to encourage office conversions to create more affordable units, and the ability to create a pilot program to legalize and make safe basement apartments and is expected to produce up to 108,850 new housing units in 15 years⁵; and

WHEREAS, Manhattan Community Board 3 ("CB 3") has repeatedly expressed its need for additional affordable housing to address the crises of inadequate housing supply, affordability, inequality, and homelessness in the district⁶; and

THEREFORE, BE IT RESOLVED, CB 3 hereby tenders its favorable with modifications recommendation on the COYHO proposal to the Department of City Planning; and

THEREFORE, BE IT FURTHER RESOLVED, CB 3 tenders the following further comments on the COYHO proposal to the Department of City Planning:

- 1) **Infill housing** – Community District 3 ("CD 3") has many campuses that would come under the auspices of the campus infill proposal, both subsidized such as NYCHA and Section 8 and market rate such as Seward Park Cooperative. CB 3 is concerned that this proposal may lead to non-subsidized housing being built on subsidized campuses and proposes that any development on NYCHA or other subsidized campuses must have at least MIH levels of affordability and that there must be adequate and meaningful subsidized campus resident engagement and input, and asks that the city explore options to do this including but not limited to: special permits; UAP; MIH; and/or 100% subsidization.
- 2) **Small and Shared Housing** – CB 3 supports relief from the dwelling unit factor for any buildings with at least 20% affordable units. Single-person households and couples without children account for 50% of all NYC households⁷ and 76% of households in CD 3⁸, showing that a variety of housing options is necessary to better accommodate shifting demographics across the city. In addition, the demise of single-room occupancy units within the city's housing stock actively contributes to the homelessness crisis.⁹
- 3) **Town Centered Zoning, Transit Oriented Development, Accessory Dwelling Units, District Fixes, Lift Costly Parking Mandates** – CB 3 supports these proposals as is because

⁵ Office of the Mayor, *Mayor Adams Kicks off Public Review of "City of Yes for Housing Opportunity" Proposal*, <https://www.nyc.gov/office-of-the-mayor/news/322-24/mayor-adams-kicks-off-public-review-city-yes-housing-opportunity-proposal#/0>

⁶ Community Board 3, *District Needs Statement for Fiscal Year 2024*, <https://www.nyc.gov/assets/manhattancb3/downloads/resources/FY25-CB3-District-Needs-Statement.pdf>

⁷ Citizen Housing & Planning Council, *Making Room*, <https://chpcny.org/publication/making-room-why-should-we-care/>

⁸ Department of City Planning, *NYC Planning Population FactFinder Community District 3*, <https://popfactfinder.planning.nyc.gov/explorer/selection/06e010c524ae0f3f69e736a0615e98d0d079707a?censusTopics=householdType%2ChousingOccupancy%2ChousingTenure%2ChouseholdSize>

⁹ The City University of New York Law Review, *Single-Room Occupancy Housing in New York City: The Origins and Dimensions of a Crisis*, <https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1344&context=clr>

all COYHO proposals are complimentary and necessary strategies that ensure every community in New York City is doing its fair share by contributing housing to address the housing crisis and historical and current housing segregation. New York City's low-density districts cover 71% of the city's residential land but only 9% of all housing added in the city between 2011 – 2020 was built in these districts¹⁰ and these proposals will allow more units to be built in low-density, low-producing districts.

- 4) **UAP** – CB 3 supports this proposal as is.
 - 5) **Adjustments to Height and Bulk Allowances** – CB 3 supports this proposal as is.
 - 6) **Convert Non-Residential Buildings to Housing** – CB 3 supports this proposal as is.
 - 7) **Sliver Law** – CB 3 supports this proposal as is.
 - 8) **Landmark Transferable Development Rights** – CB 3 supports this proposal as is.
 - 9) **New Zoning Districts** – CB 3 supports this proposal as is.
 - 10) **Update to Mandatory Inclusionary Housing** – CB 3 supports this proposal as is.
 - 11) **Quality Housing Amenity Changes**—CB 3 supports this proposal as is
 - 12) **Railroad Right of Way**—CB 3 supports this proposal this proposal as is
- 29 YES 3 NO 0 ABS 0 PNV MOTION PASSED (Land Use item 2)**

¹⁰ Citizens Housing and Planning Commission, *The Uniquely Slow Housing Growth in New York City's Low-Density Districts*, <https://chpcny.org/wp-content/uploads/2024/04/Twilight-Zoning-Report.pdf>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

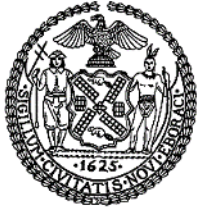
RECOMMENDATION: Conditional Unfavorable			
# In Favor: 33	# Against: 6	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 7/24/2024 12:00 AM		Vote Location: Highline Park	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 7/24/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Highline Park

CONSIDERATION: See attached.

Recommendation submitted by	MN CB4	Date: 8/21/2024 12:09 PM
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CITY OF NEW YORK
**MANHATTAN COMMUNITY BOARD
FOUR**

424 West 33 Street, Suite #580
New York, NY 10001
tel: 212-736-4536
www.nyc.gov/mcb4

JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

August 21, 2024

Daniel Garodnick
Chair
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

**Re: # N240290ZRY - City of Yes for Housing Opportunity
Proposed Citywide Text Amendments**

Dear Chair Garodnick,

Manhattan Community Board 4 (“MCB4”) appreciates the overall planning and diligence by the Department of City Planning (“DCP”) in the unprecedented effort to create more market rate and affordable housing in our City. The goal of our recommendations and comments is to bring balance and nuance to the proposed zoning text for our communities of Hell’s Kitchen and Chelsea, while simultaneously balancing increased density for housing and preserving housing for community residents.

At its July 24th Full Board meeting, MCB4 voted, by a vote of 33 in favor, 6 opposed, 0 abstentions, and 0 Present Not Eligible, to deny ULURP # N240290ZRY, City of Yes for Housing Opportunity, Proposed Citywide Text Amendments unless the changes to zoning text and approach, as detailed below are adopted.

Introduction

Historically, for decades, the Middle West Side communities of Hell’s Kitchen and Chelsea have been at the forefront of advocating for affordable housing. This advocacy has included both new construction and preservation of existing regulated housing. Our communities initiated the development of the Elliott Chelsea houses and Fulton houses, developing 2,200 NYCHA apartments in Chelsea. The construction of Penn South, a 2,800-apartment middle-income development was a community initiative.

To the north in Hell's Kitchen, the Special Clinton District has preserved thousands of rent regulated units, while new construction in the Clinton Urban Renewal Area created thousands of new affordable apartments. Manhattan Plaza on West 42nd Street, the first subsidized housing in the nation for performing artists, has 1,684 affordable apartments.

Additionally, our neighborhoods have welcomed supportive housing for the lowest income New Yorkers with high social service needs throughout Manhattan Community District 4 (“MCD4”), from high price rental blocks in West Chelsea to the heart of Hell’s Kitchen in the West 40s. MCB4 has one of the largest numbers of supportive housing developments of any community district with 2,089 apartments at 24 locations, and has worked to integrate those developments and their populations into the community.¹

In 2004, the major rezonings of Hudson Yards and West Chelsea arrived at MCB4 without a single unit of affordable housing included. After serious and arduous negotiation with the former mayoral Bloomberg Administration, the final versions of those rezonings included multiple provisions both in zoning and other public land commitments to produce 5,916 affordable apartments. MCB4 is a *staunch* advocate of affordable housing, negotiating it into every proposed rezoning reviewed by a public or private entity.

In 2015, MCB4 developed a district wide affordable housing plan.² The plan is a living document that has been reviewed and updated annually since that time. It serves as an essential roadmap for the private and public sector to guide rezoning and developments throughout MCD4. The plan proposes 41,223 housing units, of which 15,798 are affordable units,³ to be developed through various means such as rezonings increasing density and repurposing public land owned by federal state and city agencies. The measure of its success has been its implementation with both the public and private sector producing 6,371 market rate and 2,127 affordable apartments to date.

Given the above history, MCB4 proudly characterizes its district, MCD4, encompassing the neighborhoods of Hell's Kitchen, Chelsea, Hudson Yards and the Garment Center as Neighborhood of Yes for Housing Opportunity. **MCB4 supports increased density for housing or commercial use, as long as it is paired with the provisions for both Affordable Housing and the preservation of existing housing.** It is that balance between increased density for new construction and preservation that has been a successful formula both for community acceptance and actual housing production.

MCB4 does not take its response lightly to the proposed text amendments in City of Yes for Housing Opportunity (“CHO”) given our affordable housing track record. The majority of the housing policy initiatives proposed in CHO are aligned with MCB4’s own policy initiatives and actions. Others are outside our scope of expertise reflecting on zoning districts not mapped in MCD4. In total, the overall intent, by modifying zoning to remove barriers and encourage production of both market rate and affordable housing, has serious merit and deserves support.

However, in reviewing these proposed text amendments for housing, **we are voting, not for an idea of more affordable housing, but on detailed proposals that govern its production that will affect neighborhoods across the city for decades to come.** While this proposal has been presented by DCP as only a housing proposal, in fact, it is a major change to the way in which development will occur across the city—especially in our neighborhoods of Chelsea and Hell's

¹ MCB4 Housing Inventory

² Refer to Exhibit A, MCB4 Affordable Housing Plan.

³ Refer to Exhibit A, MCB4 Affordable Housing Plan for further details.

Kitchen. Those consequences are not to be taken lightly; for example, wholesale revision of our Special Zoning Districts is a major element in this proposed zoning text.

These proposals have not been embraced by the broader Hell's Kitchen and Chelsea communities for adoption, nor have the presentations by DCP been convincing to many members of MCB4. The presentations have lacked detail and nuance, ignored mechanisms which have brought successful housing production in the past, and have insisted continually that all actions must be citywide.

In response, MCB4 has prepared a detailed and nuanced response to those presentations with suggestions for amendments to the current text to actually produce both market rate and affordable housing in our district, not just the idea of affordable housing. As we have always acted in the past, our recommendations seek to balance increased density with preservation of existing housing. Further, we have indicated specific locations in our district, where text amendments can be implemented to produce *more* housing on a shorter timeline with a greater number of units than the currently proposed for our district under the DCP text amendments.

Background

The current mayoral administration has put out three citywide zoning text amendments branded as “City of Yes”:

- Carbon Neutrality
- Economic Opportunity
- Housing Opportunity

MCB4 responded to the Carbon Neutrality proposal on August 30, 2023, and the Economic Opportunity proposal on February 12, 2024. The proposals were discussed thoroughly across multiple committees and MCB4 provided critical responses on how the proposed zoning text amendments would impact our neighborhoods.

The current proposal, Housing Opportunity, is the most sweeping and most controversial of the three initiatives. It proposes a wholesale rewriting of the residential zoning regulations in the City of New York and will have an impact on all 5 boroughs in a range of neighborhoods from low-density homeowner neighborhoods in Brooklyn and Southeast Queens to medium- and high-density neighborhoods in Manhattan and Central Brooklyn. The plan is ambitious and touches on multiple parts of zoning regulations and therefore requires further study and review. The current plan is projected to impact the following aspects:

- Bulk and density
- Height
- Parking requirements
- The creation of Accessory Dwelling Units (ADUs)⁴
- A complete overhaul of Inclusionary Housing rules
- The creation of a new affordable housing program through zoning called Universal Affordability Preference (UAP) which will, in its majority, both replace and rewrite both Voluntary and, in some cases, Mandatory Inclusionary Housing

⁴ An ADU is a “smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home” ([American Planning Association](#)).

- The creation of shared apartments in which unrelated individuals share a bathroom and kitchen. Shared housing development has been limited to not-for-profits to create affordable housing; it would now be available to not-for-profits and for-profits as of right.
- Promoting development of smaller apartments through either reduction or the elimination of a zoning regulation called Dwelling Unit Factor (DUF)
- Ability to do residential infill in commercial districts
- Allowing conversions of commercial buildings, office, school, or other institutional buildings to residential use through a diverse number of means and methods
- Allowing mapping of high-density housing greater than 12 FAR up to 15 and 18 FAR

Many of these changes in zoning regulations are consistent with positions that MCB4 has taken in the past, such as increased opportunities for affordable housing, shared housing, and encouraging the conversion of commercial and office buildings for residential use.

However, as always, the devil is in the details. Although every action has been characterized as the elimination of obstacles to allow the easier creation of both market rate and affordable housing, several of the proposed changes are very broad in their citywide application. The proposed changes do not have nuances tailored to meet the needs of different neighborhoods around the city and present a one-size-fits-all solution, instead of specific changes that rely on neighborhood context. Further, there are a series of unintended consequences. MCB4 has recommendations on how some of the proposed changes, with which we are aligned, can be improved to achieve MCB4 and the City’s shared goal of increasing production of market rate and affordable housing.

Special Zoning Districts

In their presentation on May 2, 2024, DCP spent the majority of the presentation on the broader citywide proposed text changes, many of which do not have a direct impact on the zoning mapped in our MCD4 district. The later portion of the presentation covered our special zoning districts:

- Special Clinton District
- Special Hudson Yards District
- Special Garment District
- Special West Chelsea District

It was during this presentation that the full extent of the impact of the proposed zoning changes would have on MCD4’s Special Zoning Districts and the neighborhoods of Clinton/Hell’s Kitchen and Chelsea became apparent.

Housing Production in MCD4

Manhattan Community Board 4 has had a long-standing commitment to creating housing, both affordable and market rate. According to DCP’s Housing Database, MCD4 produced 19,188 new units of housing between 2010 and 2013, making it the fourth highest-producing district in the City behind Brooklyn Districts One (26,276) and Two (21,433) and Queens District Two (19,727), and number one in all of Manhattan.⁵ Voluntary and inclusionary housing programs ensured thousands of those units are affordable to New Yorkers at a range of incomes—low,

⁵ [NYC Department of City Planning Housing Database](#)

moderate, and middle. 18,837 of those units in MCD4 were new-built and 1,061 were converted from non-residential to housing. During this period, 392 units were lost to demolition and another 318 to unit combinations. In the most recent five-year period between 2018-2023, MCD4 dropped to 11th overall citywide, and even then, remains the number one housing producing community district in Manhattan. MCB4 is proud of this strong record on housing production and what is possible when the City, developers, and local residents work together to reach agreement on appropriately-sited housing.

Not only has MCB4 approved large-scale rezonings of the district to produce housing, but it also regularly demonstrates its commitment to creating more housing in the future, publishing a community-led affordable housing report since 2015.⁶ In the most recent edition, updated in 2022, the Board identified sites throughout the district that could be rezoned to produce thousands of new homes, many of which would be income-restricted affordable housing.

Ensuring Affordability at a Range of Incomes: Low, Moderate and Middle

In three major MCD4 Rezoning over the past two decades (West Chelsea, Hudson Yards and Western Railyards, collectively the “Westside Rezoning”), a Points of Agreement (“POA”) was executed between the Mayor and the City Council, detailing all potential results or issues to be resolved as part of the proposed zoning action. Much of each agreement details affordable housing production and preservation. Specific sites were also identified for such efforts. Many of these sites proceeded to development; others have been unable to move forward for various reasons. MCB4 seeks to work with the City to identify creative approaches to achieve the commitments in the various **POAs** to meet, and wherever possible, exceed those affordable housing commitments.

In 1973, the Special Clinton District within MCD4 was created “to preserve and strengthen the residential character of a community bordering Midtown and maintain a broad mix of incomes.”⁷ This is the only Special Zoning District in the City to embody this goal through specific zoning language.

In the Westside Rezoning and the creation of the Special District, the community’s concern was to maintain economic integration. However, most of the affordable units produced under those proposed POAs were through Inclusionary Housing for low-income households. The Westside Rezoning responded to the community’s concerns, and the updated POAs contained opportunities and commitments to produce affordable housing for a range of incomes: low, moderate, and middle. In fact, the Harborview NYCHA site, the Studio City site (now known as Gotham West), Site M (commitment now transferred to the Slaughterhouse site), the DEP, MTA, and West 20th Street site (commitment now transferred to the Slaughterhouse site), all noted a range of incomes between 60-165% AMI. MCB4 continues to request affordable housing at a broad range of incomes and recognizes the need to address the severely mentally ill homeless population through building supportive housing.

⁶ See Exhibit A, MCB4 Affordable Housing Plan.

⁷ [Special Clinton District Zoning Resolution](#), 96-00 General Purposes section.

As shown in the charts below, out of a total of 3,737 units completed or under construction/in public review between 2015 and 2022, 2,265 (62%) units are at or below 60% AMI. Development in MCD4 continues to produce market-rate housing and low-income housing (at or below 60% AMI) through Inclusionary Bonuses. However, the Middle Westside of Manhattan and the City of New York also need to serve those New Yorkers in the middle who are left out, with the production of moderate- and middle-income housing. Therefore, the distribution of housing units and AMI's proposed for potential new developments reflect a broad range of incomes and are thus embodied within the MCB4 Affordable Housing Plan.

**Figures 1 & 2. Affordable Units Completed & In Construction
Hudson Yards, West Chelsea, Western Railways Points of Agreement**

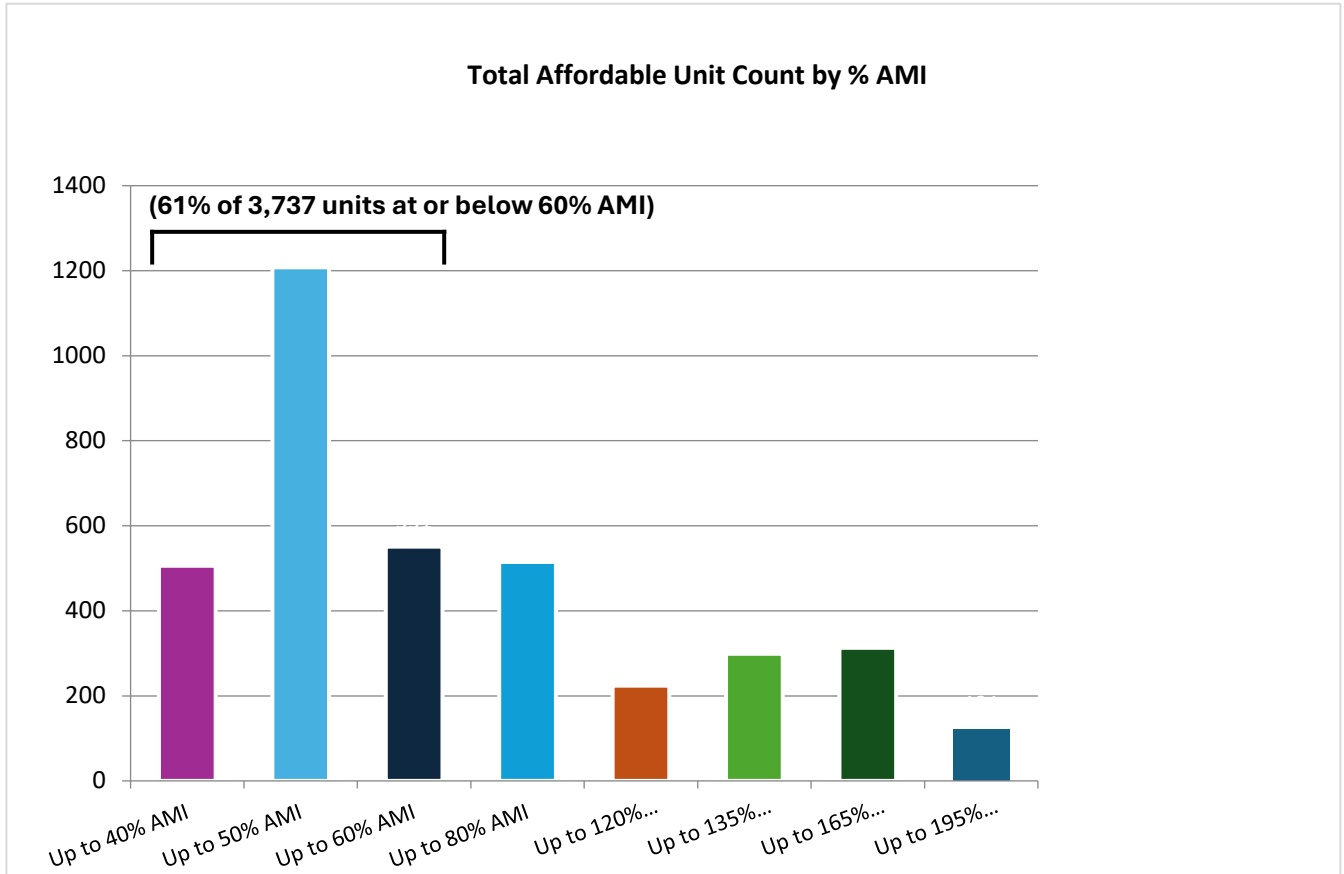
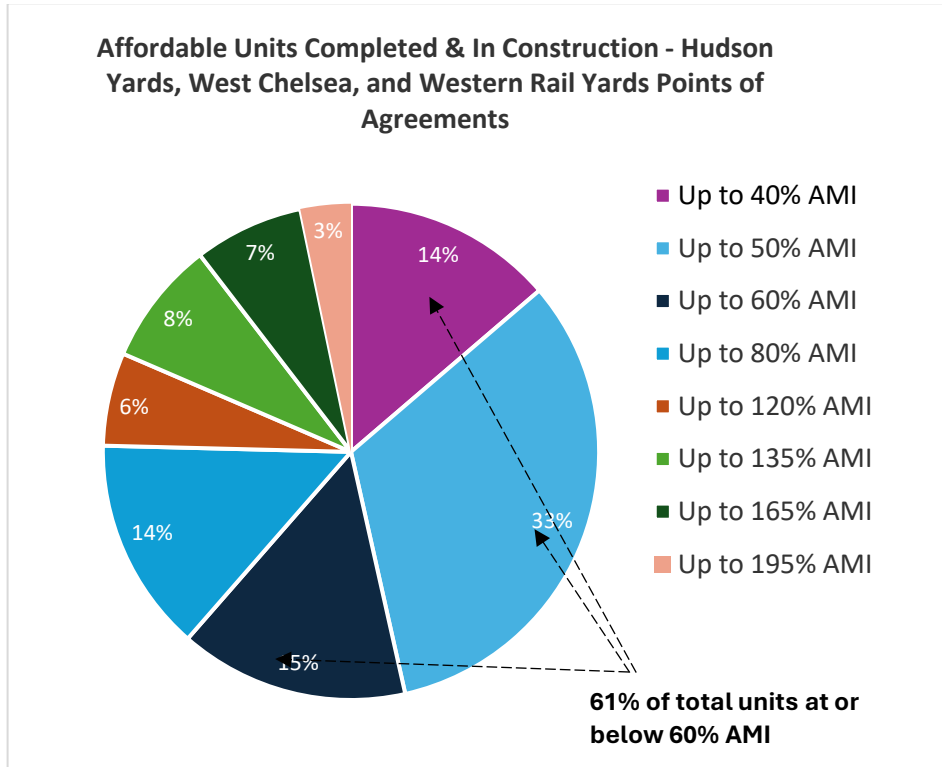


Table 1. Affordable Housing Units Produced Under Hudson Yards Points of Agreement

Address	Name	Total Units	Affordable Units	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	135% AMI	165% AMI	195% AMI
550 W 45 St	Gotham West	1238	682	41	209	0	0	0	216	216	0
401 W 31 St	The Eugene	844	103	60	0	0	0	43	0	0	0
515 W 36 St	Hudson 36	251	50	0	0	50	0	0	0	0	0
455 W 37 St	455W37	389	78	12	66	0	0	0	0	0	0
350 W 37 St	Townsend	207	42	7	35	0	0	0	0	0	0
505 W 37 St	505W37	835	169	22	147	0	0	0	0	0	0
310 W 38 St	Emerald Green	569	120	18	102	0	0	0	0	0	0
509 W 38 St	Henry Hall	225	46	0	0	46	0	0	0	0	0
330 W 39 St	Crystal Green	200	42	0	0	42	0	0	0	0	0
555 10th Ave	555Ten	598	150	60	0	60	0	30	0	0	0
550 10th Ave	The Maybury	453	137	0	0	0	47	90	0	0	0
	TOTAL	5809	1619	220	559	198	47	163	216	216	0

Table 2. Affordable Housing Units Produced Under West Chelsea Points of Agreement

Address	Name	Total Units	Affordable Units	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	135% AMI	165% AMI	195% AMI
450 W 17th St	Caledonia	282	59	0	59	0	0	0	0	0	0
303 10th Ave	Port 10	89	18	3	15	0	0	0	0	0	0
316 11th Ave	The Ohm	369	74	11	63	0	0	0	0	0	0
500 W 30th St	Abington House	385	77	0	0	77	0	0	0	0	0
525 W 28th St	AVA High Line	691	138	12	67	63	0	0	0	0	0
507 W 28th St	507 W Chelsea	375	75	0	75	0	0	0	0	0	0
529 W 29th St	529 W 29th St	125	125	0	0	0	125	0	0	0	0
401 W 25th St	Artimus	168	168	7	28	0	0	0	20	0	58
425 W 18th St	Artimus	158	158	0	32	0	32	0	0	31	63
601 W 29 th St	601 W29th	931	234	93	95	0	0	0	47	0	0
606 W 30 th St	606 W30th	277	70	31	25	0	0	14	0	0	0
	TOTAL	3,850	1,196	157	459	140	157	14	67	31	121

Table 3. Affordable Housing Units Produced Under Western Railyards Points of Agreement

Address	Name	Total Units	Affordable Units	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	135% AMI	165% AMI	195% AMI
15 Hudson Yds	15 Hudson Yds	285	107	0	5	102	0	0	0	0	0
330 W 51 St	Stardom Hall	112	112	0	28	84	0	0	0	0	0
525-527 W 47 St; 421-425 W 48 St; 330 W 30th St	Terrific Tenements/ French Apts	263	263	0	0	0	263	0	0	0	0
500 W 56 St	Westport	371	77	19	58	0	0	0	0	0	0
535 W 23 St	Tate	313	95	20	59	0	0	0	0	16	0
806 9th Ave	The Lirio	112	112	67	0	27	17	0	0	0	0
705 10th Ave	Rialto West	156	156	23	40	0	31	47	16	0	0
	TOTAL	1612	922	129	190	213	311	47	16	16	0

Table 4. Affordable Housing Units Totals – All Points of Agreement

		Total Units	Affordable Units	40% AMI	50% AMI	60% AMI	80% AMI	120% AMI	135% AMI	165% AMI	195% AMI
	Hudson Yards	5809	1619	220	559	198	47	163	216	216	0
	West Chelsea	3850	1196	157	459	140	157	14	67	31	121
	Western Railyards	1612	922	129	190	213	311	47	16	16	0
	GRAND TOTAL	11271	3737	506	1208	551	515	224	299	263	121

MCB4 Public Review and Approval Process

As part of the public process, the review and recommendations were led by the Housing, Health, and Human Services (HHHS) Committee with presentations to, and incorporating comments from Clinton Hell’s Kitchen Land Use (CHKLU) and Chelsea Land Use (CLU) committees.

As a part of that process, MCB4 shared a list of questions on the week of June 3, 2024 raised by members of those committees with DCP to clarify the proposed zoning text. Based on responses from DCP, as well as the Department of Housing Preservation and Development (“HPD”) received on June 16, 2024, MCB4 delineates points of support, nuanced recommendations, and further clarification to citywide actions.

Proposed Zoning Text Changes Not Affecting MCD4

- Low-Density Districts
- Eliminating parking mandates
- Allowing ADUs
- Low-density FAR adjustments

- Allowing more flexible side yards, courtyards, and lot widths
- Increasing heights
- Allowing more non-compliance of existing buildings
- Increasing the number of dwelling units allowed in 1- and 2-family houses
- Allowing greater residential bulk along commercial strips

Many of these zoning proposals may have serious merit, on their own, as a part of citywide housing policy. However, these zoning districts and their attendant provisions are not mapped in MCD4. Further, the types of policy issues or technical changes proposed have raised issues with which MCB4 does not have experience or understanding of consequences. Therefore, MCB4, as part of a longstanding precedent, will not take positions on such matters that may greatly affect other Community Boards throughout the City. MCB4 gives deference to those Boards, with their deep experience in their districts, as more impactful, in this public review. For example, we cannot opine on the effects of ADUs in homeowner neighborhoods in southeast Queens, as those Boards would be hard pressed to deliver a nuanced position on the proposed Very High-Density zoning such as R11 or R12, with 15 and 18 FAR's, that are intended to be mapped in sections of Manhattan.

Citywide Text Amendments Affecting MCD4

There are citywide actions that will affect many mapped zoning districts in MCD4. A majority of these actions are consistent with MCB4's prior policy positions and merit our support.

1. Parking

DCP proposes to eliminate mandatory parking requirements. Mandatory parking has not been required in MCD4 with its densely built portion of the Middle West Side of Manhattan. Accessory Parking as defined in the NYC Zoning Resolution serves only residents or businesses, not the broader public. When proposed, MCB4 has supported accessory parking in large residential buildings, but rarely supported public parking, in our mass transit-rich district.

MCB4 Recommendation and Condition

MCB4 supports these changes only if the proposed text changes do not allow accessory parking to be used as public parking. Such changes to create more public parking would magnify the traffic congestion and consequent poor air quality that the district already suffers. MCB4 has the third worst air quality out of 59 community districts.⁸

2. Shared Housing

Shared housing is the occupancy by unrelated persons living in dwelling units sharing a bathroom and kitchen. Such types of housing could have residential traditional layouts with single rooms along a corridor with shared facilities (i.e., in dormitory or Single Room Occupancy hotel configurations) or in suite configurations with two or three individual rooms sharing a bathroom or kitchen.

For many years, MCB4 has supported such shared housing in publicly funded affordable housing developments. The proposed text would allow shared housing to be developed

⁸ [NYC Environment & Health Data Portal](#), Fine particles (PM 2.5) Data

by the private sector in market rate developments. MCB4 raised several concerns to DCP to be addressed regarding tenant rights, leases, transient use, the loss of larger family size apartments via conversions to shared housing and the unintended consequences of tenant harassment and/or displacement resulting from the conversion of existing apartment buildings.

- MCB4 asked how to ensure requirements that shared housing tenants receive *individual leases* for rooms in shared apartments.

DCP responded that shared apartments will be built as “‘rooming units,’ which are independently rented rooms with shared kitchens and/or bathrooms. Unlike roommates in traditional dwelling unit apartments, who are all listed on the same lease, tenants in rooming units have independent relationships with their landlords, codified in individual leases.”

DCP further stated “that operators of shared housing units are able to allow more flexible lease terms, as determined by the landlord.”

- MCB4 requested what requirements would be put in place to prevent unintended pressure for harassment and displacement of existing tenants in apartment buildings with larger household sizes if apartments were converted into shared apartments.

HPD responded that their “Shared Housing Roadmap,” set to be released later this summer, will put forth recommendations for amendments to the Housing Maintenance Code and Building Code that will work in tandem with the *City of Yes for Housing Opportunity* proposed zoning changes. However, the proposed shared housing development will only apply to new buildings or the conversion of non-residential buildings. The conversion of existing residential buildings to shared housing will require HPD approval, provided that the building will meet all safety and occupancy requirements and does not displace existing tenants.”

- MCB4 asked whether shared housing would be rent regulated through Rent-Stabilization.

DCP responded that “like dwelling units, some rooming units are rent-stabilized, and others are not, subject to the State’s Rent Stabilization Law. As is the case with traditional apartment buildings, new constructed, market-rate rooming units will not be rent stabilized, but affordable rooming units built with HPD subsidy, or a tax incentive will have the protections of rent stabilization through the regulatory agreement. Neither the City of Yes nor the Shared Housing Roadmap proposals will affect the rent stabilized status of current legal SROs.”

MCB4 Recommendations and Conditions

Shared housing has been supported by MCB4 for many years; such housing is an important, useful and worthwhile model. However, essentially, a standard one-bedroom apartment could accommodate two rooming units, a standard two-bedroom could accommodate three rooming units, with 5 rooming units in the same physical space as 2 apartments. With that increase in units, both smaller shared units will create much higher income streams for private owners and developers, than could be achieved by the current

apartments. This income increase creates extraordinary financial incentives to develop shared housing.

Introducing the private sector in developing this type of housing must be executed in a thoughtful and regulated environment to limit impacts on neighborhoods and prevent harassment and displacement of existing tenants in buildings. Private sector shared housing with “flexible lease terms” can easily be used to create highly transient short-term leases equivalent to a hotel or Airbnb-type use. Tenant harassment with consequent displacement and highly transient use are highly destabilizing to residential neighborhoods.

MCB4 supports the text amendment for shared housing under the following conditions:

- **Shared housing should be permitted only in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement.**
- **All shared housing rooming unit tenants should receive individual leases.**
- **All leases should be at least for one-year periods to promote building and neighborhood stability.**
- **All leases should be rent regulated through NYS Rent Stabilization.**
- **Conversions of residential buildings to shared housing should be tested by HPD only as a pilot program for a limited number of buildings with the following requirements:**
 - **Subject to building’s existing tenants prior written HPD notification and comment.**
 - **Subject to HPD Community Board notification and comment.**
 - **Subject to HPD review and approval.**

3. Allowing Smaller Apartments by Eliminating the Dwelling Unit Factor (DUF)

DCP’s goal is to foster the creation of smaller apartments (i.e. small studios) by reducing the requirements for larger family-size units to meet the demographic needs of certain neighborhoods with a preponderance of small households.

- MCB4 requested from DCP how the proposed zoning text and mechanisms will ensure development to create a range of and balance between studio and family-size apartments.

DCP provided a lengthy response with provisions relating to “floor-area deductions,” “corridors,” “amenities,” and the “light & air front,” but did not directly answer MCB4’s question at hand.

- MCB4 asked if DCP believes that 100% studio apartment buildings should be permitted.

DCP responded “yes...we see no reason why land use regulation should prohibit that. Our research indicates that developments with 100% studios won’t be common in the Manhattan Core, but the proposal would create options on the margins for all-studio projects.”

- MCB4 asked how, in 100% studio apartment buildings, households could grow and change in size within a building.

DCP responded with a brief answer noting that “households that needed more space would most likely move to a larger apartment in another building.”

- MCB4 asked DCP if the 20% 2-bedroom requirement in the Preservation Area of the Special Clinton District would be preserved, modified, or eliminated.

DCP clarified that this text is eliminated “because it conflicts with the proposed changes to dwelling unit factor”; however, “bedroom mix requirements remain for affordable housing (at least 50% 2BR or larger).”

- MCB4 asked for the impact on the elimination versus the reduction of the dwelling unit factor (DUF).

DCP responded that the “complete elimination of DUF means that the minimum average unit size and maximum number of units on a zoning lot would effectively [be] controlled by Housing Maintenance Code, Multiple Dwelling Law, and Americans with Disability Act, bodies of law that more appropriately regulate dwelling interiors than land use law can or should. Reducing DUF means that minimum average unit size and maximum number of dwelling units on a zoning lot would remain regulated by zoning, although somewhat more loosely than today.”

- MCB4 asked if this proposed provision would apply to all existing buildings or only new construction and commercial office conversions to prevent unintended consequences of reducing the number of family size units.

DCP clarified that they “do not expect to see subdivisions,” as the subdivision of “larger units into multiple smaller units is complicated and expensive, requiring the addition of kitchens and bathrooms with all the new plumbing that entails.”

- MCB4 questioned how DCP’s proposals would incentivize and manage future development and conversion to create healthy, diverse, well-balanced neighborhoods ensuring a mix of apartment types (shared, studio, 1-, 2-,3-bedrooms) and not just concentrations of shared apartments or studio complexes.

DCP responded that “while the provisions to enable small and shared [apartments] have received far more attention, the proposal removes obstacles to family-size units as well.” DCP is “proposing to regularize buildings with more flexible layouts, interior courtyards, windows in kitchens and baths, even cross ventilation” to provide flexibility “to 2-, 3-, and 4-bedroom apartments. As we see more development, we expect to see more units at the full range of sizes – from studios to 3- and 4-bedrooms.”

MCB4 Recommendations and Conditions

In general, MCB4 supports the need for such changes to allow the creation of more, smaller units. However, the approach is too sweeping and needs to be tempered to manage unintended consequences. The DUF should be lessened, but not eliminated.

Balancing Smaller & Family Size Apartments

The social need to create more, smaller studio apartments ignores the competing need for more family size apartments both for households with children and extended family, generational households common to many parts of the City, especially new immigrant neighborhoods.

Incentivizing Transiency vs. Stability

Creating only smaller apartments in a building also tends to create transient communities. 100% studio buildings are likely to become transient buildings with tenants moving in and out as their life circumstances change, with no opportunities to relocate within a building. MCB4 believes that DCP's statement, "people move to another building," ignores the robust communities of friends, colleagues and neighbors that often exists within apartment buildings.

MCB4 has long supported a healthy mix of unit types and sizes within buildings to foster community longevity and stability. A healthy mix of housing types correlates to better physical and mental health that fosters community. Stronger and more stable communities, in turn, create a stronger City with residents who have a stake in their neighborhoods.

Subdividing Existing Apartments

DCP's response ignores the history of Upper West Side in the 1960's and 1970's, during which large apartments and brownstones were divided up into smaller housing units through the installation of small bathrooms and extremely small, closet size, galley kitchens. The cost of new plumbing lines for bathrooms and kitchens can be easily amortized, given increased rents. This concern is analogous to conversion of apartment to shared housing. With more income to be realized, and therefore greater return on investment, the incentive to increase numbers of apartments by decreasing apartment size is a development equation for both tenant harassment and displacement.

100% Studio Buildings will only be developed outside the Manhattan Core

MCB4 notes that studios generate the highest value per square foot since the development community can build a greater number of apartments in the available FAR. The Manhattan Core has the highest per square foot rents, along with its rich transit infrastructure. Most new developments in MCD4 already have an extremely high percentage of studios and one-bedrooms, the real estate market and property values already drive that development decision. To state that studio only buildings will be developed outside the Manhattan Core, instead of in MCB4, with its extraordinarily high property values, does reflect an understanding of the real estate market on the Middle West Side.

Special Clinton District—Preservation Area, 20% 2-bedroom requirement

This provision was enacted at the establishment of the Special Clinton District in 1973, specifically to ensure a balance between family size housing and smaller apartments. At that time, large tenement apartments were being split up into smaller studio apartments, to increase return by removing larger units from the market. Therefore, long term families, seeking to remain in the neighborhood, could not find family size units to remain in the neighborhood. The 20% 2-bedroom requirement was a key factor in neighborhood stability. The provision has worked; Hell’s Kitchen is not a transient neighborhood, but one in which both multiple generations of families live alongside new higher income households seeking family-size units. This provision is integral to the Special Clinton District. MCB4 urges that this is not broken, as it does not need to be changed solely in the name of conformance to the new citywide proposed zoning text.

MCB4 supports the text amendment for modifying the DUF, to create more, smaller apartments, under the following conditions:

- **A reduction in the DUF, rather than an elimination of the DUF, to incentivize but simultaneously balance a mix of apartment types to highlight how individuals’ and families’ circumstances change over time.**
- **Zoning text for minimum percentages in the DUF of both studio and family-size apartments to concretize and reconcile the needs of different household sizes.**
- **Changes in the DUF only be applied in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement.**
- **The 20% 2-bedroom requirement in the zoning text of Preservation Area of the Special Clinton District remain in place.**

4. Residential Campus Infill

Campus infill allows for development with less restrictions on the construction of infill buildings on parking lots, service areas, one-story commercial buildings, or play areas on residential campuses throughout the city. Campus infill is a successful good housing policy and planning tool. Residential campuses in MCD4 are:

- Harborview
- Elliot-Chelsea
- Fulton
- Penn South

In the past, MCB4 has supported residential campus infill development⁹ but raises the following issues:

- With reduced dimensions between buildings, how will loss of light and air be managed?
- Building on parking lots in certain NYCHA campuses will create a loss of parking for NYCHA tenants. Will NYCHA tenants be consulted? With the redevelopment of

⁹ As part of the West Chelsea Points of Agreement that established the Special West Chelsea District, MCB4 promoted and supported infill at Elliot-Chelsea and Fulton Houses campuses, and 401 West 25th Street, and 425 West 18th Street. As part of the Hudson Yards Points of Agreement, MCB4 supported infill at the Harborview Terrace NYCHA campus.

- NYCHA parking lots, MCB4, at the request of NYCHA tenants, negotiated inclusion of NYCHA residential parking in those affordable housing developments.
- Green space is both a key to quality of life, a community amenity, and a carbon reduction factor in campus developments. Removal of mature trees, passive or active green space will always create controversy. Community consultation and agreement must be reached before green space can be removed, while simultaneously minimizing the loss of mature shade canopy.

MCB4 supports the text amendment for Campus Infill under the following conditions:

- **A minimum requirement of 25% permanent affordability for Campus Infill on privately owned land.**
- **A 100% permanent affordability requirement for Campus Infill on publicly owned land.**
- **Campus Infill on service areas and one-story commercial buildings.**
- **Campus Infill on NYCHA parking lots only after consultation with NYCHA tenants, with affordable replacement parking as needed.**
- **Campus Infill on green space or play areas only after consultation and agreement with development tenants, along with play area replacement and or tree replacement elsewhere in the campus.**

5. Commercial Conversions

Commercial conversions to residential housing have been allowed for commercial buildings built prior to 1961 or 1977. The proposed zoning text will move the cutoff date to 1990.¹⁰ Conversions will be permitted to all types of housing, including market rate apartments, Class A apartments,¹¹ supportive housing, shared housing, and dormitories. Throughout MCD4, there have been conversions of commercial loft buildings and commercial office buildings to residential use which has increased the residential population, such as in the West 20s between Sixth and Seventh Avenues, and the West 30s between Eighth and Ninth Avenues. Many of those conversions were as of right, others were through zoning variances in manufacturing districts in the 1980's. MCB4 will continue to support commercial conversions to residential buildings. However, in the following matters raised to DCP, many of their answers did not directly respond to the issues below.

- MCB4 inquired how commercial conversion proposals will ensure the inclusion of a broad range of apartment sizes to accommodate different household sizes.

DCP responded that “conversions tend to have units at a range of sizes in order to solve the tricky layout issues presented when converting buildings that were not designed as residential buildings...lead[in] to an unusually large range of apartment sizes.”

¹⁰ DCP Presentation to MCB4, 5.23.24, Slide 31.

¹¹ Class A apartments, or Class A Multiple Dwellings, are “multiple dwelling[s] that is occupied only for permanent residential purposes...[that] must have its own kitchen or kitchenette and its own full bathroom” ([NYC Department of Buildings](#)).

- If a large office building is converted, and the DUF is eliminated, this could result in a 1,000-unit studio building. MCB4 questioned DCP if this outcome is desirable and fulfills sound housing policy.

DCP responded “Sure! This would represent one building in a city with hundreds of thousands of them and the most pronounced need in the city today is for smaller units.”

- MCB4 questioned how the affordability requirement will be applied for converted buildings.

DCP replied that “conversions utilizing the tax benefit will be required to set aside 25% of the residential floor area at a weighted average of 80% AMI, with 5% of that at 40% AMI.”

- MCB4 seeks to manage the unintended consequences where the proposed zoning may provide a greater incentive for demolition and new construction compared to conversion. Even with a combination of conversion, enlargement, and the affordability requirement, there may still be a greater incentive to demolish and undergo new construction. MCB4 raises recent rezoning actions currently proposed under the Midtown South Mixed Use (MSMX) plan in the Garment Center, and on Eighth Avenue in the West 30s as examples of this consequence.

DCP answered that “if and when rezoned, these areas will be subject to MIH [Mandatory Inclusionary Housing], which includes conversions. If CB4 wants to see a 20% affordability requirement, that’s possible.” City of Yes for Housing Opportunity is “proposing changes to allow Option 3 (20% at an average of 40% AMI) to be a standalone option.”

- As noted in MCB4’s letter regarding MSMX,¹² MCB4 supports limited density increases only in conjunction with balanced setback and height limits to ensure density that creates more market rate and affordable housing, however not at the expense of the unique built environment of the Garment Center being dotted with extremely tall, pencil-like, Billionaire’s Row towers.

DCP responded with the following: “Noted. CHO will not rezone these (or any areas) but MSMX Team is looped [in] on these questions.”

MCB4 rejects any development scenarios in which zoning text can produce a 1000-unit studio building type instead of a balanced creation that ensures a broad range of apartment sizes to serve diversity of household sizes – both individuals and larger family size households. Further, MCB4 highlights that such a response characterizes DCP’s ideological perspective that studio apartments units are the only apartments in most demand. We reject the concept of rewriting and overhauling citywide zoning to address

¹² [Letter to DCP re Draft Scope of Work for the Midtown South Mixed-Use \(MSMX\) Plan](#)

the “demands of today” rather than creating a resolution that also plans for the future with possible changes in demands.

MCB4 Recommendations and Conditions

Commercial conversions to residential use have been part of MCD4’s housing landscape for decades, primarily in loft buildings and smaller scale commercial residential buildings. Residential conversion of commercial space is now poised to enter a new phase in our district, as it has already done in the downtown Financial District. MCB4 will continue to support such conversions. However, with the increase in scale, MCB4 raises the following recommendations and conditions as large residential communities will be created in large scale office buildings.

MCB4 supports the text amendments for Commercial Conversions under the following conditions:

- **A reduction in the DUF, to incentivize, while simultaneously balancing, a mix of apartment types to highlight how individuals’ and families’ circumstances change over time, especially in commercial conversions.**
- **Zoning text for minimum percentages in the DUF of both studio and family-size apartments to concretize and reconcile the needs of different household sizes, especially in commercial conversions.**
- **Changes in the DUF applied only in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement.**
- **Shared housing permitted only in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement.**

6. Create New Very High-Density (VHD) Residential Districts

Proposals to raise the 12 FAR statewide residential cap had been discussed in previous state budget negotiations. As a part of the overall negotiations between the Governor and the Legislature, over the FY 2025 New York State Budget, New York State approved the elimination of the 12 FAR cap for residential buildings. In anticipation of this action, the City has proposed the creation of new zoning districts with FARs above 12 FAR.

- R11/R11A 15 FAR residential zoning
- R12 18 FAR residential zoning

Depending on lot size, along with the proposed elimination of the DUF, the proposed action could create single buildings with 600 to 1,000 apartments. This zoning action will have significant impacts on city infrastructure and services—namely, police, fire, emergency medical services, and schools—in neighborhoods where proposed zoning is mapped. Those proposed zoning districts will be mapped through a separate ULURP action and will include a Mandatory Inclusionary Housing requirement.

MCB4 supports the text amendments for Very High Density (VHD) Residential Districts under the following conditions:

- **Map the new R11 Zoning Districts only under a City Planning Special Permit¹³ process with a series of findings to meet both urban design criteria and meet**

¹³ [Letter to Mayor and DCP re 12 FAR Working Group Recommendations](#)

requirements for increased city services to support such large-scale residential buildings.

- DCP agrees that the Permanent Certificate of Occupancy shall be contingent upon the developer meeting the agreements for services and/or improvements embodied in the findings of the Special Permit.
- DCP agrees that building heights be managed and limited to prevent pencil thin towers similar to Billionaire’s Row.
- Map the new R11 Zoning Districts within the Special Hudson Yards District (SHYD) only where the existing mapped overall FARs are currently greater than 15 or 18 FAR, consistent with MCB4’s Affordable Housing Plan.
- Consider mapping R11 in the SHYD along the east side of Eleventh Avenue from W34th to West 41st Streets, in Subareas A2, A3, A4 and A5.
- Consider mapping R11 in the SHYD along West 30th and West 31st Streets from Ninth to Tenth Avenues in Subareas B1 and B2.
- A reduction in the DUF, to incentivize but also balance of a mix of apartment types to highlight how individuals’ and families’ circumstances change over time, especially in proposed R11 VHD Districts.
- Zoning text for minimum percentages in the DUF of both studio and family-size apartments to concretize and reconcile the needs of different household sizes, especially in proposed R11 VHD Districts.
- Changes in the DUF should be applied only in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement, especially in proposed R11 VHD Districts.
- Shared housing should be permitted only in new buildings or commercial conversions to residential use to prevent tenant harassment and displacement in high density districts.

7. Universal Affordability Preference

Proposed New Zoning Mechanism for Affordability

DCP has proposed to create a new zoning tool to produce affordable housing. This proposal is the culmination of decades of public policy debate in the City of New York over the use of zoning text to create affordable housing. For decades, MCB4 has supported the use of zoning text to create affordable housing. MCB4 supports the development of a new zoning mechanism that promotes housing affordability at a citywide level.

After decades of ambivalence from DCP on the degree of the zoning mechanism’s affordability and what locations in the City can support the production of Inclusionary Housing (the production affordable housing through increased density in zoning), DCP has proposed a new zoning tool for affordable housing: the Universal Affordability Preference (UAP).

MCB4 is supportive of a zoning-based approach for production of affordable housing. The following is the history of zoning mechanisms to produce affordable housing. All have applicability in MCD4.

Table 5. Zoning Mechanism History in MCD4

Year	Zoning Mechanism	Location	Section of Zoning Resolution
1973	Clinton Bonus ¹⁴	Special Clinton District	ZR 96-21, 96-22 & 23-90
1986	Inclusionary Housing ¹⁵	City Wide—Certain High-Density Districts	23-90
2016	Mandatory Inclusionary Housing	City Wide—Certain Medium & High-Density Districts	23-90
2024	Universal Affordability Preference (UAP)	City Wide—All Medium & High-Density Districts	

Lack of a Nuanced Approach

Unfortunately, UAP is a blunt tool, proposed as a one-size-fits-all approach that is not representative of DCP’s long established process which recognizes broad neighborhood types. The City of New York is an amalgam of myriad diverse neighborhoods with multiple housing types, distinctly different densities, and differing degrees of space, services, and resources.

In a City with neighborhoods as spatially and culturally diverse as Bull’s Head in Staten Island, Gerritsen Beach in Brooklyn, Flushing in Queens, Co-op City in the Bronx, Hell’s Kitchen and Chelsea in Manhattan, One-Size Does Not Fit All.

UAP will allow for an approximately 20% increase in residential FAR if the additional FAR is used for permanently affordable housing. UAP is a broad-brush approach that will upzone each district based on the proposed 20% increase. This action will lead to increased bulk, height, density, and higher setbacks. It will effectively create larger buildings in all districts. Although the zoning tools are somewhat modified from zoning district to district, across the medium density districts that characterize the majority of the Middle Westside, the residential portions of our neighborhoods of Hell’s Kitchen and Chelsea, that 20% increase will be the approach.

¹⁴ First zoning text in the NYC Zoning Resolution to create zoning incentive for affordable housing.

¹⁵ Later known as Voluntary Inclusionary Housing (VIH) after adoption of MIH in 2015.

Figure 3. 278 8th Avenue



278 Eighth Avenue: A Successful Application of a 20% Density Increase for Affordable Housing

UAP is modeled after current rules that allow denser and taller buildings which include a component of Privately Financed Affordable Senior Housing (PFASH)/Affordable Independent Residences for Seniors (AIRS) in some neighborhoods. In MCD4, 278 Eighth Avenue at West 23rd Street is an example of this permanently affordable senior housing model. MCB4 voted in favor of the proposal at 278 Eighth Avenue, which includes 44 permanently affordable apartments for senior-citizen households earning 40%, 60%, and 80% of AMI¹⁶. **However, 278 Eighth Avenue is unique because it sits on the corner of an avenue and a wide street, so the increased bulk and height is not obtrusive on the surrounding neighborhood.** UAP takes the PFASH/AIRS model and applies it to all types of housing, including family, senior and supportive housing, regardless of location on wide streets, narrow streets, or avenues.

Consequences of Mapping UAP Throughout MCD4

UAP throughout most zoning districts represents the single most sweeping upzoning and increase in density in the City's history. It affects most of all types of medium- and high-density residential zoning districts: R6, R7, R8 and R9.

In essence, this proposal increases density, expressed as Floor Area Ratio (FAR) in Medium- and High-Density districts that will affect all mapped zones within MCD4.

¹⁶ [Letter to HPD re 278 8th Avenue Affordable Senior Housing](#)

Table 6. Proposed FAR, Base Height, and Max Height through the City of Yes Zoning Amendments for R6B to R8X Districts¹⁷

	FAR		Base Height		Max Height	
	Basic*	Proposed	Current	Proposed	Current	Proposed
R6B	2.00	2.40	40	45	50	65
R6 Narrow	2.20	3.90	45	65	55	95
R6 Wide Outside MN Core	3.00	3.90	65	65	70	95
R6A	3.00	3.90	60	65	70	95
R6D	**n/a	3.00	**n/a	55	**n/a	75
R7 Narrow or in MN Core	3.44	5.00	65	85	75	115
R7 Wide Outside MN Core	4.00	5.00	75	85	80	115
R7-3	5.00	6.00	**n/a	105	**n/a	145
R7A	4.00	5.00	65	85	80	115
R7B	3.00	3.90	65	65	75	95
R7D	4.66	5.60	85	95	100	125
R7X	5.00	6.00	85	105	120	145
R8B	4.00	4.80	65	85	75	105
R8 Wide Outside MN Core	7.20	8.64	95	125	130	175
R8 Narrow or in MN Core	6.00	7.20	85	105	115	145
R8A	6.00	7.20	85	105	120	145
R8X	6.00	7.20	85	105	150	175

*Basic FAR and heights represent existing Quality Housing building envelopes.

** District does not have current FAR base or maximum building height due to it being a newly added district.

¹⁷ DCP Presentation to MCB4, 5.23.24, Slide 17.

Table 7. Proposed FAR, Base Height, and Max Height through the City of Yes Zoning Amendments for R9 Narrow to R12 Districts¹⁸

	FAR		Base Height		Max Height	
	Basic*	Proposed	Current	Proposed	Current	Proposed
R9 Narrow	7.50	9.00	95	135	135	185
R9 Wide	7.50	9.00	105	135	145	185
R9A Narrow	7.50	9.00	95	135	135	185
R9A Wide	7.50	9.00	105	135	145	185
R9X Narrow	9.00	10.80	120	155	160	215
R9X Wide	9.00	10.80	120	155	170	215
R9D	9.00	10.80	85	155	--	215
R10 Narrow	10.00	12.00	125	155	185	235
R10 Wide	10.00	12.00	155	155	210	235
R10A Narrow	10.00	12.00	125	155	185	235
R10A Wide	10.00	12.00	150	155	210	235
R10X	10.00	12.00	85	155	--	235
R11A, R11	**n/a	12.50	**n/a	155	**n/a	325
R12	**n/a	15.00	**n/a	155	**n/a	395

*Basic FAR and heights represent existing Quality Housing building envelopes.

** District does not have current FAR base or maximum building height due to it being a newly added district.

To accommodate the proposed increases in density, the base height and overall height of the proposed buildings are increased, in most cases by approximately 40 feet, or 4 residential stories.

As broad examples, what today is an R8-type district with its current 6.02 FAR would become de facto an R9-type district with 7.2 FAR. In contextual districts, such as R8A, there will be a concomitant increase in the base height, setback, and overall height to convert those R8A requirements into equivalents of current R9A requirements.

These proposed changes have been characterized by DCP in CHO presentations as minor. They are the opposite; they are transformative. The overall mapping of these changes, in the name of affordable housing production, allows major changes not only in density, but in set back and height limits in our neighborhoods. Equally importantly, these

¹⁸ DCP Presentation to MCB4, 5.23.24, Slide 18.

proposed changes choose to ignore the past fifty years of rezonings on Manhattan's Middle West Side in the Hell's Kitchen and Chelsea neighborhoods. Those rezonings, managed and oftentimes initiated at the request of MCB4, have sought to balance increased density and new development with preservation of existing scale, including setback and overall building heights, along with preservation of rent regulated housing. Further, these efforts have been the fruit of close and careful collaboration with DCP.

Those efforts to balance scale and preservation **have resulted in over 33.9 million square feet in new commercial and residential density in West Chelsea and Hudson Yards** alone. The current UAP proposal ignores those joint efforts and accomplishments as a basis for practical success in both market rate and affordable housing production in our communities. Later in this response, MCB4 will expand further on Special Zoning Districts to emphasize the need to uphold commitments on prior zoning actions as part of the political process of land use.

DCP created 3D models of all buildings in each community district, including MCD4, compatible with Rhinoceros 3D modeling software. These maps are open-source data publicly available and were last updated on February 11, 2019.¹⁹ This data was used in conjunction with a publicly available 3D Building Model Map produced by the NYC Office of Technology & Innovation²⁰ to model proposed changes in bulk, height, and density through ArcGIS.²¹ At the request of MCB4, Clinton Housing Development Company (CHDC) provided technical assistance to MCB4 to develop renderings of current and proposed maximum bulk models based on the data and proposed zoning text provided by DCP. CHDC's planning staff modeled locations in Chelsea, both inside and outside the Chelsea Historic District, as well as the Special West Chelsea District, Special Hudson Yards District, and the Special Clinton District. The results of the proposed CHO zoning text changes, with increased density, base height and overall height are detailed in the below images. Further renderings can be found in Exhibit C.

¹⁹ [NYC Open Data: NYC 3D Model by Community District](#)

²⁰ [NYC OTI: NYC 3-D Building Model Map Multipatch \(ESRI\) File](#)

²¹ Industry standard geographic information system software to analyze spatial data and produce maps.

Figure 4. Special West Chelsea District, West 21st to 23rd Streets, 10th Avenue, Subarea F under Existing Conditions



Figure 5. Maximum Build Under Current Zoning

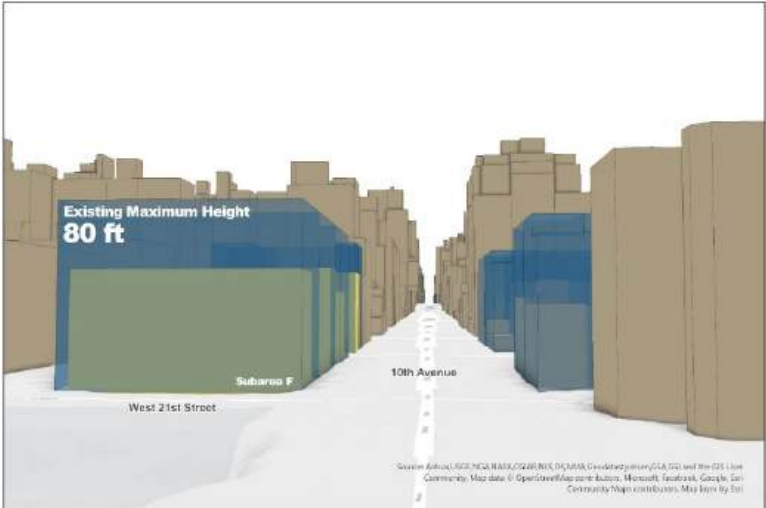


Figure 6. Maximum Build Under Proposed Zoning with UAP

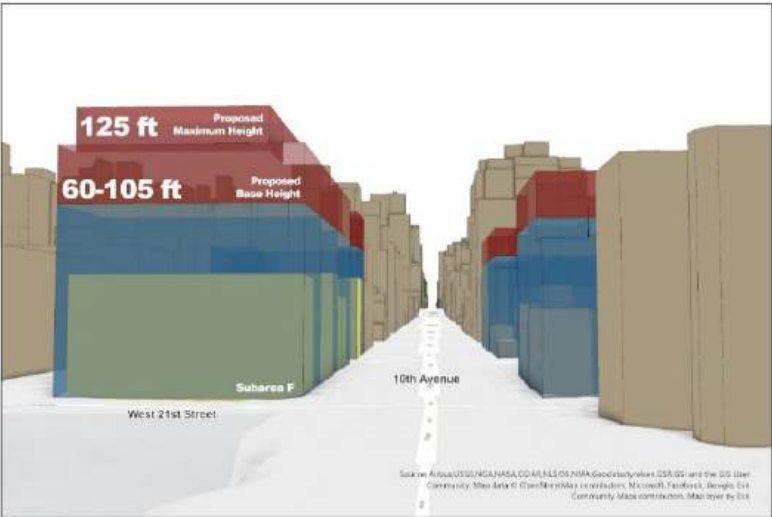


Figure 10. Special Clinton District Preservation Area, West 47th to 49th Street on 9th Avenue under Existing Conditions

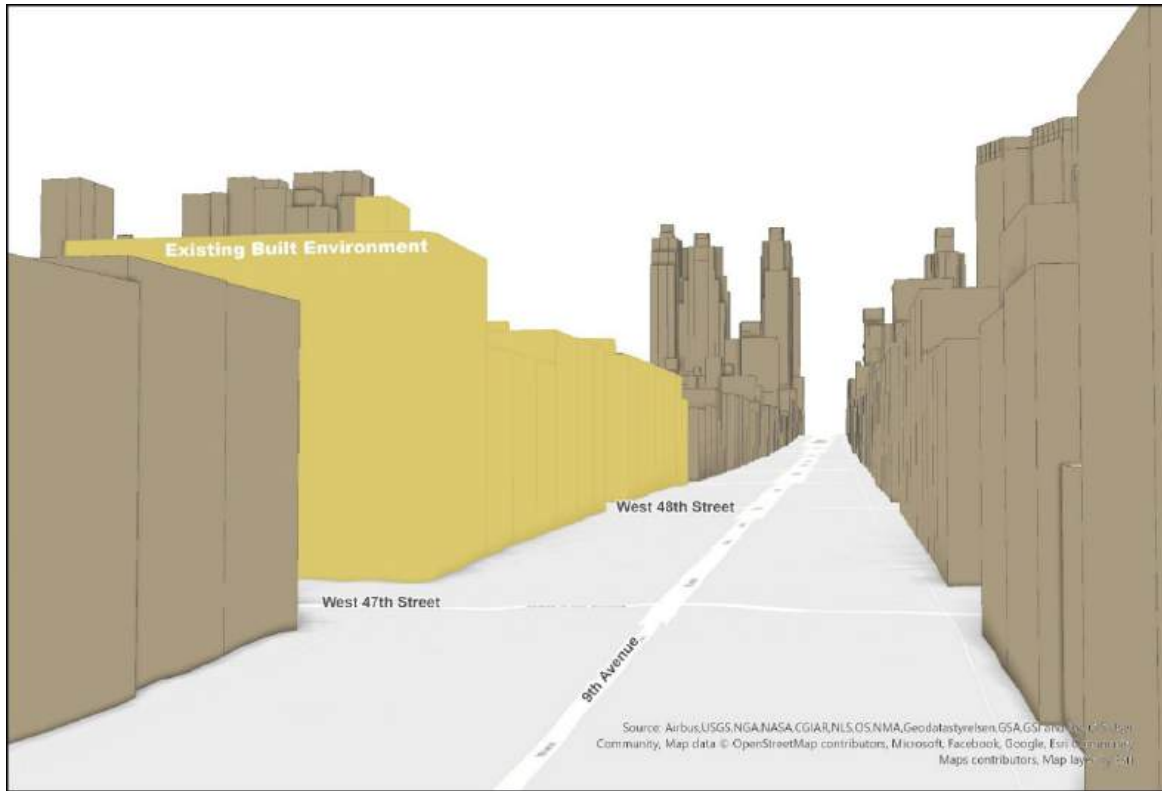
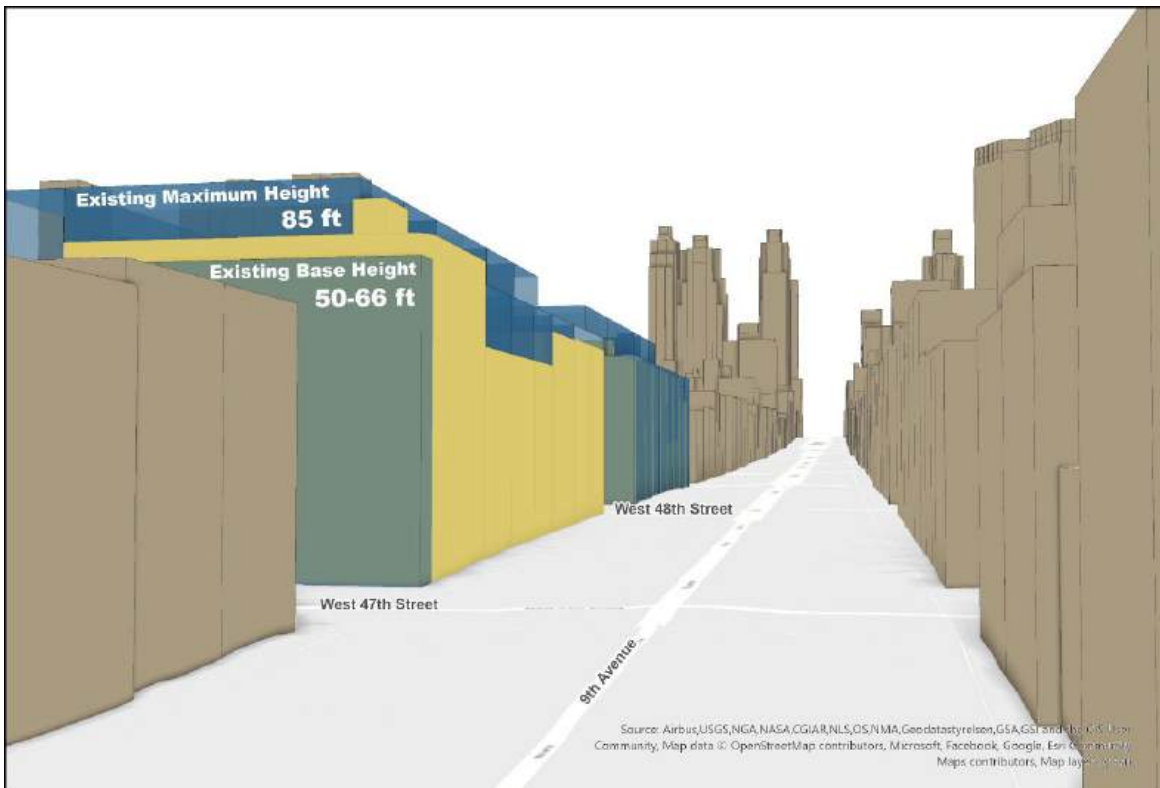


Figure 11. Maximum Build under Current Zoning



UAP and Inclusionary Housing

UAP proposes a series of changes to the text for the Voluntary Inclusionary Housing Program (VIH), replacing the existing VIH framework. This action expands the UAP framework to 100% of medium and high-density zoned areas.

The proposed UAP makes significant changes to the required Area Median Income (AMI) for affordable buildings in the VIH program. Under the existing VIH program, units must be affordable to residents earning 80% AMI. Under the proposed action, UAP lowers the AMI requirement to 60% with the introduction of “income-averaging” (the ability to include multiple AMI bands in a development as long as the overall affordability income average is 60% AMI). **This change in affordability averaging will greatly impact access to zoning-produced housing for moderate- and middle-income households.**

Table 8. HPD Area Median Income (AMI)²²

Family Size	50% AMI	60% AMI	80% AMI	100% AMI	120% AMI	130% AMI	165% AMI
1	\$54,350	\$65,220	\$86,960	\$108,700	\$130,440	\$141,310	\$179,355
2	\$62,150	\$74,580	\$99,440	\$124,300	\$149,160	\$161,590	\$205,095
3	\$69,900	\$83,880	\$111,840	\$139,800	\$167,760	\$181,740	\$230,670
4	\$77,650	\$93,180	\$124,240	\$155,300	\$186,360	\$201,890	\$256,245
5	\$83,850	\$100,620	\$134,160	\$167,700	\$201,240	\$218,010	\$276,705
6	\$90,050	\$108,060	\$144,080	\$180,100	\$216,120	\$234,130	\$297,165
7	\$96,300	\$115,560	\$154,080	\$192,600	\$231,120	\$250,380	\$317,790
8	\$102,500	\$123,000	\$164,000	\$205,000	\$246,000	\$266,500	\$338,250

Zoning Produced Housing for New Yorkers with a Broad Range of Incomes

For decades, MCB4 has been a strong advocate for affordable housing **at a range of incomes**. Our community believes that socioeconomic diversity and integration are the most effective way to keep Clinton/Hell’s Kitchen, Hudson Yards, and Chelsea the thriving neighborhoods they are today.

Consider households where there are two incomes and multiple children or dependents, and the total income is higher than the proposed 60% AMI with income-averaging limit that UAP proposes in VIH areas. For example, a household with two civil servants, a sanitation worker and a contract manager at DHS, and 1 dependent is at 125% AMI (\$174,750 for a family of three). However, 2- or 3-bedroom apartments in MCD4 rent for \$6000 to \$12,000 monthly.²³ To afford those apartments, total household income would need to range between \$240,000 and \$580,000. **Such a household’s income is not low enough to qualify for an affordable apartment under the proposed UAP program, nor could they afford market rate rent. This household would be priced out of the neighborhood.**

²² HPD Area Median Income (AMI), HPD website 7.19.24

²³ StreetEasy research 7.19.24

Reducing the program to target an income-averaged 60% AMI does not serve a community which has consistently advocated for a wider range of affordability. The proposal pushes affordability to lower AMI bands and therefore precludes introducing higher AMI bands as a matter of practicality. The proposed income-averaging means the highest AMI bands that could be conceivably reached would be at 90%-100% AMI. If the proposed action instead introduced income-averaging at the existing 80% AMI threshold, then a wider range of households with varying incomes, including those at both lower and higher AMI bands, could be served. In a building with an income-averaged 80% AMI, there could be a mix of units at 40%, 80%, and 120% AMI, for example, which would serve a wider range of households that are desperately needed in New York City.

In its May 23 presentation to MCB4's Housing, Health and Human Services (HHHS) Committee, DCP referred to Inclusionary Housing zoning text to create affordable housing for moderate and middle-income New Yorkers as follows:

Eliminate bespoke floor area compensation/Inclusionary Housing formula²⁴

MCB4 rejects such a characterization, providing affordable housing for moderate- and middle-income households, cannot be compared to a custom-made shirt or suit. It must be part of any zoning-driven affordable housing plan. Including those income groups in affordable housing production, through zoning mechanisms and other publicly funded developments was a key point to secure our communities' agreement to such massive increases in commercial and residential density on the Middle West Side.

Distribution of Affordable Apartments in a Building with UAP, MIH or VIH apartments

- Current MIH rules require affordable units in only 70% of the floors. Over the last decade, MCB4 has been successful in working with developers to locate affordable units through 80-90% of floors of development with an Inclusionary Housing component. In its response to CHO, the Manhattan Borough Board²⁵ called for locating Inclusionary Housing in 100% of a building's floors. Since these Inclusionary rules are part of a citywide text amendment, it should call for citywide economic integration. New Yorkers of all incomes already live side by side in most buildings in the five boroughs. When a density bonus is received through public action, it should not permit those households of lower income to be seated at the back of the bus. With an action named, Universal Affordability Preference, the smoke screen of lack economic feasibility by the development community can no longer be justified in a city with some of the highest rents in the nation.

DCP provided the following response: "That's great. For citywide applicability, we believe the existing distribution requirements strike the right balance between wide distribution, no overconcentration, and feasibility for the staggering variety of projects, neighborhoods, and market conditions that we see."

²⁴ DCP, MCB4 presentation, page 38

²⁵ [Manhattan Borough Board Meeting, May 2024](#)

MCB4 supports the text amendments for Universal Affordability Preference under the following conditions:

- **In Community Districts with cumulative zoning density increases exceeding 10 million square feet, the proposed UAP density bonuses shall be modified by text amendments to geographic areas affected by UAP.**
- **Proposed UAP text amendments be revised to provide UAP density bonuses within existing base height, setbacks and overall building height limits.**
- **Existing Base FAR's in UAP districts shall be reduced to allow UAP requirements to produce affordable housing in currently mapped medium density districts.**
- **Inclusionary housing zoning text be adjusted to provide flexibility in income averaging to allow an income averaging at 80% to produce more affordable housing for New Yorkers at that income band.**
- **Inclusionary housing zoning text providing 125% AMI and 165% AMI bands affordability in Special West Chelsea, Hudson Yards, Garment Center and Clinton Special Districts be retained in the NYC ZR for affordable housing production for moderate and middle-income New Yorkers.**
- **Apartment distribution for UAP, MIH, and VIH affordable apartments be located through 100% of the floors of a building receiving density bonuses.**

8. Expanding Use of Landmark Transferable Development Rights (TDRs)

DCP has proposed the following changes to the transfer of unused development rights (known as TDRs). Transfer of development rights allows the owner of landmarked property to sell unbuilt floor area to another property owner, who in turn will build a larger building within the zoning limits governing the receiving site. This TDR is governed by legal documents recorded by the City government both against the legal title of the selling and receiving site. Currently, the location of receiving sites²⁶ are limited to adjacent properties or for individual landmarks across the street. These types of landmarks TDRs are subject to a full ULURP process with public review.

DCP has proposed the following:

- Extend Landmark TDRs to zoning lots on the same block as the landmark or across a street or intersection.
- Expand the program not only to individual landmarks but also all properties in historic districts.
- TDRs are limited to high density areas, extend Landmark TDRs lower density areas, such as brownstone type blocks.
- Streamline the approval process by eliminating public review through ULURP.

²⁶ This action is distinct from TDR Districts, in which landmarked or other properties can make such agreements throughout a designated area of a Special Zoning District. Examples of such TDR Districts in MCD4 are the landmarked Broadway theaters in the Theater Subdistrict of the Special Midtown District; Highline TDRs in Special West Chelsea District; MTA TDRs in the Special Hudson Yards District; and Hudson River Park TDRs in Special Hudson River Park District.

Figure 14. Existing Transfer Mechanism (landmark building in dark pink, receiving sites in light pink)²⁷

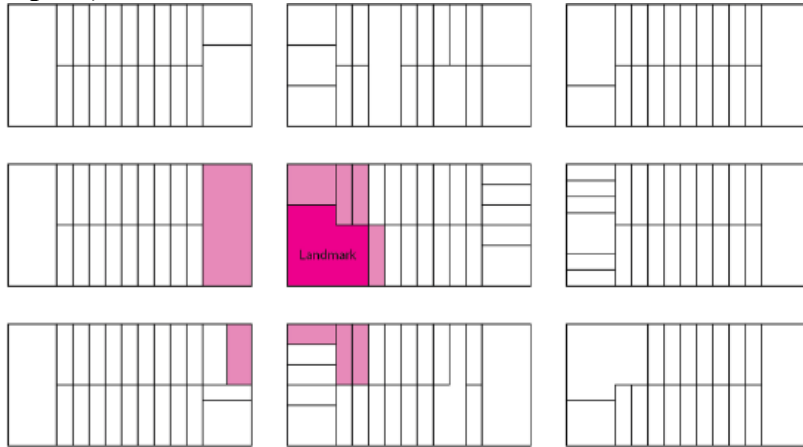
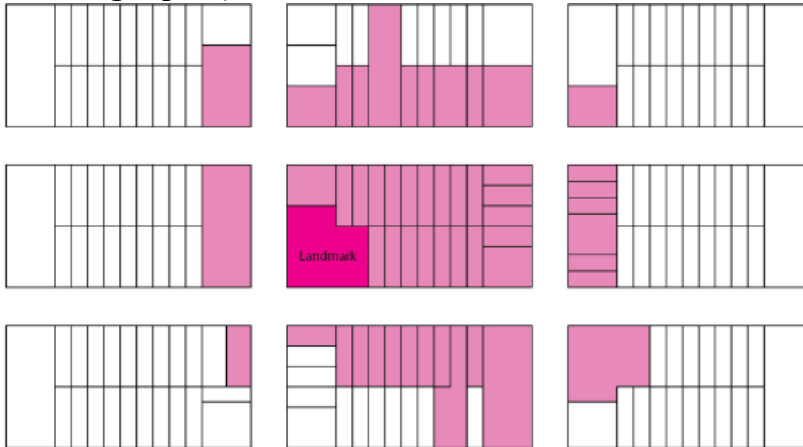


Figure 15. Proposed Transfer Mechanism (landmark building in dark pink, receiving sites in light pink)



DCP has noted that the proposed transfer mechanism for Landmark TDRs will generate new housing opportunities through additional FAR available on broader range of receiving sites. Further, such transfers can provide capital for private owners of Landmarked buildings to fund their building maintenance. It must be noted that portability of TDRs in the zoning resolution was originally conceived to provide benefit to owners of individual landmarked buildings, such as churches, museums or other institutional owners, to provide institutional benefit with building preservation.

Although this change is proposed within the proposed zoning text amendment in CHO, there is no requirement for affordable housing as part of any such proposed landmarks TDRs. In effect, this zoning text amendment will create a real estate market for transferable TDRs. Those prices will be set by the market with no guarantee that affordable housing will be generated. Unintended consequences may include increased bulk on certain avenues or streets adjacent to but outside of historic districts. Without

²⁷ Maps from DCP presentation to MCB4 5.23.24, slide 32.

public review, this process will be managed without scrutiny from neighbors, from community boards, and from local elected officials. MCB4 cannot support the zoning text amendment in its current form.

MCB4 supports the text amendments for Expanded Use of Landmark TDRs under the following conditions:

- **All TDRs from Landmarked individual buildings and buildings within Historic Districts must have a 20% affordable housing requirement at the receiving site.**
- **Limit the amount of TDRs from landmark buildings that can be aggregated on any receiving site.**
- **DCP to retain authority over landmark TDRs and not the Landmarks Preservation Commission (LPC).**
- **Landmark TDR transfers under 5,000 square feet, be subject to City Planning Commission Chair Authorization with 60-day notice to affected Community Boards, TDR transfers over 5,000 square feet to remain subject to public review through the ULURP process.**

9. Special Zoning Districts—the Majority Zoning Geography of MCD4 and the Effect of Proposed Text Amendments

MCB4 has the greatest number of Special Zoning Districts within its boundaries of any community district in the City Of New York, it includes wholly or in part:

- Special Clinton District (SCD)
- Special Midtown District (SMD)
- Special Garment Center District (SGCD)
- Special Hudson Yards District (SHYD)
- Special West Chelsea District (SWCD)
- Special Hudson River Park District (SHRPD)

One reason for the mapping of so many Special Zoning districts over the 5 decades has been the unique location of the residential neighborhoods of Chelsea and Hell’s Kitchen proximity to Midtown Central business district. The second has been the number of unique community assets: the Port Authority Bus Terminal, the Garment Center, adjacency to Penn Station, the Javits Convention Center, the Highline and Hudson River Parks. The third factor was the great number of city blocks previously zoned for manufacturing use as opportunities for redevelopment.

In rezoning and redevelopment efforts, the constant tension has been seeking balance and compromise between rezoning and redevelopment for increased density and high-rise development while agreeing to means and methods to protect and preserve these historic low- and medium-rise residential communities. In effect, the task of these Special Zoning Districts has not been to stop change, but rather, manage it to lessen redevelopment impacts while protecting long-term residents and strengthening the existing residential communities.

MCD4's Special Zoning Districts have been successful in that regard, with vast swathes of MCD4 within Special Zoning Districts that have been rezoned and redeveloped:

- Eighth Avenue--West 42nd to West 57th Streets into a high rise residential and commercial corridor
- West 42nd Street--Eighth Avenue to the Hudson River into a high-rise residential corridor
- West 35th to West 40th Streets, Eighth to Ninth Avenues into mixed use hotel and residential district
- Tenth Avenue—West 35th to West 41st Streets into a high-rise residential corridor
- West 30th to West 33rd and West 34th (west of Tenth Avenue), Ninth Avenue to Eleventh Avenue into a high-density commercial corridor known as Hudson Yards
- West Chelsea—West of Tenth Avenue to Hudson River, West 30th to West 15th Streets—into a combined high medium rise residential area

Concurrently, hundreds of low and medium rise residential buildings with thousands of rent regulated apartments, home to tens of thousands of neighborhood residents have been preserved through zoning with limited bulk, setback and height requirements. Other residential buildings in the Special Districts of Clinton, Garment Center, Hudson Yards and West Chelsea have further protections through anti-harassment requirement and demolition restrictions. Development and renovation within those areas under those requirements has been steady. MCB4 has balanced preservation with exceptional growth with nearly 12,000 new apartments, of which 3,800 are affordable, built since 2005. That measure alone, outside of the millions of square feet commercial development, is clear evidence that Special Zoning District approach is works effectively on the Middle West Side.

These Special Zoning Districts cover approximately 75% of MCD4's geographic area; yet, at the same time, MCD4 was the 4th highest producer of housing between 2010-2013 in the City and remains the highest producer of housing in Manhattan today. MCD4 holds that ranking, not in spite of, but because of the highly nuanced approach of Special Districts. These districts were designed to create more housing and **protect and foster the historic economic, racial, and ethnic diversity of MCD4. Please do not seek to fix something that is not broken; this District is a working engine of market rate and affordable housing production tempered with existing community preservation.**

MCB4 greatly appreciated DCP's presentation on May 23, 2024. However, most of the presentation focused on citywide issues, such as shared housing, or zoning districts not mapped in MCD4. Raised late in the three-and-a-half-hour presentation were 7 out of 42 slides describing the proposed MCD4 Special District changes. MCB4 members did not fully absorb the information, it was presented at a high level with little detail and minimized the impact on those Special Districts. Further study and review have revealed more serious impacts and wholesale changes (as noted in the UAP section above in this letter) which will both undercut the intent of those Special Districts and put thousands of rent regulated apartments and households at risk.

Lastly, the main Special Zoning Districts in MCD4—Special Clinton, Hudson Yards, and West Chelsea—were the product of long, deliberate and nuanced multi-year negotiations over large redevelopment projects and plans balancing development and community preservation. Changes creating or modifying these Special Districts are memorialized in POAs between former Mayoral Administrations and the City Council.²⁸ Limits on bulk, setbacks, and height in certain areas of those Special Districts were an integral part of the ULURP public review and approval process and embodied in those agreements. Those agreements, in zoning years, are recent events, and they must be respected.

As part of its questions sent to DCP, MCB4 asked that Special Zoning District be exempted from CHO proposed text to upzone and increase base heights, setbacks and height DCP responded:

- “Because CHO represents our citywide fair housing plan, and because DCP believes strongly in its component proposals, DCP doesn’t believe it would [be] appropriate to exclude special districts entirely...that said, CHO does not merely substitute underlying reg[ulations] for special districts reg[ulations] that reflects planning goals embedded in those special districts.” DCP asserted that “UAP simply proposes a 20% bump for affordable and supportive housing that encourages more affordable and supportive housing while retaining special FARs in special districts.”

MCB4 disagrees with DCP’s response. Given that MCD4 is 75% Special Zoning Districts, and the number one producer of affordable housing in Manhattan, MCB4 believes that preservation can be done synchronously with housing production. Furthermore, detailed nuance and variability within special districts allows for greater housing production than a unanimous zoning amendment. For example, MCB4 supports an increase in residential FAR from 15 to 18 FAR, which is rarely seen in other districts.

MCB4 believes there are ways to protect neighborhood character, to promote socio-economic diversity, to ensure strong historic fabric, and to provide increased housing opportunities for all while respecting Special Zoning Districts that involve comprehensive, detailed, and negotiated zoning. Below are those Special Districts detailed with recommendations for modifications to CHO proposed text amendments along with alternative proposals for rezonings which will produce a greater degree of both market rate and affordable housing in MCD4.

Special Clinton District (SCD)

The SCD was established in 1973, after the announcement of the development of the City-sponsored Convention Center on the Hudson River Piers at West 44th Street. It covers the area, in multiple subdistricts, from West 41st to West 57th Streets, from the West side of Eighth Avenue to Hudson River. One of the main purposes of the SCD is to protect the historic tenement neighborhood and its households, from West 43rd to West 56th Streets, from Eighth to an irregular boundary between Tenth and Eleventh Avenues. At the same time, on Eighth Avenue and West 42nd Streets, high-rise corridors are mapped with VIH zoning. Along the east side of Eleventh Avenue, as well as West 43rd and West 44th Streets west of Tenth Avenue are medium-density zones, also with VIH

²⁸ Refer to Appendix B for Hudson Yards, West Chelsea, Western Railyards Points of Agreements.

zoning. The SCD, after persistent negotiation by the Hell’s Kitchen community, includes zoning text to create affordable housing. For the first time in the City’s history, through the Clinton Housing Bonus, an owner could increase the building density through including affordable apartments in a building.

The Special Clinton District is not incased in amber, but rather is a living document which has been regularly modified in collaboration with DCP to model and shape residential development throughout its 51-year history. The district in its entirety has produced approximately 15,271 new housing units, of which 2,991 is affordable, during that period.²⁹

Allowing additional height and bulk in the Special Clinton District will incentivize owners to harass tenants out of their homes. Increased density and height will increase building value. To add floors to existing buildings, in the name of affordable housing, will put the existing rent regulated housing at risk. To construct additional floors on an existing building, NYC Department of Buildings (NYC DOB) requires a Tenant Protection Plan (TPP). TPP, in combination with other NYC DOB regulations, requires two floors below a proposed addition to be vacant. That safety requirement will put additional pressure on rent regulated tenants to move, be bought out, or relocated for construction of additions. Under the proposed zoning text, with UAP, a four- or five-story building can grow to 12 stories. That incentive will also further incentivize owners to increase value by deregulating buildings. Further, that degree of change will fuel development pressure resulting in the disruption and loss of rent regulated housing in this district.

Increased height in existing walkups may not be feasible, as it would require renovations to add elevators in certain buildings, further contributing to the displacement of tenants and demolition of existing apartment styles.

Further, the proposed zoning text includes an increase of base height and maximum height without UAP in the Special Clinton District. This is a concerning amendment and must be removed, as it threatens the available affordable housing stock in the Special Clinton District due to the incentive to build additional bulk and height.

Changes creating or modifying the Special Clinton District are memorialized in POAs between former Mayoral Administrations and the City Council.³⁰ Limits on bulk, setbacks, and height in certain areas of those Special Districts were an integral part of the ULURP public review and approval process and embodied in those agreements. Those agreements, in zoning years, are recent events, they must be respected.

This broad-brush approach for UAP, with its attendant bulk, setback and height increases, is not the tool to apply in nuanced functioning Special Zoning Districts, such as Special Clinton District.

²⁹ Refer to table 9 for details.

³⁰ Refer to Appendix B for Hudson Yards, West Chelsea, Western Railyards POAs.

Table 9. Housing Units Constructed in Special Clinton District Since Inception

Address	Housing Program	Development Name	Total Units	Total Affordable Units
561 10th Ave	Inclusionary	The Victory	418	100
572 11th Ave	Inclusionary	Oskar	164	46
770 11th Ave	Inclusionary	Mercedes House	864	180
790 11th Ave	Mitchell-Lama	Clinton Towers	396	396
450 West 41st St	Inclusionary	MiMA	1,483	163
650 West 42nd	80/20 Non-Inclusionary	1 River Place	921	184
424 West 42nd St	80/20 Non-Inclusionary	Theatre Row	264	54
600 West 42nd St	Inclusionary	River Place II	1,276	82
605 West 42nd St	Inclusionary	Sky	1,080	238
521 West 42nd St.	Inclusionary		72	72
350 West 43rd St	80/20 Non-Inclusionary	Ivy Tower	320	64
360 West 43rd St	80/20 Non-Inclusionary		256	51
520 West 43rd St	80/20 Non-Inclusionary	The Helux	375	76
505-513 West 43rd St	Inclusionary	Charlie West	131	26
535 West 43rd St	Inclusionary	535W43	280	62
550 West 45th St	Inclusionary	Gotham West	1,210	675
301 West 46th St	Inclusionary	Riu Plaza NE	600	2
516 West 48th St	80/20 Non-Inclusionary		109	23
501 West 51st St.	Inclusionary		22	22
535 West 51st St.	Section 8	Clinton Manor	235	235
510 West 52nd St	80/20 Non-Inclusionary	Avalon Clinton South	288	60
515 West 52nd St	80/20 Non-Inclusionary	Avalon Clinton North	339	68
525 West 52nd St	Inclusionary		392	79
501 West 52nd St.	Inclusionary		27	26
540 West 53rd St	Inclusionary	Site 7	103	103
505 West 54th St	80/20 Non-Inclusionary	Archstone West	222	45
321 West 54th St	80/20 Non-Inclusionary	Beta West	313	63
400 West 55th St	80/20 Non-Inclusionary	The Nicole	149	30
511 West 55th St	80/20 Non-Inclusionary	The Westport	371	77
424 West 55th St.	Inclusionary		18	17
530 West 55th St.	NYCHA	Harborview	195	195
625 West 57th St	80/20 Non-Inclusionary	The Landmark	753	151
601 West 57th St	Inclusionary	The Helena	597	120
606 West 57th St.	Inclusionary	The Max 606 West 57th	1,028	206
Total			15,271	3,991

Table 10. SCD Preservation Area: Current and Proposed FAR and Height Changes

	Underlying Zoning	Existing Maximum FAR	Proposed Maximum FAR	Existing Height	Proposed Height	Proposed Height with UAP
Building height within 100' of a wide street (9th and 10th Avenues)	R-8	4.2	5.04			
Base Height				50-66 ft (5 to 6 floors)	40-75 ft (4 to 8 floors)	40-85 ft (4 to 9 floors)
Maximum Height				66 ft (6 floors)	85 ft (9 floors)	115 ft (12 floors)
Building height beyond 100' of a wide street (mid blocks)	R-8	4.2	5.04			
Base Height				--	55-66 ft (6 floors)	55-66 ft (6 floors)
Maximum Height				66 ft (6 floors)	75 ft (8 floors)	105 ft (11 floors)

Special West Chelsea District (SWCD)

The SWCD was established in 2005 to rezone West Chelsea from manufacturing to residential and commercial use and create a TDR zoning mechanism for owners of properties encumbered by the then-future Highline Park.³¹ The Special West Chelsea District was drafted by DCP, with multiple subareas designed to allow diverse density and bulk in specific areas, a careful response considering Hudson River Park, the adjacent Chelsea Historic District, and built environment of the Chelsea neighborhood. It planned for Highline TDR in a strategic method, and has resulted in over 4,000 units of housing, of which 1,200 are permanently affordable since its creation. It must be noted that when originally proposed, no preservation or construction of affordable housing was included in the zoning text. Only after diligent negotiations by MCB4 and its elected officials were affordable housing provisions added to the proposal. In total, over 3.7 million square feet of new commercial and residential floor area were created by the West Chelsea rezoning in 2005.³² With requirement for anti-harassment and restrictions on demolition of existing residential buildings, MCB4 further secured protections for 317 apartments in 21 buildings.³³

³¹ The Highline itself exists in ownership of a 30-foot-tall easement 25-feet off the street. The Highline property owners owned the land and the development rights both above and below the Highline. The TDR mechanism of this Special Zoning district created the ability for owners to transfer those orphaned development rights to other properties within Special Zoning District.

³² [City Planning Commission West Chelsea Rezoning Public Hearing, 4.6.05](#)

³³ Refer to Exhibit B. Demolition restrictions for SHYD, SGCD and SWCD were secured at part of the WRY POA. From 2005 to 2024, 6 buildings and 45 units were illegally demolished, despite this protection.

With this combination of objectives, the SCWD has cultivated an opportunity for one of the City’s greatest tourist attractions, The High Line, while also contributing over two million dollars to the Chelsea Housing Fund offering opportunity for even more housing.

Changes creating or modifying these Special West Chelsea District are memorialized in POAs, between former Mayoral Administrations and the City Council.³⁴ Limits on bulk, setbacks, and height in certain areas of those Special Districts were an integral part of the ULURP public review and approval process and embodied in those agreements. Those agreements, in zoning years, are recent events, they must be respected.

Figure 17. Map of Special West Chelsea District with Subdistricts



³⁴ Refer to Appendix B for Hudson Yards, West Chelsea, Western Railyards POAs.

Table 11. Special West Chelsea District—Proposed Text and Height Changes³⁵

Subarea	Underlying Zoning District	Proposed Text Changes	Existing Height	Proposed Height
Subarea A	C6-4			
Base Height			60-85 ft	
Maximum Height			none	none
Subarea B	C6-3			
Base Height			60-95 ft	60-105 ft
Maximum Height			135 ft	145 ft
Subarea C	C6-3			
Base Height		For zoning lots with within 100 feet of Tenth Avenue frontage	105-125 ft	105-125 ft
Maximum Height			125 ft	145 ft
Base Height		For zoning lots with within 100 feet of Eleventh Avenue frontage	125-145 ft	125-145 ft
Maximum Height			145 ft	145 ft
Subarea D	C6-3			
Base Height			60-90 ft	60-95 ft
Maximum Height			250 ft	250 ft
Subarea E	C6-2			
Base Height			60-105 ft	60-105 ft
Maximum Height			120 ft	125 ft
Subarea F	C6-2			
Base Height			60-80 ft	60-105 ft
Maximum Height			80 ft	125 ft
Subarea G	C6-2			
Base Height		For zoning lots with only narrow street frontage	60' 95'	60' 125'
Maximum Height			95'	125'
Base Height		For zoning lots with wide street frontage	105-120 ft	105-125 ft
Maximum Height			120 ft	125 ft
Subarea H	C6-4			
Base Height			60-85 ft	-
Maximum Height			85 ft ³⁶	-
Subarea I	C6-3			
Base Height		Within 300 feet of Tenth Avenue between W. 16 th St. & W. 17 th St.	60-85 ft	60-105 ft
Maximum Height			120 ft	145 ft
Base Height		All other areas	60' 105'	60' 105'
Maximum Height			135'	135'

³⁵ Strikeouts as per proposed zoning text changes in DCP presentation to MCB4 5.23.24.

³⁶ Except "Tower East" and "Tower West," where height limits are 290 feet and 390 feet, respectively. See Zoning Resolution Section 98-423, paragraph (e).

Table 12. Special West Chelsea District—Current and Proposed FAR

	Existing Basic FAR	Existing Maximum FAR	Proposed Basic FAR	Proposed Maximum FAR
Subarea A	6.5	12.0	<u>10.0</u>	<u>14.4</u>
Subarea B	5.0	7.5	<u>6.25</u>	<u>9.0</u>
Subarea C	5.0	7.5	<u>6.25</u>	<u>9.0</u>
Subarea D	5.0	7.5	<u>7.5</u>	<u>9.0</u>
Subarea E	5.0	6.0	<u>5.0</u>	<u>7.2</u>
Subarea F	5.0	5.0	<u>5.0</u>	<u>6.0</u>
Subarea G	5.0	6.0	<u>5.0</u>	<u>7.2</u>
Subarea H	7.5	10.0	<u>8.33</u>	<u>12.0</u>
Subarea I	5.0	7.5	<u>6.25</u>	<u>9.0</u>

Special Garment Center District (SGCD)

The SGCD was established in 2005, as part of the Hudson Yards rezoning, where the blocks from West 35th to West 40th Street, between Eighth and Ninth Avenues³⁷ were rezoned from manufacturing to commercial. The blocks from West 45th to West 39th were increased from 5 FAR to 13 FAR, and West 40th to 18 FAR (the latter at the request of MCB4). MCB4 worked with DCP to add text to require setbacks and overall height of 250 feet to allow the dense development in the context of the surrounding Garment Center to loft wedding cake-style buildings. This height limit prevented Billionaire’s Row-type pencil thin towers and integrated new construction of both residential and hotel use, reinforcing the built character of those blocks. Conversely, MCB4 directed, in collaboration with DCP, more density of 18 FAR to the southside of West 40th Street which resulted in budget hotel row just south of Port Authority Bus Terminal. Lastly, with requirement for anti-harassment and restrictions on demolition of existing residential buildings, MCB4 secured protections for 264 apartments in 17 buildings.

It must be noted that when originally proposed, the Special Garment Center District did not include any zoning text regarding the preservation or construction of affordable housing. Housing provisions were added to the proposal only after diligent negotiations by MCB4 and its elected officials.

This strategic, deliberative approach allowed development while limiting heights where necessary and generated over 1,000 new apartments of which 207 are permanently affordable.

³⁷ Specifically, from Eighth Avenue to 100 feet east of Ninth Avenue.

Figure 18. Map of Special Garment Center District Subdistricts

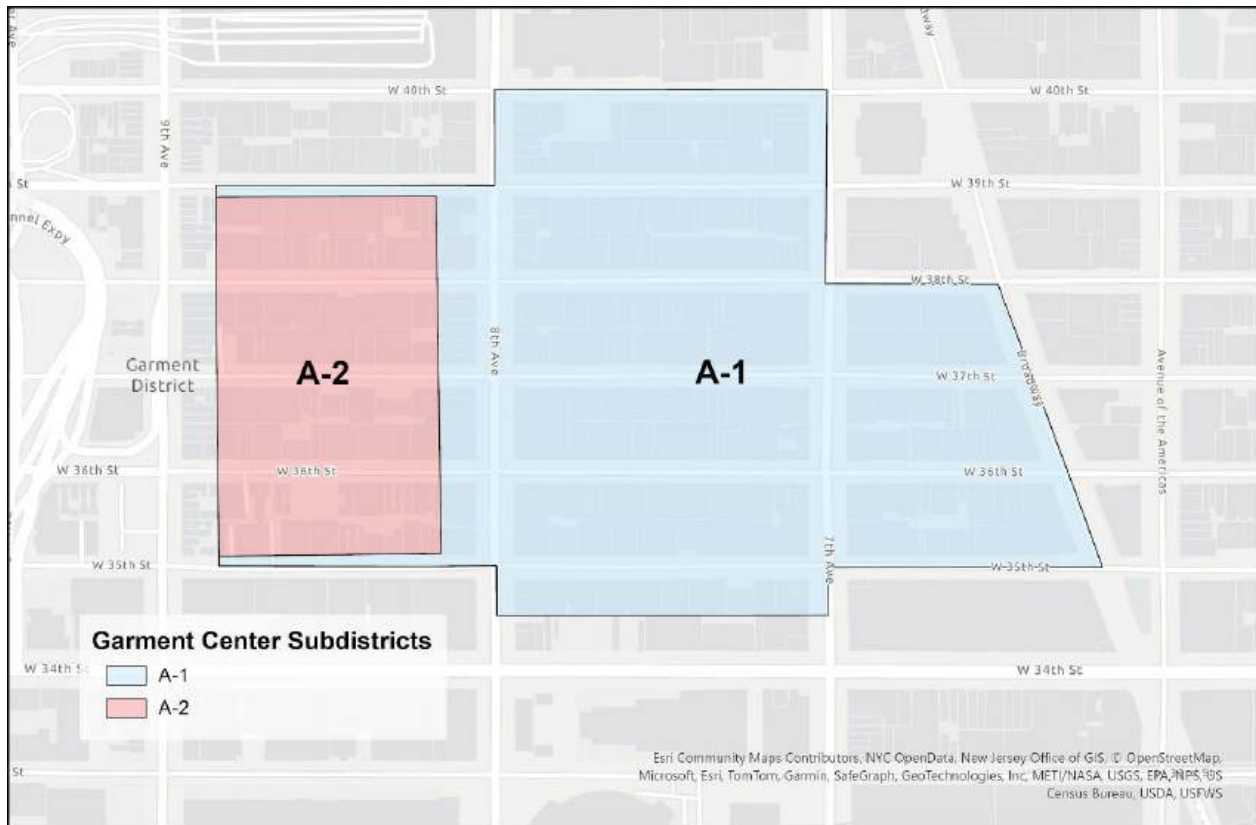


Table 13. Special Garment Center District—Current and Proposed Height and FAR

Subdistrict A-1	Underlying Zoning	Existing FAR	Proposed FAR	Existing Height	Proposed Height	
Wide streets and narrow streets within 50 feet of their intersection with a wide street	M1-6	10.0	12.0			
		(bonus up to 12 FAR)				
Base Height				125-155 ft	No change	
Maximum Height				None	No change	
Narrow streets beyond 50 feet of their intersection with a wide street			10.0	12.0		
			(bonus up to 12 FAR)			
Base Height				85-135 ft	No change	
Maximum Height				None	No change	
Subdistrict A-2	C6-4M (M1-6 equivalent)	10.0 (bonus up to 12 FAR)	12.0			
Base Height				80-90 ft	No change	
Maximum Height				250 ft	No change	

Special Hudson Yards District (SHYD)

In 2005 and extended in 2009 to encompass the Western Railyards (WRY),³⁸ the Hudson Yards rezoning brought major changes to the blocks from West 30th to West 41st Streets from Ninth to Eleventh Avenues. Those blocks were rezoned from manufacturing to commercial use. It also extended to Manhattan Community Board 5 to Penn Station and its surrounding blocks. The initial rezoning effort focused mainly on rezoning to create a new dense commercial central business district. After a series of meetings from 2001 to 2005, the commercial plan was tempered by mapping of zoning districts and mechanisms to incentivize residential development. In total, over 31.2 million square feet of new commercial and residential floor area was created by Hudson Yards and WRY rezoning in 2005 and 2009. West 33rd to West 35th Streets between Tenth and Eleventh Avenues have the densest zoning in the City, with 33 FAR.

MCB4 directed, in collaboration with DCP, the reallocation of density and FAR designations to be more evenly distributed throughout the District and worked to preserve Ninth Avenue as the main street of Hell's Kitchen South. A key component of the overall zoning Hudson Yards POA was the establishment of Hell's Kitchen Subdistrict (Areas D4 & D5)³⁹ with limited bulk, setbacks and height (an R8A zone) to manage new development while protecting the historic residential blocks of Hell's Kitchen South.⁴⁰ When originally proposed, no preservation or construction of affordable housing was included in the zoning text for SHYD. Only after diligent negotiations by MCB4 and its elected officials were housing provisions added to the proposal. With requirement for anti-harassment and restrictions on demolition of existing residential buildings, MCB4 further secured protections for 1144 apartments in 103 buildings.⁴¹ This strategic, deliberative approach allowed development while limiting heights necessary and generated over 4,800 new apartments of which 1,400 are permanently affordable.

MCB4 sees certain areas of the SHYD an opportunity for new housing construction. Along the east side of Eleventh Avenue from West 34th to West 41st Streets (Subareas A2, A3, A4 & A5), current mapped density ranges from 18 to 33 FAR. Yet, in that same Subarea, residential density is limited to only 6 FAR. The same high density of 19.5 to 21.6 exists along West 30th to West 31st Streets between Ninth and Tenth Avenues, but again, the residential density is capped at 4 and 6 FAR. When Hudson Yards was conceived a rezoning in 2001, the main concern was incentivizing commercial office building construction. Today, the main need has shifted to the need to expand the housing supply, both market rate and affordable. The location in the SHYD has the overall density already mapped and in place, the zoning text needs to be amended to allow for full residential use and in conjunction with the newly proposed Very High-Density zoning districts, through the consideration of mapping such residential zoning in the two above noted areas. The table below illustrates the opportunity, just on Eleventh Avenue, to develop between 4,600 & 6,000 units, with between 1,400 to 1,800 permanently affordable:

³⁸ West 30th Street to West 33rd Street, 10th to 11th Avenues.

³⁹ West 35th Street to midblock between West 40th & West 41st Streets, 100ft east of 9th Ave to 100ft east of 10th Ave.

⁴⁰ Refer to Exhibit B, Hudson Yards POA.

⁴¹ See Exhibit B POAs. From 2005 to 2024, 13 buildings and 76 units were illegally demolished, despite protections.

Table 14. Potential 11th Avenue Sites for Affordable Housing Development with Upzoning⁴²

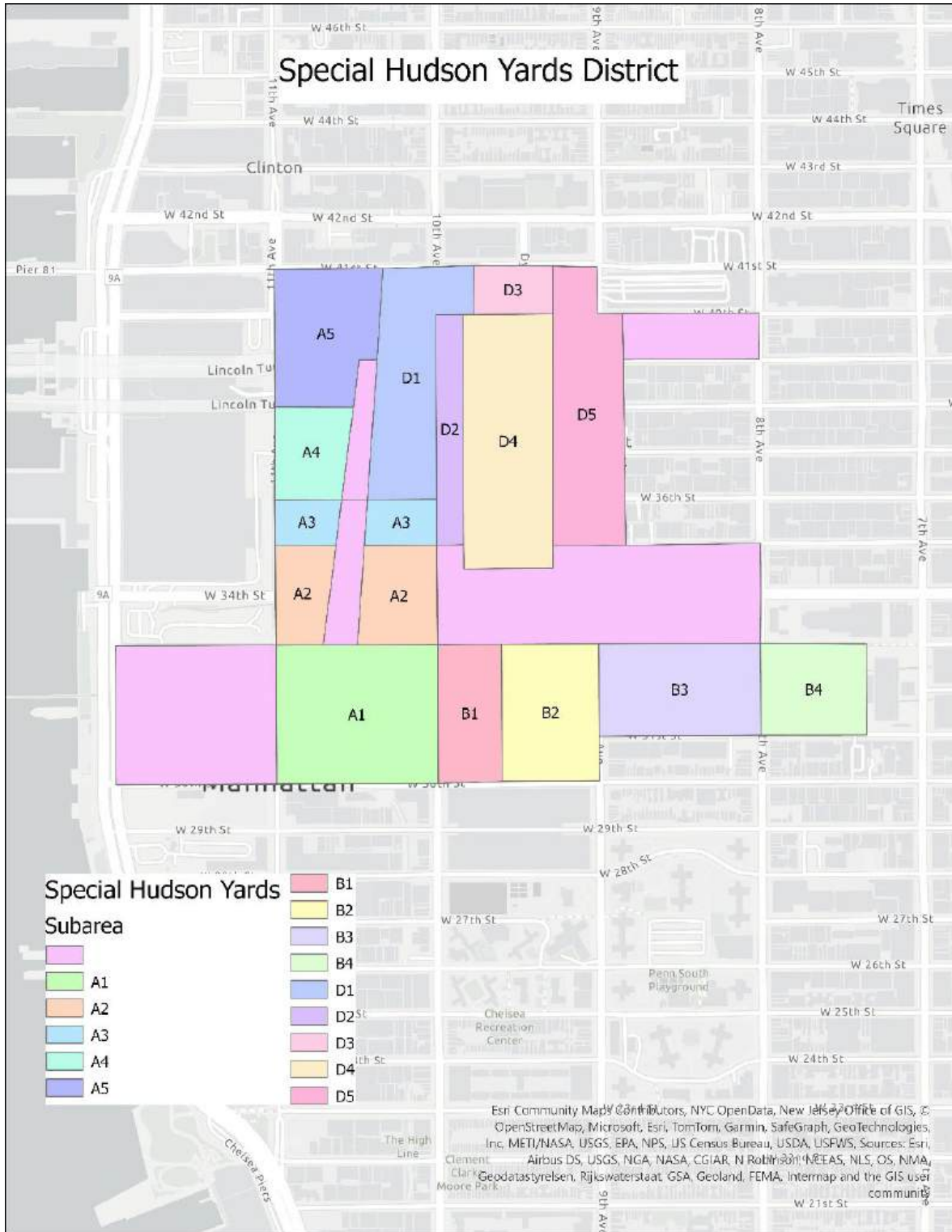
Site	Lot Area (sq ft)	Maximum Total FAR ⁴³	Maximum Residential FAR ⁴³	Total Res Floor Area (sq ft)	Estimated Housing Units ⁴⁴	Estimated Affordable Units ⁴⁴
SHYD A2 W34th/W35th, east side 11 th Ave	47,454	33.0	Existing: 6.0	284,724	310	93
			Text Mod to 12.0	569,448	620	186
			Text Mod & Upzone to 15.0	711,810	775	232
SHYD A3 W35th/W36th, east side Hudson Blvd E	40,681	10.0	Existing: 6.0	244,086	266	80
			Text Mod to 12.0	488,172	531	159
			Text Mod & Upzone to 15.0	610,215	664	199
SHYD A3 W35th/W36th, east side 11 th Ave	52,363	24.0	Existing: 6.0	314,178	342	103
			Text Mod to 12.0	628,356	684	205
			Text Mod & Upzone to 15.0	785,445	855	256
SHYD A4 W36th/W37th, east side 11 th Ave	40,809	21.6	Existing: 6.0	244,854	266	80
			Text Mod to 12.0	489,708	533	160
			Text Mod & Upzone to 15.0	612,135	666	200
SHYD A4 W37th/W38th, east side 11 th Ave	59,256	21.6	Existing: 6.0	355,536	387	116
			Text Mod to 12.0	711,072	774	232
			Text Mod & Upzone to 15.0	888,840	967	290
SHYD A5 W38th/W39th, east side 11 th Ave	54,312	20.0	Existing: 6.0	325,872	355	106
			Text Mod to 12.0	651,744	709	213
			Text Mod & Upzone to 15.0	814,680	887	266
SHYD A5 W40th/W41st, east side 11 th Ave	91,856	20.0	Existing: 6.0	551,136	600	180
			Text Mod to 12.0	1,102,272	1200	360
			Text Mod & Upzone to 15.0	1,377,840	1499	450
SHYD B1 W30th/W31st, east side 10 th Ave	60,529	21.6	Existing: 6.0	363,174	395	119
			Proposed: 7.2	435,809	474	142
			Text Mod to 12.0	726,348	790	237
			Text Mod & Upzone to 15.0	907,935	988	296
SHYD B2 W30th/W31st, west side 9 th Ave	97,466	19.0	Existing: 4.0	584,796	636	191
			Proposed: 7.2	701,755	764	229
			Text Mod to 12.0	1,169,592	1273	382
			Text Mod & Upzone to 15.0	1,461,990	1591	477
Total Units with Existing FAR					3,557	1,067
Total Units with 12 FAR Text Modification					7,113	2,134
Total Units with 15 FAR Text Modification and Upzoning					8,892	2,668

⁴² Refer to zoning map in Appendix D.

⁴³ The remaining FAR, after subtracting the residential FAR from the total FAR, would be commercial FAR.

⁴⁴ Refer to Appendix A, MCB4 Affordable Housing Plan, page 162, for methodology of unit calculations.

Figure 19. Map of Special Hudson Yards District & Subdistricts



MCB4 Recommendations and Conditions for Special Districts

MCB4 supports the text amendments for Special District Text Amendments under the following conditions:

- **Proposed UAP text amendments be revised to provide UAP density bonuses within existing base height, setbacks and overall building height limits currently as detailed in the zoning text of the Special Clinton, Special West Chelsea, Special Garment Center and Special Hudson Yards Zoning Districts.**
- **Consider mapping R11 in the SHYD along the east side of Eleventh Avenue from W34th to West 41st Streets, in Subareas A2, A3, A4 and A5 to create 7,302 apartments in which 2,191 units are affordable.⁴⁵**
- **Consider mapping R11 in the SHYD along West 30th and West 31st Streets from Ninth to Tenth Avenues in Subareas B1 and B2 to create 2,452 apartments in which 735 units are affordable.⁴⁶**
- **Base and maximum heights in SCD not be increased without UAP.**
- **Remove proposed zoning text amendment to increase of base height and maximum height without UAP in the Special Clinton District.**
- **Points of Agreements between prior Mayors and the City Council made as part of Hudson Yards, West Chelsea and Western Railyards be honored by the Adams Mayoral Administration and future administrations.**

City of Yes Housing Opportunity—One-Size-Fits-All Approach

- According to DCP’s presentation, over 12,000 units of new housing were produced in MCD4 between 2010-2023, which is significantly greater than majority of community districts citywide. The CHO proposal’s stated goal is to create only ‘a little bit more housing in every neighborhood.’
 - MCB4 inquired if this plan seeks to produce a proportionally greater number of units in districts that have not contributed to new housing stock between 2010 to 2023.

⁴⁵ See table 14.

⁴⁶ See table 14.

DCP responded that “while CHO indeed seeks to enable “a little more housing in every neighborhood,” the proposal’s equity goals are advanced most prominently by newly enabled housing in areas where zoning makes that difficult.” They included examples of the Upper West and Upper East Sides “where housing supply is actually decreasing...[and] are high-demand areas where developers will build if given the chance.”

- Further, MCB4 questioned how DCP justifies a blanket up-zoning of MCB4 to make up for shortcomings in new housing production citywide.

DCP responded that “referring to this as a ‘blanket upzoning’ fundamentally misunderstands the intent and effect of these proposals. Overall, the analytical framework in our legally mandated environmental review projects an average of 0.7 units per acre over 15 years, and our map of projected distribution predicts that CD4 will be below the median. The effectiveness of these proposals is driven overwhelmingly by their maximally broad geography, not by the significance of changes for any one place.”

MCB4 notes that in accordance with DCP above methodology would produce lower than the average rate of 0.7 units per acre over 15 years, therefore MCD4 would not be contributing its equitable share of new housing, both market rate and affordable. The creation of the Special Clinton District alone produced 15,271 units over 51 years, resulting in an average rate of 13.3 units per acre. DCP’s methodology does not consider the massive production of market rate and affordable housing through rezonings in MCD4.

MCB4 Recommendations and Conditions for One-Size-Fits-All Approach

- MCB4 encourages DCP to move past an academic approach that does not acknowledge that neighborhoods are places that produce affordable housing in many ways.
- Request that community districts receive specific market rate and affordable housing targets to meet, rather than a City-wide approach.
- MCB4 is disappointed to see that DCP’s does not support economic, ethnic, and racial integration through their guise of “striking the right balance.” MCB4, from its direct experience, believes that the key to a robust, diverse community representative of our City can only exist through the integration of affordable units throughout buildings with market rate units.

- Provisions and requirements for increased infrastructure must be included in this plan. Planning for increased population without the resulting infrastructure needs, including school seats, daycare slots, EMS, NYPD and NYFD, will put a strain on the existing system. The City must, as part of these proposed text amendments, set aside such funding for potential adverse impacts.

Conclusion

MCB4 looks forward to working with DCP and the City Council during the ULURP public review process reviewing and discussing MCB4 proposals.

Sincerely,



Jessica Chait
Chair
Manhattan Community Board 4



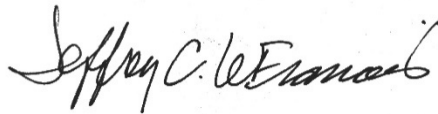
Joe Restuccia
Co-Chair
Housing, Health, and Human Services
Committee



Maria Ortiz
Co-Chair
Housing, Health, and Human Services
Committee



Kerry Keenan
Co-Chair
Chelsea Land Use Committee



Jeffrey LeFrancois
Co-Chair
Chelsea Land Use Committee



Jean-Daniel Noland
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



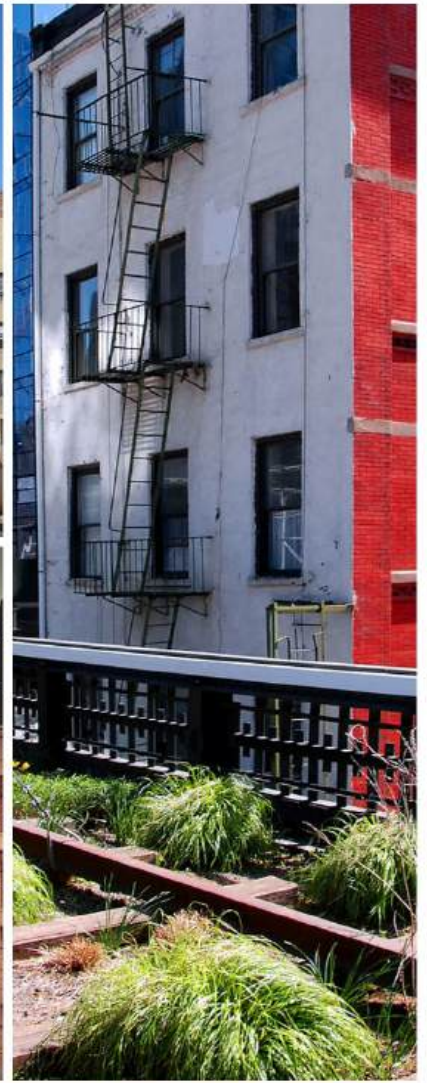
Paul Devlin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

cc: Hon. Jerrold Nadler, U.S. Congress
Hon. Mark Levine, Manhattan Borough President
Hon. Brad Hoylman-Sigal, New York State Senator
Hon. Brian Kavanaugh, New York State Senator, Chair, Committee on Housing,
Construction and Community Development
Hon. Linda Rosenthal, New York State Assembly Member, Chair, Standing Committee
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Abby Rider, Borough Planner at New York City Department of City Planning
All Chairs of Manhattan Community Boards
All Chelsea & Hell's Kitchen Block Associations

**City of Yes for Housing Opportunity
Proposed Citywide Text Amendments**

APPENDIX A

**Manhattan Community Board 4
Affordable Housing Plan**



Manhattan Community Board 4

Revised June & July 2022
Information updated August 2024

AFFORDABLE HOUSING PLAN

Manhattan Community Board 4

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I. Introduction

Manhattan Community Board 4’s (MCB4) Affordable Housing Plan was first created by the Board in 2015 to track affordable housing developments, both those underway and planned for the future, as well as to suggest policies or strategies that would build and/or preserve additional affordable housing in Chelsea and Hell’s Kitchen. This Plan has been periodically reviewed and updated by the full Board, most recently in 2022, and acts as a living document. It is meant to be adapted to reflect progress to date, changes in socio-economic, legal and regulatory environment, and new needs of our communities.

Every change of Mayoral Administration brings new policies and priorities. As the Mayor of New York City, Eric Adams has outlined his key priorities, including a new and expanded commitment to affordable housing. To address the pressing need for affordable housing, Mayor Adams released “Housing Our Neighbors: A Blueprint for Housing and Homelessness”¹ in June 2022 (the “NYC Affordable Housing Plan”). The plan sets forth a framework for the development or preservation of affordable

housing units, with a total \$22 billion capital commitment.

Using the NYC Affordable Housing Plan as a framework, the communities of the middle West-side of Manhattan, Clinton/Hell’s Kitchen, Hudson Yards, and Chelsea, recognize the need for strategies and mechanisms to achieve the policies set forth based on local knowledge, history, and advocacy. As such, MCB4 revised this plan for affordable housing development and preservation in Manhattan Community District 4 (MCD4).

For decades, MCB4 has been a strong advocate for affordable housing at a range of incomes. Our community believes that socioeconomic diversity and integration are the only way to keep Clinton/Hell’s Kitchen, Hudson Yards and Chelsea the thriving neighborhoods they are today. The Board is confident that between the NYC Affordable Housing Plan and the MCD4 Affordable Housing Plan, our community has the tools to make the creation and preservation of 15,798 affordable housing units in MCD4 a reality.

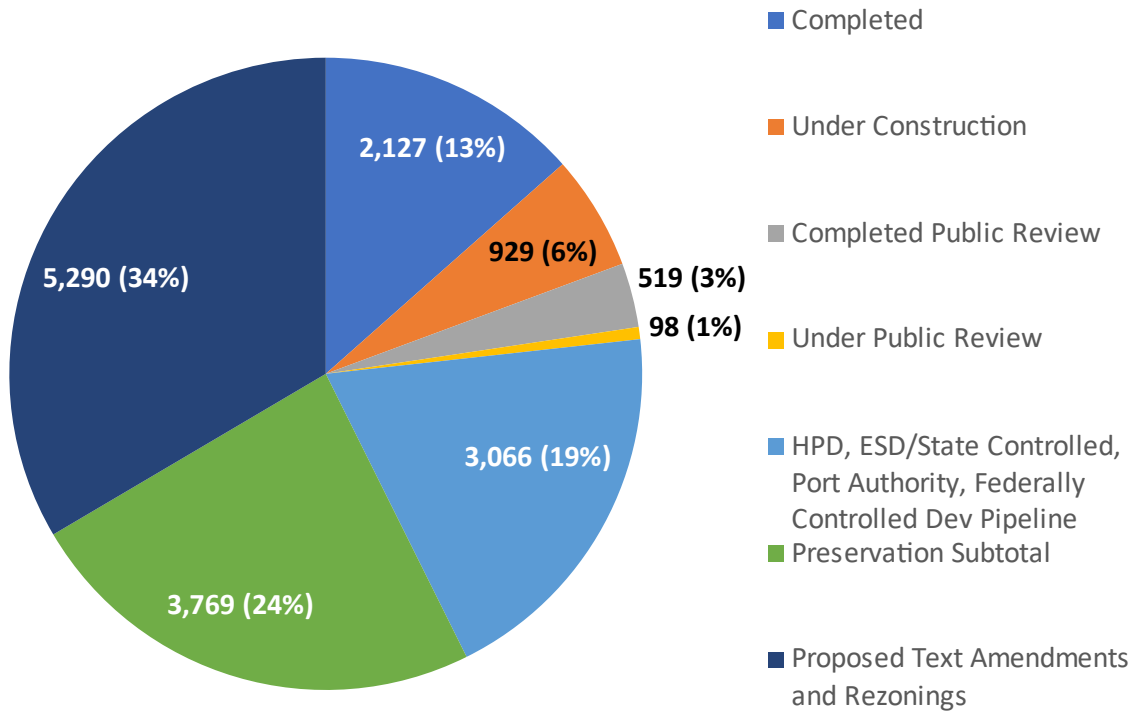
Summary of Affordable Housing (AH) Units in MCD4²

	Total AH Units	AMI Unit Breakdown									
		0-39%	40%	50%	60%	80%	100%	125%	135%	165%	175%
Completed (2015-2024)	2,127	-	443	370	839	64	133	163	-	105	10
Under Construction	929	24	194	106	177	132	58	212	-	26	-
Completed Public Review	519	-	-	14	89	38	145	34	2	197	-
Under Public Review	98	-	-	61	26	-	1	2	-	8	-
HPD, ESD/State Controlled, Port Authority, Federally Controlled Dev Pipeline	3,066	-	73	321	356	546	689	721	-	360	-
Preservation Subtotal	3,769	-	-	2,071	1646	52	-	-	-	-	-
Proposed Text Amendments and Rezoning	5,290	-	-	561	561	1,122	1,402	1,402	-	242	-
Total	15,798	24	710	3,504	3,694	1,954	2,428	2,534	2	938	10
Percentage	39%	<1%	4%	22%	23%	12%	15%	16%	<1%	6%	<1%

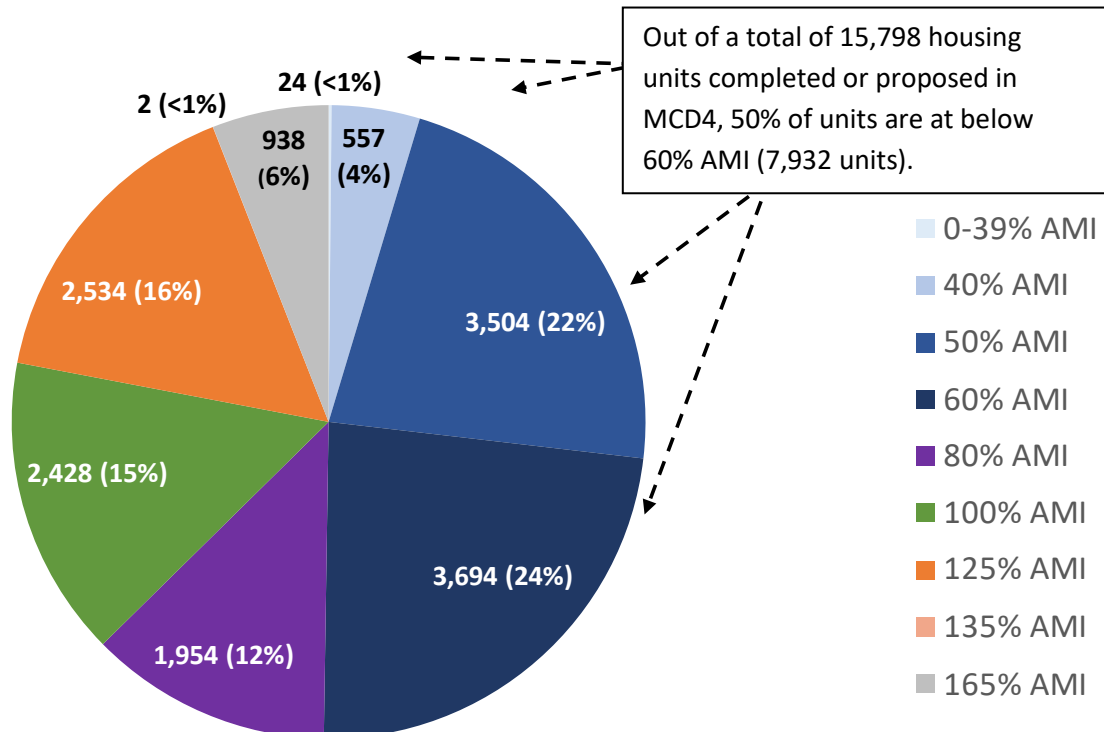
¹ [Housing Our Neighbors: A Blueprint for Housing and Homelessness](#), City of New York, Mayor Adams, June 14, 2022

² Refer to Appendix A. for Methodology of calculating affordable housing units and number of units at each AMI level.

Summary of MCD4 Completed and Proposed Affordable Housing Units (Historically, 2015-2024)



Summary of MCD4 Completed and Proposed Affordable Housing Units by AMI Level (Historically, 2015-2024)



II. Key Elements of the MCD4 Affordable Housing Plan

Bringing Remaining City-owned HPD Sites to Construction Readiness

Several of the City-owned sites identified in the MCD4 Affordable Housing Plan have remained in City-ownership for many years. To accelerate affordable housing production, MCB4 requests that the City transfer jurisdiction of the key sites to the NYC Department of Housing Preservation and Development (HPD) from other city agencies. For those sites where HPD already has jurisdiction, which have already been designated for development, MCB4 asks HPD to work with tenants, not-for-profit developers, and other stakeholders to identify specific public and private financing and begin the public review process to ready these sites for affordable housing development.

Achieving the Affordable Housing Commitments in the Westside Rezoning Points of Agreements

In each major Community District 4 Rezoning (West Chelsea, Hudson Yards and Western Railyards, collectively the “Westside Rezonings”) a document called Points of Agreement (“POA”) was executed between the Mayor and the City Council, detailing all matters which would result or be resolved as part of the proposed zoning action. A majority of each agreement details affordable housing production and preservation. Specific sites were also identified for such efforts. Many of these sites proceeded to development; others have been unable to move forward for various reasons. MCB4 seeks to work with the Mayor’s Office and HPD to identify creative approaches to achieve the commitments in the various POA’s to meet, and wherever possible, exceed those affordable housing commitments.

Identifying Publicly Owned Sites for Affordable Housing

Instead of looking only at City-owned sites controlled by HPD, the MCD4 Affordable Housing Plan also looks at underutilized sites controlled by other City, State, or Federal agencies or entities that could accommodate affordable housing development. Working with its government partners, the city should leverage these large and well-situated sites to create significant numbers of permanently affordable apartments.

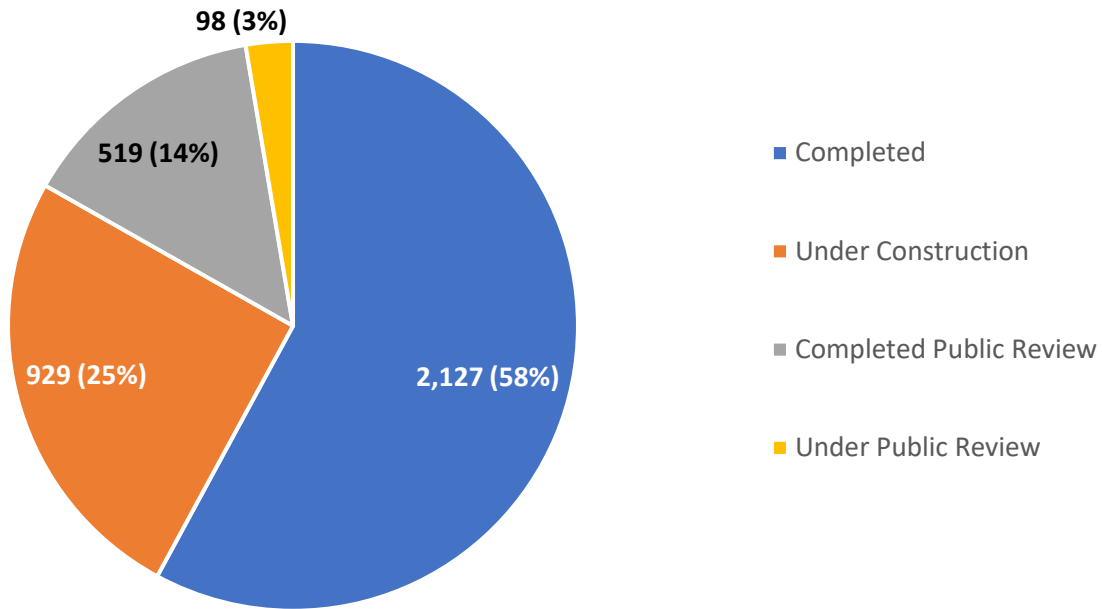
Ensuring Affordability at a Range of Incomes: Low, Moderate and Middle

Historically, since 1973, the Special Clinton District was created “to preserve and strengthen the residential character of a community bordering Midtown and maintain a broad mix of incomes.”³ This is the only Special Zoning District in the City to embody this goal through specific zoning language.

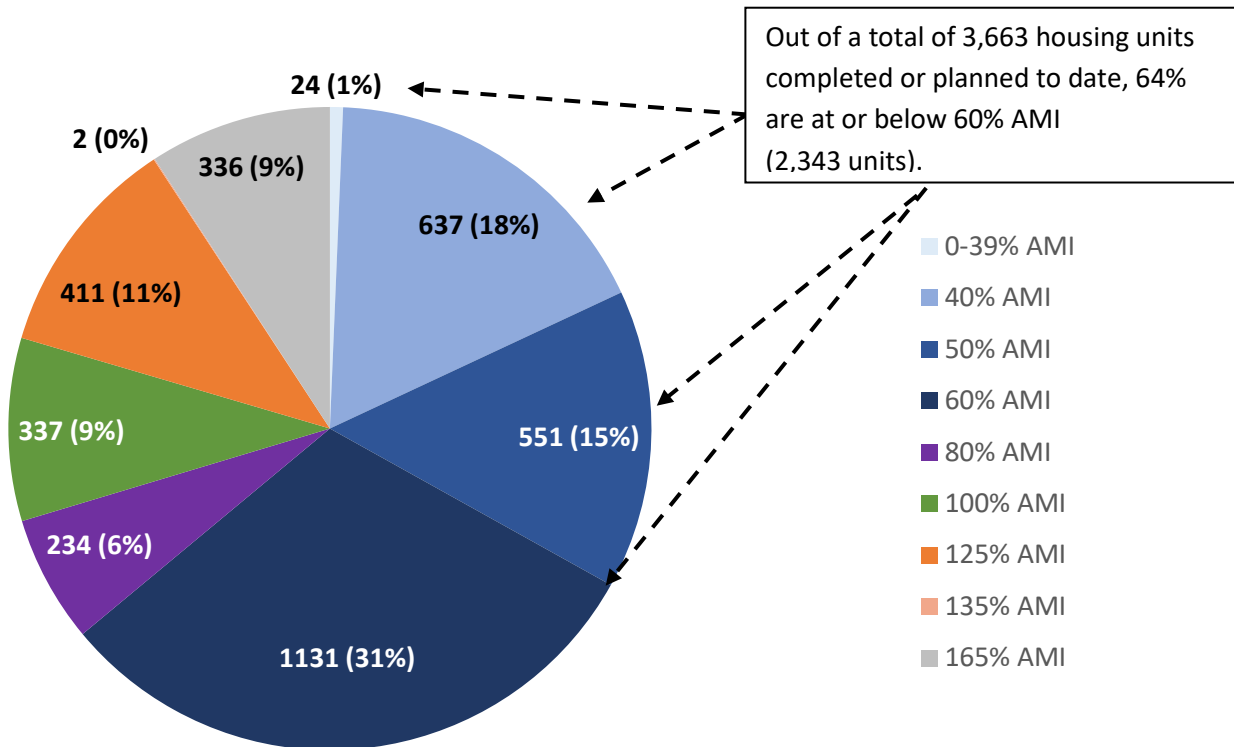
In the Westside Rezonings, the community’s concern was to maintain economic integration. The vast majority of the affordable units produced under those POA’s, however, were through Inclusionary Housing for low-income households. The Westside Rezonings responded to the community’s concerns, and the POA’s contained opportunities and commitments to produce affordable housing for a range of incomes: low, moderate, and middle. In fact, the Harborview NYCHA site, the Studio City site (now known as Gotham West), Site M (commitment now transferred to the Slaughterhouse site), the DEP, MTA, and West 20th Street site (commitment now transferred to the Slaughterhouse site), all noted a range of incomes between 60-165% AMI. MCB4 continues to request for affordable housing at a broad range of incomes, and also recognizes the need to address the severely mentally ill homeless population through building supportive housing.

³ [Special Clinton District Zoning Resolution](#), 96-00 General Purposes section.

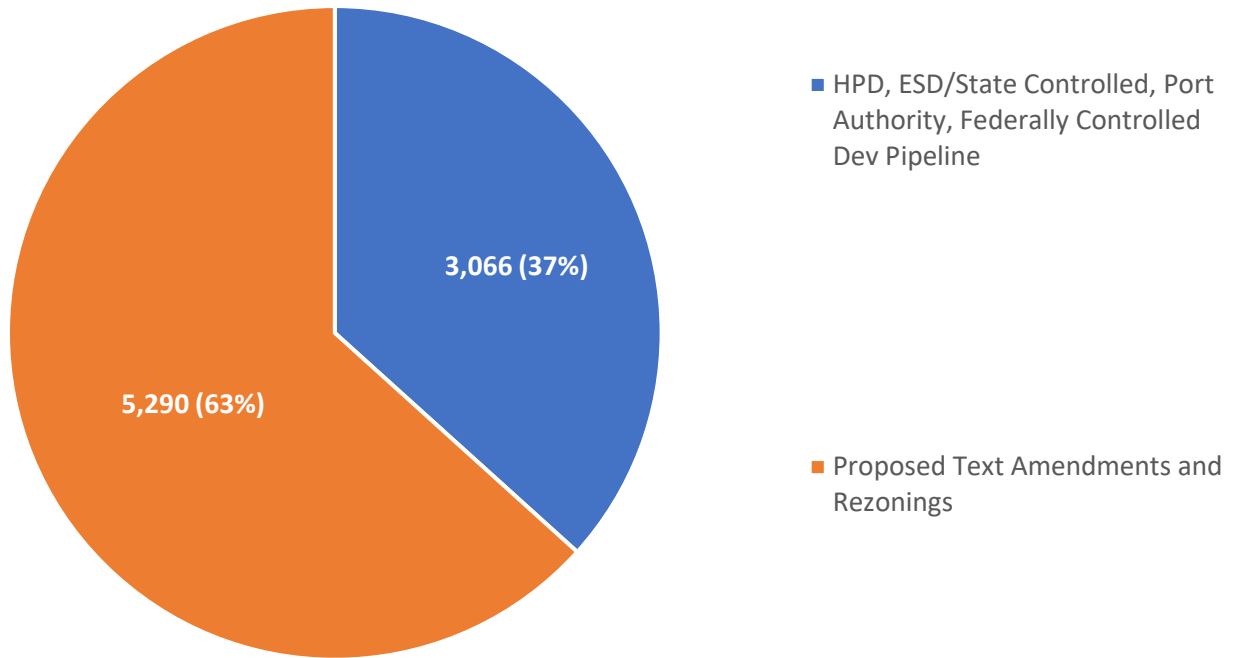
Summary of MCD4 Affordable Housing Units Completed, Under Construction & Completed / Under Public Review (Historically, 2015-2024)



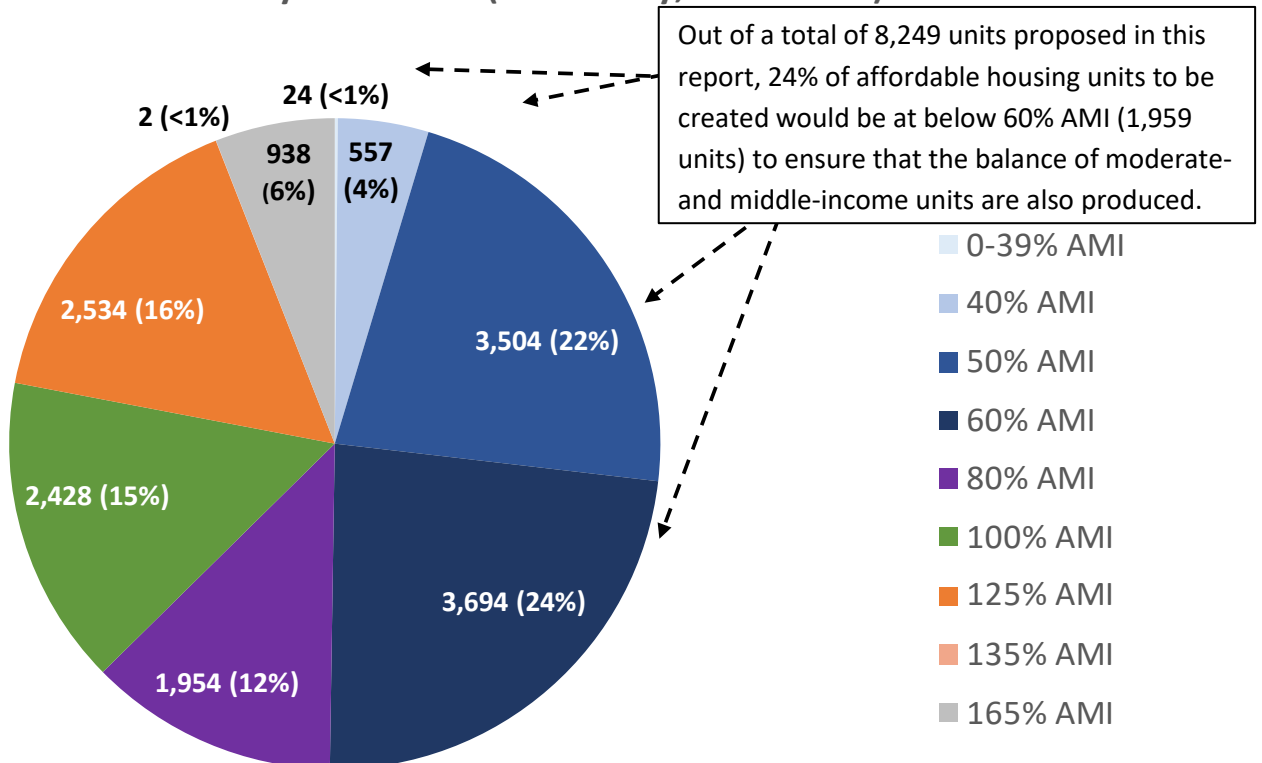
Summary of MCD4 Affordable Housing Units Completed, Under Construction & Completed / Under Public Review by AMI Level (Historically, 2015-2024)



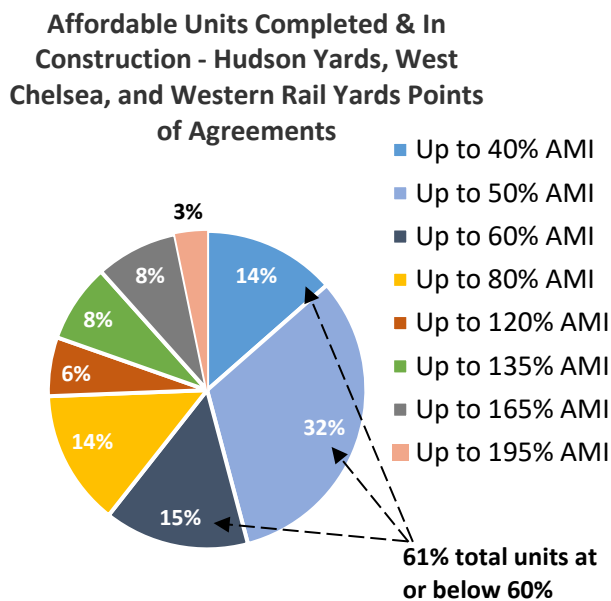
Summary of MCD4 Proposed New Affordable Housing Units by Category (2024)



Summary of MCD4 Completed and Proposed Affordable Housing Units by AMI Level (Historically, 2015-2024)



As shown in the charts on page 6 and onwards, out of a total of 3,663 units completed or under construction/in public review between 2015-2024, 2,343 (64%) units are at below 60% AMI. Development in MCD4 continues to produce market-rate housing and low-income housing (at below 60% AMI) through Inclusionary Bonuses. However, the Middle Westside of Manhattan and the City of New York also need to serve those New Yorkers in the middle who are left out, with the production of moderate- and middle-income housing. Therefore, the distribution of housing units and AMI's proposed for potential new developments reflect a broad range of incomes and are thus embodied within the MCB4 Affordable Housing Plan.



Integrating Housing and Social Services

MCB4 has long been a supporter of both affordable housing and social services projects. The Board recognizes that many who call MCD4 home may require a higher level of support than what traditional residential housing models can provide. Given the level of need, MCB4 welcomes the opportunity to review innovative and thoughtful ways to integrate housing with social services in the community.

Preserving Affordable Apartments

The careful balancing of preservation and development is a key element of the MCD4 Affordable Housing Plan.

Illegal Demolition

Since 2015, due to a lack of enforcement and coordinated regulation by the NYC Department of Buildings, illegal demolition has plagued MCD4 at multiple sites resulting in a loss of affordable housing units. MCB4 recommends that:

- Through the NYC Department of Buildings (DOB), establish a special unit to prioritize enforcement to prevent illegal demolition.
- Through the NYC Administrative Code, create a penalty structure with substantial fines for illegal demolition.
- Through the Department of City Planning and NYC Department of Housing Preservation and Development, develop a zoning text amendment to disincentivize and sufficiently deter, and when needed, cure illegal demolition. This zoning cure should be modeled on the Special Clinton District Cure for Harassment. However, due to the severity of illegal demolition, the cure should require, at least 40%, instead of 28%, permanently affordable housing, to act as a substantive deterrent.

The above proposed policies, combined with other mechanisms that can be enforced by city agencies, will be consistent with the goal of preserving existing affordable housing stock.

Chelsea NYCHA

In the Spring of 2019, the Chelsea NYCHA Working Group (Working Group) was formed to make recommendations to meet the urgent capital improvement and repair needs of the Chelsea NYCHA developments as soon as possible. The Working Group convened a range of stakeholders including NYCHA, the Mayor's Office, citywide housing advocates, elected officials, Hudson Guild, MCB4 and most importantly, representatives of the residents of Fulton and Elliott-Chelsea Houses.

The Chelsea NYCHA Working Group worked between Spring 2019 – 2021. After 15 months of near weekly meetings, the group issued its report⁴ in February 2021. The Working Group determined \$366M required to address critical repairs for ~2,071 NYCHA units for low and very-low-income families earning up to \$35,000-\$40,000 in the Fulton, Chelsea, Chelsea Addition, and Elliott Houses.

The Working Group’s recommended strategies to preserve existing low-income housing units include Permanent Affordability Commitment Together (PACT) conversion, the construction of new mixed-income housing, ground floor retail conversions and the construction of commercial space, community facility development, funds from the City Council, and funds from the West Chelsea Affordable Housing Fund, if available. It also includes a commitment to construct spaces for community services.

NYCHA then worked with the Tenant Association and Citizens Housing and Planning Council to develop the RFP. In April 2021, NYCHA issued its RFP. After responses were received, NYCHA again worked with the Tenant Association and Citizens Housing and Planning Council to review the RFP responses.

In November 2021, Related Companies and Essence Development were designated as developers through the RFP process. Despite MCB4’s persistent effort to work with all stakeholders regarding development proposals for the Chelsea NYCHA developments, however, both NYCHA and the development team have provided extremely limited information regarding the details of its development proposal.

Expiring 421-a Tax Exemption Program Units

The 421-a program allows for a time-limited exemption from real estate taxes for multi-family developments meeting certain criteria. The program

was started in the early 1970s to encourage new residential development in the City. MCD4 is part of the Geographic Exclusion Area, where developments in MCD4 are only eligible for the tax abatement if 20% of the units are affordable to low-income households. While these tax abatements last for varying periods based on when they were awarded, many expire after only 15 years. MCB4 proposes HPD develop new real estate tax exemptions to extend those benefits to provide permanent affordability to preserve affordable apartments.

Illegal Hotel Enforcement

In the New York State Attorney General’s report of 2014 on Airbnb, the neighborhoods of Chelsea and Clinton/Hell’s Kitchen were cited in the top three neighborhoods in the City with illegal hotel use. The net result has been the loss of hundreds of rental apartments in MCD4. The City needs to continue to commit to preserving our rent regulated housing through proactive enforcement against illegal hotel conversion. Dedicating one inspector and one litigator to MCB4 will stem the loss of affordable rent regulated apartments.

DOB enforcement against harassment and eviction through building renovations

Owners file renovation plans for a vacant rent regulated building with the Department of Buildings for extensive reconstruction, while the building is occupied. The Vacant designation removes the requirement for the filing and following a DOB Tenant Protection Plan to maintain safety for the building tenants. Renovation work then begins and results in Tenant Harassment. Owners then seek to relocate or buy out tenants due to self-created hazardous conditions. Increasing effective enforcement will not only protect the health and safety of existing tenants but also reduce the loss of affordable rent regulated apartments. MCB4 suggests that the DOB impose substantial fines and immediate Stop Work Orders to combat this behavior from building owners.

⁴ [Chelsea NYCHA Working Group Report](#)

Proposing Rezoning and Zoning Text Amendments

MCB4 proposes contextual rezoning and zoning text amendments to create affordable housing on a variety of both public and privately owned sites and areas on 11th Avenue, between 38th and 42nd Streets and West of 11th Avenue, above 42nd Street. Although MCD4 is the home of the densest zoning in the City (Hudson Yards) and the most complex (West Chelsea-- Highline Transfer regulations), MCB4 is open, yet again, to accepting more density to ensure the development of affordable housing, particularly if the development contains 100% permanently affordable housing. These actions are proposed with careful consideration of the surrounding existing built or planned environment and context.

MCB4 seeks to balance the need for affordable housing with regulations and requirements of existing Special Zoning Districts (SCD, SHYD, SWCD), height and bulk requirements of adjacent existing and planned developments, preservation of industrial uses, and competing community needs e.g. Hudson River Park Transfer of Development Rights, schools, parks and transportation. Thus, development on the Westside - whether market driven or affordable - requires a surgical approach to zoning. Along with the rezoning actions we recommend that all ULURP actions be considered cumulatively to provide the proper infrastructure at the lowest cost, as the population grows.

Adopting Housing Policy Reforms

Reform the Inclusionary Housing Program: Increase and Broaden Inclusionary Requirements: MCB4 proposes to make Inclusionary Housing mandatory and increase the Inclusionary Housing Affordable Housing Ratio to 30% while broadening the Affordable Income Bands (20% low, 10% moderate- and middle-income). See [MCB4 Inclusionary Housing – Policy & Checklist](#) for more information.

⁵ [New York City Neighborhood Data Profiles](#)

Ensure Equality in Apartment Distribution

MCB4 proposes to make mandatory a current goal of MCB4: Inclusionary Housing Zoning should be reformed to increase the building distribution by floor to 100% of the building and require placement of affordable units on all building exposures.

Ensure Equality in Apartment Finishes and

Access to Building Amenities: MCB4 proposes to make mandatory a current goal and practice of MCB4: Inclusionary Housing Program Guidelines should be reformed to require all apartment finishes (flooring, tile, plumbing and light fixtures, kitchen cabinets, countertops, and appliances, etc.) be the same throughout a building with onsite Inclusionary Housing Units. MCB4 proposes that building amenities be equally available to all building residents regardless of income, except for fitness facilities, which should be available to Inclusionary Housing tenants at a reduced fee.

Ensure Provision of Family-Sized Apartments:

Determining need for Single or Family Size should be tailored to meet the needs of different neighborhoods within each Community District. In MCD4 there is an urgent need to provide adequate housing to a growing number of families.⁵ MCB4 requires that at least 50% of the affordable units have 2 or 3 bedrooms.

Provide Housing for a Growing Senior Citizen

Population: Provide low cost land to developers of Senior Housing throughout the city: Establish a capital subsidy program for new Senior Housing funded by the City's Capital Budget through HPD's Division of New Construction, and revise the NYC Zoning Resolution to bring zoning definitions to current standards for different types of senior housing, including independent living, assisted living, and skilled nursing care, allowing a mix of uses within the same building.

III. Background & History: Affordable Housing Development in MCD4

MCB4 has been an affordable housing advocate for decades. From the 1970s when the City was plagued by disinvestment and abandonment, through gentrification and tenant displacement in the 1980s and 1990s, and the major rezoning actions and luxury rental and condo development of the early 2000s, MCB4 has always sought flexibility and creativity from the City government and the private sector to develop and preserve affordable housing.

1969 - Clinton Urban Renewal Area

One of the first areas where the Board and the community sought to develop a significant number of affordable housing units was in the former Clinton Urban Renewal Area (“CURA”).

In 1969, most of the properties on the six blocks bounded by West 50th Street to the south, West 56th Street to the north, 10th Avenue to the east and 11th Avenue to the West, were designated by the City of New York as the CURA, and condemned by the City of New York for affordable housing. The CURA is primarily a low and moderate income diverse area comprised of affordable housing developments, tenements, commercial lofts, small- to medium-sized businesses, and not-for-profit, social service, and cultural organizations.

From 1979 to 1981 six major affordable housing developments were completed in the CURA:

Affordable Housing Developments in the Former CURA: 1979-1981				
Address	Name	# of AH Units	Type of AH Units	Type of Financing
790 11th Avenue	Clinton Towers	396	Low & Moderate Income Families	Section 236 HUD Mortgage Subsidy
747 10th Avenue	Hudson View Terrace	390	Low & Moderate Income Families	Section 235 HUD Mortgage Subsidy
525 W 55 th Street	Harborview Terrace	305	Low Income Families	NYCHA
540 W 54 th Street	Harborview Terrace	198	Low Income Seniors	NYCHA
535 W 51 st Street	Clinton Manor	110	Low Income Families	Section 8
540 W 52 nd Street	Clinton Manor	99	Low Income Families	Section 8
Total		1,498		

In 1982, CURA site tenants founded the Clinton Preservation Local Development Corporation (“CPLDC”). The CPLDC drafted a plan that proposed to:

- Retain existing residential, commercial, not for profit, and cultural uses
- Build new mixed income housing while preserving and rehabilitating existing housing
- Provide additional and open space

However, due to economic conditions and the lack of public funding, no residential development or

rehabilitation occurred for over fifteen years within the CURA.

In 1999, an umbrella group of community organizations called the CURA Coordinating Committee (CCC) joined to develop an updated plan (the “1999 Plan”) for the remaining CURA sites. The 1999 Plan was designed to reflect the Clinton community’s and CPLDC’s long-stated planning vision for the community.

The 1999 Plan continued the key vision of accomplishing, through a balance of housing preservation and new construction, the following core goals:

- Maintaining moderate- and low-income housing
- Promoting mixed use

- Protecting existing tenants
- Creating cultural and open space.

Under the 1999 plan the CURA has seen the construction of:

Constructed Projects				
Address	Name	AH Units	Types of AH Units	Type of Financing
501 W 52 nd Street		27	Low Income Families	Inclusionary
555 W 52 nd Street	Clinton Parkview	96	Low & Moderate Income Families	Mixed Income HDC Bonds
554 W 53 rd Street	The Flats/Old School	86	Low, Moderate , & Middle-Income Families	HPD NRP & SHP w/ LIHTC
515 W 52 nd Street / 510 W 52 nd Street	Avalon Clinton	127	Low Income	80/20 Bonds
501-505 W 51 st Street		22	Low Income Families	Inclusionary
535 W 52 nd Street	Park Clinton	96	Moderate & Middle Income Families	Mixed Income - New Construction
525 W 52 nd Street		81	Low Income	
540 W 53 rd Street		103	Low, Moderate, & Middle-Income Families	
Total		638		

Projects in Development Pipeline or Completed Public Review				
Address	Name	AH Units	Types of AH Units	Type of Financing
560 W 52 nd Street	Captain Post	22	Low & Moderate, Income Families	MPLP, Inclusionary Equity, HTC
500 W 52 nd Street		46	Supportive Housing	HPD Supportive Housing, LIHTC
Total		68		

1973 - Special Clinton District

Adopted by the Board of Estimate in 1973, the Special Clinton District (“SCD”) was one of the first Special Purpose Districts in New York City. The SCD allowed dense residential and commercial development to proceed in the Perimeter Areas (along 8th Avenue and West 42nd Street) while establishing a Preservation Area in the neighborhood’s core (west of 8th Avenue to west of 10th Avenue, from West 43rd to West 56th Streets) Notably, the SCD was the first district to feature a zoning bonus for the creation of affordable housing as well as the first to include protections against tenant harassment. With New York City’s fiscal crisis

in 1975, and the concomitant collapse of the real estate market, the effect of the SCD did not become fully realized until the mid-1980s. With gentrification and tenant displacement in full swing, Clinton/Hell’s Kitchen became the scene of violent tenant harassment with drugs, gang, and arson as tactics to empty 5-story tenements. The tenant anti-harassment provisions prevented owners from altering or demolishing buildings in which harassment had been documented. That provision was an ongoing deterrent against wholesale tenant displacement.

Major Redevelopments

- 1984 - Times Square Redevelopment: As part of the Times Square Redevelopment Project, a joint agreement between the City and State provided \$25,000,000⁶ for the renovation and acquisition of affordable housing in the Clinton/Hell's Kitchen neighborhood. The majority of the City's \$12,500,000⁷ contribution supplemented public funding for the renovation of 26 city-owned buildings, encompassing 466 apartments. The majority of that funding created full private bathrooms for tenants whose tenement units had tubs in the kitchens and hallway toilets. Of the State's \$12,500,000⁷, the majority was dedicated to legal and tenant advocates to protect long-term residents from displacement resultant from Times Square Development real estate development pressures. The State's funds also enabled low-income tenants to acquire, as low-income cooperatives, 6 buildings with 90 apartments and assist another 6 Housing Development Fund Corporation (HDFC) cooperatives with 93 units, with low interest loans.
- 1986 - Worldwide Plaza Rezoning: The rezoning of the old Madison Square Garden site between West 49th -50th Street, 8th - 9th Avenues, to build a 47 story office building and a 32 story condominium surrounded by midrise apartments and a central plaza, resulted in the creation of 132 affordable apartments on two sites-- 9th Avenue between West 48th and West 49th Street and West 56th Street between 9th and 10th Avenues for low and moderate income households.

⁶ Adjusted for inflation, \$250,000 in 1984 is equal to \$712,972 in 2022.

⁷ Adjusted for inflation, \$12,500,000 in 1983 is equal to \$35,648,580 in 2022.

Major Rezoning Actions

1989—2012 Rezoning of Individual Blocks

- West 34th Street Rezoning: In 1989, the rezoning of West 34th Street between 8th-9th Avenues on a site that contained multiple SRO buildings resulted in a commitment to build 80 units of off-site SRO housing. After the initial and subsequent projects fell through, that commitment was later converted to \$3.65 million⁸ funding to support HPD's Supportive Housing Program. Those supplemental funds were allocated to Supportive Housing developments acquired and renovated on West 24th, West 30th and West 42nd Streets.
- West 42nd Street Rezoning (South): In 1989, the entire block between 10th and 11th Avenues from West 41st to West 42nd Street was rezoned from manufacturing zone to a high-density commercial zone. The rezoning however resulted in the construction of a major residential development in two phases between 1990 and 2009. Those developments produced 2,090 units, including 418 units of affordable housing.
- West 42nd Street Rezoning (North): In 1989, the entire block between 10th and 11th Avenues from West 42nd to West 43rd was rezoned from a manufacturing zone to a high-density commercial zone. Between 2009 and 2015, the rezoning again resulted in 2 residential developments, by the Moinian Companies producing 1,647 residential units with 238 affordable units.
- West 57th Street Rezoning (north and south): Between 2000 and 2014, West 57th Street between 10th and 11th Avenues was rezoned from manufacturing to high density commercial. The rezoning again resulted in three residential

⁸ Adjusted for inflation, \$3,650,000 in 1989 is equal to \$8,722,058 in 2022.

developments, two by the Durst Companies producing 1,306 units with 271 affordable units, and a third by TF Cornerstone which produced 1,189 units with 238 affordable units. The Cornerstone units are permanently affordable; the Durst units have an affordability of 35 years.

- 770 11th Avenue (Mercedes House):

In 2012, the majority of the block fronting on 11th Avenue between West 53rd and West 54th Streets was rezoned from manufacturing to medium density commercial. The rezoning in a single, large residential development, by Two Trees produced 900 units with 171 affordable units.

- Chelsea Market: In 2012, the block between West 15th and West 16th Streets, 9th to 10th Avenues, was rezoned to permit the expansion of the Chelsea Market complex for use as offices for the media and tech industries. A \$4.7 million⁹ affordable housing fund was established by the City of New York to assist in the construction of 150 affordable units on the West Chelsea POA site at the Fulton Houses campus.

- 2001 - 2005 Special Zoning Districts

In the last decade, Chelsea and Clinton/Hell’s Kitchen has been the site of several major rezoning actions including Hudson Yards (“HY”), West Chelsea (“WC”) and Western Rail Yards (“WRY”). In each of these rezoning actions, as with every public action in MCD4, the community and the Board have championed advocacy and negotiation, choosing to work with the City and developers to craft acceptable outcomes and public benefits. The WRY, WC, and HY rezoning actions each resulted in a Points of Agreement (“POA”).

These POA’s are written commitments between the Speaker of the City Council and the Mayoral Administration that address substantial community

⁹ Adjusted for inflation, \$4,700,000 in 2012 is equal to \$6,065,758 in 2022.

issues including affordable housing creation. As of April 2019, the POA’s have resulted in the following production or preservation of affordable housing:

Points of Agreement ¹⁰	Agreed Units to be built	Units Completed or Under Construction/ Public Approval	% Completed
West Chelsea	1,425	1,569*	110%
Hudson Yards	4,491	3,050	70%
Western Railyards	1,342	713	53%
Total	7,258	5,332	73%

* Subsequent zoning action in the West Chelsea Special District created 304 units of housing outside of the Points of Agreement.

- West Chelsea Affordable Housing Fund (WCAHF)

The Special West Chelsea District (SWCD), adopted in 2005 also established a zoning provision, The West Chelsea Affordable Housing Fund (WCAHF). The WCAHF exists to incentivize development, acquisition, or rehabilitation of affordable housing in MCD4. On September 7, 2017, the Chair of the City Planning Commission (CPC) issued a determination that, in accordance with that provision, Section 98-262 of the Zoning Resolution, more than 90 percent of the floor area in the Special West Chelsea District’s High Line Transfer Corridor (HLTC) eligible for transfer pursuant to Section 98-30 was transferred.

This formal determination activated provisions of Section 98-262(c) to create the WCAHF. According to that zoning text, once the 90 percent Highline

¹⁰ [Hudson Yards & Western Railyards POA & Tracking Reports](#); [West Chelsea POA & Tracking Report](#)

Transfer threshold was reached, zoning text would permit increases in floor area on designated receiving sites in West Chelsea up to the amount otherwise permitted pursuant to the HLTC transfers.

However, instead of purchasing floor area from the HTLC, the receiving site may make a contribution to the WCAHF. This new fund is administered by the Department of Housing Preservation and Development (HPD) and used for the development, acquisition, or rehabilitation of low, moderate or middle income housing in MCD4. Since March 26, 2019, developers have been able to purchase WCAHF development rights or HLTC development rights.

The Department of City Planning initially set the purchase price of \$500 per square foot for floor area to be used to complete the build out of the SWCD receiving sites. After discussions with the community, the CPC raised the rate of WCAHF development rights to \$625 per square foot, much closer to the current market value of development rights in MCD4 than originally proposed by the City. The dollar amount is adjusted each year by a factor equal to the ratio of the per square foot contribution to the MIH Affordable Housing Fund for eligible MIH developments in MCD4 for the current year to such per square foot contribution for the prior year.

Currently, the WCAHF has \$1,733,500 committed from the Related Companies pursuant to a development matter at 500 West 28th Street. The execution of a regulatory agreement with HPD to deliver the funds was delayed by COVID-19.

IV. MCB4 Strategies

REZONING ACTIONS AND ZONING TEXT AMENDMENTS

Balancing Zoning Density, Height and Affordable Housing

Since the early 1970's, MCB4 has accepted increased zoning density in exchange for the provision of affordable housing. However, those zoning density increases have always been coupled with zoning provisions, which limited building heights and ensured preservation of existing housing. Other mechanisms have included affordable housing funds derived from major redevelopments.

While the Chelsea and Clinton/Hell's Kitchen communities embrace the production of new affordable housing, balancing that production with appropriate zoning density and building heights continue as major community concerns today. MCB4 recognizes the district is experiencing extremely low housing vacancy rates, and that increased supply is essential to housing affordability in the community. MCD4's housing shortage has put upward pressure on unregulated rents, threatening to displace the low-, moderate-, and middle-income tenants without affordability protections.

MCB4 remains welcoming of density, especially if the proposed development contains 100% permanently affordable housing but is sensitive to zoning changes that would produce excessive height. MCB4 is especially concerned about any changes that produce super tall buildings such as those currently in construction along West 57th Street south of Central Park. MCB4 also believes that buildings west of 11th Avenue should be slender, to preserve light, air and Hudson River views.

Balancing Industrial Uses, Market Rate and Affordable Housing

The introduction of residential uses into manufacturing, zones, is also supported by MCB4. However, such changes again call for a balance in zoning changes— retaining manufacturing floor area while introducing both market rate and affordable apartments.

MCB4 proposes rezoning and zoning text amendments predominately along and west of 11th Avenue to create mixed use zoning districts, which would accommodate all three uses, listed above. MCB4's proposal would allow residential only after industrial floor area has been provided. MCB4 recognizes that blocks west of 11th Avenue from West 24th to West 56th Streets, in selective blocks, with recognition of the surrounding context, should be designated for residential development.

Balancing Commercial Use, Market Rate and Affordable Housing

In 2005, 11th Avenue from West 36th to West 41st was designated as a corridor for high-density commercial development. While commercial development has proceeded to the south along the West 34th Street corridor and on Hudson Yards itself, many plans have been announced for the northern part of 11th Avenue, but no development has proceeded. This corridor however should be viewed as an extension of high-rise residential corridor which has been built along far West 42nd Street with over 4,800 market rate and affordable apartments between 10th and 12th Avenues. The existing zoning in this corridor allows residential development (6 FAR) only after commercial development is produced or committed to.

MCB4 proposes to amend the Hudson Yards zoning text to reverse that order, allowing residential development as of right, with Inclusionary Housing Bonuses, to provide both market rate and affordable housing then to be followed by commercial development.

Reforming Environmental Review and Providing City Services and Infrastructure

Over the past several years, as development in Chelsea and Clinton/Hell's Kitchen has accelerated, MCD4 has grown increasingly concerned about the environmental impacts of new development and their environmental consequences. The current environmental review protocols only look at each development site as a singular entity. Each analysis considers only whether the individual project meets the triggers for school seats, police and fire facilities, sanitation, etc. For example, the Hudson Yards and West Chelsea rezoning actions took place serially, and as far as we could tell there was no cross consideration. There was no mention in the West Chelsea EIS of any findings about impacts from the Hudson Yards proposal that preceded it by a couple of months.

With so many projects happening in the same vicinity, it is critical that environmental review procedures be reformed to require an actual, not cursory, comprehensive and cumulative look at the impact of all proposed developments. By examining proposals in that context, the real requirements, for the City's services to serve such projects, can be properly planned and eventually factored in future budgets.

HOUSING POLICY RECOMMENDATIONS

Increase and Broaden Inclusionary Requirements

Inclusionary Housing is permanently affordable housing achieved through a zoning bonus which creates a permanent benefit, additional floor area, to a developer of a market rate building. The inclusionary Bonus provides the additional floors of building, which in turn provide additional income

and therefore a higher return on the real estate investment.

The Inclusionary units are integral to the higher return to the developer and are a permanent social asset to City of New York. Inclusionary units provide housing opportunity for low-, moderate- and middle-income New Yorkers and ensure continuing income diversity in neighborhoods. Permanent social assets are an investment in the City of New York and should be treated in a manner equal to any other investment. Inclusionary Apartments should be truly integrated. Their location in buildings should be equally distributed among and on floors with market rate units, not relegated to secondary, less desirable spots. Their construction standards should be equal to not less than market rate units. Building amenities should be open to all, regardless of income status, not separated or inaccessible due to high user fees.

Due to the major rezoning actions that have occurred in MCD4 over the last decade, between 2010 and 2015, there were 2,436 Inclusionary Housing affordable housing units developed in MCD4 (Appendix B). The impact of these affordable apartments has helped maintain a socially and economically integrated community. During the negotiations over the major Westside Rezoning actions, MCB4 consistently sought a 30% affordability requirement.¹¹ In the Hudson Yards and West Chelsea rezonings it achieved 28% and 27% respectively. However, that goal was achieved through a combination of zoning incentives and designation of publicly owned sites for affordable housing development. The Board also requested and achieved broader income bands for affordability in Inclusionary Housing to include moderate and middle-income housing. Therefore, consistent with those long held positions, the Board supports revised zoning text to require that new developments should be 30% affordable, not 20%

¹¹ MCB4 Resolutions: Hudson Yards Rezoning, 3/19/04, page 7; West Chelsea Rezoning, 8/3/04,

page 2; Western Rail Yards Rezoning, 7/11/09, page 5.

affordable, and should accommodate individuals and families at range of incomes between 40% and 165% of Area Median Income (“AMI”).

The City’s policies must change to ensure that Inclusionary units are developed to the same standard as market rate units and the New Yorkers who reside in them are treated as equals and not separated by lesser locations, constructions standards and lack of access to building wide amenities. MCB4 proposes to make Inclusionary Housing mandatory and increase the Inclusionary Housing Affordable Housing Ratio to 30% while broadening the Affordable Income Bands (20% low, 10% moderate and middle income)

Develop Real Estate Tax Abatement to Achieve Permanent Affordability

MCB4 proposes that the units highlighted in this plan become permanently affordable. A permanent affordability restriction will, however, necessitate HPD to develop attendant extended real estate tax abatement to achieve that permanent affordability.

Ensure Equality in Apartment Distribution

MCB4 has a long-established practice requesting distribution of Inclusionary Housing affordable units on 100% of the floors of a building with no more than 10% on any one floor. The current Inclusionary Housing Zoning requires onsite affordable units to be distributed on 65% of the floors of a building, with not more than 33% affordable units on any floor.¹²

MCB4 has consistently advocated an increase in the number of floors with affordable apartment distribution from 80% to 100% of the building. Full integration of apartments in Inclusionary Housing is not precluded by economic feasibility, but by intent

to segregate and increase project return from full market housing on the top floors a development.

Inclusionary Zoning is silent on location within those floors except for the concentration mechanism noted above. MCB4, in reviewing 23 Inclusionary Housing plans, has found developers consistently segregate affordable units to the side of a building with less light and air, nearer to adjacent buildings, and away from open space views. The affordable apartments are always stacked in a building on one or two exposures. The consistent developer response is the design constraints placed by HPD on the affordable unit layout requirements. However, there are no constraints, except those self-imposed, on unit placement within floors.

MCB4 proposes Inclusionary Housing Zoning be reformed to increase the building distribution by floor to 100% of the building with not more than 10% on any one floor and require placement of affordable units on all building exposures.

Ensure Equality in Apartment Finishes & Access to Building Amenities

MCB4 has a long-established practice of requesting that all finishes (flooring, tile, plumbing and light fixtures, kitchen cabinets and countertops and appliances, etc.) be the same in all units, market or affordable. Current Inclusionary Housing Program Guidelines are silent on this matter. In the 75% of the projects reviewed by MCB4, most developers have agreed to complete or near complete parity of apartment finishes. As part of the Inclusionary Housing Review process, after a public meeting, developers have been requested to commit to these standards in writing. That written commitment serves as an attachment to MCB4’s position on the Inclusionary Housing Application.

¹² New York City Zoning Resolution, Inclusionary Housing, Section 23-96 (b)(2)

Frequently developers propose building amenities which partially or in whole exclude or preclude use by Inclusionary Housing tenants. Amenities are part of a club or membership, located within amenity areas accessible only by card key, available only by extra fee. The amenities range from fitness rooms, party rooms, lounges, media rooms, and outdoor roof terraces and children's playrooms. One developer proposed separate children's playrooms.

In most cases, MCB4 has negotiated for most amenities (such as party rooms, lounges, outdoor space, and children's playrooms) to be open to all building residents, with fitness rooms available for a reduced fee. It is MCB4's experience that fully integrated affordable housing buildings with apartment finishes of the same quality and equal and unrestricted access to building amenities promotes strong, socially and economically integrated neighborhoods.

MCB4 proposes Inclusionary Housing Program Guidelines be reformed to require all apartment finishes (flooring, tile, plumbing and light fixtures, kitchen cabinets and countertops and appliances, etc.) be the same throughout a building with onsite Inclusionary Housing Units. MCB4 proposes that building amenities be equally available to all building regardless of income, except for fitness facilities, which should be available to Inclusionary Housing tenants at a reduced fee.

Ensure Provision of Family Sized Apartments

MCB4 has adopted a policy establishing a preference for all new developments to include at least 50% family-size units (two-bedrooms or larger). The NYC Affordable Housing Plan encourages the development of studio apartments. However, in

MCD4, MCB4 has found predominant production of studios and one-bedroom apartments have attracted transient residents who may not strengthen neighborhood stability. The majority of units in market rate 80/20 developments are studios and one bedroom, attracting single person households.

Meanwhile, from 2000- 2017, the population in MCD4 increased 25%.¹³ The number of households with children under 18 years old in the district also increased by almost 3,000 from 2000-2017.¹⁴ Affordable housing production is not responding to this increase in families in the District.¹⁵

MCB4 proposes that determining need for Single or Family Size is tailored to meet the needs of different neighborhoods within each Community District. In Community District 4 there is an urgent need to provide adequate housing to the growing number of families. MCB4 proposes that at least 50% of the affordable units created in CD4 have 2 or 3 bedrooms.

Provide Housing for a Growing Senior Citizen Population

Citywide, the Senior Citizen population of the City continues to grow. New York City will see striking increases in its older population. Over the next 20 years, the number of New Yorkers aged 65 and older is expected to increase by nearly 50%, representing a demographic shift where, for the first time in history, older New Yorkers are expected to outnumber school-age children.¹⁶ The number of adults older than 65 in MCD4 has also increased by almost 7,000 in the district since 2001.¹⁷ The Federal Government has exited the programs for production of Senior housing. Some Senior housing is produced

77,000 housing lottery applications, 45,000 of whom were income eligible, further reflecting the need for 2- and 3-bedroom units.

¹⁶ Age Friendly NYC: A Progress Report, Spring 2011, The New York Academy of Medicine, 2012

¹⁷ [New York City Neighborhood Data Profiles](#)

¹³ [New York City Neighborhood Data Profiles](#)

¹⁴ Ibid.

¹⁵ One recently completed development project in MCD4 that had at least 50% of family units, received

by the private or not-for-profit sector with private investment from the Federal Low-Income Housing Tax Credit, but still needs government assistance to be realized. There are also NYC Zoning Resolution impediments to create the wide range of types of Senior housing which provide for a continuum of care from independent living, assisted living and skilled nursing care. The City of New York needs to provide resources to develop and preserve Senior housing. The resources needed include low cost land, capital subsidies and zoning revisions.

MCB4 proposes the City of New York consider the following strategies:

- 1. Provide low-cost land to developers of Senior housing.¹⁸*
- 2. Establish, through NYC Department of Housing Preservation & Development's Division of New Construction, a capital subsidy program for new Senior housing funded by the City's Capital Budget.*
- 3. Revise the Zoning Resolution to bring zoning definitions to current standards for different types of Senior housing including independent living, assisted living and skilled nursing care, allowing a mix of uses within the same building.*

¹⁸ Parking for NYCHA residents must be maintained through consolidation of facilities and/or inclusion of garage space in newly constructed buildings

ENFORCEMENT AND TENANT PROTECTIONS

Illegal Hotels

Illegal hotel use has plagued Community District 4 for nearly a decade. Building owners have steadily converted rent regulated apartments and SRO units for use as short-term hotel stays. These units, often scattered throughout a building or adjacent buildings, are controlled directly by building owners or net leased to third party hotel operators. Then they are rented to tourists for stays often less than one week. Now centralized Internet-based platforms, such as Airbnb, VRBO and Homeaway, have led to the rapid growth of this illegal rental activity. In the New York State Attorney General's report of 2014 on Airbnb, the neighborhoods of Chelsea and Clinton/Hell's Kitchen were cited in the top three neighborhoods in the City with illegal hotel use.¹⁹

This matter first came to MCB4's attention as a quality-of-life issue from existing building tenants concerned about personal safety and excessive noise. MCB4 soon realized it had escalated into an affordable housing issue for our community--the lucrative short-term rentals were steadily replacing permanent residential rent stabilized housing. Like many communities citywide, MCD4 relies heavily on rent-regulated units to provide affordable housing for low- and moderate-income households. Rent regulated units continue to be illegally used for hotel stays, and then illegally deregulated to further this illegal profitable practice. The net result has been the loss of hundreds of rental apartments in MCD4. The City needs to continue to commit to preserving our rent regulated housing through proactive enforcement against conversion to illegal hotel conversion. Increasing effective enforcement

¹⁹ New York State Attorney General—"Airbnb in the City", 10/2014, pg. 16

will stem the loss of affordable rent regulated apartments.

MCB4 proposes increased enforcement against illegal hotels in residential buildings, through the increase in the City's Expense Budget to hire for deployment in MCD4:

- *1 additional inspector/investigator at the Mayor's Office of Special Enforcement*
- *1 additional litigator at the Office of the Criminal Justice Coordinator*

Harassment and Eviction by Lack of Tenant Protection Plans during Building Renovations

In the past 5 years, MCB4 has had a dramatic increase in complaints related to construction in occupied buildings. Owners file renovation plans with the Department of Buildings for extensive building reconstruction. These are rent regulated buildings with many long-term existing tenants. Renovation work then begins with little or no regard for tenant safety. Tenants have been subject to unprotected demolitions; removal of mechanical services (water, electricity, heating and elevators) with little or no notice, asbestos removal and severe interior damage to their apartments.

Such actions result in hazardous conditions and a lack of livability and constitute tenant harassment. Owners then seek to relocate or buy out tenants due to self- created hazardous conditions. Save Chelsea and the Coalition of Chelsea Block Associations have documented that the majority of owners filing major renovation plans in occupied buildings, list the property as "Vacant" on the DOB filing. The Vacant designation removes the requirement for the filing and following a DOB Tenant Protection Plan to maintain safety for the building tenants. A sampling of 27 buildings undergoing renovation in MCB4, 27 were checked as "Vacant" that were occupied.

The need for Tenant Protection Plans to ensure the safety of existing tenants must be a requirement by

DOB for renovation in occupied buildings. Increasing effective enforcement will not only protect the health and safety of existing tenants but also reduce the loss of affordable rent regulated apartments.

MCB4 proposes increased enforcement against owners performing construction in occupied residential buildings, while indicating such buildings are vacant. MCB4 proposes enforcement through the following mechanisms:

- *Imposition of immediate Stop Work Orders by DOB if a building noted as "Vacant" on DOB Alteration 1 or Alteration 2 Applications are documented as occupied. Such Stop Work Orders may not be lifted until a Tenant Protection Plan is filed and approved by DOB.*
- *Imposition of fines by DOB for falsely certifying Occupied Buildings as Vacant.*
- *Imposition of fines by DOB for not filing a Tenant Protection Plan in an Occupied Building.*

V. Affordable Housing Tracking

The MCD4 Affordable Housing plan details the status of affordable housing sites across many stages of the development process, current and future. In the following pages are site profiles parsed into the following categories:

Affordable Housing Development

1. Sites Recently Completed
2. Sites Under Construction
3. Sites Completed Public Review
4. Sites Under Public Review
5. Sites in HPD Development Pipeline
6. Sites in ESD or State Controlled Development Pipeline
7. Sites in Port Authority Bus Terminal Replacement Project
8. Sites: Federally Controlled Proposed Development Pipeline

Affordable Housing Preservation

1. Illegal Demolition
2. Chelsea NYCHA
3. Preserving Affordable Apartments with Expiring Affordability Agreements

Proposed Rezoning and Zoning Text Amendments

1. Proposed Special West Chelsea District Expansion
2. Hudson River Park Transfer of Development Rights: Proposed Receiving Sites
3. Proposed Special Hudson Yards District Text Amendments
4. Special Clinton District Proposed Rezoning and Zoning Text Amendments

Each site profile includes a map, a photo, and a project description: current zoning, an estimate of the total number of market and affordable apartments that could be built as well as size and level of affordability. MCB4 continues to monitor the progress of those sites that have not yet been

constructed and occupied. This provides a detailed blueprint toward producing or preserving an estimated 15,778 units of affordable housing in MCD4.

AFFORDABLE HOUSING DEVELOPMENT

Sites Recently Completed

These are the sites that have been completed since 2015, when the Affordable Housing Plan was first adopted.

Sites Under Construction

The majority of the affordable housing sites currently under construction in MCD4 are Inclusionary Housing developments. Cure for Harassment is a zoning mechanism in the Hudson Yards, West Chelsea, and Clinton Special Districts that was created to address situations where tenants are harassed by owners or managers of their buildings who are trying to vacate the units. The original language was included in the Special Clinton District to deal with widespread tenant harassment that occurred as a result of land speculation when the Convention Center relocation was proposed. In instances where illegal harassment is found to have occurred, any current or future owner cannot renovate the site unless a set percentage of the building is renovated as permanently affordable housing.

The New York City Department of Housing Preservation and Development (“HPD”) administers the Inclusionary Housing Program. Inclusionary Housing Program offers developers a density bonus (allowing additional floor area to be built, 20% affordable allows 33% floor area increase) in exchange for the developer committing to rent 20% of the units in the building to low-income tenants. In

this case, low-income refers to individuals and families at or below 60% of Area Median Income (“AMI”). 60% of AMI is approximately \$56,040 for a single person and \$80,040 for a family of four in NYC.

Sites Completed Public Review

Those developments that have completed public review are largely projects that sought a rezoning and/or a disposition of city-owned land to a private party and thus were required to undergo public review under the Uniform Land Use Review Procedure (“ULURP”). ULURP is an approximately 7-month public review process that requires a project to be reviewed and commented on by the Community Board, Borough President, City Planning Commission, and finally the City Council.

Sites Under Public Review

Those developments that are currently under public review include projects that require a Lower Income Housing Plan (LIHP) for Inclusionary Housing and Cure for Harassment projects require a Board of Standards and Appeals (“BSA”) variance and approval of a LIHP application by HPD. The LIHP Application is submitted to both HPD and the Community Board for review and comment.

Sites in HPD Development Pipeline

Those developments that are in the HPD Development Pipeline. MCB4 asks HPD to work with tenants, not-for-profit developers, and other stakeholders to identify specific public and private financing and begin the public review process to ready these sites for affordable housing development. With the overall goal of preserving a mixed-income community, MCB4 proposes a range of incomes for these sites, including moderate and middle income units.

Sites in Empire State Development (ESD) or State Controlled Development Pipeline

These sites are controlled by ESD or the State of New York, but are not subject to a currently active RFP or public approval process. MCB4 proposes to work with the State of New York to propose development strategies while ensuring a significant affordable housing component at each site. Similar to the HPD Development Pipeline, a range of incomes is proposed, including moderate and middle income units.

Bayview

MCB4 supports the new affordable housing project at 550 West 20th Street, known as Bayview. The project, Liberty Landing, will convert the former correctional facility into affordable housing for low-income residents and supportive housing for formerly incarcerated individuals. The site will have 124 permanently affordable housing units and on-site supportive services. The Request for Proposals (RFP) was awarded to the Camber Property Group, as well as the Osborne Association, the supportive service partner, and unveiled by Governor Hochul on July 22, 2024. Additionally, this historic building, as the site of the former Seamen’s House YMCA, contains existing infrastructure (i.e. pool, gym, and a large commercial kitchen) to offer a community center designed to support the needs of the building’s residents as well as the broader neighborhood. ESD should work with the community, social service providers and local not-for-profits to create a model for supportive housing out of the Bayview facility that can be replicated elsewhere in the city.

Port Authority Bus Terminal Replacement Project

The Port Authority of NY & NJ (PANYNJ) is proposing to replace the existing Port Authority Bus Terminal (PABT) and associated facilities. The proposed project includes commercial, retail, and residential development. The initial phases addressing the staging and storage facilities, the main terminal, and associated facilities, are expected to be completed by 2032. Residential development as part of the project would occur after 2032.

The proposed residential tower on Site 4 will comply with the Special Hudson Yards District Inclusionary Housing Zoning requirements. In addition to residential use at Site 4, MCB4 proposes an increased residential use at Site 2, on the east side of Ninth Ave between West 40th Street and West 41st Street. The site was proposed solely as a commercial tower by PANYNJ in 2021. In 2022, MCB4 proposed a mixed-use tower (50% residential and 50% commercial), with an AMI breakdown at a balance between 50-165% AMI. PANYNJ has taken out affordable housing in 2024 PABT Replacement (PABTR) proposals. MCB4 will continue to negotiate for permanently affordable housing in the PABTR project.

Sites in Federally Controlled Proposed Development Pipeline

Those developments that are under Federal control and have capacity for additional residential FAR. Any site would be subject to a future RFP and public approvals process.

AFFORDABLE HOUSING PRESERVATION

Illegal Demolition

The first Special District in MCD4 was the Special Clinton District (SCD), established in 1973 as a

²⁰ "Floor area" is a defined term in the [NYC Zoning Resolution](#): the sum of the gross areas of the several floors of a building or buildings, measured from the

response to rapid real estate speculation with the demolition of occupied residential buildings resultant from the proposed convention center on the Westside Piers at West 44th Street. The SCD included a core Preservation Area in which no residential buildings could be demolished. However, from 2015 to the present, there has been a loss of affordable housing units through illegal demolition.

In response to the actions of a building owner in 1987, DOB issued an internal policy memo stating that an alteration which removed 20% or more of the structure in a residential building in the SCD would constitute a partial demolition and would therefore be subject to Special Permit requirements. In June 1990, language from the DOB internal policy memo was incorporated into the zoning resolution (NYCZR Sec. 96-108), making clear that a building in the SCD undergoing alteration "is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#." ²⁰

In the Westside Rezonings of 2005 and 2009, the demolition restriction for residential buildings was extended to the other three Special Zoning Districts in MCD4: Garment Center, Hudson Yards, and West Chelsea. That action protected 1,382 units in 122 buildings.

However, since 2015, due to a lack of enforcement and coordinated regulation by the NYC DOB, illegal demolition has plagued MCD4 at multiple sites. As of 2024, there has been a total of 151 units at 11 sites, for a total of 22 buildings that have been lost due to illegal demolition.

MCB4 recommends that:

- Through the NYC Department of Buildings, establish a special unit to prioritize enforcement to prevent illegal demolition.

exterior faces of exterior walls or from the center lines of walls separating two buildings.

- Through the NYC Administrative Code, create a penalty structure with substantial fines for illegal demolition.
- Through the Department of City Planning and NYC Department of Housing Preservation and Development, develop a zoning mechanism to deter, and when needed, cure illegal demolition. This zoning cure should be modeled on the Special Clinton District Cure for Harassment. However, due to the severity of illegal demolition, the cure should require, 40%, instead of 28%, permanently affordable housing, to act as a substantive deterrent.

Chelsea NYCHA

In the Spring of 2019, the Chelsea NYCHA Working Group (Working Group) was formed to make recommendations to meet the urgent capital improvement and repair needs of the Chelsea NYCHA developments as soon as possible. The Working Group convened a range of stakeholders including NYCHA, the Mayor’s Office, citywide housing advocates, elected officials, Hudson Guild, MCB4 and most importantly, representatives of the residents of Fulton and Elliott-Chelsea Houses.

The Chelsea NYCHA Working Group worked between Spring 2019 – 2021. After 15 months of near weekly meetings, the group issued its report²¹ in Feb 2021. The Working Group determined \$366M required to address critical repairs for ~2,071 NYCHA units for low and very-low-income families earning up to \$35,000-\$40,000 in the Fulton, Chelsea, Chelsea Addition, and Elliott Houses.

The Working Group’s recommended strategies to preserve existing low-income housing units include Permanent Affordability Commitment Together (PACT) conversion, the construction of new mixed-income housing, ground floor retail conversions and

the construction of commercial space, community facility development, funds from the City Council, and funds from the West Chelsea Affordable Housing Fund, if available. It also includes a commitment to construct spaces for community services.

NYCHA then worked with the Tenant Association and Citizens Housing and Planning Council to develop the RFP. In April 2021, NYCHA issued its RFP. In November 2021, Related Companies and Essence Development were designated as developers through an RFP process. While NYCHA targeted a closing date of July 2023, there has been little transparency from the developers regarding development proposals and continuous delay in addressing interim repair needs. MCB4 is working to rebuild trust and transparency between stakeholders to progress discussion and public input on the development proposal.

Preserving Affordable Apartments with Expiring Affordability Agreements

Between 1999 and 2013, 1,547 affordable apartments were developed at 23 locations in MCD4 with financing from Tax Exempt Bonds through New York State’s Housing Finance Agency. That financing enabled construction of 7,031 market rate apartments but required 20% of those units to be affordable to households with incomes of 60% AMI or less. However, the financing did not require permanent affordability, but initially imposed an affordability period of 20 years, in 2008 changed to 35 years, with real estate tax abatements for the same periods. Consequently, between 2020 and 2035, affordability restrictions will expire on those apartments. At the end of affordability term, the benefit of the low-cost financing (the public mortgage subsidy) remains in place, but the benefit to the public of affordable housing disappears.

²¹ [Chelsea NYCHA Working Group Report](#)

PROPOSED REZONINGS AND ZONING TEXT AMENDMENTS

The rezoning and text amendments identify larger areas of MCD4 along 11th Avenue from 38th to 42nd Streets, and West of 11th Avenue above 42nd Street, that with either a rezoning or a zoning text amendment would produce affordable housing development. Over the last several years, residential development in Chelsea and Clinton/Hell's Kitchen has been increasingly pushing west. The goal is to unlock the land value for residential development and capture part of that value and use in creating permanently affordable housing while still retaining industrial uses that form part of the neighborhood character and are vital to the cities functioning. These public actions would collectively create approximately 5,609 units of affordable housing units at a range of 50%-165% AMI.

Proposed Special West Chelsea District Expansion

Following the Chelsea Market Rezoning in 2012, MCB4 undertook a study in November 2012 for the expansion of the Special West Chelsea District. As commitment of the approval of the Chelsea Market rezoning in November 2012, DCP studied expanding the Special West Chelsea District, and in June 2013 DCP recommended no action in certain areas and further study in other areas. In July 2014, in response to DCP's June 2013 report, MCB4 made further recommendations. Although some sites have been rezoned to date, there are several remaining sites that MCB4 proposes for rezoning to C6-4 (12 FAR) to allow for residential development and to require Inclusionary Housing bonus (proposed 30% affordable). MCB4 further recommends slender buildings to allow for riverfront views.

Hudson River Park Transfer of Development Rights - Proposed Receiving Sites

MCB4 is proposing the creation of new Hudson River Park Special District receiving sites overlaid on

existing Special Districts (Hudson Yards, West Chelsea, and Clinton). The Hudson River Park Transfer of Development Rights would be tied to the creation of Inclusionary Housing by purchasing a finite amount of development rights from Hudson River Park in equal amounts with an Inclusionary Housing bonus (proposed 30% affordable), and by rezoning to allow for residential development from Manufacturing to Commercial Zones.

Proposed Special Hudson Yards District Text Amendments

The Special Hudson Yards District was adopted in 2005 with the specific purposes to allow for high density development with expanded mass transit facilities, to provide affordable housing through Inclusionary Zoning and other mechanisms, to control the impact of new buildings on access to light and air to streets and avenues, and to provide public open space. Within Subareas A3, A4, and A5, MCB4 proposes to maintain existing extremely dense FAR's but increase the residential FAR, currently capped at 6 FAR, to increase to 12 residential FAR, with Inclusionary Housing Zoning Text (proposed 30% affordability). Also, MCB4 recommends removing the restriction that commercial FAR be planned or built prior to residential development.

Special Clinton District Proposed Rezoning and Zoning Text Amendments

MCB4 recommends rezoning certain sites in the Special Clinton District to allow for residential development and require Inclusionary Housing (proposed 30% affordability), while maintaining 2 FAR for industrial use before residential use. MCB4 recommends for some sites to include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from the Hudson River Park Transfer of Development Rights, and to include new building height and bulk restrictions.

AFFORDABLE HOUSING PRODUCTION & PRESERVATION

Units	Total Units	Total AH Units	AMI										
			0-39%	40%	50%	60%	80%	100%	125%	135%	165%	175%	
Production Summary													
Completed 2015-2024	8,498	2,127	,	443	370	839	64	133	163	,	105	10	
Under Construction	2,628	929	90	175	49	178	139	58	212	,	26	,	
Completed Public Review	521	519	,	,	14	89	38	145	34	2	197	,	
Under Public Review	266	98	,	,	61	26	,	1	2	,	8	,	
HPD Development Pipeline	462	462	,	35	58	92	49	62	93	,	73	,	
ESD or State Controlled Development Pipeline	5,462	1,862	,	38	189	190	349	441	442	,	213	,	
Port Authority Bus Terminal Replacement	2,095	585	,	,	58	58	117	147	147	,	58	,	
Federally Controlled Proposed Development	157	157	,	,	16	16	31	39	39	,	16	,	
<i>Production Subtotal</i>	<u>20,089</u>	<u>6,739</u>	<u>90</u>	<u>691</u>	<u>815</u>	<u>1,488</u>	<u>787</u>	<u>1,026</u>	<u>1,132</u>	<u>2</u>	<u>696</u>	<u>10</u>	
Preservation Summary													
Illegal Demolition	-151	-151	,	,	,	,	,	,	,	,	,	,	
Chelsea NYCHA	2,071	2,071	,	,	2,071	,	,	,	,	,	,	,	
Expiring 421A Agreements	1,698	1,698	,	,		1,646	52	,	,	,	,	,	
<i>Preservation Subtotal</i>	<u>3,769</u>	<u>3,769</u>	,	,	<u>2,071</u>	<u>1646</u>	<u>52</u>	,	,	,	,	,	
<i>Proposed Text Amendments & Rezoning Subtotal</i>	<u>18,695</u>	<u>5,609</u>	-	-	<u>561</u>	<u>561</u>	<u>1,122</u>	<u>1,402</u>	<u>1,402</u>	-	<u>242</u>	-	
Total	42,553	16,117	90	691	3,447	3,695	1,961	2,428	2,534	2	938	10	
Percentage	100%	38%	<1%	4%	21%	23%	12%	15%	16%	<1%	6%	<1%	

AFFORDABLE HOUSING SITES IN MCD4: Site Map



- Completed in 2015-2019 (16)
- Completed in 2019-2023 (3)
- Under Construction (7)
- Completed Public Review (4)
- Under Public Review (3)
- HPD Development Pipeline (5)
- ESD or State Controlled Development Pipeline (6)
- Federally Controlled Proposed Development Pipeline (1)
- Port Authority Bus Terminal Replacement Project (3)

VI. Conclusion

MCD4 has a long, proud history of succeeding in negotiating for affordable housing commitments, pushing for those commitments to be honored, and finally seeing many affordable units constructed or preserved. But the need for affordable housing in the district still far exceeds the supply. The pressures against maintaining existing affordable housing are many: harassing rent-stabilized tenants to give up affordable apartments so very high-end residences can be built, expiring 421-a affordable apartments, and conversion of rent regulated apartments to hotel rooms.

The continuing construction boom of luxury apartment buildings without affordable units threatens to minimize the important social and economic diversity of our neighborhoods and seriously weaken the defining character of MCD4.

The MCD4 Plan proposes a strategy to increase the number of affordable apartments by proposing new sites, honoring prior commitments, monitoring pipeline developments, and revising the Inclusionary Housing and 421-a programs. MCB4 is ready to work with the Mayor's Office, HPD and EDC to achieve our goals. We look forward to the administration's positive response to our strategies.

VII. Appendix and Credits

Appendix A:

Calculating Proposed Number of Affordable Housing Units:

1. *Total Residential Floor Area*= Lot Area x Residential FAR
2. *Total Unit Area*= Total Residential Floor Area x 0.925 (common area deduction)
3. *Estimated number of units on lot*= Total Unit Area / 850 (average apartment square footage)
4. *For Rezoning or Mixed-Income Developments:*

Affordable Housing Unit Area= Residential unit Area / 0.3 (30% of Proposed Residential Units for Multi-block or Block-wide Rezoning and 25% for Individual Sites, unless otherwise noted)

Calculating Number of Units at Each AMI Level:

For sites not yet under public review, including rezonings, the proposed number of units at each AMI level are calculated as follows in order to achieve a broad range of low-, moderate- and middle-income apartments.

<u>AMI Level</u>	<u>50% AMI</u>	<u>60% AMI</u>	<u>80% AMI</u>	<u>100% AMI</u>	<u>125% AMI</u>	<u>165% AMI</u>
<u>% of Units</u>	<u>10%</u>	<u>10%</u>	<u>20%</u>	<u>25%</u>	<u>25%</u>	<u>10%</u>

Appendix B: Points of Agreement (POA) – Affordable Housing Commitments

Hudson Yards

- CB4 Recommendation letter
- Points of Agreement

West Chelsea Rezoning

- CB4 Recommendation letter
- Points of Agreement

Western Rail Yards

- CB4 Recommendation letter
- Points of Agreement

Appendix C: Income Eligibility Bands

Income Bands and Percent of AMI²²

Income Band	Percent of AMI
Extremely Low Income	0-30%
Very Low Income	31-50%
Low Income	51-80%
Moderate Income	81-120%
Middle Income	121-165%

2024 New York City Area AMI

Family Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	110% AMI	120% AMI	130% AMI	165% AMI
1	\$32,610	\$43,480	\$54,350	\$65,220	\$76,090	\$86,960	\$97,830	\$108,700	\$119,570	\$130,440	\$141,310	\$179,355
2	\$37,290	\$49,720	\$62,150	\$74,580	\$87,010	\$99,440	\$111,870	\$124,300	\$136,730	\$149,160	\$161,590	\$205,095
3	\$41,940	\$55,920	\$69,900	\$83,880	\$97,860	\$111,840	\$125,820	\$139,800	\$153,780	\$167,760	\$181,740	\$230,670
4	\$46,590	\$62,120	\$77,650	\$93,180	\$108,710	\$124,240	\$139,770	\$155,300	\$170,830	\$186,360	\$201,890	\$256,245
5	\$50,310	\$67,080	\$83,850	\$100,620	\$117,390	\$134,160	\$150,930	\$167,700	\$184,470	\$201,240	\$218,010	\$276,705
6	\$54,030	\$72,040	\$90,050	\$108,060	\$126,070	\$144,080	\$162,090	\$180,100	\$198,110	\$216,120	\$234,130	\$297,165
7	\$57,780	\$77,040	\$96,300	\$115,560	\$134,820	\$154,080	\$173,340	\$192,600	\$211,860	\$231,120	\$250,380	\$317,790
8	\$61,500	\$82,000	\$102,500	\$123,000	\$143,500	\$164,000	\$184,500	\$205,000	\$225,500	\$246,000	\$266,500	\$338,250

2024 New York City Area Affordable Monthly Rents

Unit Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	90% AMI	100% AMI	110% AMI	120% AMI	130% AMI	165% AMI
Studio	\$815	\$1,087	\$1,358	\$1,630	\$1,902	\$2,174	\$2,445	\$2,717	\$2,989	\$3,261	\$3,532	\$4,483
One-bedroom	\$873	\$1,165	\$1,456	\$1,747	\$2,038	\$2,330	\$2,621	\$2,912	\$3,203	\$3,495	\$3,786	\$4,805
Two-bedroom	\$1,048	\$1,398	\$1,747	\$2,097	\$2,446	\$2,796	\$3,145	\$3,495	\$3,844	\$4,194	\$4,543	\$5,766
Three-bedroom	\$1,211	\$1,615	\$2,018	\$2,422	\$2,826	\$3,230	\$3,633	\$4,037	\$4,441	\$4,845	\$5,248	\$6,661

²² [HPD Area Median Income 2024](#)

Appendix D: Glossary of Terms

- **BSA** - Board of Standards and Appeals
- **CSD** - Clinton Special District
- **DCP** - Department of City Planning
- **DOB** - Department of Buildings
- **FAR** - Floor Area Ratio
- **HPD** - Housing Preservation and Development
- **HRP TDR** - Hudson River Park Transfer of Development Rights
- **HYSD** - Hudson Yard Special District
- **LIHP** - Lower Income Housing Program
- **LIHTC** - Low Income Housing Tax Credits
- **MPLP** - Multi-Family Preservation Loan Program
- **NYCHA** - New York City Housing Authority
- **NYCERS** - New York City Employee Retirement Systems
- **PANYNJ** - Port Authority New York New Jersey
- ***Pari Passu*** - At the same time/simultaneously
- **PFASH** - HPD's Privately Financed Affordable Senior Housing program
- **SCWD** - Special Chelsea West District
- **RFP** - Request for Proposal
- **UDAAP** - Urban Development Action Area Program
- **ULURP** - Uniform Land Use Review Procedure

Appendix E: Public Review Process

The MCD4 Affordable Housing Plan has been and will continue to be an iterative process. It has received extensive community feedback from presentations and community discussions at:

- MCB4 Housing, Health & Human Services Committee (4/24/14, 5/15/14, 6/19/14, and 7/15/14)
- MCB4 Clinton/Hell's Kitchen Land Use Committee (4/9/14, 5/21/14 and 7/9/14)
- MCB4 Chelsea Land Use Committee (5/15/14 and 7/7/14)
- MCB4 Full Board (7/23/14)
- MCB4 Housing, Health & Human Services Committee working group (2/19/15)
- MCB4 Housing, Health & Human Services Committee working group (3/27/15)
- MCB4 Executive Committee (5/26/15) MCB4 Full Board (6/3/15)
- MCB4 Full Board (1/22/16)
- MCB4 Full Board (11/6/19)
- MCB4 Full Board (6/1/22)
- MCB4 Housing, Health & Human Services Committee (6/16/22, 7/21/22)
- MCB4 Full Board (7/27/22)

Credits

Manhattan Community Board 4

- Jessica Chait—Board Chair
- Joe Restuccia and Maria Ortiz, Co-Chairs - Housing, Health and Human Services
- Jean-Daniel Noland and Paul Devlin, Co-Chairs - Clinton/Hell's Kitchen Land Use
- Jeffrey LeFrancois and Kerry Keenan - Co Chairs--Chelsea Land Use
- Jesse Bodine - District Manager

Clinton Housing Development Company

- Bill Kelley, Director of Programs & Planning
- Matt Sullivan and Maya Felstehausen, Community Planners

Housing Conservation Coordinators

- Leslie Thrope, Executive Director

Manhattan Community District 4 Affordable Housing Plan Summary of Sites

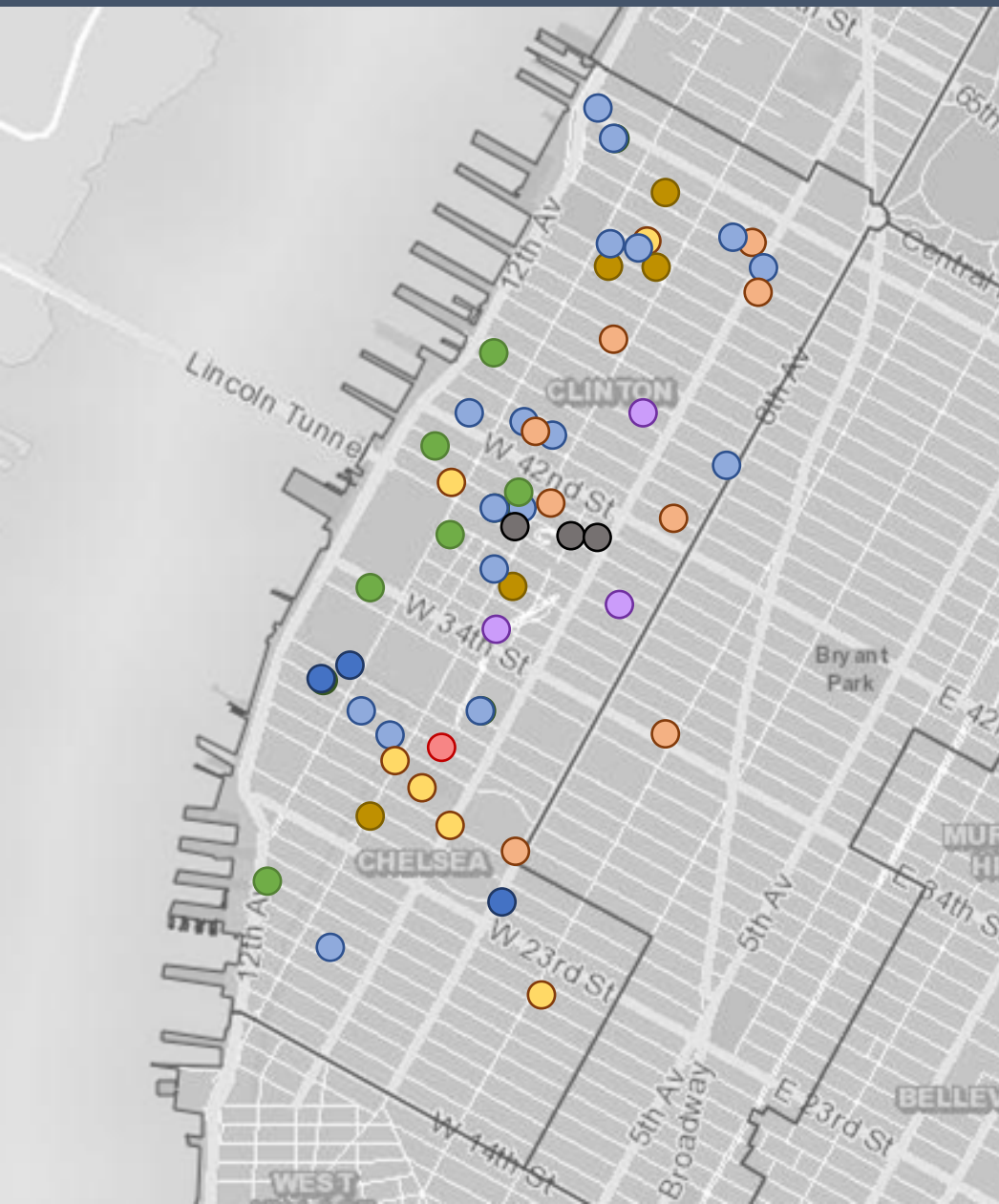
Revision adopted in June and July 2022

Information updated August 2024

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- **Overview - Affordable Housing Sites in Manhattan Community District 4 – 2022**
- Site Completed 2015-2019
- Sites Under Construction
- Sites Completed Public Review
- Sites Under Public Review
- Sites: HPD Development Pipeline
- Sites: ESD or State Controlled Development Pipeline
- Sites: Port Authority Bus Terminal Replacement Project
- Sites: Federally Controlled Proposed Developments
- **Affordable Housing Preservation**
 - Illegal Demolition
 - Chelsea NYCHA
 - 421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements
- **Proposed Rezoning and Zoning Text Amendments**
 - Proposed Special West Chelsea District Expansion
 - Hudson River Park Transfer of Development Rights
Possible Receiving Sites
 - Proposed Special Hudson Yards District Text Amendments
 - Special Clinton District Proposed Rezoning and Zoning Text Amendments
- **Affordable Production and Preservation Summary**

Overview - Affordable Housing Sites in Manhattan Community District 4 - 2022



- Completed in 2015-2019 (16)
- Completed in 2019-2023 (3)
- Under Construction (7)
- Completed Public Review (4)
- Under Public Review (3)
- HPD Development Pipeline (5)
- ESD or State Controlled Development Pipeline (6)
- Federally Controlled Proposed Development Pipeline (1)
- Port Authority Bus Terminal Replacement Project (3)

Sites Completed 2015-2019

Manhattan Community District 4's Affordable Housing Plan

Sites Completed 2015-2019



Sites- Completed in 2015-2019

625 W 57th Street



546 W 44th Street



555 10th Avenue



525 W 28th Street



424 W 55th Street



301 W 46th Street



535 W 43rd Street



605 W 42nd Street



Sites- Completed in 2015-2019

606 W 57th Street



517-525 W 52nd Street



505 W 43rd Street



540 W 53rd Street



515 W 36th Street



509 W 38th Street



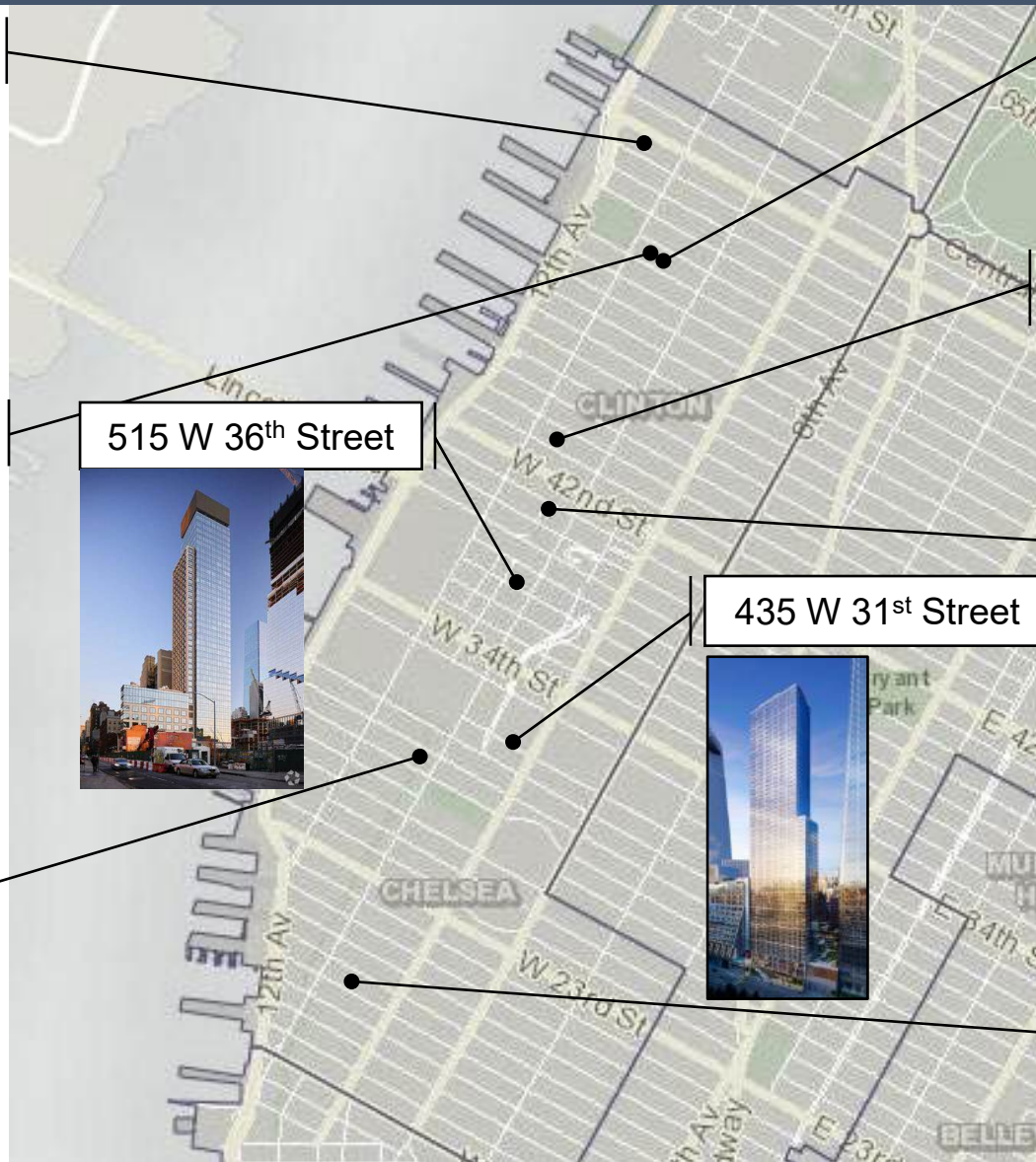
507-515 W 28th Street



435 W 31st Street



429 W 18th Street



429 W 18th Street – Fulton Houses

Sites Completed 2015-2019

Program: West Chelsea Rezoning Points of Agreement

Block: 716 **Lot:** p/o 17

Zoning: R8

Project Description:

- 159 affordable units, 1 super unit.
- 118,357 sw. ft. of residential floor area
- 4,310 sq. ft. of community facility space
- 3,380 sw. ft. outdoor recreational space

Developer: Artimus Construction

Units and Income Bands:

Units	50% AMI	60% AMI	125% AMI	165% AMI	Total
Studio	10	16	9	16	51
1-bed	14	11	15	30	70
2-bed	8	4	8	18	38
Total	32	31	32	64	159

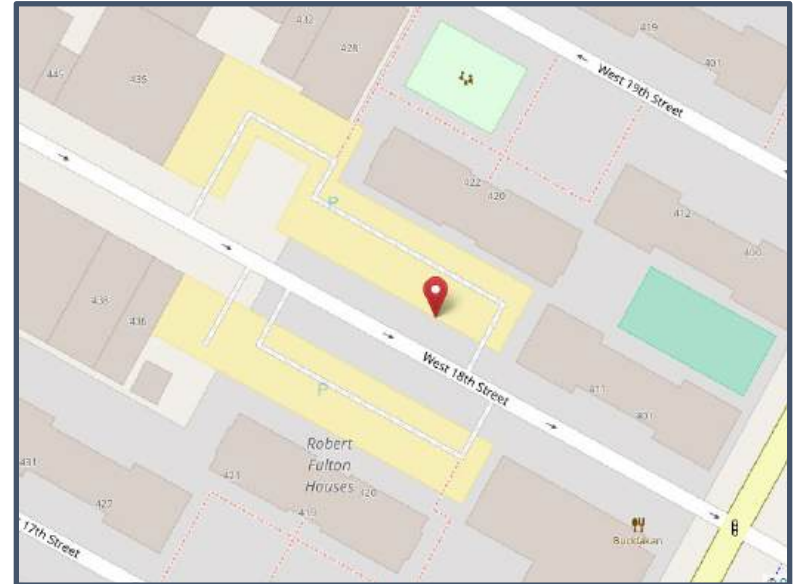
Affordability Period: Permanent

Public Approvals: ULURP (rezoning and text amendment)

Financing: Tax exempt bonds, HPD subsidy, West Chelsea Affordable Housing Fund

Construction Start Date: May 2017

Completion Date: November 2018



507-515 W 28th Street

Sites Completed 2015-2019

Program: Inclusionary Housing- Onsite

Block: 700 **Lot:** 27

Zoning: Special West Chelsea District; C6-3 and C6-4

Project Description:

- Two 13-story buildings and one 35-story building connected by an atrium.
- 375 units, including 75 affordable units

Developer: Lalezarian Properties

Units and Income Bands:

Units	50% AMI
Studio	18
1-bed	37
2-bed	20
Total	75

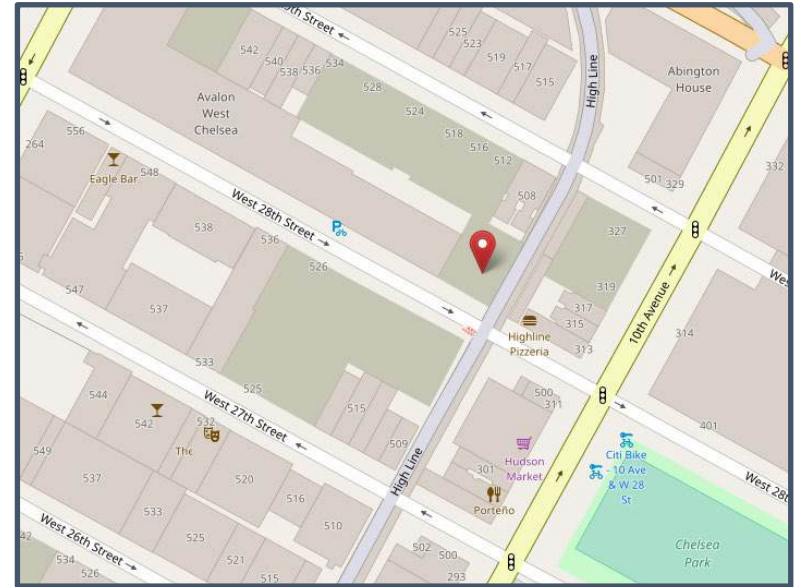
Affordability Period: Permanent

Public Approvals: LIHP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: February 2014

Completion Date : April 2017



517-525 W 28th Street

Sites Completed 2015-2019

Program: 80/20 Inclusionary Housing- Onsite

Block: 700 **Lot:** 9

Zoning: Special West Chelsea District; C6-3

Project Description:

- Two buildings (31 and 13 stories)
- 833 units, including 142 affordable units

Developer: Avalon Bay

Units and Income Bands:

Units	40% AMI	50% AMI	60% AMI	Total
Studio	12	23	15	50
1-bed	0	44	25	69
2-bed	0	0	23	23
Total	12	67	63	142

Affordability Period: Permanent

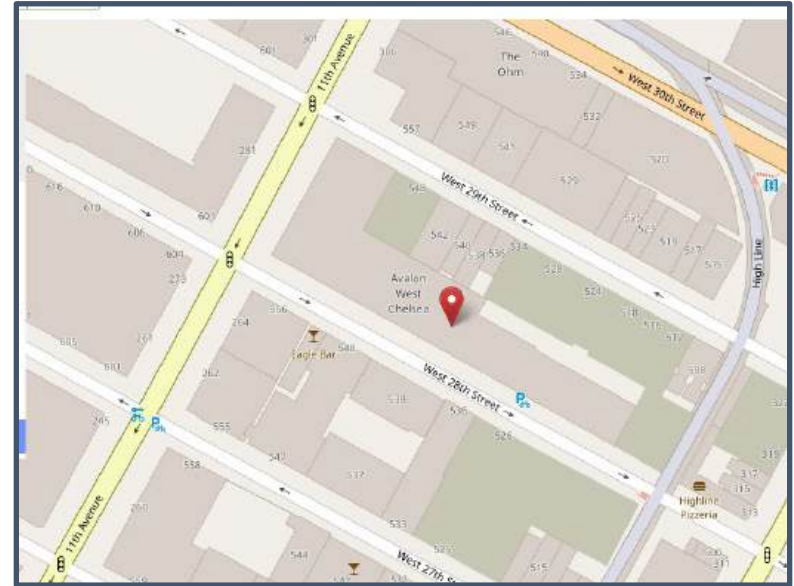
Public Approvals: LIHP

Financing: 80/20 Tax Exempt Bonds

Low Income Housing Tax Credits (LIHTC)

Construction Start Date: February 2012

Completion Date: 2015



435 W 31st Street – The Eugene

Sites Completed 2015-2019

Program: Inclusionary Housing- Voluntary Owner Participation

Block: 729 **Lot:** 50

Zoning: Special Hudson Yards District; C6-4

Project Description:

- 5 buildings: 2 office buildings, 1 residential building, and 2 mixed-use buildings with office, hotel, or retail uses.
- 4 million ZSF with 3.2 million sq. ft. of commercial and 800,000 sq. ft. of residential
- 844 units, including 103 affordable units

Developer: Brookfield Properties

Units and Income Bands:

Units	40% AMI	120% AMI	Total
Studio	41	15	56
1 Bedroom	19	22	41
2 Bedroom	0	6	6
Total	60	43	103

Affordability Period: Permanent.

Public Approvals: ULURP and LIHP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: March 2015

Completion Date: Fall 2017



515 W 36th Street

Sites Completed 2015-2019

Program: Inclusionary Housing

Block: 708 **Lot:** 24

Zoning: Special Hudson Yards District; C2-8

Project Description:

- Development of 251 residential apartments, including 50 affordable units and 1 super's unit

Developer: Lalezarian Properties

Units and Income Bands:

Units	60% AMI
Total	50

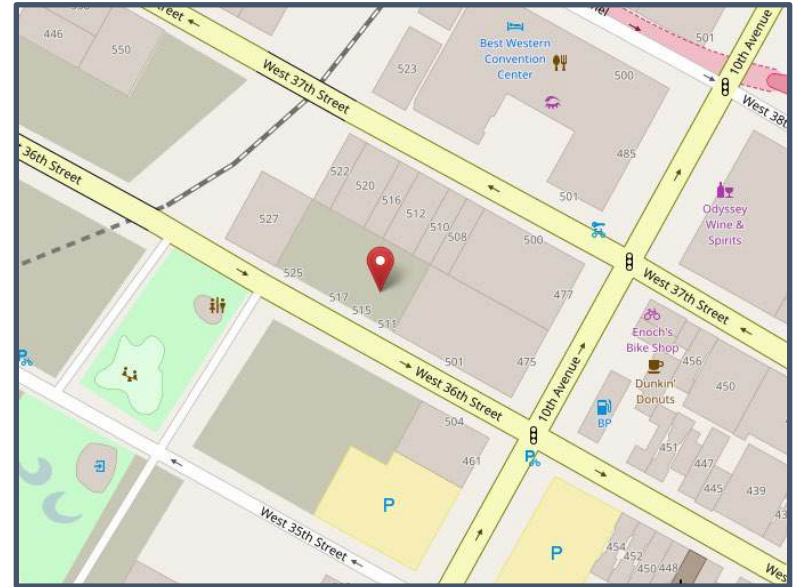
Affordability Period: Permanent

Public Approvals: LIHP

Financing: Private financing, 80/20 tax-exempt bonds

Construction Start Date: September 2014

Completion Date: 2019



509 W 38th Street – Henry Hall

Sites Completed 2015-2019

Program: Inclusionary Housing

Block: 710 **Lot:** 22 and 42

Zoning: Special Hudson Yards District; C2-8

Project Description:

- Development of 225 residential apartments, including 46 affordable units

Developer: Imperial Companies

Units and Income Bands:

Units	60% AMI
Total	46

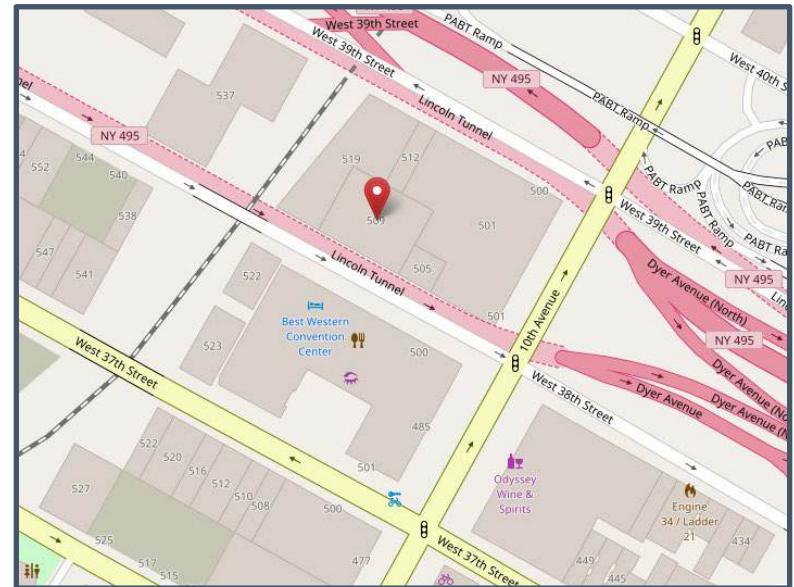
Affordability Period: Permanent

Public Approvals: LIHP

Financing: Private financing, 80/20 tax-exempt bonds

Construction Start Date: March 2015

Completion Date : April 2017



555 10th Avenue

Sites Completed 2015-2019

Program: Inclusionary Housing- Onsite

Block: 1069 **Lot:** 34

Zoning: Special Hudson Yards District; C2-8

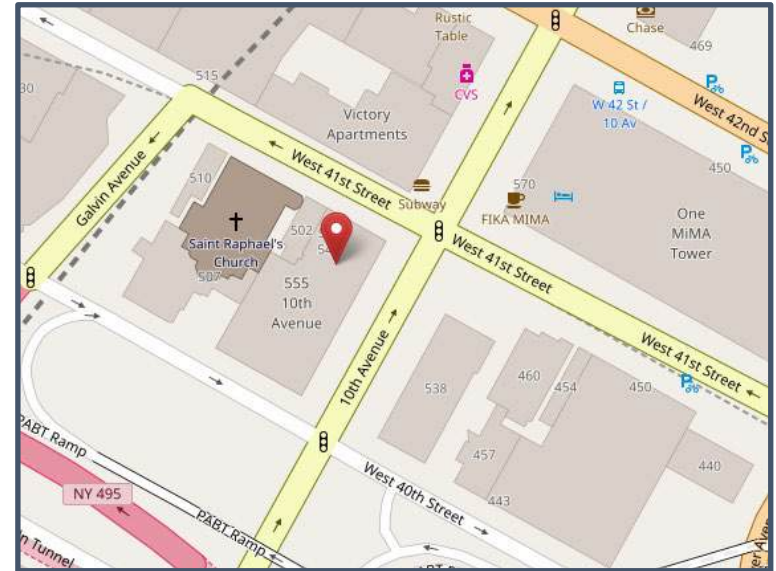
Project Description:

- 52-story mixed-use building with 93,000 sq. ft. of community facility use and 6,600 sq. ft. of retail
- 598 units, including 150 affordable units

Developer: Extell

Units and Income Bands:

Units	40% AMI	60% AMI	120% AMI	Total
Total	60	60	30	150



Affordability Period: Permanent

Public Approvals: LIHP

Financing: 80/20 Tax Exempt Bonds

Low Income Housing Tax Credits
(LIHTC)

Construction Start Date: February 2014

Completion Date : May 2016

605 W 42nd Street – Sky

Sites Completed 2015-2019

Program: Inclusionary Housing

Block: 1090 **Lot:** 7502

Zoning: Special Clinton District; C6-4

Project Description:

- Development of 1,175 residential apartments, including 235 affordable units in Phase 1, 166 affordable units in Phase 2

Developer: Moinian

Units and Income Bands:

Units	40% AMI	50% AMI	60% AMI	120% AMI	Total
Total	177	120	45	59	401

Affordability Period: Permanent

Public Approvals: LIHP

Financing: Tax-exempt bonds and LIHTC

Construction Start Date: 2008

Completion Date : 2015



505 W 43rd Street

Sites Completed 2015-2019

Program: Inclusionary Housing

Block: 1072 **Lot:** 24

Zoning: Special Clinton District; R9

Project Description:

- Vacant land over Amtrak Railway cut
- 123 residential apartments, including 24 affordable units and 1 super's unit
- 6 affordable homeownership inclusionary units at 80% AMI created on-site
- 18 affordable units at 50% AMI created offsite in Silver Towers, 620 West 42nd Street

Developer: El Ad Group

Units and Income Bands:

Units	50% AMI (Offsite)	80% AMI	Total
1-Bed	-	1	1
2-Bed	-	5	5
Total	18	6	24

Affordability Period: Permanent

Public Approvals: LIHP, ULURP

Financing: Private financing

Construction Start Date: 2017

Completion Date: 2019



535 W 43rd Street / 546 W 44th Street

Sites Completed 2015-2019

Program: Inclusionary Housing- Onsite

Block: 1072 **Lot:** 50

Zoning: Special Clinton District; R6

Project Description:

- New rental building
- Two wings -14 stories each
- 280 units, including 62 affordable units

Developer: DHA Capital

Units and Income Bands:

Units	60% AMI
Studio	24
1-bed	25
2-bed	13
Total	62

Affordability Period: Permanent

Public Approvals: LIHP

Financing: Privately Financed

Construction Start Date: July 2014

Completion Date : June 2016



301 W 46th Street

Sites Completed 2015-2019

Program: Cure for Harassment and Inclusionary Housing-Onsite

Block: 1037 **Lot:** 30

Zoning: Special Clinton District; C6-4

Project Description:

- 600 room hotel
- 10 Cure units and 2 Inclusionary Housing units (on floors 2-7)

Developer: Riu Hotels

Units and Income Bands:

Cure units	80% AMI
2-bed	7
3-bed	3
Total	10

Inclusionary Units	80% AMI
2-bed	2
Total	2

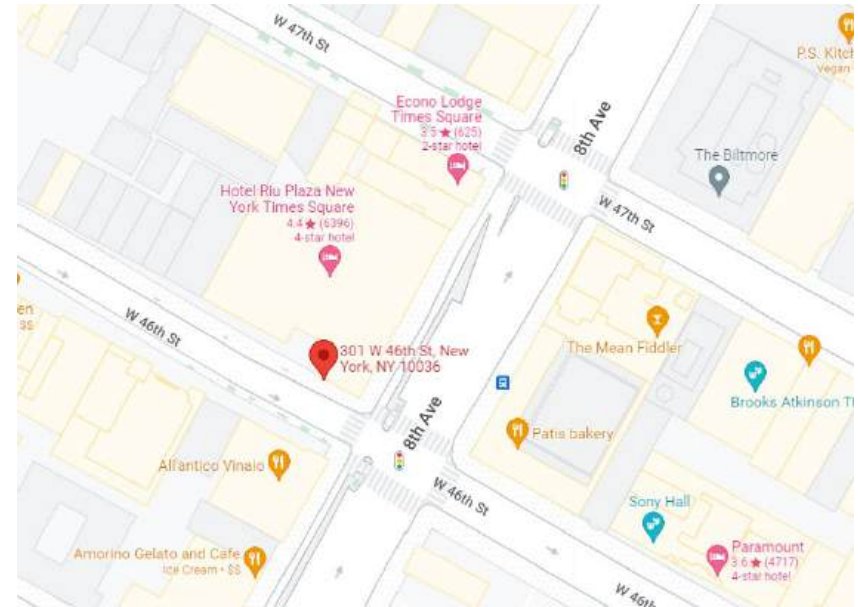
Affordability Period: Permanent

Public Approvals: ULURP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: July 2014

Completion Date : April 2016



525 W 52nd Street

Sites Completed 2015-2019

Program: 80/20 Inclusionary Housing

Block: 1081 **Lot:** 7501

Zoning: Special Clinton District; C2-5

Project Description:

- Two wings: 52nd Street frontage is 14 stories and 53rd Street frontage is 22 stories.
- 392 apartments, including 79 affordable units

Developer: Taconic Investments

Units and Income Bands:

Units	60% AMI
Studio	19
1-bed	39
2-bed	21
Total	79

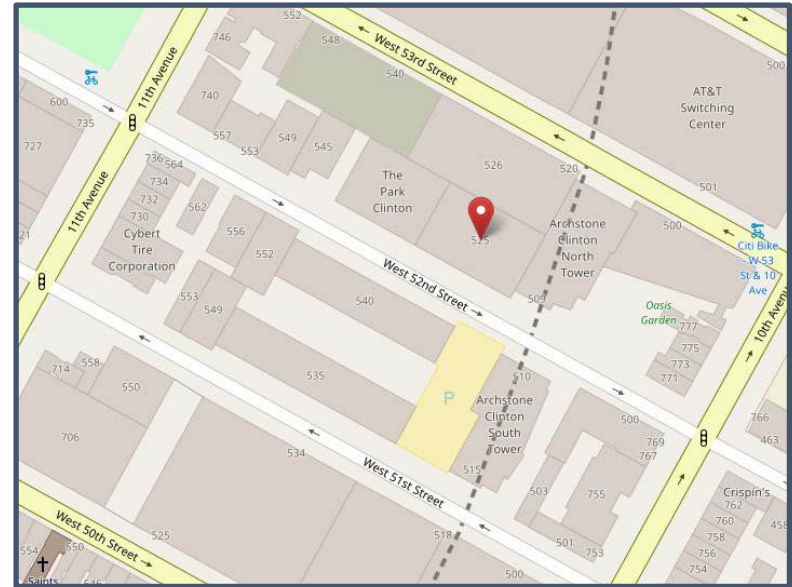
Affordability Period: Permanent

Public Approvals: ULURP (rezoning and disposition), LIHP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: November 2014

Completion Date: August 2017



540 W 53rd Street

Sites Completed 2015-2019

Program: Inclusionary Housing

Block: 1081 **Lot:** 50

Zoning: Special Clinton District; R9/ C2-5

Project Description:

- 12-story building with relocated CURA commercial tenants at ground floor and cellar
- 103 residential units and community garden

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	80% AMI	100% AMI	125% AMI	165% AMI	Total
Studio	2	3	3	3	11
1-bed	9	10	10	10	39
2-bed	12	13	13	12	50
3-bed	0	1	1	1	3
Total	23	27	27	26	103

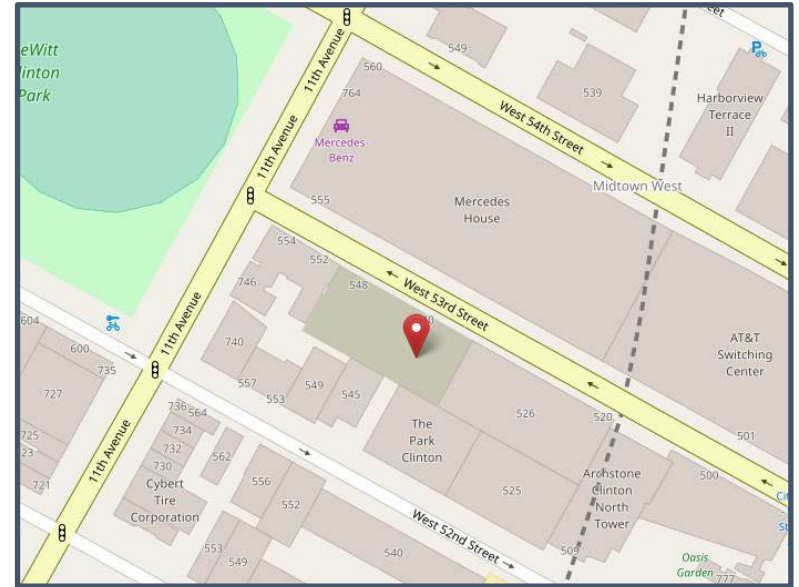
Affordability Period: Permanent

Public Approvals: ULURP (Rezoning and disposition); LIHP

Financing: HPD subsidy, equity from the sale of excess and inclusionary development rights, NYCERS Taxable Mortgage Initiative, Reso A Funds

Construction Start Date: February 2013

Completion Date: April 2019



424 W 55th Street

Sites Completed 2015-2019

Program: Inclusionary Housing- Offsite

Block: 1064 **Lot:** 44

Zoning: Special Clinton District; C6-2

Project Description:

- 7-story apartment building
- 17 affordable units, including Super's unit
- 18,426 sq. ft. of floor area

Developer: Arker Companies

Units and Income Bands:

Units	80% AMI
Studio	3
1-bed	5
2-bed	6
3-bed	3
Total	17

Affordability Period: Permanent

Public Approvals: LIHP

Financing: Bank Loan, Developer Equity

Construction Start Date: November 2014

Completion Date: September 2016



606 W 57th Street

Sites Completed 2015-2019

Program: 80/20 Inclusionary Housing- Onsite

Block: 1104 **Lot:** 31

Zoning: Special Clinton District; C4-7

Project Description:

- 42-story mixed-use development including residential, commercial, community facilities, and parking
- 1,028 units, including 216 affordable units

Developer: TF Cornerstone

Units and Income Bands:

Units	60% AMI	175% AMI	200-230% AMI	Total
Total	206	10	8	224

Affordability Period: Permanent for 216 units

Public Approvals: ULURP and LIHP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: October 2014

Completion Date: December 2017



625 W 57th Street

Sites Completed 2015-2019

Program: Non-Inclusionary 80/20

Block: 1105 **Lot:** 1, 5, and 14

Zoning: Special Clinton District; C6-2

Project Description:

- Pyramid-shaped building
- 753 units, including 151 affordable units

Developer: The Durst Organization

Units and Income Bands:

Units	50% AMI
Total	151

Affordability Period: 35 years (not permanently affordable)

Public Approvals: ULURP

Financing: 80/20 Tax Exempt Bonds

Construction Start Date: July 2013

Completion Date : March 2016

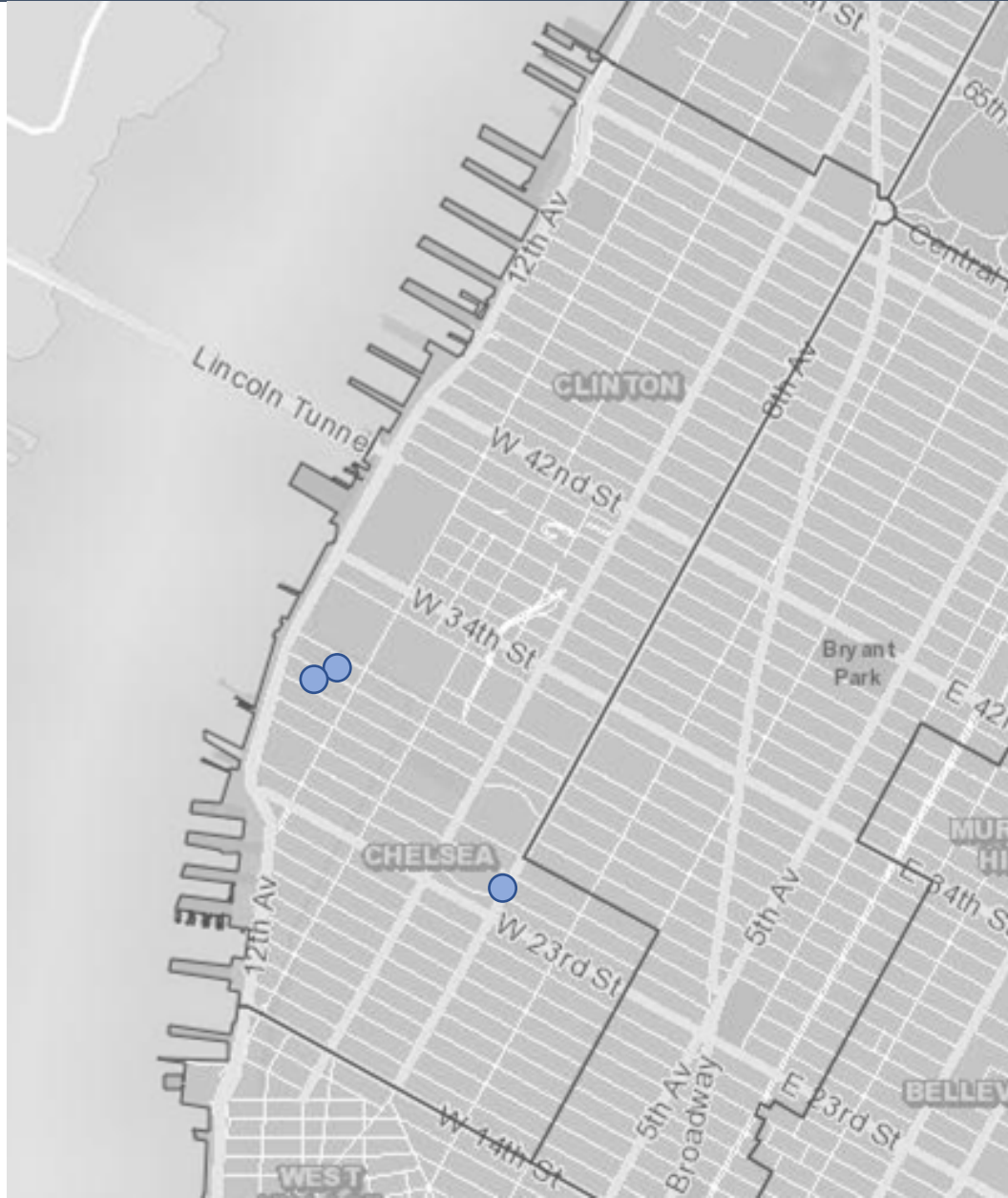


Sites Completed in 2015-2019 Unit Count

Address	Developer				Total Units	AH Units									On-site	Off-site
		C L	H Y	W C H			40%	50%	60%	80%	100%	125%	165%	175%		
429 West 18 th	Artimus Construction	-	-	-	160	159	-	32	-	-	48	-	79	-	-	
515 West 28 th	Lalezarian	-	-	X	375	75			75							
517-525 West 28 th	Avalon Bay	-	-	X	833	142	12	67	63					X		
435 West 31 st	Brookfield Properties	-	X	-	844	103	60	-	-	-	-	43	-	X	-	
515 W 36th St	Lalezarian	-	X	-	251	50	-	-	50	-	-	-	-	X	-	
509 West 38th	Imperial Companies	-	X	-	225	46	-	-	46	-	-	-	-	X	-	
555 10th Ave	Extell Development	X	-	-	598	150	60	-	60	-	-	30	-	X	-	
605 West 42 nd	MOINIAN	X	-	-	1,175	401	177	120	45	-	-	59	-	X	-	
505 West 43 rd	El Ad Group	X	-	-	123	24	-	-	18	6	-	-	-	X	-	
535 West 43 rd / 546 West 44 th	DHA Capital	X	-	-	280	62	-	-	62	-	-	-	-	X	-	
301 West 46 th	Riu Hotels	X	-	-	12	12	-	-	-	12	-	-	-	X	-	
525 West 52 nd	Taconic/Ritterman Capital	X	-	-	392	79	-	-	79	-	-	-	-	X	-	
540 West 53 rd	Clinton Housing Dev. Co	X	-	-	103	103	-	-	-	23	27	27	26	X	-	
424 West 55 th	Arker Companies	X	-	-	17	17	-	-	-	17	-	-	-	-	X	
606 West 57 th	TF Cornerstone	X	-	-	1,028	216	-	-	206	-	-	-	10	X	-	
625 West 57 th *	The Durst Organization	X	-	-	753	151	-	151	-	-	-	-	-	-	-	
Total					7,169	1,790	309	370	704	58	75	159	105	10		
Percentage						25%	11%	21%	39%	3%	4%	9%	6%	1%		

* 625 W57th St Affordability Period: 35 years (not permanently affordable)

Sites Completed 2019-2023



Sites- Completed in 2019-2023

606 W 30th Street



280 W 24th Street



601 W 29th Street



280 W 24th Street (278 8th Ave)

Sites Completed 2019-2023

Program: Inclusionary Housing – Privately Financed Affordable Senior Housing Program (PFASH)

Block: 773 **Lot:** 1

Zoning: C2-7A (R9A equivalent)

Project Description:

- 14-story residential building with a main entrance on West 24th Street, with 180 units, including 48 permanently affordable PFASH Units, and a ground floor commercial space. 215,000 gross square feet of floor area includes 4 condominium units, residential market, residential affordable, and two commercial units.
- PFASH zoning bonus will increase the allowable bulk from 7.52 to 8.5 FAR

Developer: 278 Eighth Realty LLC

Units and Income Bands:

Units	40% AMI	60% AMI	80% AMI	130% AMI	
Total	19	19	6	4	48

Affordability Period: Permanent

Public Approvals: Privately Financed Affordable Senior Housing Program (PFASH), approved April 2021

Financing: a loan and private equity and will receive a 421-a real estate tax exemption.

Construction Start Date: April 2021

Completion Date: June 2023



601 W 29th Street

Sites Completed 2019-2023

Program: Inclusionary Housing

Block: 675 **Lot:** 12

Zoning: Special Hudson River Park District; C6-4X

Project Description:

Development of 931 residential apartments, including 234 affordable units and 1 super's unit

Developer: Douglaston Development

Units and Income Bands:

Units	40% AMI	60% AMI	100% AMI	Total
Total	93	94	47	234

Affordability Period: Permanent

Public Approvals: ULURP, LIHP

Financing: TBD

Construction Start Date: March 2019

Completion Date: September 2023



606 W 30th Street

Sites Completed 2019-2023

Program: Inclusionary Housing

Block: 675 **Lot:** 39

Zoning: Special Hudson River Park District; C6-4X

Project Description:

- Development of 218 residential apartments, including 55 affordable units
- **Developer:** Lalezarian Properties

Units and Income Bands:

Units	40% AMI	60% AMI	100% AMI	Total
Total	22	22	11	55

Affordability Period: Permanent

Public Approvals: ULURP, LIHP

Financing: Private financing, tax-exempt bond

Construction Start Date: March 2019

Completion Date: December 2023



Sites Completed in 2019-2023 Unit Count

Address	Developer				Total Units	AH Units									On-site	Off-site
		C L	H Y	W C H			40%	50%	60%	80%	100%	130%	165%	175%		
280 West 24 th	278 Eighth Realty LLC	-	-	-	180	48	19		19	6		4			X	
601 West 29 th	Douglaston Development	-	X	-	931	234	93		94		47				X	
606 West 30 th	Lalezarian Properties	-	-	-	218	55	22		22		11				X	
Total					1,329	337	134		135	6	58	4				
Percentage						25%	10%		10%	>1%	>1%	>1%				

Sites Under Construction

Manhattan Community District 4's Affordable Housing Plan

Sites Under Construction (1 of 2)

550 10th Ave



400 W 57th Street



201-207 7th Ave



Sites Under Construction (2 of 2)

312 W 43rd Street



705 10th Avenue:
DEP Site



335 8th Ave
Penn South
Addition



806 9th Avenue:
MTA Site



335 8th Ave— Penn South Addition

Under Construction

Program: 70/30 Affordable New York Program (421-a)

Block: 751 **Lot:** 1

Zoning: R8, C4-5

Project Description:

- 188-unit residential building with ground floor commercial, including a grocery store, and 30% of units for middle-income residents at the northwest corner of 8th Avenue and West 26th Street (56 affordable apartments)
- Existing buildings on Penn South property to be demolished - Penn South would continue to own the property and enter into a ground lease with a residential developer

Developer: MAG Partners

Units and Income Bands:

Units	70% AMI	130% AMI	Total
	18	38	56

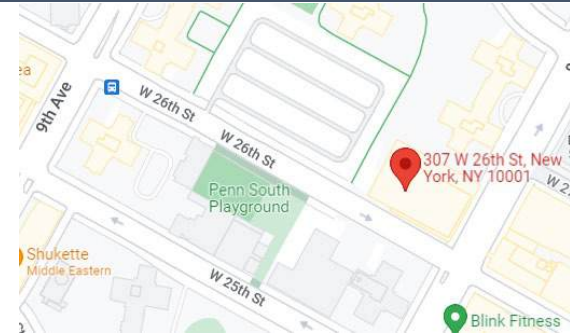
Affordability Period: 35 years

Public Approvals: None

Financing: 421-A tax exempt bonds

Construction Start Date: 2022

Completion Date : 2025



Existing building



Proposed building

201-207 7th Avenue

Completed Public Review

Program: HPD Multi-family Preservation Loan Program

Block: 797 **Lot:** 83

Zoning: R8-A/ C2-5

Project Description:

- Gut rehabilitation and addition for affordable housing units
- Renovation of ground floor commercial space
- Preliminary analysis for 26 affordable housing units

Developer: TBD

Units and Income Bands:

Units	160% AMI
Studio	9
1-bed	10
2-bed	5
3-bed	2
Total	26

Affordability Period: Permanent

Public Approvals: ULURP

Financing: HPD MPLP, approved by Comptroller for financing

Construction Start Date: 2022

Projected Completion Date: 2025



Existing site



Proposed

550 10th Ave

Under Construction

Program: VIH, Affordable New York

Block: 1050 **Lot:** 61

Zoning: C2-8 (R10 equiv.), Special Hudson Yards District

Project Description:

- Currently has 90,000 GSF building used by Covenant House International as its main residential and admin building
- Proposed 27,000 SF of office / community facility space for Covenant House International, approximately 400,000 square feet of residential space, and approximately 8,865 square feet of retail space
- 453 residential rental units, 137 affordable units (including 113 VIH units)

Developer: Gotham

Units and Income Bands:

Units	70% AMI	125% AMI	Total
Total	47	90	137

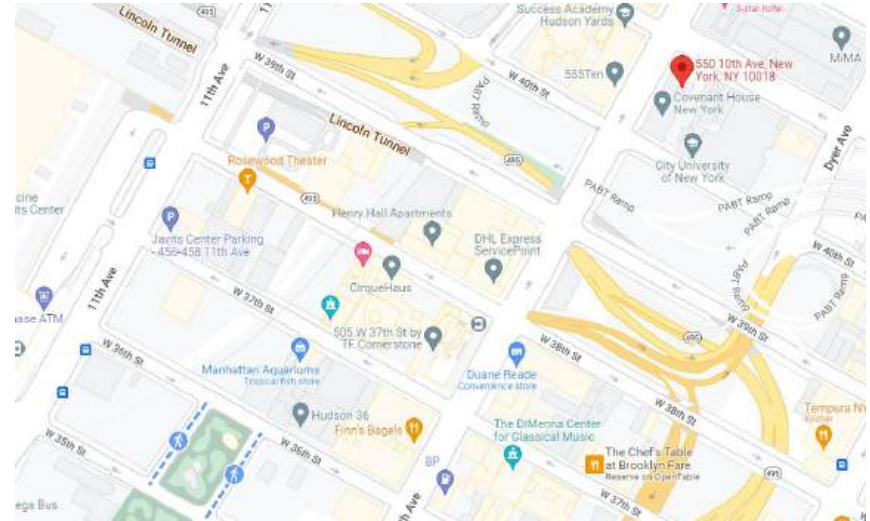
Affordability Period: Permanent

Public Approvals: LIHP

Financing: Private financing

Construction Start Date: 2021

Projected Completion Date: Fall 2024



312 W 43rd Street

Under Construction

Program: VIH and 421-a program

Block: 1033 **Lot:** 25

Zoning: Special Clinton District, C6-4 (R10 equivalent)

Project Description:

- Existing 1199 office building will be demolished, and on that site and parking lot to the west, a new 31-story residential building with ground floor commercial space will be built
- Main residential entrance on West 43rd Street and commercial space on West 42nd
- 330 new apartments, including 83 affordable apartments under the Voluntary Inclusionary Housing (VIH) and 421-a programs

Developer: 311 West 42nd Street LLC

Units and Income Bands:

Units	40% AMI	60% AMI	120% AMI	Total
	33	33	17	83

Affordability Period: Permanent

Public Approvals: Special Permit under Section 96- 104 (Height and Setback Regulations) of the Special Clinton District to allow a portion of a building along West 43rd Street, where building height is capped at 66 feet, to rise an additional 23 feet, to a maximum height of 89 feet.

Financing: construction loan

Construction Start Date: 2021

Projected Completion Date: mid-2024



Proposed

705 10th Avenue – DEP Site

Under Construction

Program: Western Railyards Points of Agreement

Block: 1077 **Lot:** 29

Zoning: Special Clinton District; R8/ C2-5

Project Description:

- DEP vacated lot October 2016
- 35,145 sq. ft. lot (175' x 200.83')
- Portion of site is reserved for Hell's Kitchen Park West
- Includes Community Facility Space & Parks Department Public Comfort Station

Developer: Douglaston Development and Entertainment Community Fund (formerly Actors Fund)

Units and Income Bands:

Units	0-39% AMI	50% AMI	80% AMI	120% AMI	130% AMI	Total
Total	23	40	31	47	16	157

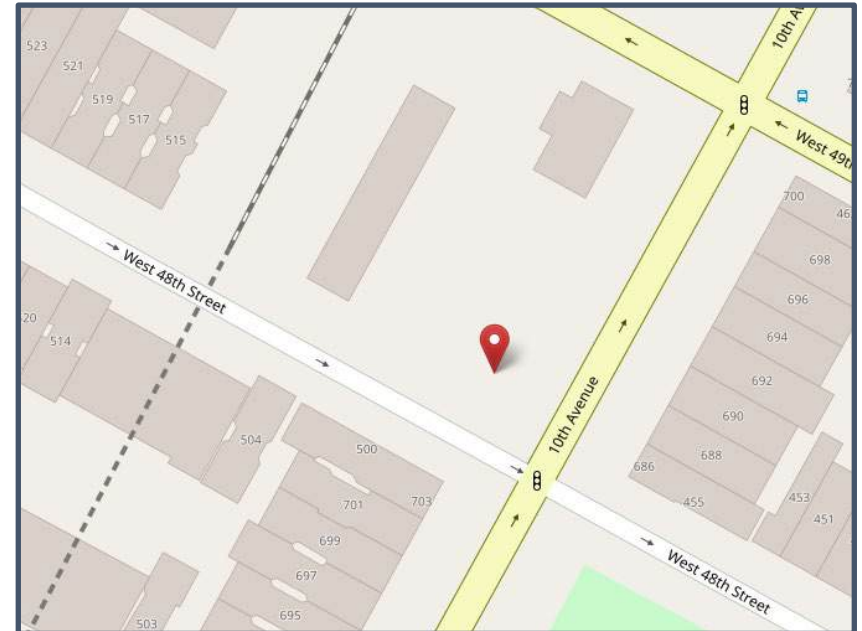
Affordability Period: Permanent

Public Approvals: ULURP Completed October 2022

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



806 9th Avenue – MTA Site

Under Construction

Program: Western Railyards Points of Agreement

Block: 1044 **Lot:** 3

Zoning: Special Clinton District; R8/ C1-5

Project Description:

- MTA-owned lot
- 22,500 sq. ft. lot (150' x 150')
- 59 units with supportive services for people with serious mental illness or substance use disorder, with a preference for long-term survivors of HIV/AIDS
- 44 permanently affordable homes for families, eight homes for formerly homeless individuals, 1 super's unit, approx. 30,000 square feet of office space for the MTA, and approximately 9,000 square feet of retail space.

Developer: Hudson Companies and Housing Works, Inc.

Units and Income Bands:

Units	0-39% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	Total
Total	67	8	9	10	9	8	112

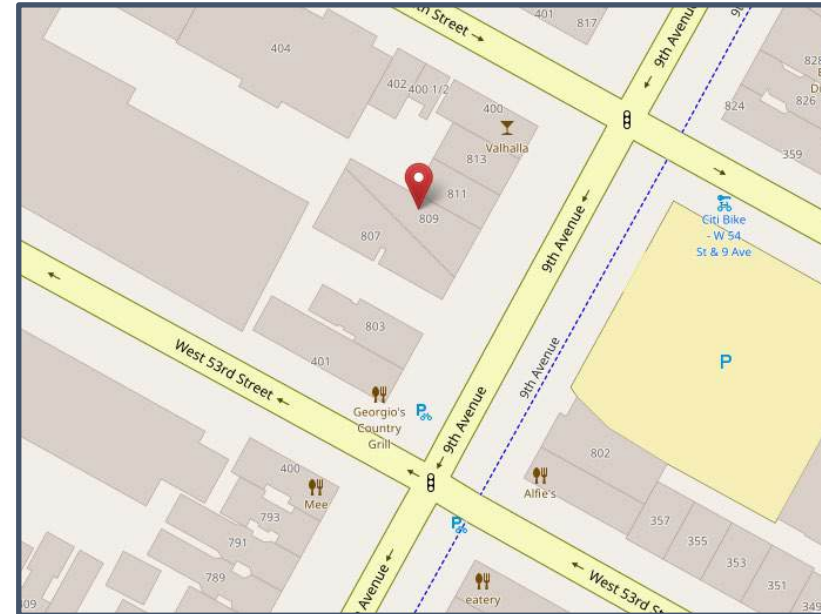
Affordability Period: Permanent

Public Approvals: ULURP completed August 2022

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



400 W 57th Street – The Windermere

Under Construction

Program: Cure for Harassment

Block: 1066 **Lot:** 32

Zoning: Special Clinton District; R8/C1-5

Project Description:

- Renovation and conversion to a boutique hotel
- 20 affordable units

Developer: LLC formed by Mark Tress

Units and Income Bands:

Units	80% AMI
Studio	10
1-bed	6
2-bed	4
Total	20

Affordability Period: Permanent

Public Approvals: ULURP (74-711) and LIHP

Financing: Private financing

Construction Start Date: 2018

Projected Completion Date: TBD



Existing building

Sites Under Construction Unit Count

Address	Developer	Special District			Total Units	AH Units	AMI								Inclusionary	
		C L	H Y	W C H			0-39%	40%	50%	60%	80%	100%	125%	165%	On-site	Off-site
278 8 th Ave	278 Eighth Realty LLC	-	-	-	180	48		19		19	6		4			
601 W 29 th St	Douglaston	-	-	-	931	234		93	-	94	-	47	-	-	X	-
606 W 30 th St	Lalezarian	-	-	-	218	55		22	-	22	-	11	-	-	X	-
335 8 th Ave Penn South	MAG Partners	-	-	-	200	56					18		38		X	-
201-7 7 th Avenue	AAFE	-	-	-	26	26		-	-	-	-	-	-	26	X	-
550 10 th Ave	Gotham		X		453	137					47		90		X	
312 W43rd St	Taconic	X			330	83		33		33			17		X	
705 10 th Avenue DEP Site	Douglaston and Actors Fund	X	-	-	158	158	24		39		32		63	-	X	
806 9 th Avenue MTA Site	Hudson Companies & Housing Works	X	-	-	112	112		27	67	9	9					
400 W 57th St	Mark Tress	X	-	-	20	20		-	-	-	20	-	-	-	X	-
Total					2,628	929	24	194	106	177	132	58	212	26		
Percentage						35%	>1%	7%	4%	7%	5%	2%	8%	1%		

Sites Completed Public Review

Manhattan Community District 4's Affordable Housing Plan

Sites Completed Public Review

493 11th Avenue



Chelsea NYCHA
441 W 26th St Hudson
Guild Site



558-560
W 52nd Street



500 W 28th Street



441 W 26th St Hudson Guild Site

Completed Public Review

Program: Permanent Affordability Commitment Together (PACT) program

Block: 724 **Lot:** 10

Zoning: R8

Project Description:

- As part of the Chelsea NYCHA Working Group plan, the Hudson Guild Site is moving forward
- The Hudson Guild replacement building would consolidate all West 26th Street programs into a single location within a two-story building to preserve light and air to the adjacent NYCHA buildings on West 26th Street
- Produce ~137 units of new mixed-income residential housing

Developer: Related

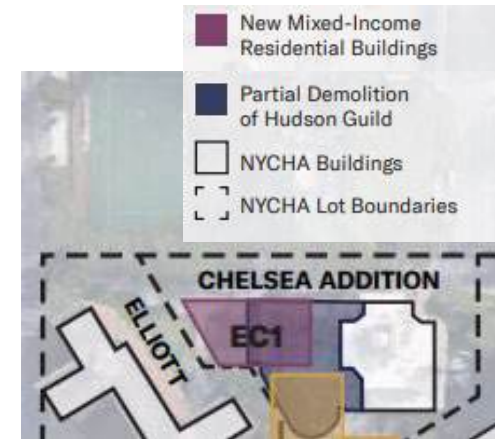
Affordability Period: Permanent

Public Approvals: Completed NYCHA public approval

Financing: Public financing, TDR, ground floor retail & community facilities development, resident management corporations, West Chelsea Affordable Housing Fund, Mixed-income residential infill, PACT Conversion

Projected Start Date: TBD

Projected Completion Date: TBD



Existing site

Units & Income Bands

Units*	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	Total
	14	14	28	33	34	14	137

*Preliminary affordability breakdown from Chelsea NYCHA Working Group Plan



500 W 28th Street

Completed Public Review

Program: Illegal Demolition Remedy

Block: 699 **Lot:** 37

Zoning: R9/ C6-3

Project Description:

- Illegal demolition of 6 housing units
- Illegal demolition remedy of 4 permanently affordable units and 1 market rate unit

Developer: Related

Units and Income Bands:

Units	150% AMI	165% AMI	Total
1-bed	2	2	4
Total	2	2	4

Affordability Period: Permanent

Public Approvals: ULURP 2019

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Existing site



Proposed site

493 11th Avenue – Slaughterhouse

Completed Public Review

Program: MIH Option 2

Block: 685 **Lot:** 38 **Zoning:** M1-5

Project Description:

- 24,688 sq. ft. lot (125' x 198')
- Proposed rezoning from M1-5 to C6-4 with Base FAR of 9, for a total FAR of 23.55
- Total of 357 units of affordable housing (includes 150 units for HY Site M Replacement),
- Includes 75 units of supportive housing at below 50% AMI; remaining units are permanently affordable with 125 Mandatory Inclusionary Housing units layered in
- Two building towers, one for a hotel, the second for permanently affordable residential housing; includes relocated police parking

Developer: Radson Development

Units and Income Bands:

Units	90-110% AMI	155-165% AMI	Supportive Units (15/15)	Total
Studio	13	22	49	84
1-bed	45	74	26	145
2-bed	40	80	0	120
3-bed	3	5	0	8
Total	101	181	75	357

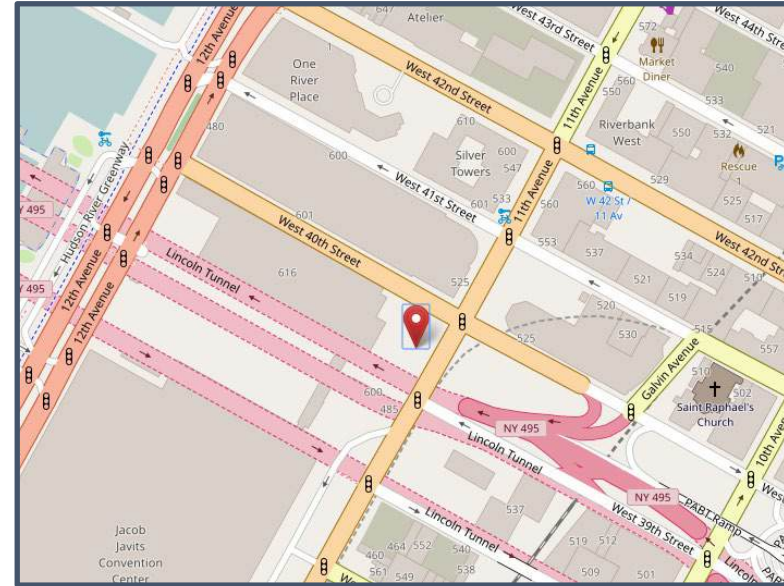
Affordability Period: Permanent

Public Approvals: ULURP completed Dec 2021

Financing: Private financing with Article 11 Tax abatement

Projected Start Date: 2022

Projected Completion Date: 2024



558-560 W 52nd Street – Captain Post

Completed Public Review

Program: HPD Multifamily Preservation Loan Program

Block: 1080 **Lot:** p/o 103

Zoning: Special Clinton District; R8A

Project Description:

- Historic gut rehabilitation and addition of partial 6th floor
- Community facility space on the ground floor and cellar for PAL

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	80% AMI	100% AMI	Management	Total
Studio	4	4	0	8
2-bed	6	7	1	14
Total	10	11	1	22

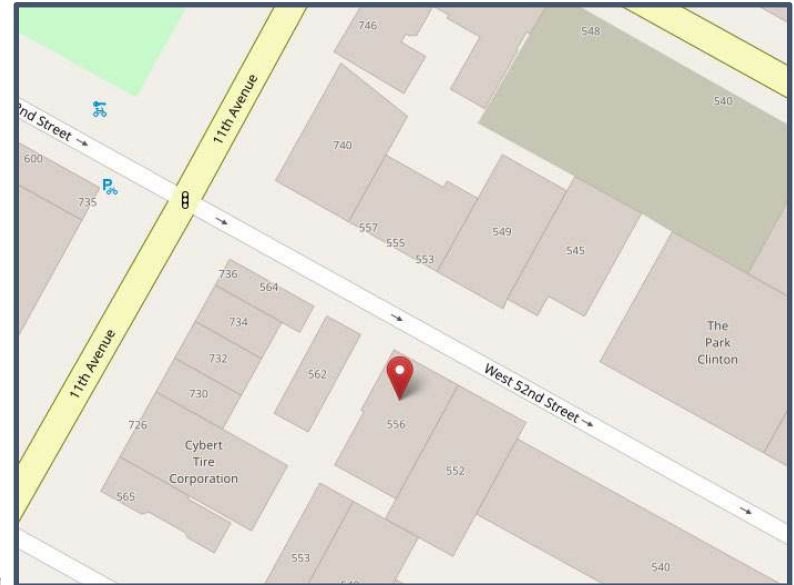
Affordability Period: Permanent

Public Approvals: ULURP (rezoning and disposition)

Financing: HPD MPLP, Historic Preservation Tax Credits, equity from sale of development rights at another CHDC site.

Projected Start Date: TBD

Projected Completion Date: TBD



Existing building



Proposed building

Sites Completed Public Review Unit Count

Address	Developer	Special District			Total Units	AH Units	AMI								Inclusionary	
		C L	H Y	W C H			40%	50%	60%	80%	100%	125%	135%	165%	On-site	Off-site
Chelsea NYCHA – Elliott, Chelsea & Fulton Houses*	Related	-	-	X	137	137	-	14	14	28	33	34	14			
500 W 28 th St	Related	-	X	-	5	4	-	-	-	-	-	-	2	2	X	-
493 11 th Avenue Slaughterhouse	Radson Development	-	-	-	357	357	-	-	75	-	101	-	-	181	-	X
560 W 52 nd St Captain Post	CHDC	X	-	-	22	21	-	-	-	10	11	-	-	-	X	-
Total					521	519	0	14	89	38	145	34	2	197		
Percentage						99%	0%	3%	17%	7%	28%	7%	0%	38%		

*Preliminary affordability breakdown from Chelsea NYCHA Working Group Plan

Sites Under Public Review

Manhattan Community Board 4's Affordable Housing Plan

Sites Under Public Review

413 W 46th Street:
Hartley House



454 W 35th Street



319-321 W38th St



454 W 35th Street

Under Public Review

Program: Supportive Housing Loan Program

Block: 732 **Lot:** 68

Zoning: R8-A

Project Description:

- Moderate rehab, 55 units
- 2 story addition, net gain of 12 units
- RAD Conversion

Developer: CHDC

Units and Income Bands:

Units	50% AMI	60% AMI	Manager & Social Services	Total
Total	47	18	2	65

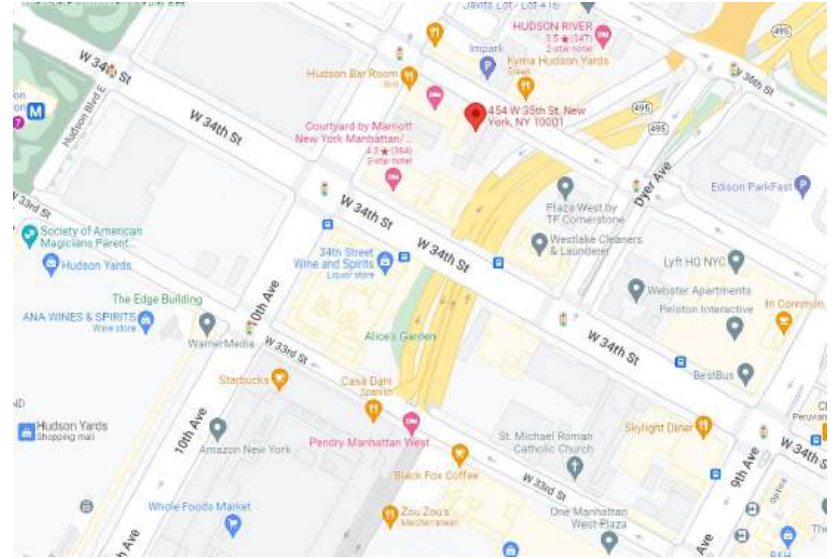
Affordability Period: Permanent

Public Approvals: None

Financing: HPD, LIHTC, HTC, City Capital, Private Debt

Projected Start Date: 2023

Projected Completion Date: 2025



319-321 W 38th Street

Sites Under Public Review

Program: Inclusionary Housing

Block: 762 **Lot:** 23

Zoning: Special Garment Center District, C6-4M

Project Description:

- Proposed development is 26 stories and includes 11 permanently affordable housing units and 176 hotel rooms.

Developer: The Létap Group

Units and Income Bands:

Units	100% AMI	125% AMI	165% AMI	Total
Studio	0	0	8	8
1B	0	2	0	2
2B	1	0	0	1
Total	1	2	8	11

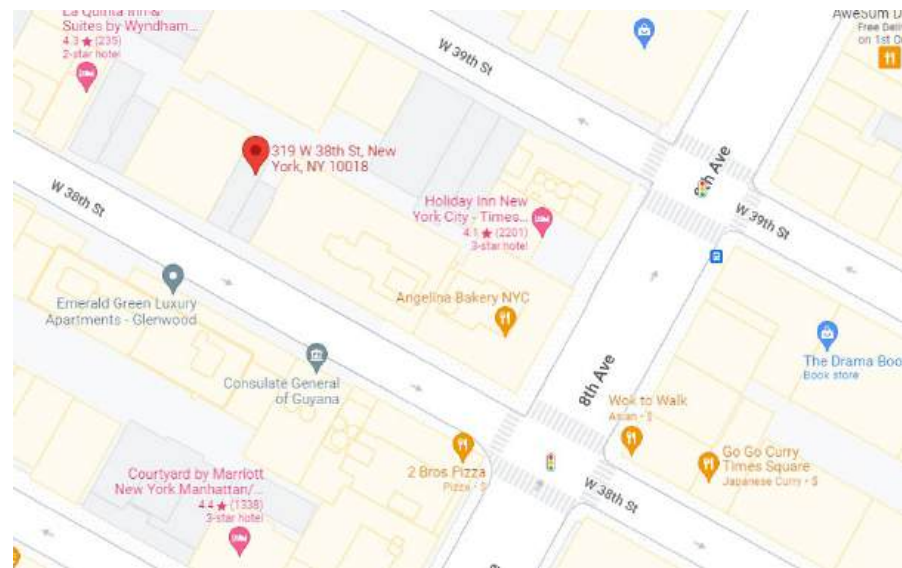
Affordability Period: Permanent

Public Approvals: 2018 Garment Center Rezoning

Financing: Privately financed

Construction Start Date: TBD

Completion Date: TBD



413 W 46th Street – Hartley House

Under Public Review

Program: Redevelopment

Block: 1056 **Lot:** 27

Zoning: R8

Project Description:

- Redevelopment of Hartley House buildings into 22 supportive housing units for senior LGBTQ (+1 super's unit) and community service space for Hartley House and Hudson Guild
- Section 8 for all units with tenants paying 30% of income

Developer: CHDC

Units and Income Bands:

Units	50% AMI	60% AMI	Total
Total	14	8	23*

* Including 1 super's unit

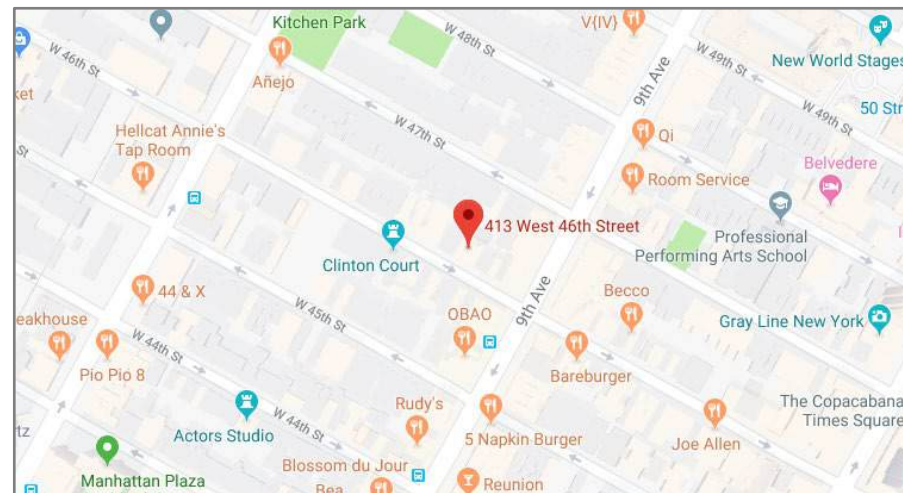
Affordability Period: Permanent

Public Approvals: Mayoral Zoning Override (Carriage House Only)

Financing: HPD, LIHTC, HTC, City Capital, Private Debt

Projected Start Date: 2023

Projected Completion Date: 2025



Sites Under Public Review Unit Count

Address	Developer	Special District				Total Units	AH Units	AMI										Inclusionary	
		C L	H Y	W C H	G C			0-39%	40%	50%	60%	80%	100%	125%	135%	150%	165%	On-site	Off-site
454 W 35th St	CHDC	-	-	X	-	67	65	-	-	47	18	-	-	-	-	-	-	X	-
319-321 W38th St	The Létap Group	-	-	-	X	176	11	-	-	-	-	-	1	2	-	-	8	-	-
413 W 46th St	CHDC	-	X	-	-	23	22	-	-	14	8	-	-	-	-	-	-	-	X
Total						266	98	0	0	61	26	0	1	2	0	0	8		
Percentage							37%	0%	0%	62%	27%	0%	1%	2%	0%	0%	8%		

Sites: HPD Development Pipeline

Manhattan Community District 4's Affordable Housing Plan

Sites: HPD Development Pipeline

535 W 55th Street



552 W 52nd Street



460 W 37th Street



500 W 52nd Street



464 W 25th Street



464 W 25th Street

HPD Development Pipeline

Program: HPD Multifamily Preservation Loan Program

Block: 722 **Lot:** 74

Zoning: R7B/C2-5

Project Description:

- Gut rehabilitation with addition of 5th floor and expansion of floors 2-4
- A small roof deck with serve as a common space

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	80% AMI	100% AMI	Total
2-bed	2	2	4
Total	2	2	4

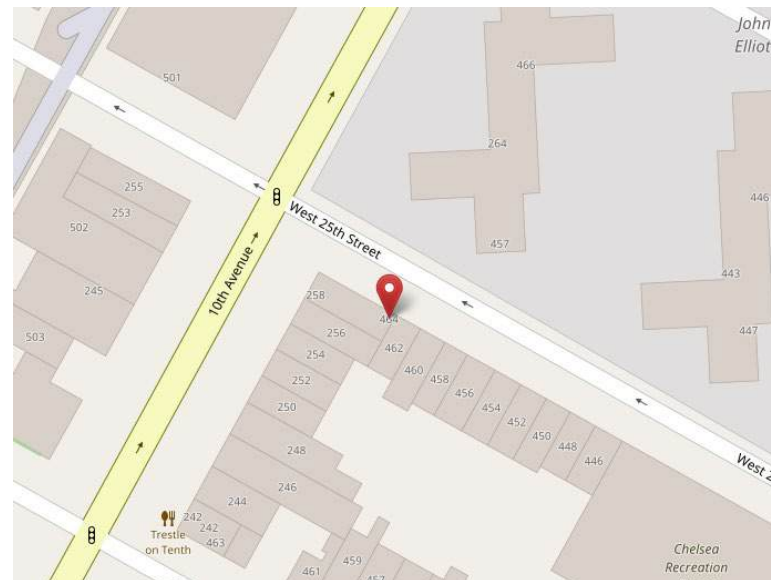
Affordability Period: Permanent

Public Approvals: ULURP; No Public Approvals Begun to Date.

Financing: HPD MPLP and equity from the sale of development rights at another CHDC site

Construction Start Date: TBD

Projected Completion Date: TBD



Proposed



Existing

460 W 37th Street

HPD Development Pipeline

Program: Inclusionary Housing - Onsite

Block: 734 **Lot:** 66

Zoning: Special Hudson Yards District; C2-8

Project Description:

- Gut rehabilitation and multi-story addition with new apartment layouts for 98 affordable housing units
- Proposed joint venture with adjacent property owner

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	80% AMI	100% AMI	125% AMI	165% AMI	Total
Studio	5	12	8	3	28
1-bed	4	12	7	5	28
2-bed	8	7	9	5	29
3-bed	3	5	3	2	13
Total	20	36	27	15	98

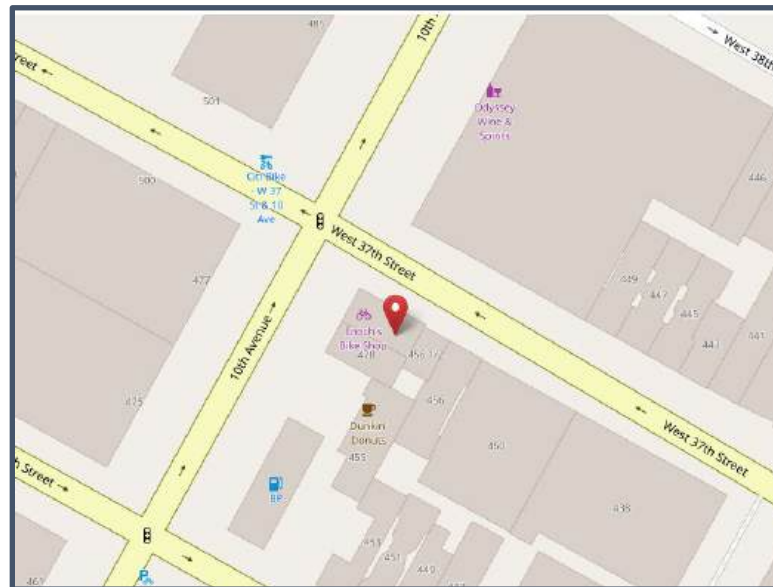
Affordability Period: Permanent

Public Approvals: ULURP (disposition); No Public Approvals Begun to Date.

Financing: HPD subsidy, equity from the sale of inclusionary development rights, NYCERS

Construction Start Date: TBD

Projected Completion Date: TBD



Existing site

500 W 52nd Street

HPD Development Pipeline

Program: HPD Supportive Housing Loan Program

Block: 1080 **Lot:** p/o 28

Zoning: Special Clinton District; C6-3

Project Description:

- Historic, gut rehabilitation including partial 7th floor addition
- 45 Supportive Housing units of senior housing for performing artists and homeless individuals, including social service offices and rooftop open space

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	50% AMI	60% AMI	80% AMI	Total
Total	15	29	2	46

Affordability Period: Permanent

Public Approvals: ULURP (disposition); No Public Approvals Begun to Date.

Financing: HPD Supportive Housing Loan Program, Historic Preservation Tax Credits

Start Date: TBD

Projected Completion Date: TBD



Existing site

552 W 52nd Street

HPD Development Pipeline

Program: Inclusionary Housing - Onsite

Block: 1080 **Lot:** p/o 103

Zoning: Special Clinton District; R8-A

Project Description:

- Gut renovation and addition for low, middle, and moderate income housing (preliminary massing for 84 units)
- Gym for Duncan PAL
- Last remaining affordable housing development site in CURA

Developer: Clinton Housing Development Company

Units and Income Bands:

Units	80% AMI	100% AMI	125% AMI	165% AMI	Total
Studio	8	10	5	4	27
1-bed	13	11	11	8	43
2-bed	4	3	7	0	14
Total	25	24	23	12	84

Affordability Period: Permanent

Public Approvals: ULURP (disposition); No Public Approvals Begun to Date.

Financing: HPD subsidy, equity from the sale of inclusionary development rights, NYCERS

Projected Start Date: TBD **Projected Completion Date:** TBD



Existing site

535 W 55th Street – Harborview

HPD Development Pipeline

Program: Hudson Yards Points of Agreement

Block: 1084 **Lot:** p/o 9

Zoning: Special Clinton District; R8

Project Description:

- Construction of a new residential building, relocated park, and upgraded open space
- Second-round RFP (First RFP in 2007)
- 230 affordable units (40% to 165% AMI)

Developer: Subject to RFP

Units and Income Bands:

Units	40% AMI	50% AMI	60% AMI	125% AMI	165% AMI	Total
Total	35	43	63	43	46	230

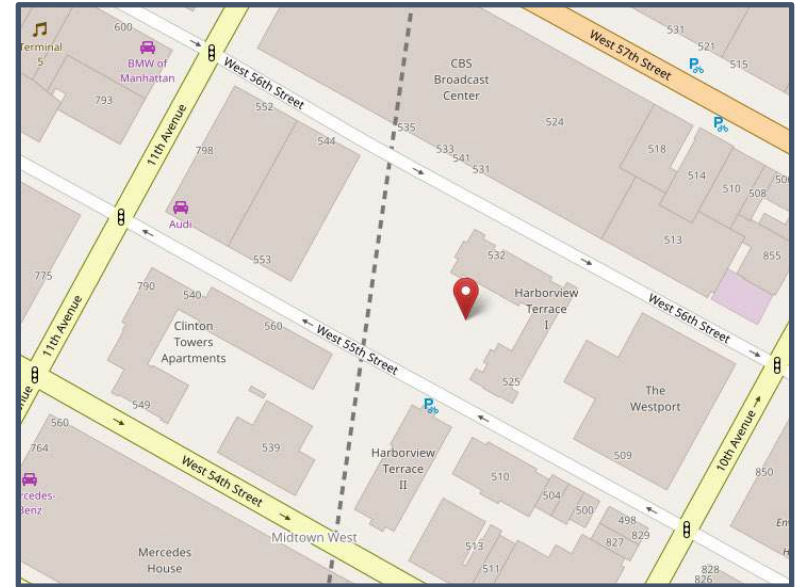
Affordability Period: Permanent

Public Approvals: ULURP, RFP, Harborview TA Approval, NYCHA Disposition (Section 18)

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Existing site

HPD Development Pipeline Unit Count

Address	Developer	Site Control	Special District			Total Units	AH Units									
			C L	H Y C H	W C H			40%	50%	60%	80%	100%	125%	135%	150%	165%
464 W 25 th St	Clinton Housing Dev. Co.		-	-	-	4	4	-	-	-	2	2	-	-	-	-
460 West 37 th	Clinton Housing Dev. Co.	HPD	-	X	-	98	98	-	-	-	20	36	27		-	15
500 West 52 nd	Clinton Housing Dev. Co.	HPD	X	-	-	46	46	-	15	29	2	-	-	-	-	-
552 West 52 nd	Clinton Housing Dev. Co.	HPD	X	-	-	84	84	-	-	-	25	24	23			12
535 West 55 th	Subject to RFP	NYCHA	X	-	-	230	230	35	43	63	-	-	43		-	46
Total						462	462	35	58	92	49	62	93	0	0	73
Percentage							100%	8%	13%	20%	11%	13%	20%	0%	0%	16%

Sites: ESD or State Controlled Development Pipeline

Manhattan Community District 4's Affordable Housing Plan

Sites: ESD or State Controlled Development Pipeline

Site K 418 11th Ave



Javits Center
Marshaling Yards



Bayview 550 W20th St



Intrepid Parking Lot
600 W45th St



MTA Quill Bus Depot



Former Hunter
Voorhees Campus
450 W 41st Street



Bayview--550 W20th St

ESD or State Controlled Development Pipeline

Program: TBD

Block: 691 **Lot:** 1

Zoning: Special West Chelsea District; C6-3 / C6-2

Project Description:

- Served as a state prison for women until its closure in 2012 due to Hurricane Sandy flooding. RFP was released in 2013, developer did not proceed.
- Existing building square footage 101,500 GSF; 33,000 SF of which MCB4 proposes to remain a community services facility with pool, gym & large industrial kitchen, utilizing infrastructure remaining from the building's original use as the Seamen's House YMCA.
- Building is landmark-eligible with original architectural details to be preserved.
- Could produce approximately 115 permanently affordable units with additional capacity to house a mentally ill homeless population needing a greater degree of social and mental health services than standard supportive housing can offer.
- MCB4 requests that ESD work with the community, social service providers and local not-for-profits to create a development as a model to serve multiple homeless populations.



Developer: Subject to RFP

Affordability Period: Permanent

Public Approvals: RFP by ESD; Review by Chelsea Land Use Committee

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD

Units	40% AMI	50% AMI	60% AMI	TOTALS
TOTAL	38	38	39	115

Javits Center Marshaling Yards--601 W33rd St

ESD or State Controlled Development Pipeline

Program: TBD

Block: 679 **Lot:** 1

Zoning: M2-3

Project Description:

- W33-34th Streets, between 11th-12th Ave, Lot area is 158,000 SF
- Part of Hudson River Park Transfer of Development Rights
- Propose rezoning for residential, 14 FAR (2 FAR for trucking and delivery for Javits and 12 FAR for residential), estimated net residential area 1,753,800 SF and 2,063 total housing units, including 618 affordable units (30% affordable)

Developer: Subject to RFP

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	TOT.
Total	61	61	123	156	156	61	618

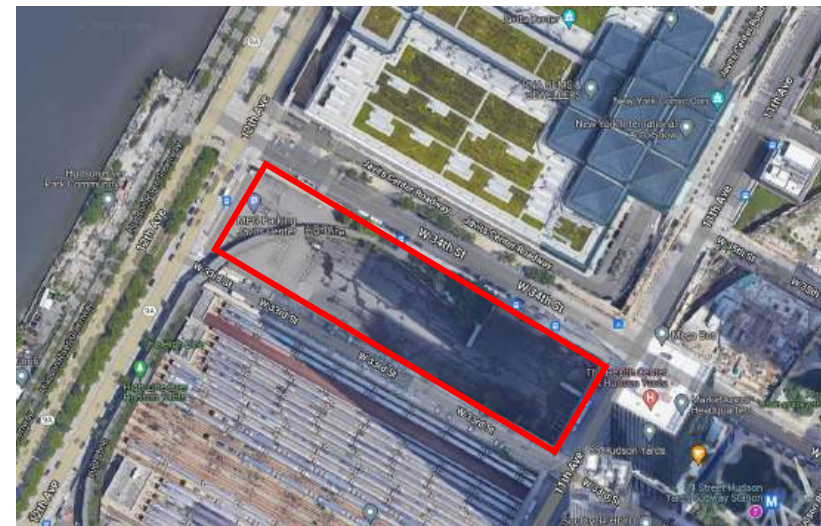
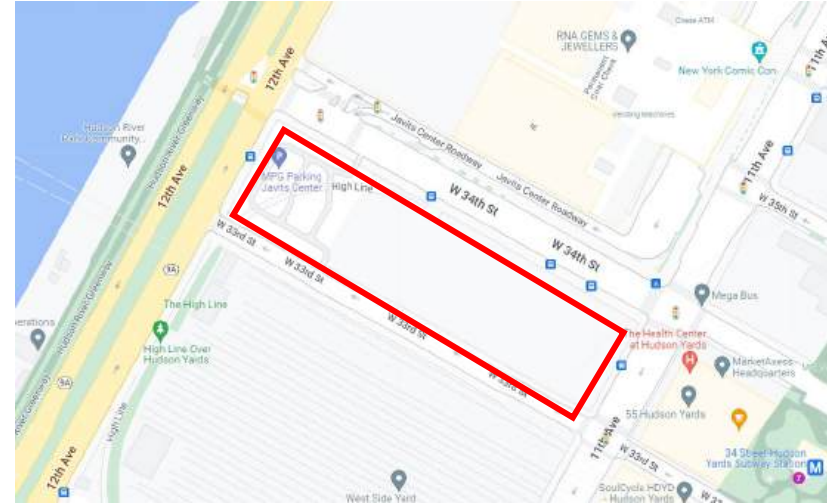
Affordability Period: Permanent

Public Approvals: RFP, Rezoning to allow residential use, incorporate into SHYD. No Public Approvals Begun to Date.

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



MTA Quill Bus Depot – 525 11th Ave

ESD or State Controlled Development Pipeline

Program: TBD

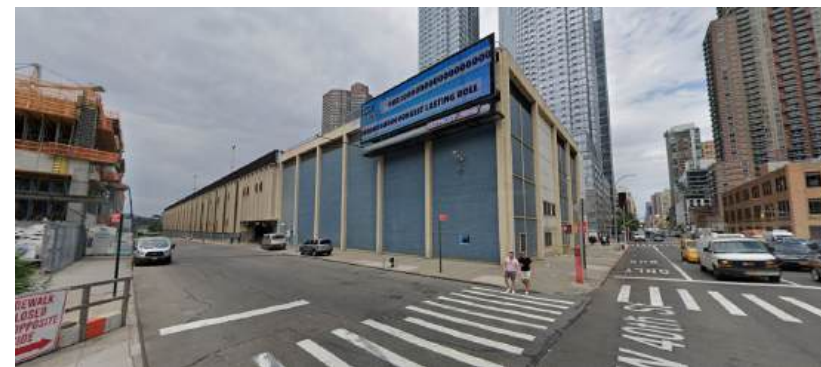
Block: 1088 **Lot:** 1

Zoning: M1-5

Project Description:

- W40-41st Streets, between 11th-12th Ave; Lot area is 158,000 SF
- Part of Hudson River Park Transfer of Development Rights
- Propose rezoning for residential, 14 FAR (3 FAR for MTA bus maintenance & storage use, 11 FAR for residential), estimated net residential area 1,607,650 SF and 1,891 total units, including 567 affordable units (30% affordable)

Developer: Subject to RFP



Existing site

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	TOT.
Total	57	57	113	142	142	56	567

Affordability Period: Permanent

Public Approvals: RFP, Rezoning to allow residential use, incorporate into SHYD. No Public Approvals Begun to Date

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD

Site K-- 418 11th Ave

ESD or State Controlled Development Pipeline

Program: TBD

Block: **Lot:**

Zoning: Special Hudson Yards District; C6-4

Project Description:

- Site includes MTA Ventilation Shaft and Mechanical Building, active below-ground train track owned by Amtrak
- 24 FAR, residential development currently capped at 6 FAR. Recommend zoning change to 12 FAR residential.
- Lot area is 52,363 SF, proposed 12 FAR, estimated net residential area 581,229 SF and 684 total units, with 205 affordable housing apartments (30% affordable)

Developer: Subject to RFP

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	TOTAL
Total	21	21	41	51	51	20	205

Affordability Period: Permanent

Public Approvals: RFP, zoning text change to allow 12 FAR residential. No Public Approvals Begun to Date.

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Figure 2: View of Site looking northeast from the intersection of 35th Street and 11th Avenue, including MTA Ventilation Shaft

Existing site

Former Hunter Voorhees Campus

450 W 41st Street

ESD or State Controlled Development Pipeline

Program: TBD

Block: 1051 **Lot:** 6

Zoning: Special Hudson Yards District (Subarea D-3); C6-3

Project Description:

- Lot area is 29,985 SF (160' x 197.5')
- Propose to locate Covenant House within the building and create 75-100 supportive housing units
- RFP released January 2016; sale of land awaiting NYS approval

Developer: Subject to RFP

Units and Income Bands:

Units	80% AMI	100% AMI	125% AMI	165% AMI	TOTAL
Total	48	63	64	64	239

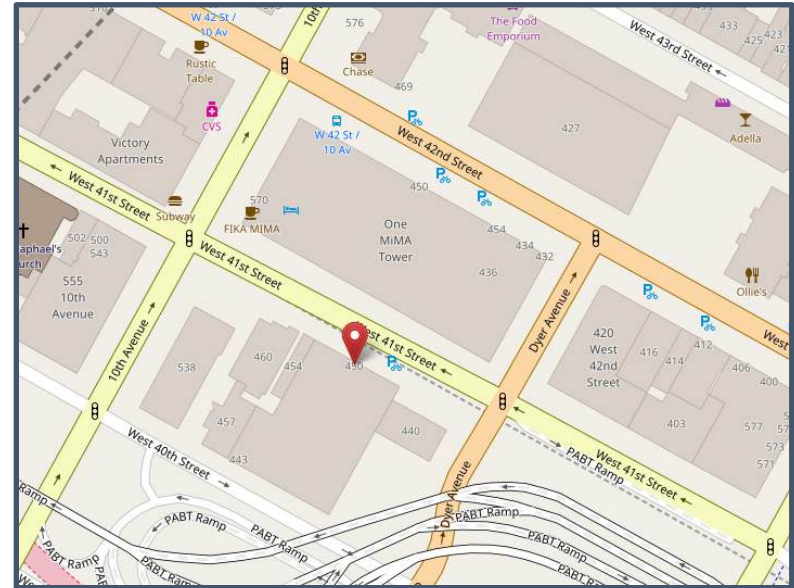
Affordability Period: Permanent

Public Approvals: RFP, No Public Approvals Begun to Date

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Existing site

Intrepid Parking Lot 621 W45th St

ESD or State Controlled Development Pipeline

Program: TBD

Block: 1093 **Lot:** 9

Zoning: Special Clinton District; M2-4

Project Description:

- NY State Department of Transportation controlled
- Site dimensions are ~250 x 200 ft, lot area is 57,587 SF, currently M2-4, 5 FAR
- Propose rezoning to residential use at 7.5 FAR, estimated net residential area 399,510 SF, produces 470 total units, with 118 affordable units (25% affordable)
- 135-foot height limit
- Incorporate Intrepid parking into development

Developer: Subject to RFP, ULURP for rezoning

Units and Income Bands:

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	TOTAL
Total	12	12	24	29	29	12	118

Affordability Period: Permanent

Public Approvals: RFP, Rezoning to allow residential use, No Public Approvals Begun to Date

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Existing site

ESD or State Controlled Development Pipeline Unit Count

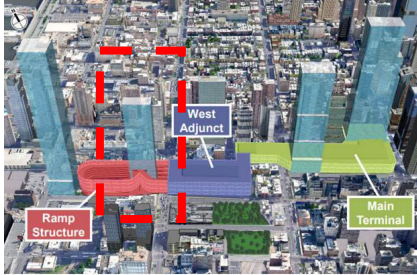
Address	Developer	Site Control	Special District			Total Units	AH Units	AMI Unit Breakdown						
			Clinton	Hudson Yards	West Chelsea			40%	50%	60%	80%	100%	125%	165%
Bayview 550 W20th St	Subject to RFP				X	115	115	38	38	39				
Javits Marshalling Yards 651 W33rd St	Subject to RFP					2,063	618		61	61	123	156	156	61
MTA Quill Bus Depot 525 11 th Ave	Subject to RFP					1,891	567		57	57	113	142	142	56
Site K 418 11 th Ave	Subject to RFP	ESD		X		684	205		21	21	41	51	51	20
Former Hunter Voorhees Campus 450 West 41 st	Subject to RFP	ESD		X		239	239				48	63	64	64
Intrepid Parking Lot	Subject to RFP		X			470	118		12	12	24	29	29	12
Total						5,462	1,862	38	189	190	349	441	442	213
Percent of Units							34%	2%	10%	10%	19%	24%	24%	11%

Port Authority Bus Terminal Replacement Project

Port Authority Bus Terminal Replacement Project



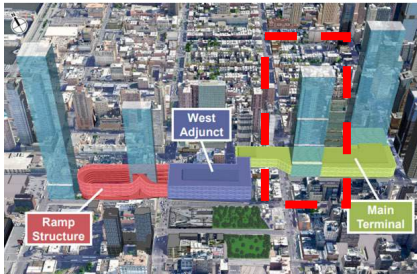
Site 4 - West side of Tenth Ave between W39-40th Street



415 W40th Street



Site 2 - East side of Ninth Ave between W40-W41st Street



Proposed by PABT NYNJ (Jan 2021)



Proposed Commercial Tower
~3M GSF

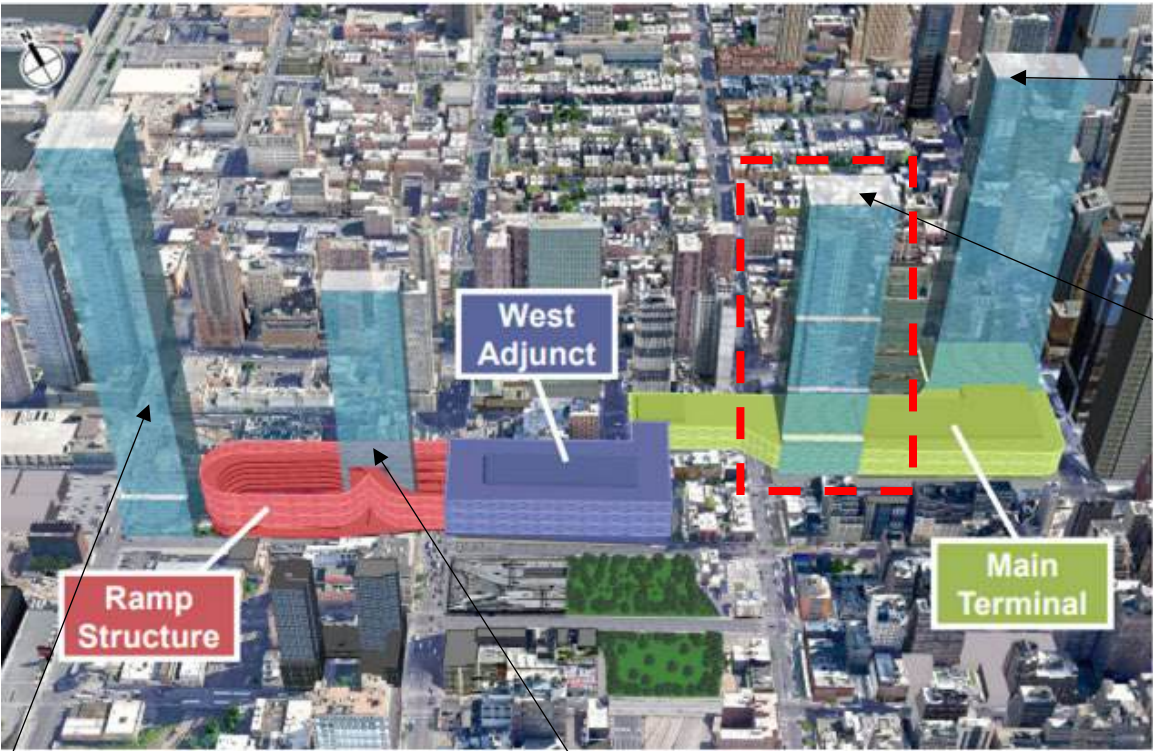
Proposed Commercial Tower
~2M GSF

Proposed Commercial
Tower
~2.3M GSF

Proposed Residential Tower
will comply with Special Hudson Yards
District Inclusionary Housing Zoning
~900,000 GSF
Estimated 925 total residential units, with
231 affordable units (25%)

Source: PABT NYNJ

Proposed--Increased Residential Use (July 2022)



Proposed Commercial Tower
~3M GSF

Proposed Mixed Use Tower
(50% residential & 50% commercial)
~2M GSF

Estimated 1,088 total residential units,
with 272 affordable units (25%)

Proposed Commercial Tower
~2.3M GSF

Proposed Residential Tower
will comply with Special Hudson Yards
District Inclusionary Housing Zoning
~900,000 GSF
Estimated 925 total residential units, with
231 affordable units (25%)

Source: PABT NYNJ

415 W 40th Street

Proposed Developments

Program: New Construction

Block: 1050 **Lot:** p/o 13

Zoning: Special Hudson Yards District (Subarea D-3); C6-3

Project Description:

- Site is owned by PANYNJ
- 10,000 s. ft. lot (100' x 100'), 7.5 FAR, estimated net residential area 69,375 SF
- 82 affordable units (100% affordable)

Developer: Subject to RFP

Units and Income Bands:

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	
Total	8	8	16	21	21	8	82

Affordability Period: Permanent

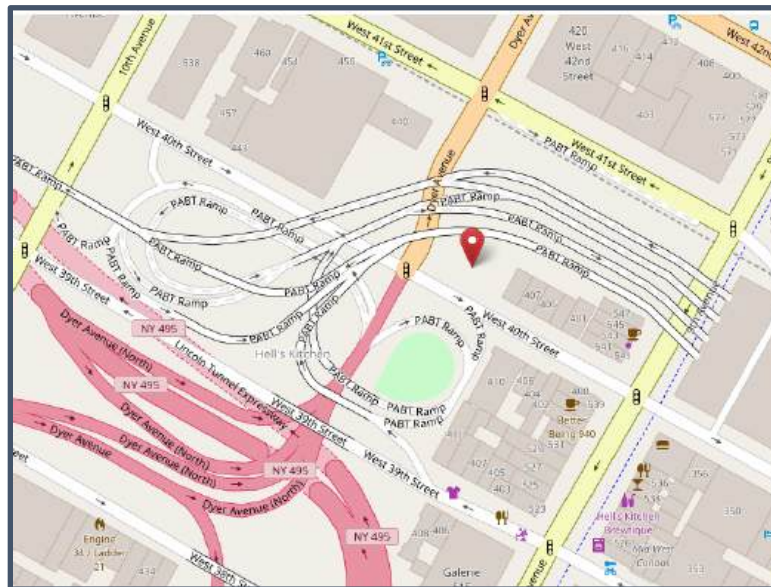
Public Approvals: Negotiate transfer of site from PANYNJ

to HPD, RFP, ULURP (disposition). No Public Approvals Begun to Date

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Increased Residential Use Proposed for PABT Replacement Project

Address	Developer	Site Control	Special District			Estimated GSF	Estimated Residential GSF	Estimated Total Units	Estimated Affordable Units	AMI Unit Breakdown					
			Clinton	Hudson Yards	Special Midtown					50%	60%	80%	100%	125%	165%
Site 2 - East side of Ninth Avenue between West 40th Street and West 41st Street		PANYNJ			X	2,000,000	925,000	1,088	272	27	27	54	68	68	27
Site 4 - West side of Tenth Avenue between West 39th Street and West 40th Street		PANYNJ		X	-	900,000	786,250	925	231	23	23	46	58	58	23
415 W40th Street		PANYNJ		X		69,375	69,375	82	82	8	8	16	21	21	8
Total						2,969,375	1,780,625	2,095	585	58	58	117	147	147	58
Percent of Units									25%	10%	10%	20%	25%	25%	10%

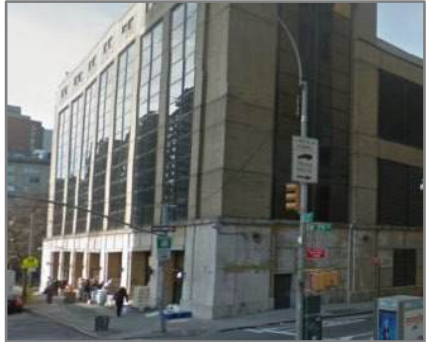
Site: Federally Controlled Proposed Development

Manhattan Community District 4's Affordable Housing Plan

Federally Controlled Proposed Development Map



317 9th Ave
Morgan Annex



317 9th Avenue – Morgan Annex

Proposed Developments

Program: New Construction

Block: 726 **Lot:** p/o 1

Zoning: M1-5

Project Description:

- Site is owned by USPS
- 40,000 sq. ft. lot (200' x 200'), proposed 12 FAR
- Estimated net residential area 444,000 SF produces 522 housing units, including 157 affordable units (30% affordable)
- Steel structure already in place to build residential units above existing building

Developer: Subject to RFP

Units and Income Bands:

Units	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI	TOTAL
Total	16	16	31	39	39	16	157

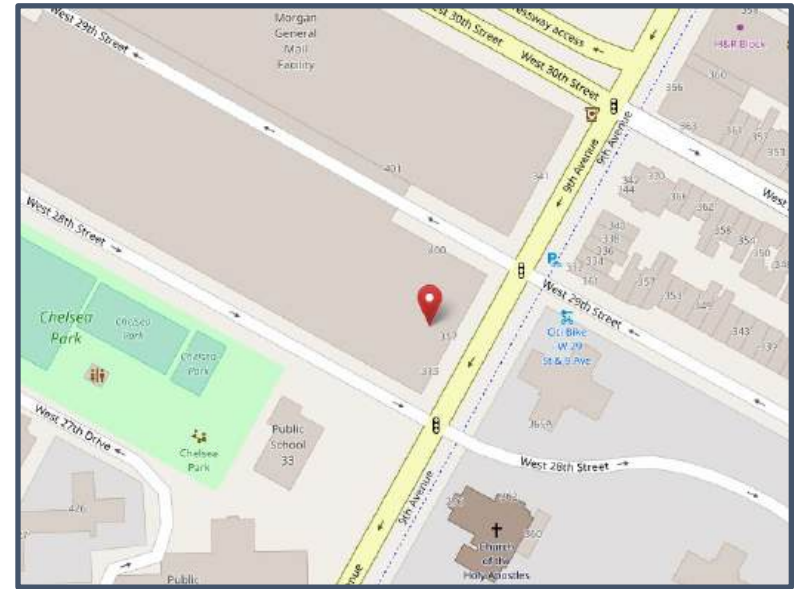
Affordability Period: Permanent

Public Approvals: Negotiate transfer of overbuild site from USPS to HPD, RFP, Rezoning to allow residential use at 12 FAR. No Public Approvals Begun to Date.

Financing: TBD

Projected Start Date: TBD

Projected Completion Date: TBD



Affordable Housing Preservation

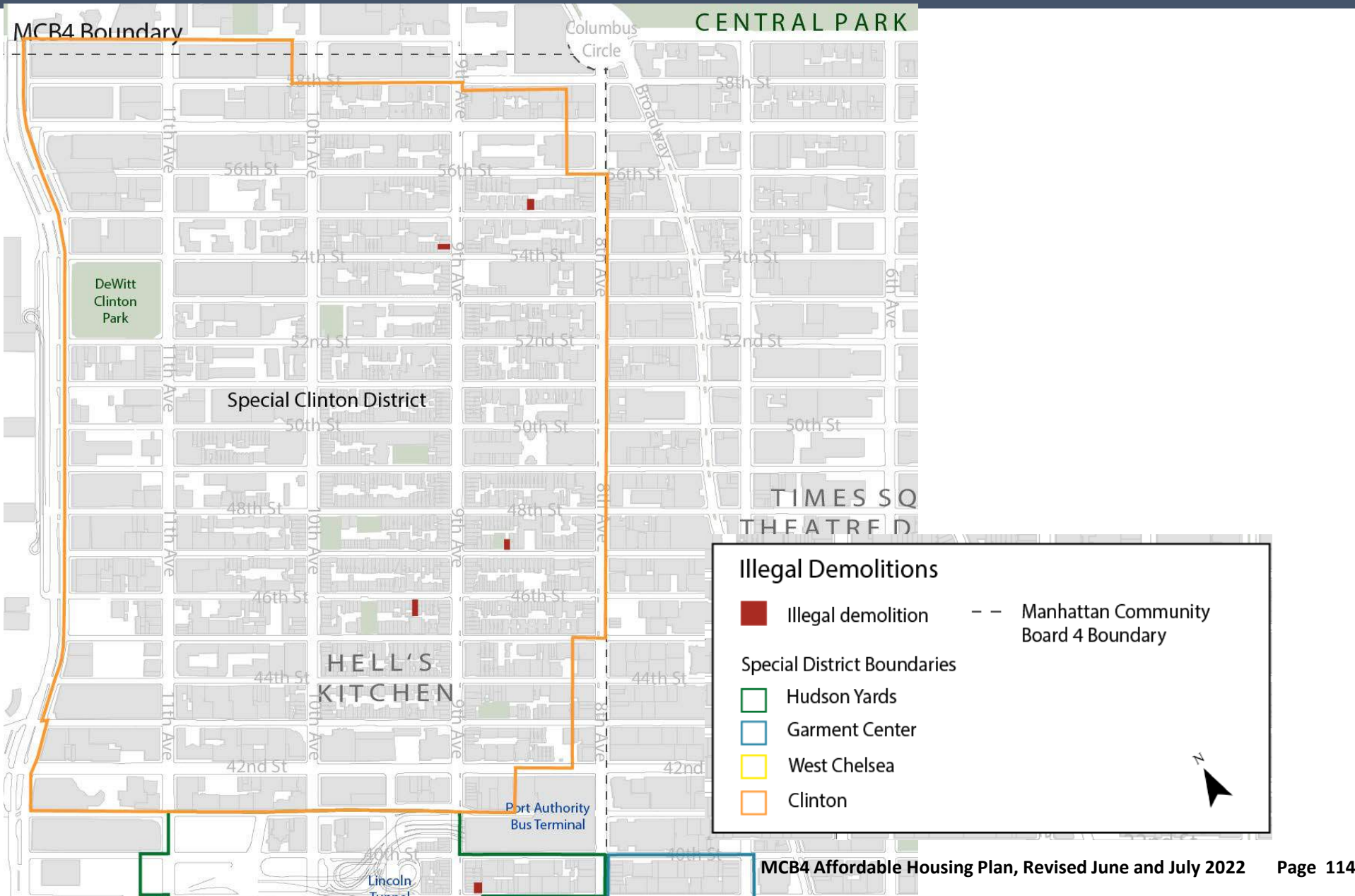
Manhattan Community District 4 Affordable Housing Plan

Illegal Demolition

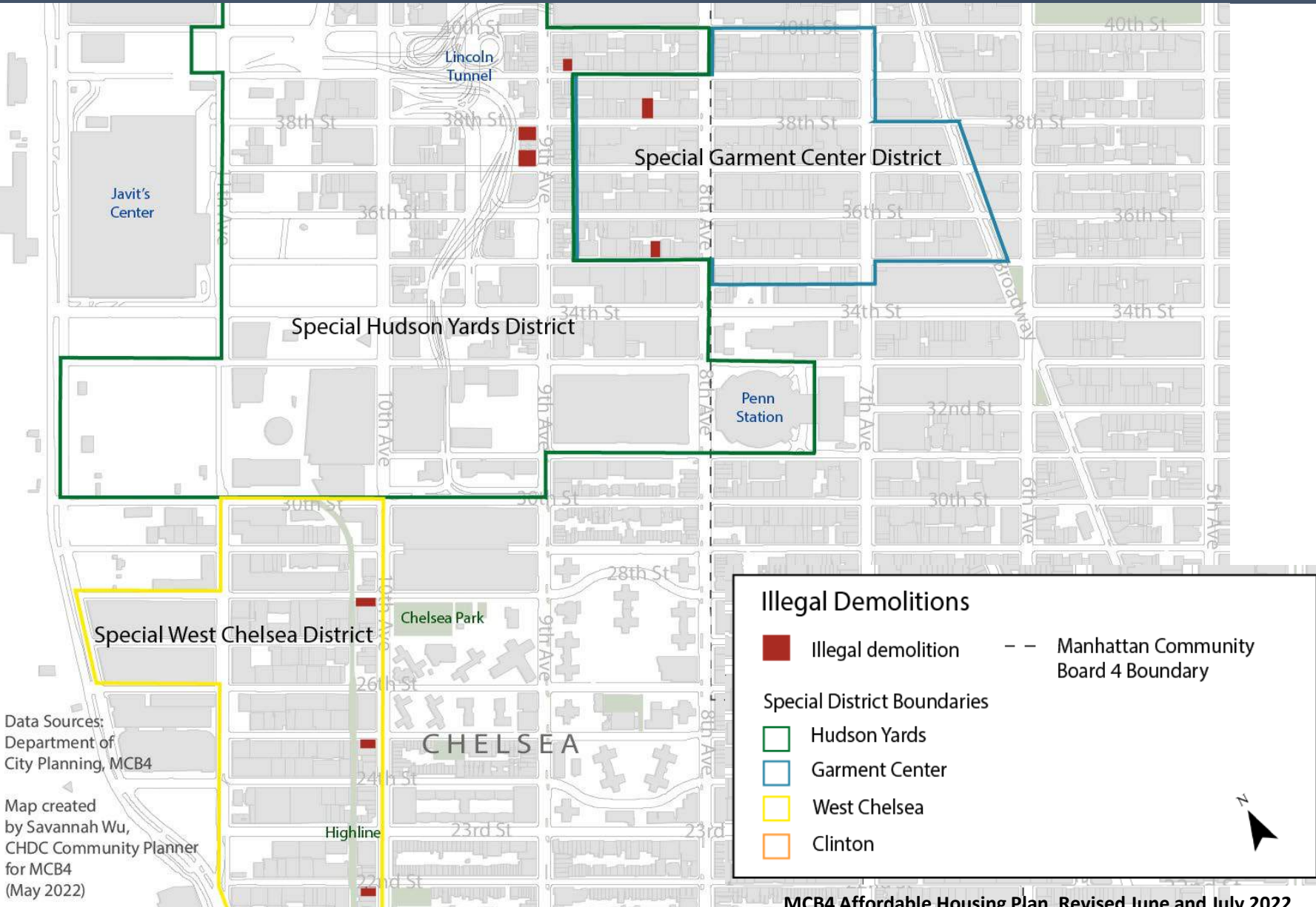
Illegal Demolition Summary

- **Special Clinton District Created (1973):** The first Special District in MCB4 was the Special Clinton District (SCD), est. in 1973 as a response to rapid real estate speculation that emerged from a proposed convention center on the west side, which led to the demolition of existing residential buildings. The SCD included a core Preservation Area in which no residential buildings could be demolished.
- From 1987 to the present, there has been an ongoing loss of affordable housing units through illegal demolition
- **NYC Dept. of Buildings Established 20% Threshold for Structural Removal (1987):** In response to the actions of a building owner in 1987, DOB issued an internal policy memo stating that an alteration which removed 20% or more of the structure in a residential building in the SCD would constitute a partial demolition and would therefore be subject to Special Permit requirements.
- **SCD Rezoning (1990):** In June 1990, language from the DOB internal policy memo was incorporated into the zoning resolution (NYCZR Sec. 96-108), making clear that a building in the SCD undergoing alteration *“is to be substantially preserved and requires an alteration permit to allow the removal and replacement of 20 percent or more of the #floor area#.”*
- **City Planning Commission Report (1990):** The City Planning Commission issued a report on the proposed zoning text amendments to reinforce the anti-demolition language for the SCD. As a result of this ULURP, the twenty percent threshold became codified in the Zoning Resolution, which noted that a special permit is required not only for full demolition of residential buildings in the SCD, but also for removal and replacement, of more than 20% of a building.
- **Westside Rezonings (2005 & 2009):** The demolition restriction for residential buildings was extended to the other three Special Zoning Districts in MCD4: Garment Center, Hudson Yards, and West Chelsea. That action protected 1,382 units in 122 buildings.

Illegal Demolition in Special Clinton District



Illegal Demolition in Special Hudson Yards, Garment Center & West Chelsea Districts



Data Sources:
Department of
City Planning, MCB4

Map created
by Savannah Wu,
CHDC Community Planner
for MCB4
(May 2022)

Illegal Demolition

500 W28th St



2009



2011



2021

317-319 W35th St



2009



2019



2021

Illegal Demolition

319-321 W38th St



2011



2016



2021

253 10th Ave



2009



2017



2021

Illegal Demolition

Building Address	Owner	Date Demolished	Buildings	Units	Special District	Status
485-491, 497 9th Avenue	Martin Fine (prior), David Israeli (current)	1995-2015	5	20	Hudson Yards	Demolition work started without permits, creating structural problems; DOB then found buildings structurally unsound; demolished
319-321 West 38th Street	319 West 38th Street LLC	2015	2	18	Garment Center	Tenants vacated; building partially demolished
500 West 22nd Street AKA 197 10th Ave	SREP Tenth Avenue Venture LLC	2015-2016	3	12	West Chelsea	Tenants vacated; permits revoked
821 9th Ave	Joe G & Sons LLC	2012-2016	1	6	Clinton	Tenants vacated; building demolished and new building built in its place
317-319 West 35th Street	Wei Hong Hu under the H Hotel LLC	2016-2020	2	28	Garment Center	Tenants vacated; permits revoked
500 West 28th Street	Related	2016	1	6	West Chelsea	Tenants vacated; Owner did not obtain CONH from HPD; demolished
355-357 West 39th Street	355 39 th Street LLC	2017	3	8	Hudson Yards	Some tenants still occupy building; demolition and new building applications approved on 11/22/16 and 12/6/16, respectively
253 10th Avenue		2017	1	6	Chelsea	Tenants vacated; building demolished
335-337 West 55th Street	335-337 West 55 St LLC	2013-2017	2	28	Clinton	Tenants vacated; building demolished and new building under construction
412 West 46th Street	Highpoint Associates XII	2016	1	15	Clinton	Tenants vacated; building interior demolished
343 West 47th Street	343 West 47th LLC	2021	1	4	Clinton	4/28/21 DOB Stop Work Order, 8/27/21 FDNY responded to fire; water infiltration and rodents, has not been sealed.
			22	151		

Illegal Demolition Next Steps

- Establish special unit within the Department of Buildings to deal with immediate enforcement to prevent illegal demolition
- Develop a zoning mechanism to cure and/or deter illegal demolition
- Zoning mechanism should be consistent with the Special Clinton District Cure for Harassment; e.g., a Cure for Illegal Demolition.
- The proposed Cure for Illegal Demolition should require replacement with 40% permanent affordable housing

Chelsea NYCHA Elliott-Chelsea & Fulton Houses

Chelsea NYCHA – Elliott-Chelsea & Fulton Houses



Elliott-Chelsea Houses



Fulton Houses



Chelsea NYCHA – Elliott-Chelsea & Fulton Houses

Program: Permanent Affordability Commitment Together (PACT) program

Block: 723-724 and 714-717

Lot: Multiple

Zoning: R8, C2-5

Project Description:

- Chelsea NYCHA Working Group convened between Spring 2019 – 2021, after 18 months of weekly meetings, the group issued its [report](#) in Feb 2021, and NYCHA announced its RFP in April 2021
- Working Group determined \$366M required to address critical repairs for ~2,071 NYCHA units for low and very-low-income families earning up to \$35,000-\$40,000 in the Fulton, Chelsea, Chelsea Addition, and Elliott Houses. The Working Group’s recommended strategies: PACT conversion, the construction of new mixed-income housing, ground floor retail conversions and the construction of commercial space, community facility development, funds from the City Council, and funds from the West Chelsea Affordable Housing Fund, if available. It also includes a commitment to construct spaces for community services.

Developer: Related

Units & Income Bands:

Units	Below 60% AMI	Total
	2,071	2,071

Affordability Period: Permanent

Public Approvals: full community process through establishment of the Chelsea NYCHA Working Group

Financing: Public financing, TDR, ground floor retail & community facilities development, resident management corporations, West Chelsea Affordable Housing Fund, Mixed-income residential infill, PACT Conversion

Projected Start Date: TBD

Projected Completion Date: TBD



Fulton Houses



Elliott-Chelsea Houses

421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements

Manhattan Community District 4 Affordable Housing Plan

421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements

- Buildings constructed with City or State tax-exempt bonds are coupled with a 421-a real estate tax exemption for the production of affordable housing
- Tax exemptions have durations of 10-25 years
- Upon expiration of the 421a tax exemption, affordability is no longer required upon vacancy
- Between 2022 and 2027, there will be 1,088 affordable units at risk of becoming market rate
- CB4 proposes to work with the NYS Legislature to develop strategies, mechanisms and tax incentives to create permanent affordability on these 1,058 affordable units

421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements



421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements

Project Name	Address	Year Built	Total # Units	Total # AH	# Perm. AH	# Expiring AH	421-a Exp Date	Funding Sources
The Helux	520 W 43rd St	1996	375	76	-	76	2019/2020	4% LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
1 River Place	650 42nd St	1999	921	184	-	184	1/31/2023	421-a Tax Exemption
Chelsea Place	363 W 30th St	2000	76	16	-	16	1/31/2023	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Archstone West	505 W 54th St	2000	222	45	-	45	1/31/2023	4% LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
Chelsea Centro	200 W 26th St	2000	356	71	-	71	1/31/2023	421-a Tax Exemption, HDC Loan
The Westminster	180 W 20th St	2000	256	56	-	56	2/28/2024	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Theater Row	424 W 42nd St	2000	264	54	-	54	2/28/2024	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
The Tate	535 W 23rd St	2001	313	63	-	63	2/28/2024	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Beta West	321 W 54th St	2001	109	22	-	22	2/28/2024	421-a Tax Exemption
Ivy Tower	350 W 43rd St	2001	320	64	-	64	2/28/2024	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
The Victory	501 W 41st St	2001	418	100	16	84	4/30/2026	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan, Inclusionary Zoning

421-A Affordable Units: Expiring Tax Exemptions & Regulatory Agreements

Project Name	Address	Year Built	Total # Units	Total # AH	# Perm. AH	# Exp. AH	421-a Exp. Date	Funding Sources
The Clinton Hudson Crossing	520 W 48th St	2002	109	23	-	23	3/31/2023	4% LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
360 West 43rd Street	400 W 37th St	2002	259	52	-	52	3/31/2025	421-a Tax Exemption, HDC Loan
The Westport	360 W 43rd St	2002	256	51	-	51	3/31/2025	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
The Helena	511 W 55th St	2002	371	77	-	77	4/30/2026	LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
The Nicole Avalon	601 W 57th St	2003	597	120	-	120	6/30/2026	4% LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Clinton Avalon	400 W 55th St	2003	149	30	-	30	5/31/2027	4% LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
Clinton	515 W 52nd St	2005	339	68	-	68	7/31/2029	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Casa River Place II	510 W 52nd St	2005	288	60	-	60	8/31/2030	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Gotham West	155 W 21st St	2005	108	22	-	22	8/31/2030	LIHTC, ELIHC, 421-a Tax Exemption, HDC Loan
Total	600 W 42nd St	2005	1276	234	-	234	10/31/2032	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
	550 W 45th St	2011	1,210	675	600	75	9/30/2048	LIHTC, ELIHC, 421-a Tax Exemption, HFA Loan
Total			9,345	2314	616	1,698		

Affordable Preservation Summary

Units	Total AH Units	AMI								
		40%	50%	60%	80%	100%	125%	135%	165%	175%
Illegal Demolition	(151)									
Chelsea NYCHA	2,071		2,071*							
Expiring 421A Agreements	1,698			1,646	52					
Total	3,769		2,071	1,646	52					
Percentage			55%	44%	1%					

*2,071 for low and very-low-income Chelsea NYCHA Units at 50% AMI

Proposed Rezoning and Zoning Text Amendments

Manhattan Community District 4's Affordable Housing Plan

Proposed Special West Chelsea District Expansion

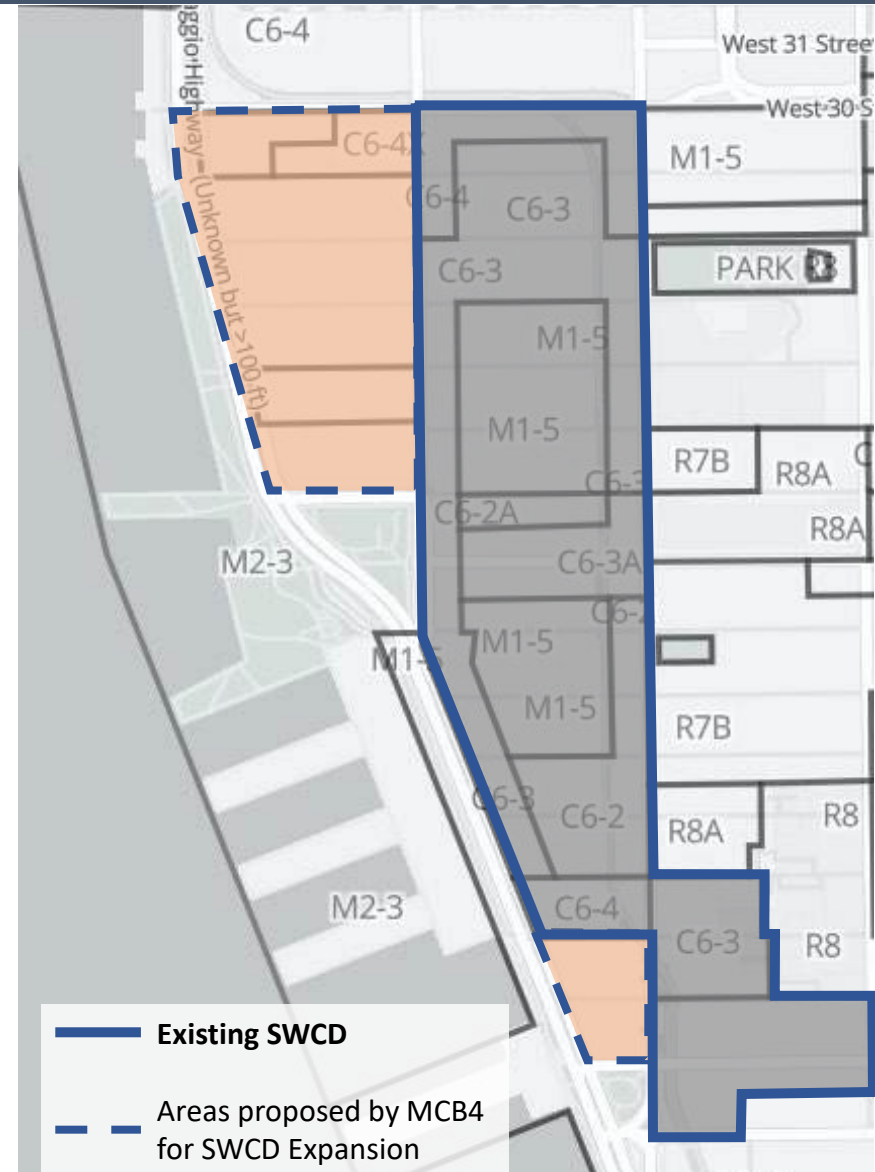
Manhattan Community District 4's Affordable Housing Plan

Expansion of Special West Chelsea District Proposed - 2012

MCB4's Proposed SWCD Expansion:

Following the Chelsea Market Rezoning in 2012, CB4 undertook a study in November 2012 for the expansion of the Special West Chelsea District

- MCB4 recommended:
 - Expanding the Special West Chelsea District both south and west to encompass 9 additional blocks
 - Increasing bulk at the northern end of the district, adjacent to Hudson Yards
 - Including provisions for Inclusionary Housing in northern expansion areas
 - Limiting new hotel development



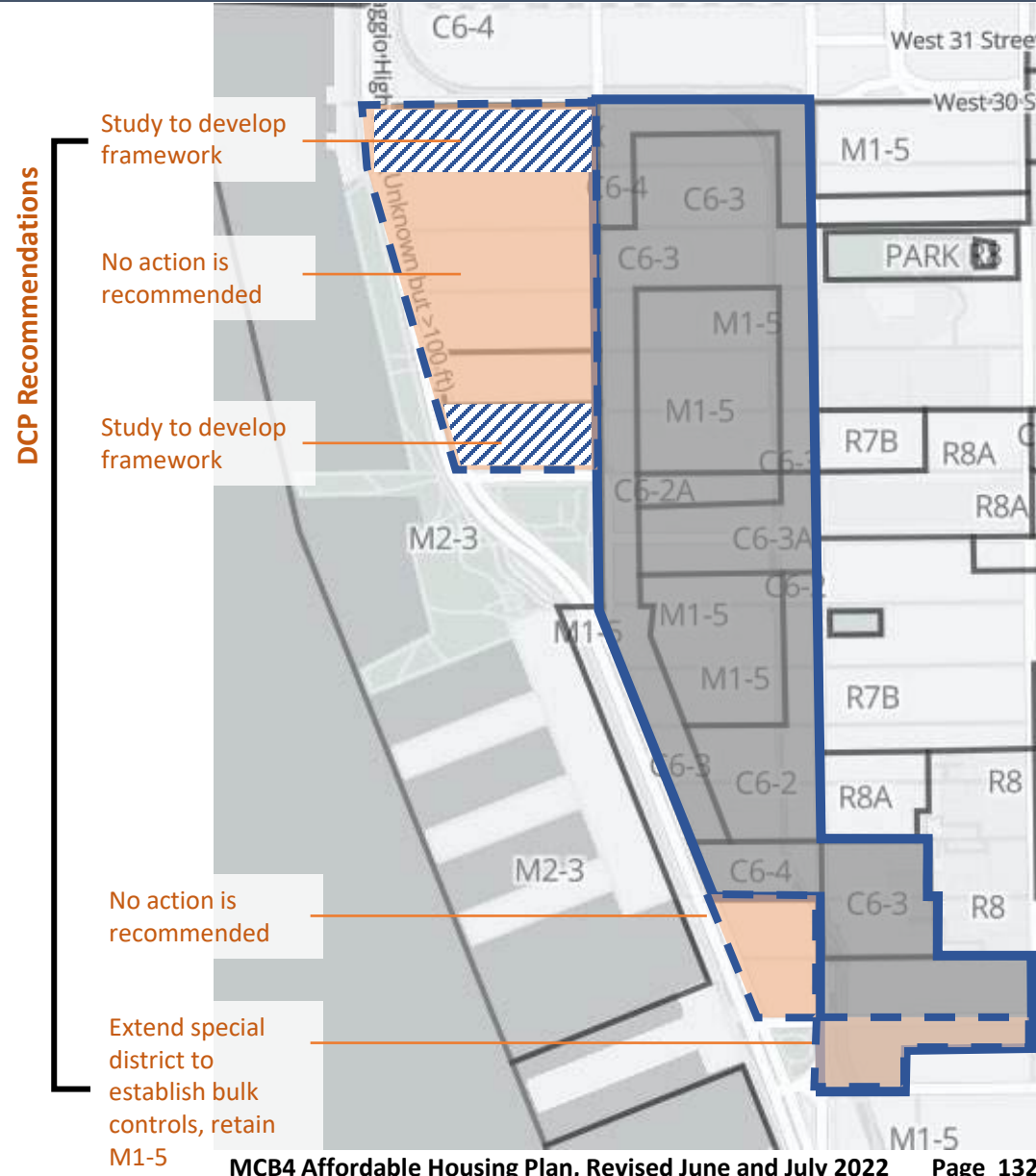
Expansion of Special West Chelsea District City Response - 2013

DCP's Proposed SWCD Expansion:

As commitment of the approval of the Chelsea Market rezoning in November 2012, DCP studied expanding the Special West Chelsea District

In June 2013 DCP recommended:

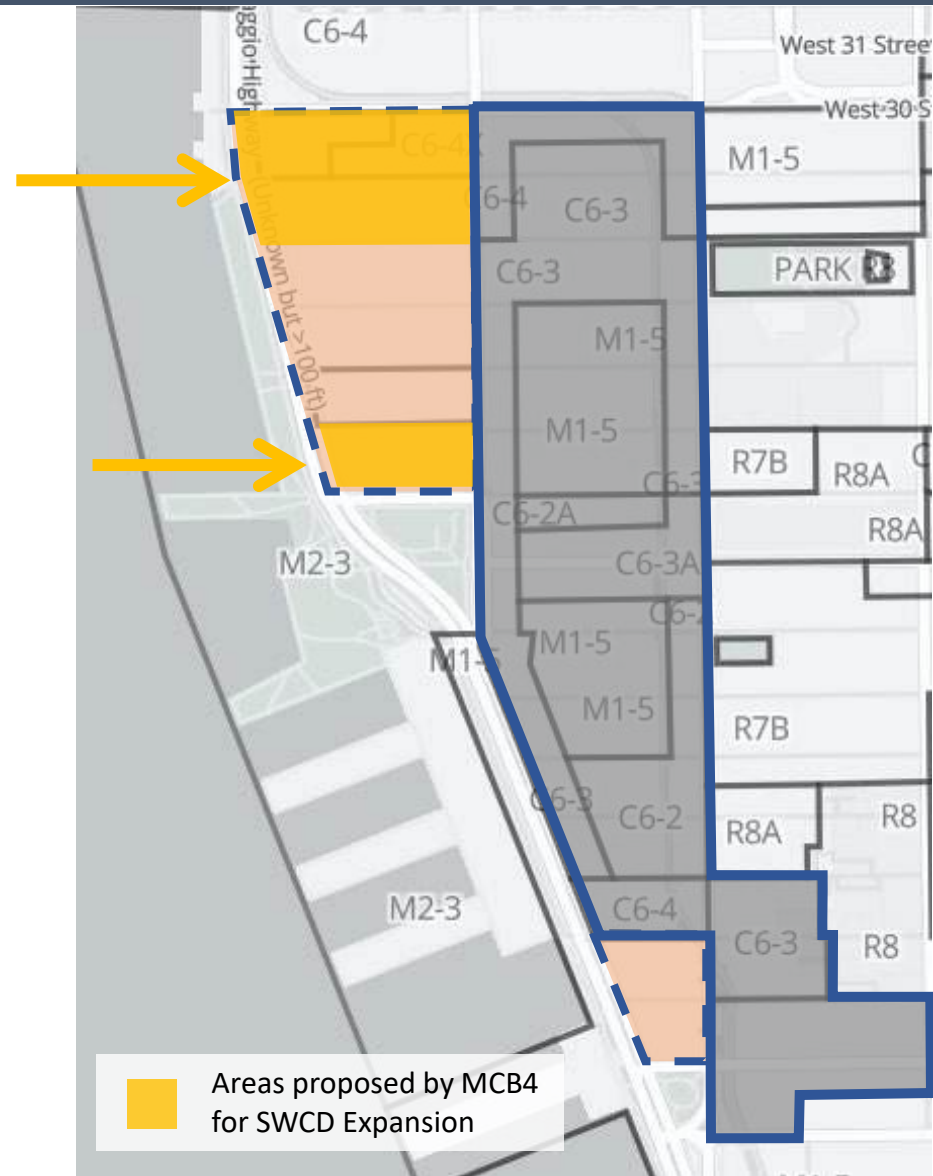
- No action in certain areas, further study in other areas
- Expansion of the SWCD in the southern portion along W 15th Street between 10th and 11th Avenues by:
 - Imposing height and setback limits
 - Allowing for new hotel developments only by special permits



Expansion of Special West Chelsea District Proposed - 2014

In July 2014, in response to DCP's June 2013 report, MCB4 made the following recommendations:

- Rezone the blocks between W 28th/30th Streets and W 24th/25th Street between 11th and 12th Avenues
 - Allow residential use with Inclusionary Housing (30% affordability for low and moderate income housing)
 - Set height and bulk controls
- Allow hotel development only by special permits

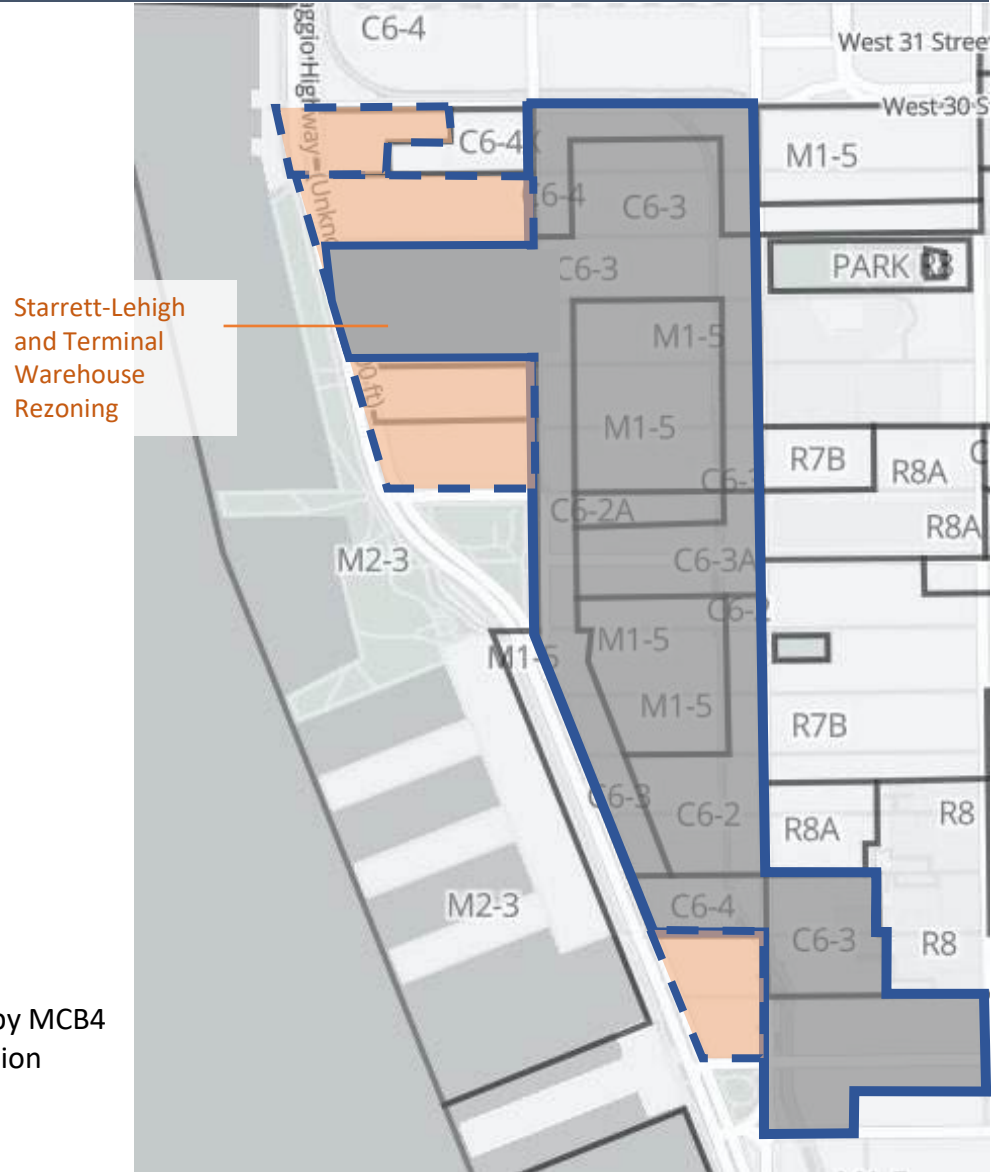


Expansion of Special West Chelsea District Rezoning - 2021

Starrett-Lehigh and Terminal Warehouse Rezoning ULURP No. C210408 ZMM and N210409 ZRM (adopted Dec. 2021):

- A zoning map amendment added the project area to the Special West Chelsea District and created a new subarea (Subarea K), and a rezoning from M2-3 to M2-4 facilitated a broader range of uses. FAR increased from 2.0 to 5.0
- A zoning text amendment modified certain use, bulk, loading, and signage requirements
- No housing developed

- Current SWCD
- - Areas proposed by MCB4 for SWCD Expansion



Expansion of Special West Chelsea District Proposed - 2022

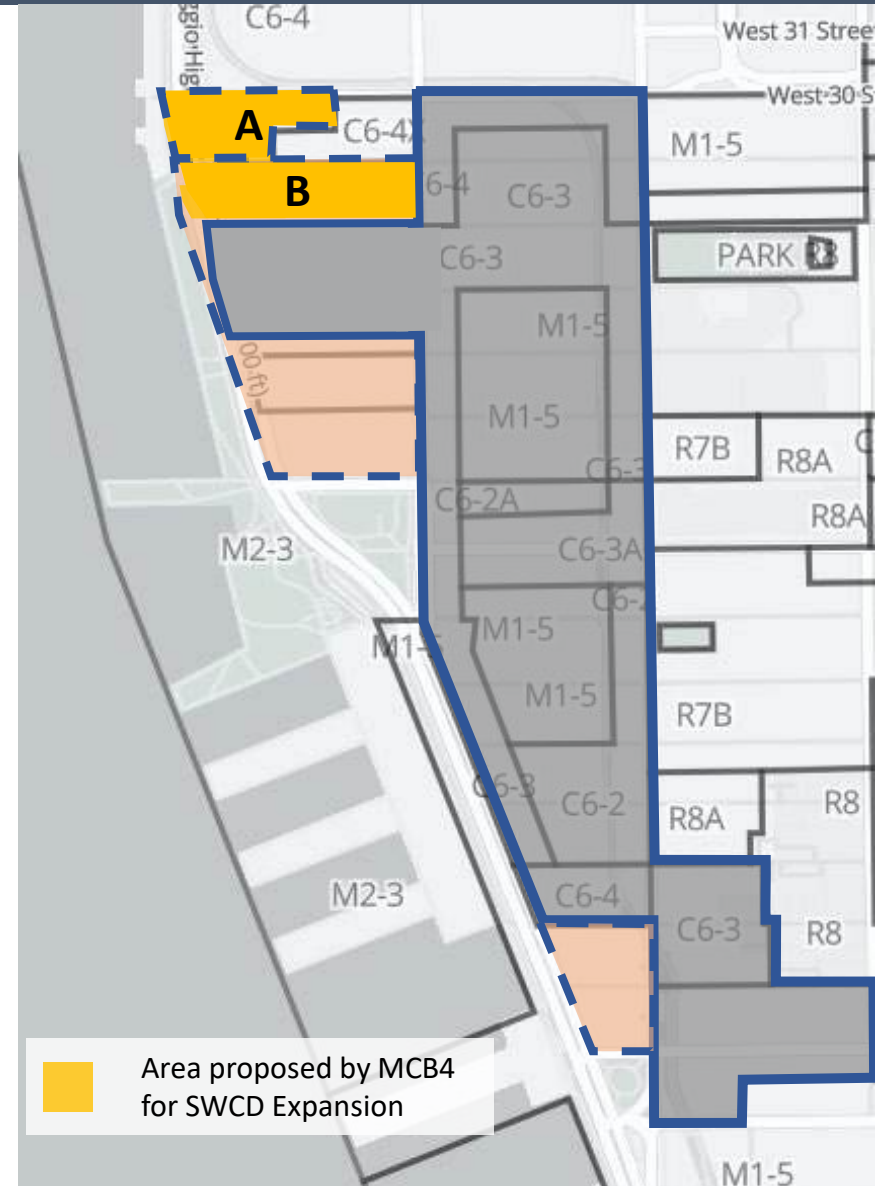
Area A: West 29th to West 30th Streets, 11th and 12th Avenues (Portion of Block 675)

Area B: West 28th to West 29th Streets, 11th and 12th Avenues (Block 674, Con Edison Site)

Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone Areas to C6-4 (12 FAR)
- Require slender buildings due to riverfront site
- Provide 12 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR
- Include building height and bulk restrictions
- Produce **917** new affordable units

(Note: **Blocks 675 and 674** housing unit totals are included in Hudson River Park Transfer of Development Rights section, below, but the units will not be double-counted in the Plan's Grand Total)



Expansion of Special West Chelsea District Proposed - 2022

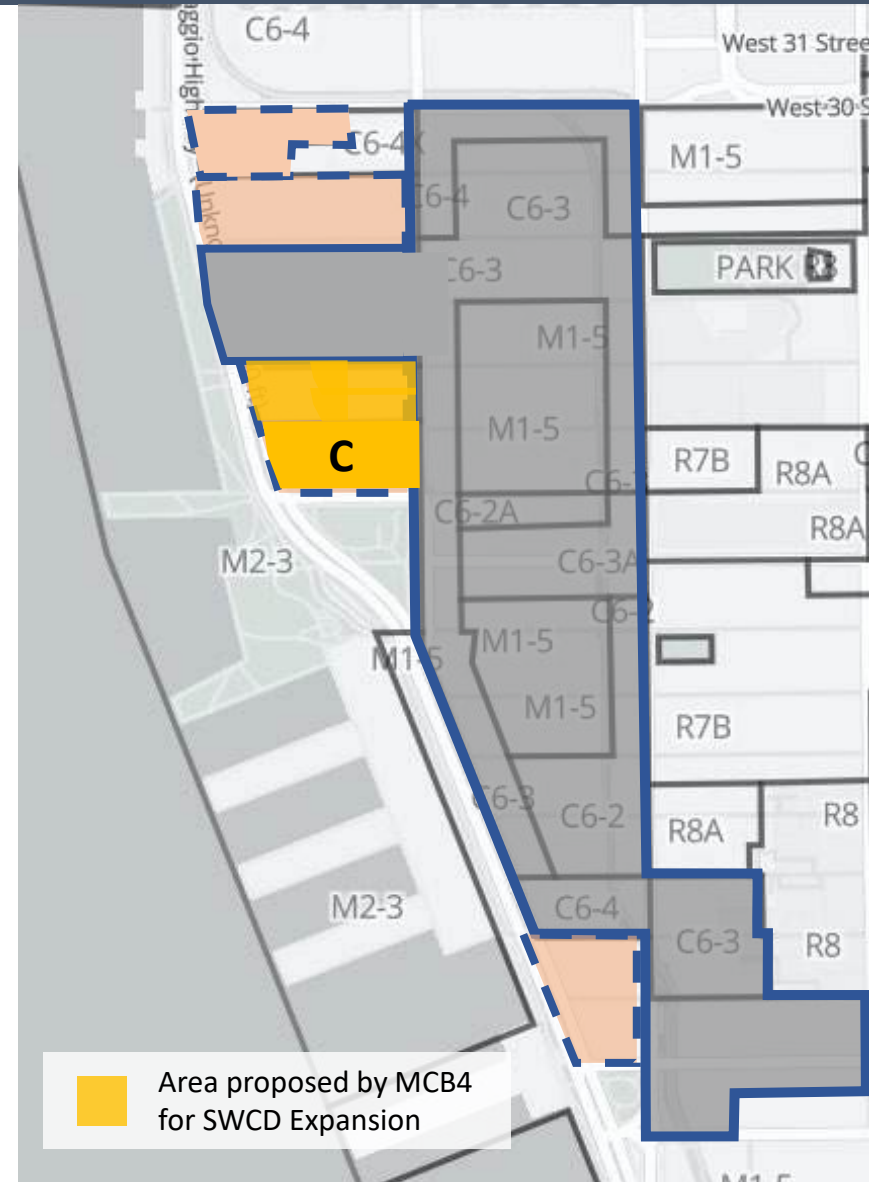
Area C: West 24th and West 26th Streets between 11th and 12th Avenues (Block 670)

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone block from M2-3 / M1-5 (2 FAR) to C6-3 (7.5 FAR)
- Require a 2 FAR of industrial use before residential use

Special Text Requirements:

- Include 11th Avenue frontage into Subarea C (height limit of 250 feet)
- Require slender buildings due to riverfront site
- Include building height and bulk restrictions
- Restore the former W 25th Street (between 11th and 12th Avenues as a public access corridor to Hudson River Park
- Produce **442** permanently affordable low- and moderate income apartments



Expansion of Special West Chelsea District Proposed - 2022

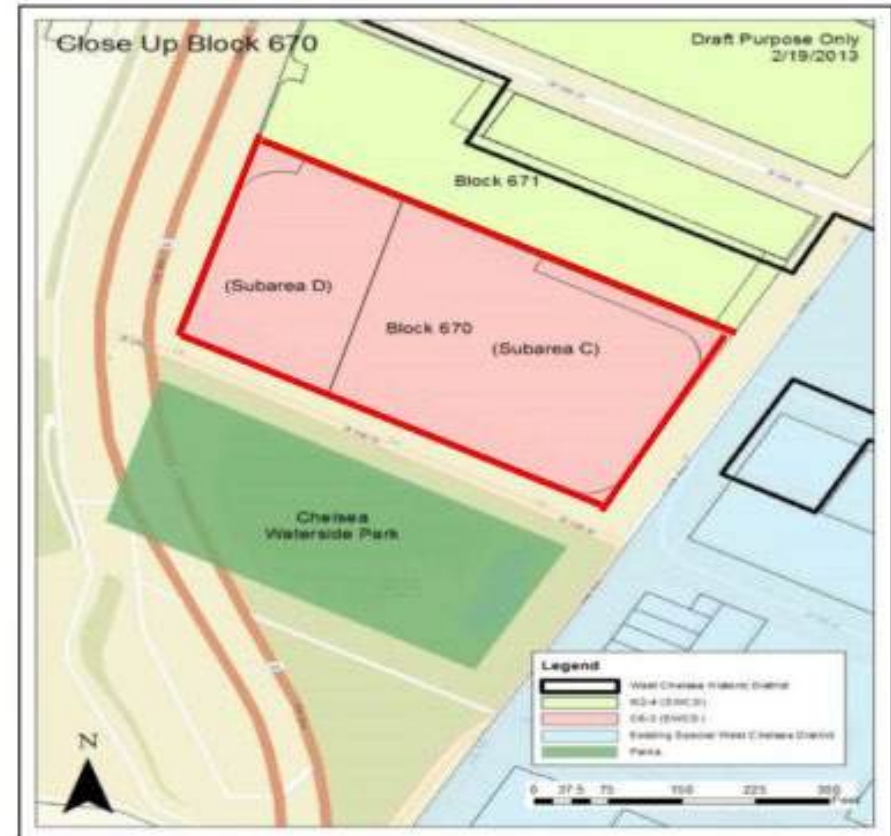
Proposed Rezoning of W 24th and W 25th Streets between 11th and 12th Avenues

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone block from M2-3 (2 FAR) to C6-3 (7.5 FAR)
- Require a 2 FAR of industrial use before residential use
- Produce 442 Affordability Period low and moderate income housing units

Special Text Requirements:

- Include 11th Avenue frontage into Subarea C (height limit of 250 feet)
- Require slender buildings due to riverfront site
- Include zoning text allowing the development of hotels only by special permit
- Restore the former W 25th Street (between 11th and 12th Avenues as a public access corridor to Hudson River Park



Expansion of Special West Chelsea District

Name/Address	Block	Lot Area	Ext Zoning District	Ext Res. FAR	Existing Commercial FAR	Existing Max. FAR	Proposed Zoning	**Proposed Res. FAR	Proposed Industrial FAR	Proposed Max. FAR	Total Residential Floor Area Currently Permitted	Total Commercial Floor Area Currently Permitted	Total Res. Units Permitted	Total Proposed Max. Residential Floor Area	Total Proposed Min. Industrial Floor Area	***Total Proposed Units	****Total Proposed Affordable Units
Area A. W29th to W30th Streets, 11th and 12th Ave*	675	113,157	M1-6	0	2	2	C6-4	12	2	12	0	226,314	0	1,357,884	226,314	1,231	369
Area B. Con Ed Site W28th/W29th, between 11th and 12th Ave*	674	155,106	M2-3	0	2	2	C6-4	10	2	12	0	310,212	0	1,551,060	310,212	1,825	548
Area C. USPS Site W24th/W25th, between 11th and 12th Ave	670	246,200	M1-5	0	2	2	C6-3	5.5	2	7.5	0	492,400	0	1,354,100	492,400	1,474	442
Area D. W15-17th Streets, 10th and 11th Ave	687, 688	105,043	M1-5	0	2	2	C6-4	12	2	12	0	210,086	0	1,260,516	210,086	1,372	412
Total		619,506		0							0	1,239,012	0	5,523,560	1,239,012	5,902	1,771

* Proposed units accounted for in this section overlap with the Hudson River Park TDR Section. The Summary: Zoning and Text Amendments (page 124) does not double count that overlap.

**Requires Minimum Industrial FAR to be built before Residential FAR can be built

***Methodology for Unit Calculation = (Lot Area x Res. FAR)*(.925 ZFA)/(850 SF/Unit)

****30% Affordability (20% low income, 10% moderate income)

Hudson River Park Transfer of Development Rights - Proposed Receiving Sites for Affordable Housing

Manhattan Community District 4 Affordable Housing Plan

Hudson River Park: Transfer of Development Rights Proposed Receiving Sites

Hudson River Park Transfer of Development Rights (HRP TDR)

The Hudson River Park Special District was created to promote the repair and rehabilitation of piers, bulkheads, and infrastructure and their development with air rights transfers from adjacent properties within the district.

- In Hudson River Park Special District, create new receiving sites and overlay on top of existing Special Districts (Hudson Yards, West Chelsea, and Clinton)
 - Overlapping Special Districts currently exist along the 8th Avenue and 42nd Street corridors of Midtown and Clinton Special Districts
- HRP TDR would be tied to the creation of Inclusionary Housing by:
 - a) Purchasing development rights from Hudson River Park in equal amounts with Inclusionary Housing bonus (30% affordable)
 - b) Rezoning to allow for residential development from Manufacturing to Commercial Zones
- Hudson River Park contains a finite amount of development rights to transfer; thus, receiving site FAR depends on balance of HRP development rights available at the time of development



FAR Stack Example:

Industrial Use Requirement: 2 FAR
Residential (HRPT Transfer): 5 FAR
Residential (Inclusionary): 5 FAR

Hudson River Park: Transfer of Development Rights Receiving Site

Block 675--West 29th to West 30th Streets, 11th and 12th Avenues

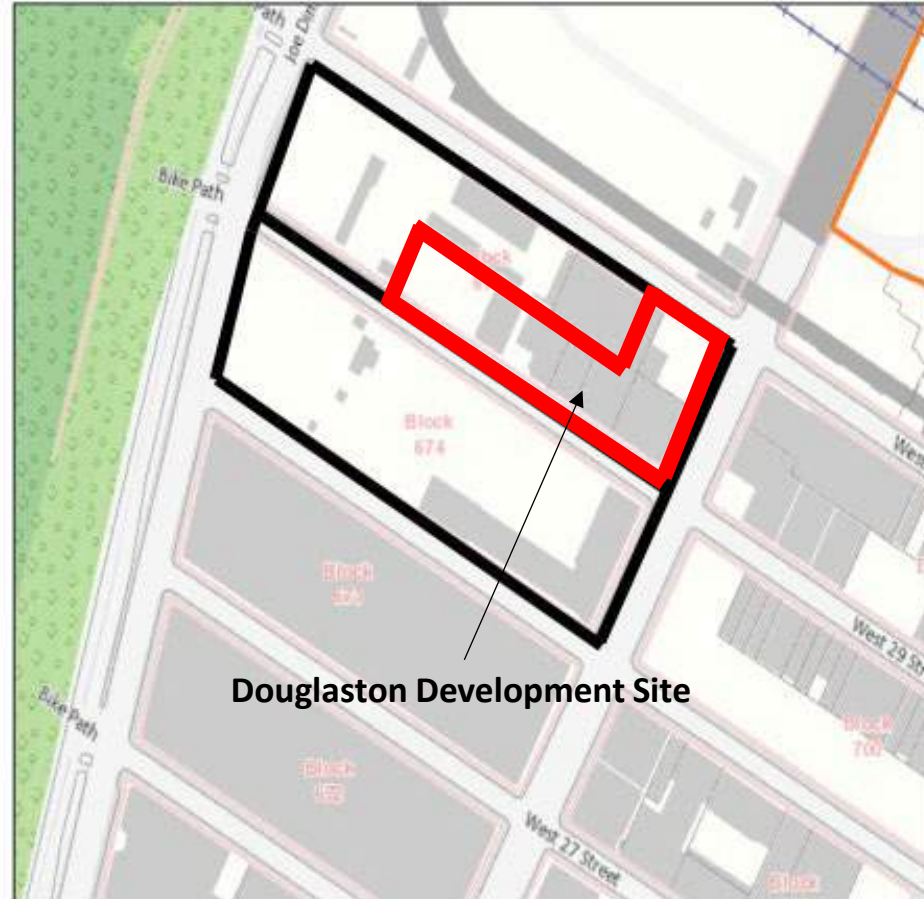
Douglaston Site

Completed Transaction, Rezoned 2018

Special Hudson River Park District

- C6-4, R10 equivalent
- 601 W29th Douglaston Site (construction started Mar. 2019, to be complete Dec. 2023)
- TDR sale generated appx. \$37M for the Hudson River Park Trust, plus an additional \$3M negotiated contribution to HRPT
- Douglaston site will produce a total of 931 units, including **234** affordable units (25% affordable)

(Note: **Block 675, 601 W29th St** housing unit totals are included in Sites Under Construction section, above, but the units will not be double-counted in the Plan's Grand Total)



Hudson River Park: Transfer of Development Rights Receiving Site

Block 675--West 29th to West 30th Streets, 11th and 12th Avenues

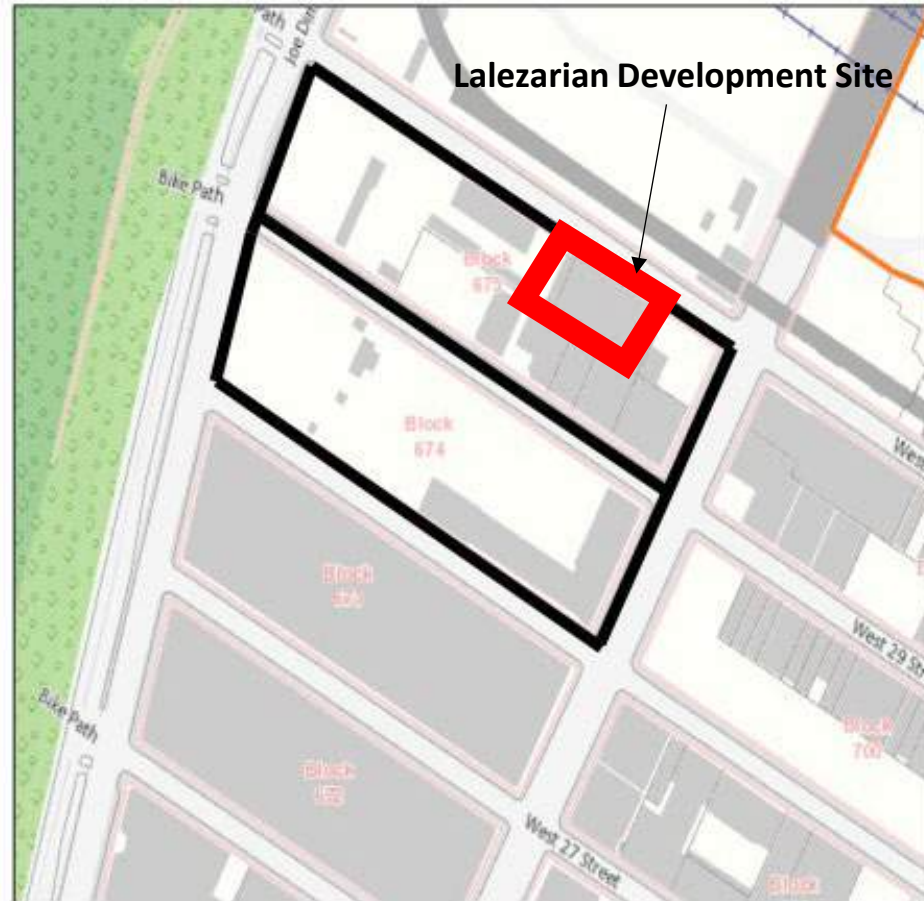
Lalezarian Site

Completed Transaction, Rezoned 2018

Special Hudson River Park District

- C6-4, R10 equivalent
- 606 W30th St Lalezarian Sites (construction started Mar. 2019, to be complete Dec. 2023)
- TDR sale generated \$11.2M for the Hudson River Park Trust, plus an additional \$1M negotiated contribution to the HRPT
- Lalezarian site will produce an estimated total of 218 units, including **55** affordable units (25% affordable)

(Note: **Block 675, 606 W30th St** housing unit totals are included in Sites Under Construction section, above, but the units will not be double-counted in the Plan's Grand Total)



Hudson River Park: Transfer of Development Rights Proposed Receiving Site

Block 675--West 29th to West 30th Streets, 11th and 12th Avenues

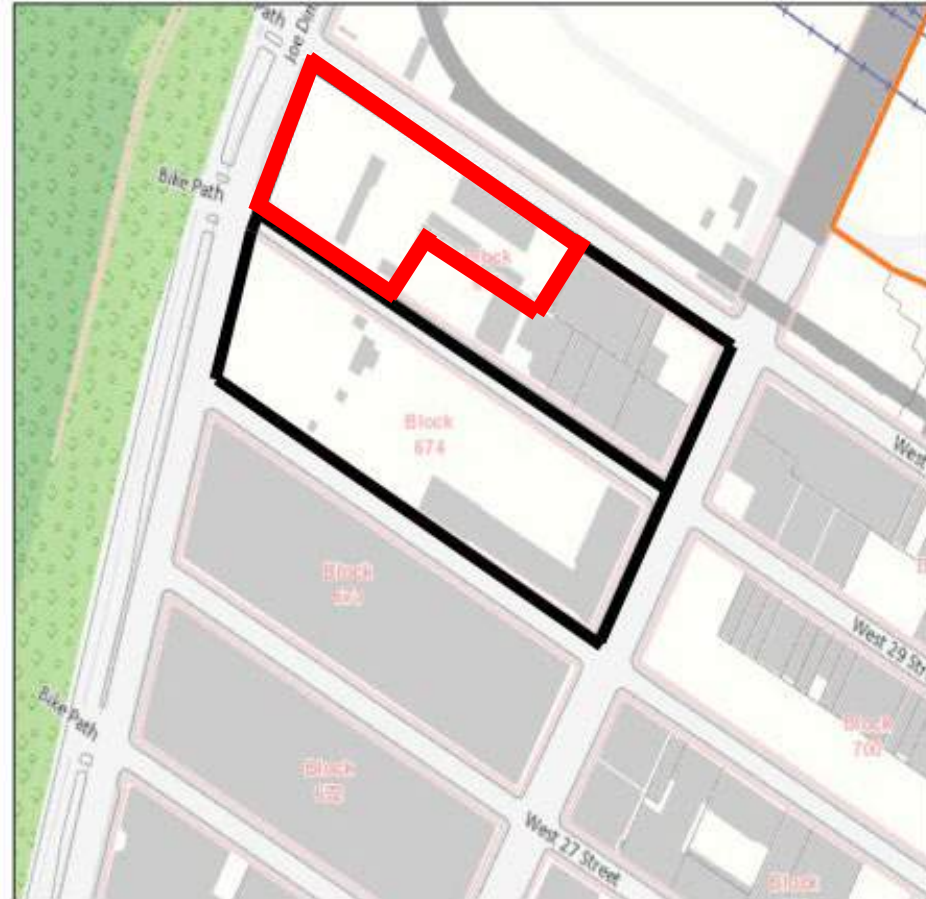
Georgetown Site

Special Hudson River Park District

Currently encumbered by Gateway infrastructure, there will be a vent building (SW corner) and the majority of the site will be developed

Preliminary Recommendations:

- Partially rezone for residential development and require Inclusionary Housing (30% affordability)
- **Rezone blocks from M1-6 (10 FAR) to C6-4 (12 FAR)**
- Require slender buildings due to riverfront site
- **Provide 10 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR**
- Include building height and bulk restrictions
- Western portion would produce 1,231 units, including **369** new affordable low, moderate & middle-income housing units



Hudson River Park: Transfer of Development Rights Proposed Receiving Site

West 28th to West 29th Streets, 11th and 12th Avenues

Block 674

Special Hudson River Park District

Preliminary Recommendations:

- Rezone for residential development and require Inclusionary Housing (30% affordability)
- **Rezone blocks from M2-3 (10 FAR) to C6-4 (12 FAR)**
- Maintain 2 FAR industrial use for Con Ed maintenance and storage facility
- Require slender buildings due to riverfront site
- **Provide 10 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR**
- Include building height and bulk restrictions
- Would produce 1,825 housing units, including **548** new affordable housing units



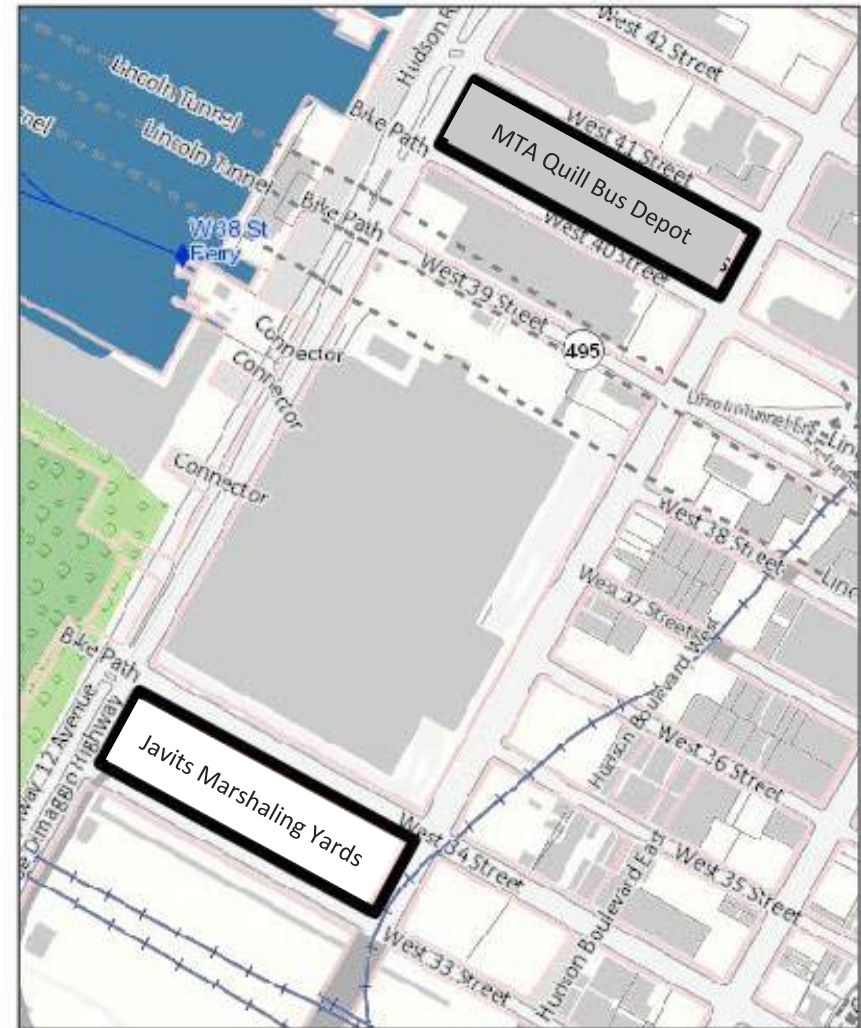
Hudson River Park: Transfer of Development Rights Proposed Receiving Sites

West 33rd to 34th and West 40th to 41st Streets between 11th and 10th Avenues

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone blocks from M2-3 and M1-5 (2 FAR) to C6-4 (12 FAR)
- Require slender buildings due to riverfront site
- Provide 10 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR
- Include building height and bulk restrictions
- MTA Quill Bus Depot site would produce 1,891 housing units, including **567** new affordable low, moderate & middle income housing units
- Javits Marshaling Yards site would produce 2,063 housing units, including **618** new affordable low, moderate & middle income housing units

(Note: **Quill Site** and **Javits Site** housing unit totals are also included in ESD/State Controlled Development Pipeline section, above, but the units will not be double-counted in the Plan's Grand Total)

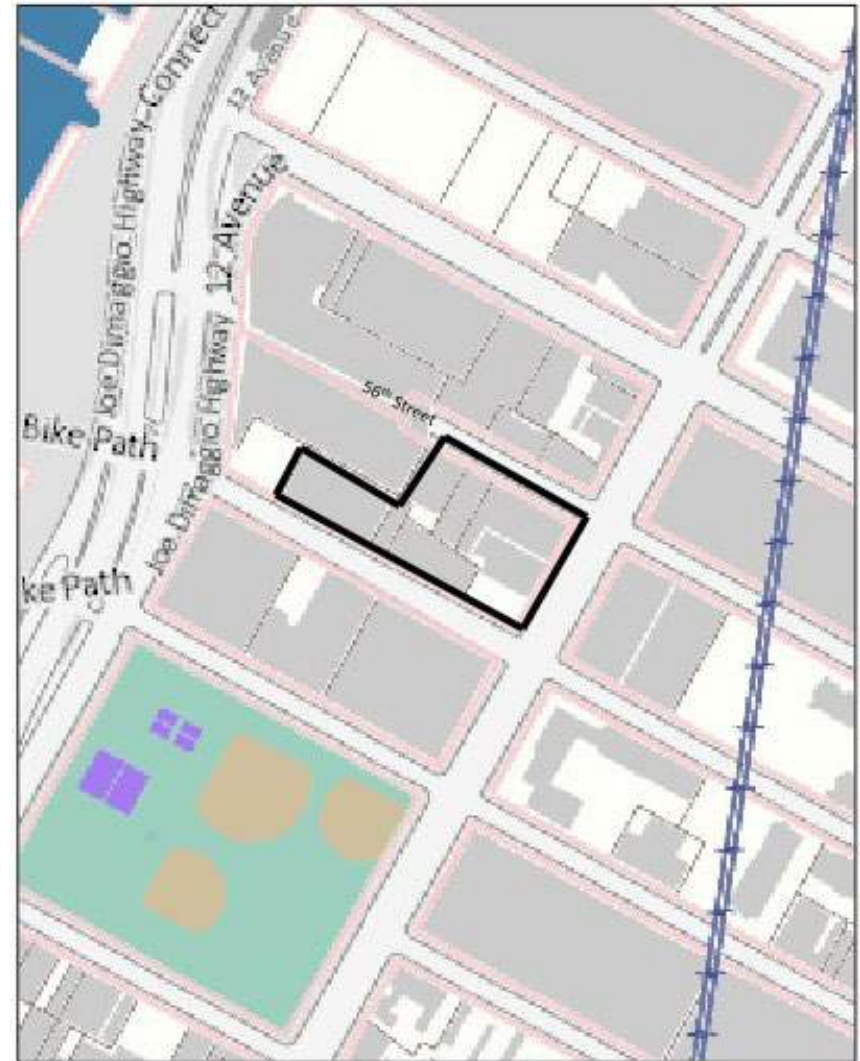


Hudson River Park: Transfer of Development Rights Proposed Receiving Site

West 55TH and West 56th Streets between 11th and 12th Avenues

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone blocks from M2-3 and M1-5 (2 FAR) to C6-4 (12 FAR)
- Require a 2 FAR industrial use prior to residential use
- Require slender buildings due to riverfront site
- Provide 10 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR
- Include building height and bulk restrictions
- Include zoning text allowing the development of hotels only by special permit
- Produce 793 housing units, including **238** affordable low, moderate & middle income housing units



Hudson River Park: Transfer of Development Rights Proposed Receiving Sites

Name/Address	Block	Lot Area	Ext Zoning District	*Existing Res. FAR	Existing Comm. FAR	Exist. Max. FAR	Proposed Zoning	Proposed Max. FAR	Total Res. Floor Area Currently Permitted	Total Commercial Floor Area Currently Permitted	Total Res. Units Permitted	Total Proposed Max. Resi. Floor Area	Total Proposed Min. Industrial Floor Area	***Total Proposed Units	****Total Proposed AH
West 28th-29th St's between 11th & 12th *	674	155,106	M2-3	0	2	2	C6-4	12	0	310,212	0	1,551,060	310,212	1,825	548
West 29th-30th St's between 11th & 12th * (Western portion)	675	113,157	M1-6	0	2	2	C6-4	12	0	226,314	0	1,046,702	226,314	1,231	369
West 55th & 56th St's between 11th & 12th Avenues	1003	72,826	M1-5, M2-3	0	5	5	C6-4	12	0	364,130	0	728,260	145,652	793	238
Javits Center Marshaling Yards 601 W33rd St *	679	158,000	M2-3	0	2	2	C6-4	14	0	316,000	0	1,896,000	316,000	2,063	618
MTA Quill Bus Depot 525 11th Ave*	1088	158,000	M1-5	0	5	5	C6-4	14	0	790,000	0	1,738,000	474,000	1,891	567
Total *****		341,089							0	2,006,656	0	6,960,022	1,472,178	7,803	2,340

* Proposed units accounted for in this section overlap with the ESD or State Controlled Development Pipeline, Special West Chelsea and Special Clinton District Expansion sections. The Summary: Zoning and Text Amendments (page 124) does not double count that overlap.

**Requires Minimum Industrial FAR to be built before Residential FAR can be built

***Methodology for Unit Calculation = (Lot Area x Res. FAR)*(.925 ZFA)/(850 SF/Unit)

****30% Affordability (20% low income, 10 % moderate income)

***** Note that Hudson River Park has a finite amount of development rights to transfer so the combined development total will be less than shown above

Proposed Special Hudson Yards District Text Amendments

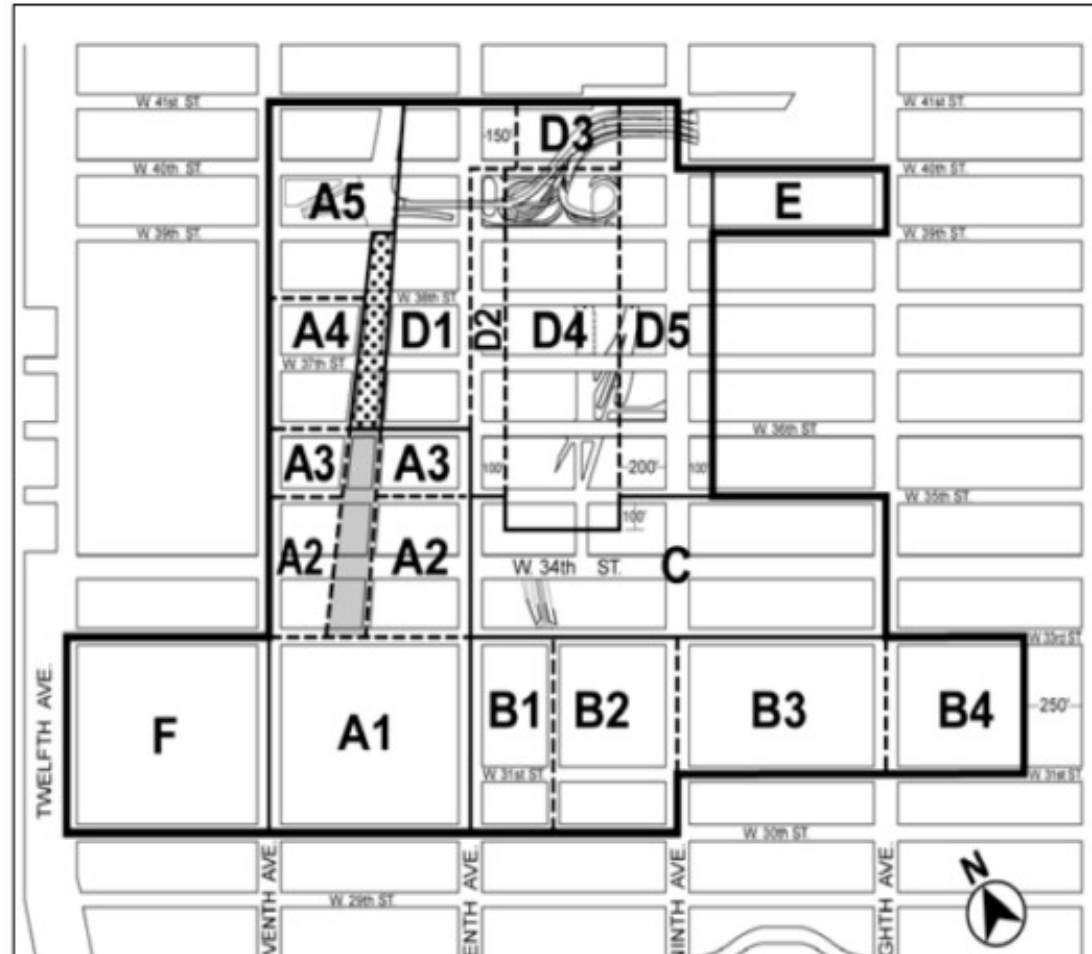
Manhattan Community District 4's Affordable Housing Plan

Proposed Special Hudson Yards District Text Amendments

Special Hudson Yards District- Existing Subdistricts

The Special Hudson Yards District was adopted in 2005 with the following specific purposes:

- Allow for high density development with expanded mass transit facilities
- Extend and improve existing subway lines and public access to mass transit
- Provide affordable housing through Inclusionary Zoning and other mechanisms
- Control the impact of new buildings on access to light and air to streets and avenues
- Provide public open space

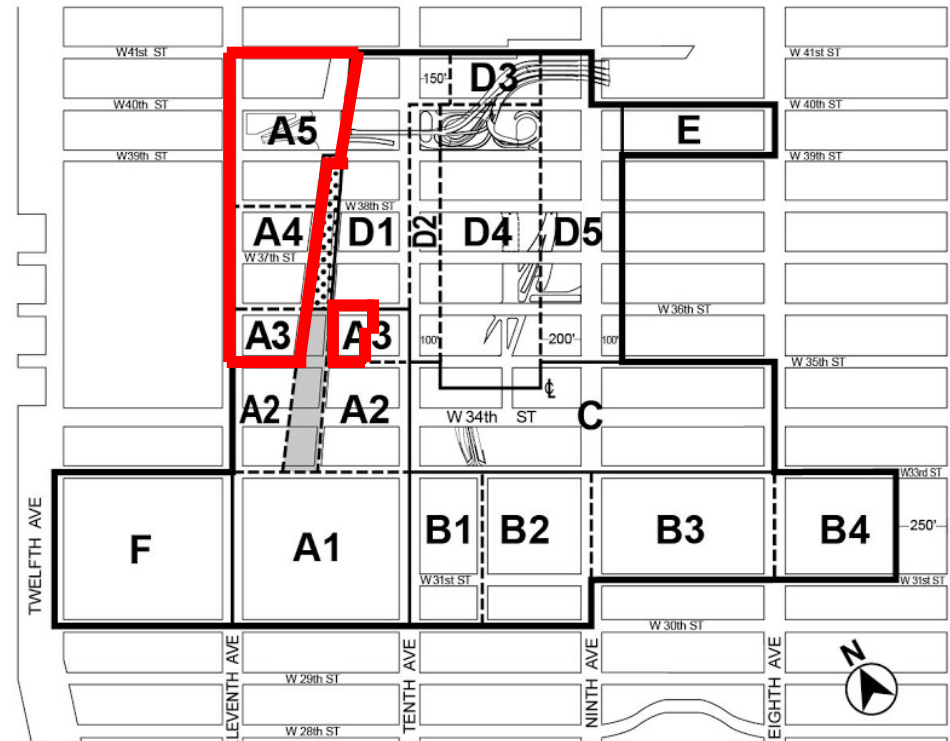


Proposed Special Hudson Yards District Text Amendments

Special Hudson Yards District- Area of Proposed Text Amendment

Within Subareas A3, A4, and A5:

- Maintain existing FAR's
 - A3: 24 FAR
 - A4: 21.6 FAR
 - A5: 20 FAR
- Modify requirement to develop commercial FAR prior to a maximum of 6 residential FAR
 - Instead, require 12 residential FAR prior to commercial FAR development
- Require Inclusionary Housing (30% affordability)
- Produce **1,416** low and moderate income housing units



Proposed Special Hudson Yards District Text Amendments

Site	Zoning Subdistrict	Name/Address	Lot Area	Existing zoning	*Existing Res. FAR	Existing Comm. FAR	Existing Max. FAR	**Proposed Res. FAR	Proposed Comm. FAR	Proposed Max. FAR	Total Residential Floor Area Currently Permitted	Total Commercial Floor Area Currently Permitted	Total Res. Units Permitted	Total Proposed Max. Res. Floor Area	Total Proposed Max. Commercial Floor Area	***Total Proposed Units	****Total Proposed Affordable Units
Site 1	SHYD A3	W35th/W36th, east side Hudson Blvd E	23,400	C6-4	6	10	10	12	12	24	216,450	216,450	255	259,740	259,740	306	92
Site 2	SHYD A3	W35th/W36th, east side 11th Ave	60,000	C2-4	6	24	24	12	12	24	360,000	1,440,000	392	720,000	720,000	784	235
Site 3	SHYD A4	W36th/W37th, east side 11th Ave	57,570	C6-4	6	21.6	21.6	12	10.8	21.6	345,420	1,243,512	376	621,756	621,756	677	203
Site 4	SHYD A4	W37th/W38th, east side 11th Ave	61,800	C6-4	6	21.6	21.6	12	10.8	21.6	370,800	1,334,880	404	667,440	667,440	726	218
Site 5	SHYD A5	W38th/W39th, east side 11th Ave	64,000	C6-4	6	20	20	12	10	20	384,000	1,280,000	418	640,000	640,000	696	209
Site 6	SHYD A5	W39th/W40th, east side 11th Ave	63,800	C6-4 C2-8	6	20	20	12	10	20	382,800	1,276,000	417	638,000	638,000	694	208
Site 7	SHYD A5	W40th/W41st, east side 11th Ave	76,736	C6-4	6	20	20	12	10	20	460,416	1,534,720	501	767,360	767,360	835	251
Total			383,906								2,519,886	8,325,562	2,763	4,314,296	4,314,296	4,718	1,416

*SHYD Requires Minimum Commercial FAR to be built before Residential FAR can be built

**Requires Minimum Residential FAR to be built before Commercial FAR can be built

***Methodology for Unit Calculation = (Lot Area x Res. FAR)*(.925 ZFA)/(850 SF/Unit)

****30% Affordability (20% low income, 10 % moderate income)

Special Clinton District Proposed Rezoning and Zoning Text Amendments

Manhattan Community District 4 Affordable Housing Plan

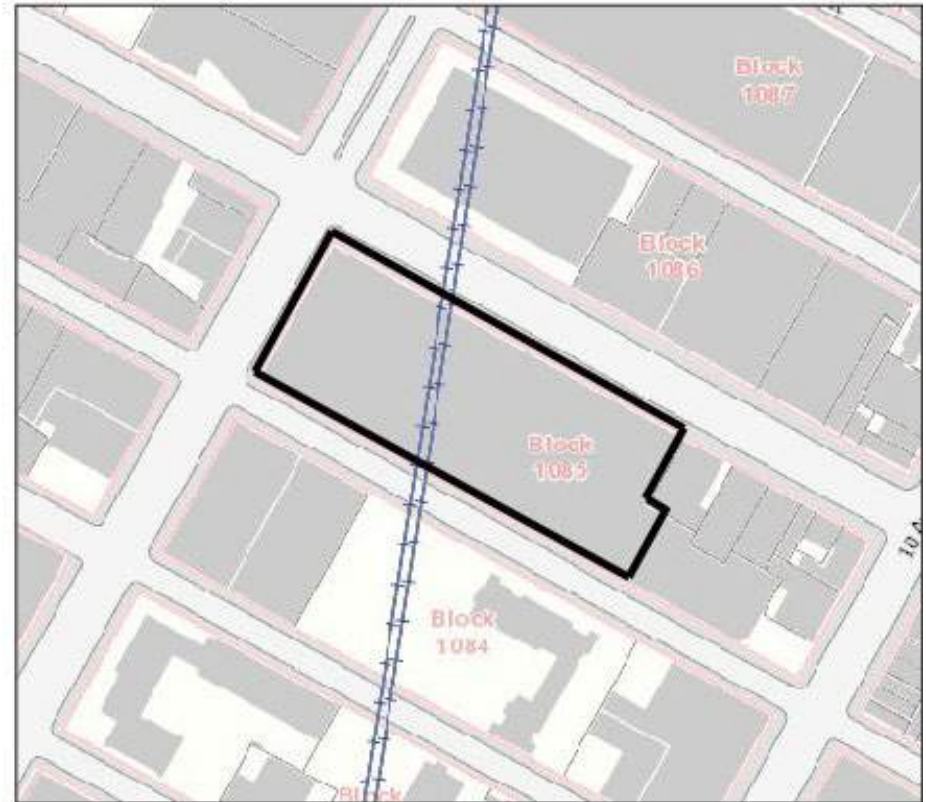
Special Clinton District Proposed Rezoning and Zoning Text Amendments

West 56TH and West 57th Streets between 10th and 11th Avenues

Preliminary

Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone blocks from M1-5 (5 FAR) to R10 (12 FAR)
- Require a 2 FAR industrial use prior to residential use
- Provide 10 FAR residential
- Include building height and bulk restrictions
- Produce **211** affordable low, moderate & middle income housing units



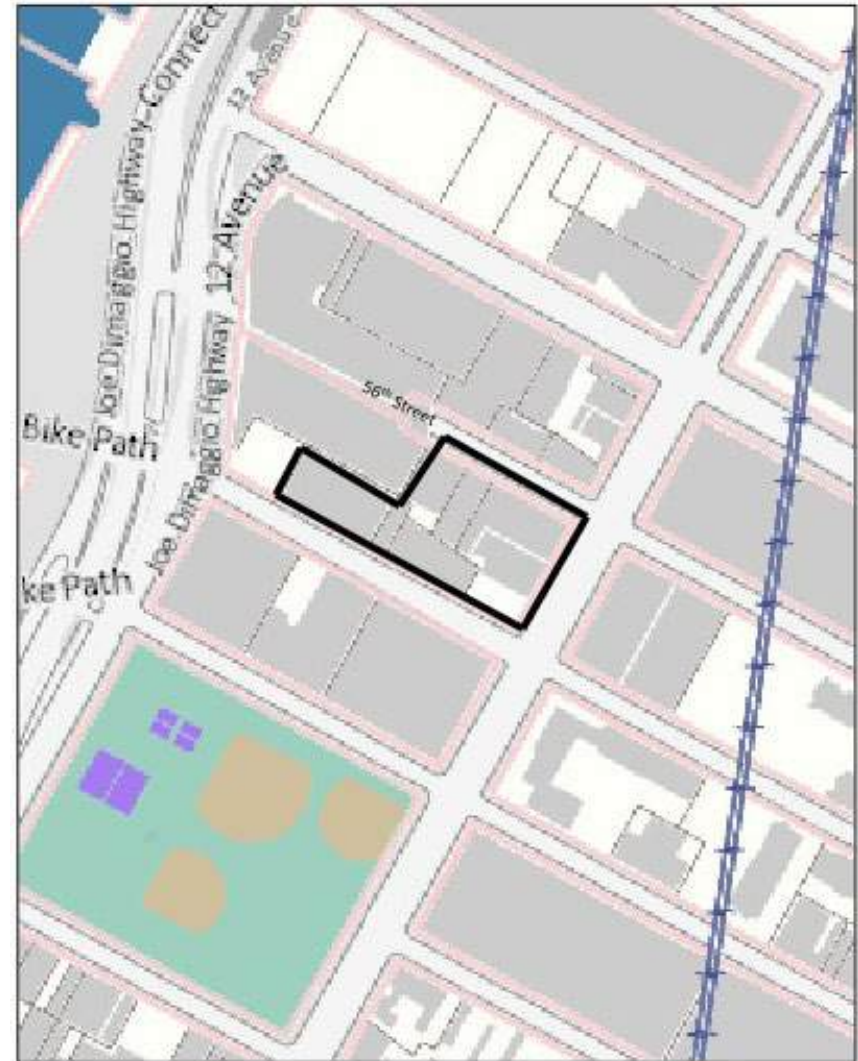
Special Clinton District Proposed Rezoning and Zoning Text Amendments

West 55TH and West 56th Streets between 11th and 12th Avenues

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone blocks from M2-3 and M1-5 (2 FAR) to C6-4 (12 FAR)
- Require a 2 FAR industrial use prior to residential use
- Require slender buildings due to riverfront site
- Provide 10 FAR residential, include zoning text (*pari passu* similar to Hudson Yards bonuses), to provide 5 FAR from Inclusionary Housing and 5 FAR from HRP TDR
- Include building height and bulk restrictions
- Produce 793 housing units, including **238** affordable low, moderate & middle income housing units

(Note: this Site's housing unit totals are also included in Hudson River Park Transfer of Development Rights - Possible Receiving Sites section, above, but the units will not be double-counted in the Plan's Grand Total)

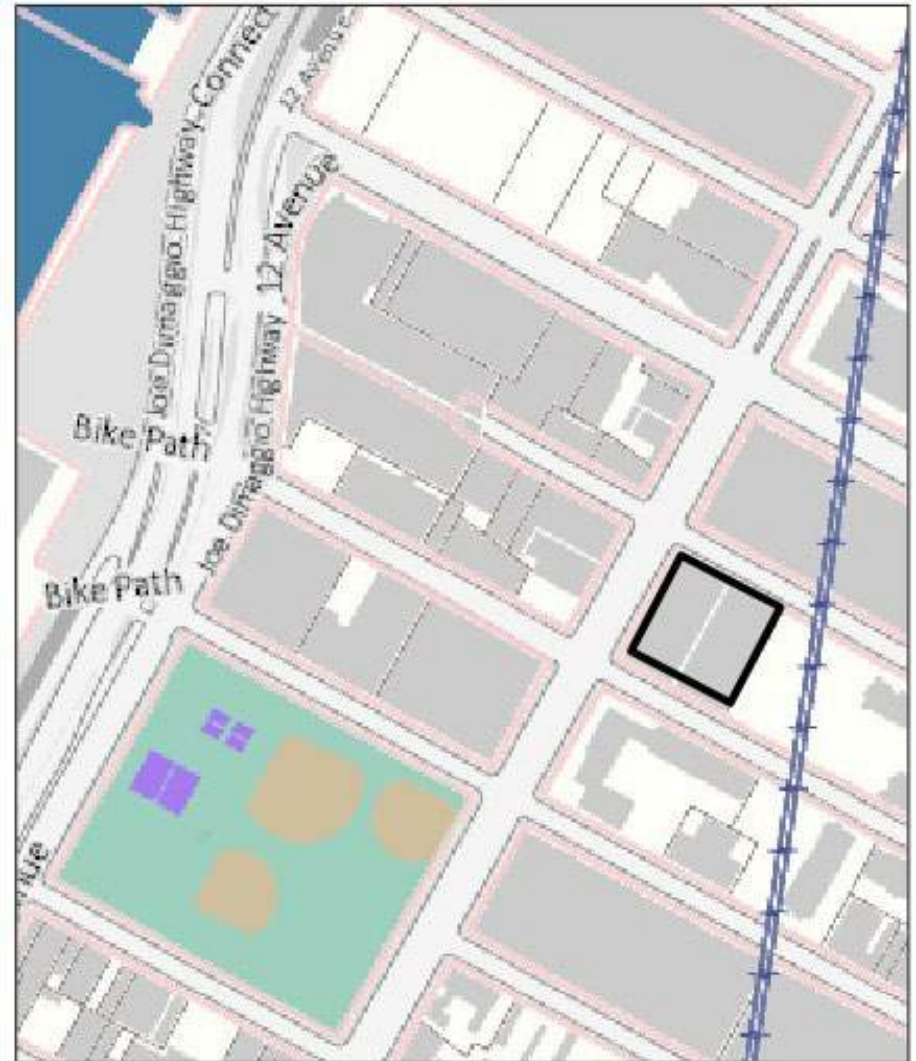


Special Clinton District Proposed Rezoning and Zoning Text Amendments

West 55TH and West 56th Streets between 10th and 11th Avenues

Preliminary Recommendations:

- Rezone to allow for residential development and require Inclusionary Housing (30% affordability)
- Rezone blocks from M1-5 (5 FAR) to R10 (12 FAR)
- Require a 2 FAR industrial use prior to residential use
- Provide 10 FAR residential
- Include building height and bulk restrictions
- Produce **79** affordable low, moderate & middle-income housing units

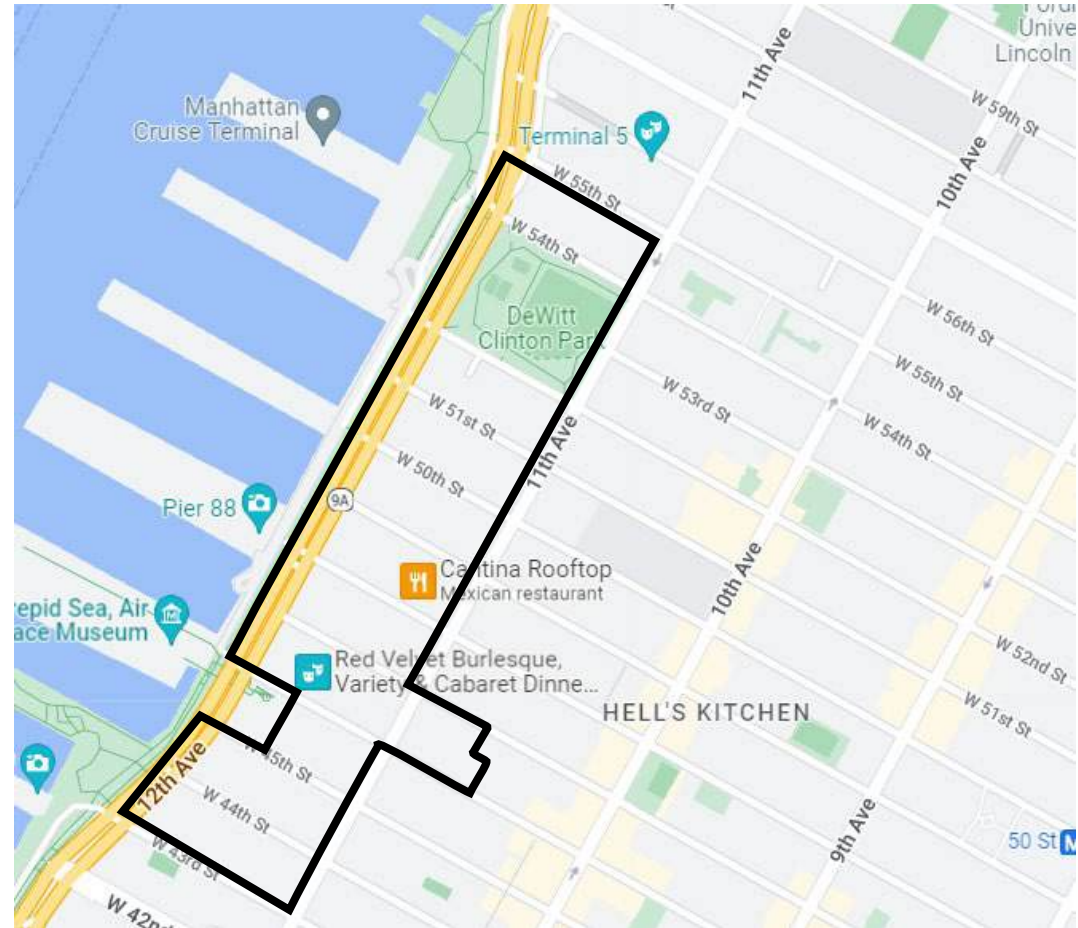


Special Clinton District Proposed Rezoning and Zoning Text Amendments

Special Clinton District West Proposed Text Amendments

Preliminary Recommendations:

- Text amendment for portion of Western Subarea C2 west of 11th Avenue from West 43rd to West 55th Streets
- Current uses within this area include general manufacturing and automotive uses
- Height limit to remain 135 feet
- Require a 2 FAR of industrial use before residential use
- Modify base FAR from 5.0 to 4.3, bonusable to 7.2 with Inclusionary Housing
- Inclusionary Housing (30% affordability for low and moderate income housing)
- Produce **1,894** affordable low, moderate & middle income housing units (based on land use analysis method used by DCP for 2009 West Clinton Rezoning)



Special Clinton District Proposed Rezoning and Zoning Text Amendments

Name/Address	Block	Lot Area	Ext Zoning District	*Ext Res. FAR	Existing Comm. FAR	Existing Max. FAR	Proposed Zoning	**Proposed Res. FAR	Proposed Industrial FAR	Proposed Max. FAR	Total Res. Floor Area Currently Permitted	Total Comm. Floor Area Currently Permitted	Total Res. Units Permitted	Total Proposed Max. Res. Floor Area	Total Proposed Min. Indus. Floor Area	***Total Proposed Units	****Total Proposed Affordable Units
West 56th and West 57th Streets between 10th and 11th Avenues	1085	107,950	M1-5	0	5	5	R9	6	2	8	0	200,830	0	647,700	215,900	705	211
West 55th and West 56th Streets between 11th and 12th Avenues *	1003	72,826	M1-5, M2-3	0	5	5	R9	6	2	8	0	539,750	0	436,956	145,652	793	238
West 55th and West 56th Streets between 10th and 11th Avenues	1084	40,166	M1-5	0	5	5	R9	6	2	8	0	364,130	0	240,996	80,332	262	79
West Hell's Kitchen Rezoning	Various	1,115,931	M2-4	0	5	5	M2-4	5.2	2	7.2	0	5,579,655	0	5,802,841	2,231,862	6,315	1,894
Total		1,336,873									0	6,684,365	0	7,128,493	2,673,746	8,075	2,422

* Proposed units accounted for in this section overlap with the Hudson River Park TDR Section. The Summary: Zoning and Text Amendments (page 158) does not double count that overlap.

**Requires Minimum Industrial FAR to be built before Residential FAR can be built

***Methodology for Unit Calculation = (Lot Area x Res. FAR)*(.925 ZFA)/(850 SF/Unit)

****30% Affordability (20% low income, 10 % moderate income)

Summary: Zoning and Text Amendments

Area	Total Lot Area	Existing Max Res. FAR Range	Proposed Max Res. FAR Range	Total Residential I Floor Area Currently Permitted	Total Commercial Currently Permitted	Total Residential Units Currently Permitted	Total Proposed Max Res. Floor Area	Total Proposed Min. Industrial Floor Area	Total Proposed Max. Commercial Floor Area	***Total Proposed Residential Units	****Total Proposed Affordable Housing Units	50%	60%	80%	100%	125%	165%
Special West Chelsea District Expansion*	619,506	0	5.5-12	0	1,239,012	0	5,523,560	1,239,012	5,210,260	5,902	1,771	177	177	354	443	443	177
Hudson River Park – Transfer Development Rights*	341,089	0	10	0	2,006,656	0	6,960,022	1,472,178	3,410,890	7,803	2,340	234	234	468	585	585	234
Proposed Special Hudson Yards Text Amendment	383,906	6-10	10-12	2,519,886	8,325,562	2,763	4,314,296	0	4,314,296	4,718	1,416	142	142	283	354	354	142
Special Clinton District Proposed Rezoning and Zoning Text Amendments *	1,336,873	0	5.2-6	0	6,684,365	0	7,128,493	2,673,746	0	8,075	2,422	242	242	484	606	606	242
Total**	2,024,285			2,519,886	16,248,939	2,763	16,966,349	3,912,758	12,935,446	18,695	5,609	561	561	1,122	1,402	1,402	561
Percent of Units												10%	10%	20%	25%	25%	10%

* Some site unit totals included in these sections overlap with the Hudson River Park, ESD or State Controlled Development Pipeline, Special West Chelsea, or Special Clinton District Expansion sections. The final total does not double count that overlap.

** Total does not double count sites that are in multiple sections

***Methodology for Unit Calculation = (Lot Area x Res. FAR)*(0.925 ZFA)/(850 SF/Unit)

****30% Affordability (20% low income, 10% moderate income)

Affordable Housing Production and Preservation Summary

Manhattan Community District 4 Affordable Housing Plan

Affordable Production and Preservation Summary

	Total Units	Total AH										
		Units	0-39%	40%	50%	60%	80%	100%	125%	135%	165%	175%
Production Summary												
Completed 2015-2024	8,498	2,127	-	443	370	839	64	133	163	-	105	10
Under Construction	2,628	929	90	175	49	178	139	58	212	-	26	-
Completed Public Review	521	519	-	-	14	89	38	145	34	2	197	-
Under Public Review	266	98	-	-	61	26	-	1	2	-	8	-
HPD Development Pipeline	462	462	-	35	58	92	49	62	93	-	73	-
ESD or State Controlled Dev Pipeline	5,462	1,862	-	38	189	190	349	441	442	-	213	-
Port Authority Bus Terminal Replacement	2,095	585	-	-	58	58	117	147	147	-	58	-
Federally Controlled Proposed Development	157	157	-	-	16	16	31	39	39	-	16	-
<i>Production Subtotal</i>	<u>20,089</u>	<u>6,739</u>	<u>90</u>	<u>691</u>	<u>815</u>	<u>1,488</u>	<u>787</u>	<u>1,026</u>	<u>1,132</u>	<u>2</u>	<u>696</u>	<u>10</u>
Preservation Summary												
Illegal Demolition	-151	-151	-	-	-	-	-	-	-	-	-	-
Chelsea NYCHA	2,071	2,071	-	-	2,071	-	-	-	-	-	-	-
Expiring 421A Agreements	1,698	1,698	-	-		1,646	52	-	-	-	-	-
<i>Preservation Subtotal</i>	<u>3,769</u>	<u>3,769</u>	<u>-</u>	<u>-</u>	<u>2,071</u>	<u>1,646</u>	<u>52</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<i>Proposed Text Amendments & Rezonings Subtotal</i>	<u>18,695</u>	<u>5,609</u>	<u>-</u>	<u>-</u>	<u>561</u>	<u>561</u>	<u>1,122</u>	<u>1,402</u>	<u>1,402</u>	<u>-</u>	<u>242</u>	<u>-</u>
Total	42,553	16,117	90	691	3,447	3,695	1,961	2,428	2,534	2	938	10
Percentage	100%	38%	<1%	4%	22%	23%	12%	15%	16%	<1%	6%	<1%

Summary: Proposed State/Federal Housing Production, Rezoning & Text Amendments

	Total Units Existing/As-of-Right	Total Units Proposed	Total AH Units Existing	Total AH Units Proposed	Existing Max Res. FAR Range	Proposed Max Res. FAR Range	Residential Existing	Residential Proposed	Total GSF Existing	Total GSF Proposed
ESD or State Controlled Dev Pipeline	-	5,462	-	1,862	0-9	7.5-12	60	4,618,709	101,500	5,810,647
Port Authority Bus Terminal Replacement	-	2,095	-	585	0-9	7.5	900,000	1,780,625	900,000	2,969,375
Federally Controlled Proposed Development	-	157	-	157	0	12	0	444,000	0	480,000
Proposed Rezoning & Text Amendments Subtotal	-	18,695	-	5,609	0-2	7.5-12	2,519,886	16,248,939	-	-
<i>Proposed State/Federal Housing Production, Rezoning & Text Amendments Subtotal</i>	-	<u>26,409</u>	-	<u>8,213</u>	<u>0-9</u>	<u>7.5-12</u>	<u>3,419,946</u>	<u>23,092,273</u>	<u>1,001,500</u>	<u>9,260,022</u>
<i>Units Completed/In Production Subtotal</i>	<u>11,045</u>	-	<u>3,796</u>	-	-	-	-	-	-	-
<i>Preservation Subtotal</i>	<u>3,769</u>	-	<u>3,769</u>	-	-	-	-	-	-	-
Total	14,814*	26,409*	7,565**	8,213**	0-9	7.5-12	-	-	-	-

* Together total 41,223 units

**Together total 15,778 affordable housing units

Methodologies

Calculating Affordable Housing Units:

1. *Total Residential Floor Area*= Lot Area x Residential FAR
2. *Total Unit Area*= Total Residential Floor Area x 0.925 (common area deduction)
3. *Estimated number of units on lot*= Total Unit Area / 850 (average apartment square footage)
4. *For Rezoning or Mixed-Income Developments:*
Affordable Housing Unit Area= Residential unit Area / 0.3 (30% of Proposed Residential Units for Multi-block or Block-wide Rezoning and 25% for Individual Sites, unless otherwise noted)

Calculating Number of Units at Each AMI Level:

For sites not yet under public review, including rezonings, the proposed number of units at each AMI level are calculated as follows in order to achieve a broad range of low, moderate and middle income apartments.

AMI Level	50% AMI	60% AMI	80% AMI	100% AMI	125% AMI	165% AMI
% of Units	10%	10%	20%	25%	25%	10%

**City of Yes for Housing Opportunity
Proposed Citywide Text Amendments**

APPENDIX B

**Hudson Yards, West Chelsea, Western Railyards
Points of Agreement Summaries and Status Updates**

Hudson Yards Points of Agreement

Updated as of 8/7/2024

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/Preserved to Date	Funds Provided to Date	Status
a)	Harassment Provisions	Replicate Special Clinton District Anti-Harassment provisions in Hudson Yards	ZR § 93-90	3/22/2006					Complete
b)	421-a Exclusion Zone	Expand 421-a exclusion zone to cover Hudson Yards	Introductory Bill Number 530	3/7/2005					Complete
c)	Permit City, State, and Federal Programs in Inclusionary Program	Allow developers to count affordable units toward both the 80-20 requirement and the Inclusionary Housing Bonus	ZR § 93-23	12/21/2009	2031		937		Ongoing
d)	Tiering of Inclusionary Bonus to Higher Income Levels	Modify zoning text to provide inclusionary housing units for higher income levels in exchange for providing more affordable units	ZR § 93-232	12/21/2009	411		0		Complete
e1)	Public Sites	Agree to develop affordable housing on the NYCHA Harborview site at 56th Street, west of 11th Avenue.	None Required		155		0		In 2007, the Atlantic Development Group withdrew from the project and in 2013, the City Council and Mayoral Administration agreed to release a new RFP on or before December 31, 2013. The RFP release was moved to 2014 to allow for more community input for the parameters of the RFP. The Harborview Working Group convened to participate in the community planning process for the RFP. The project has not moved forward, and in 2019, NYCHA stated that they were pulling the Harborview Terrace project from the "NextGeneration NYCHA" Development pipeline.

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/Preserved to Date	Funds Provided to Date	Status
e3)		Agree to develop affordable housing on Site M (west side of 10th Avenue between 40th and 41st).	None Required		150		150		HYDC did not condemn site for #7 line construction, but leased instead. New site identified for replacement: 493 11th Avenue (Slaughterhouse, currently in pre-development). The Slaughterhouse ULURP was approved by the City Council on December 15, 2021 with 225 affordable apartments, combining housing commitments from both WRY and HY POAs.
f)	City-wide Affordable Housing Fund	Create an affordable housing fund of up to \$45 million, to be managed by HPD, with the proceeds received from the disposition of the Studio City site	None Required			\$ 45,000,000		\$ 45,000,000	Complete
g)	Income Averaging	Administration works with Council and unions to find acceptable ways to income average, when possible							Ongoing

Items Secured after Adoption of Special Hudson Yards District

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/Preserved to Date	Funds Provided to Date	Status
	Demolition Restriction	Restricts demolition of structurally sound multiple dwellings	ZR § 98-70	10/27/2010	1144		1144		Complete
							154		Ongoing additional affordable units produced by subsequent program.

Total (Funds)	\$ 45,000,000	\$ 45,000,000
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Total (Units)	3,891	2,385
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Unit loss due to illegal demolition	(51)
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Units Completed or in Construction	2,334	60%
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Complete
 Incomplete/Ongoing
 Does not apply

Special West Chelsea District Points of Agreement

Updated as of 8/7/2024

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
a)	421-a Exclusion Zone	Expand 421-a exclusion zone to cover West Chelsea	Introductory Bill Number 202	5/1/2006					Complete
b)	Anti-Harassment	Expand Hudson Yards anti-harassment area to include West Chelsea	ZR § 98-70	10/27/2010	230		317		Complete, 317 units preserved; exceeds commitment by 87 units
c)	Public Sites	Develop 128 units of affordable housing on the Chelsea- Eliot NYCHA site and develop 100 units of affordable housing on the Fulton Houses NYCHA site	Zoning override for dumpster building on West 26th Street	10/15/2011	228		326		Complete
									168 units completed at 401 West 25 th St (Elliott Chelsea site) 09/27/2012
									158 units completed at 425 West 18 th St (Fulton site) 11/20/2018
d)	Permit City, State, and Federal Programs in Inclusionary Program	Allow developers to count affordable units toward both the 80-20 and Inclusionary Housing Bonus in C6-3 and C6-4 districts	ZR § 98-26	6/23/2005					Complete

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
d1)	Production of 80/20 Units	Non-Inclusionary	No Action Required		298		79		Ongoing
d2)		Inclusionary	ZR § 98-262	6/23/2005	669		441		441 units in 6 buildings built to date
									304 units under construction in 2 buildings
e)	Tiering of Inclusionary Bonus to Higher Income Levels	Modify zoning text to provide inclusionary housing units for higher income levels in exchange for providing more affordable units	ZR § 98-262	6/23/2005					Complete
f)	West Chelsea Affordable Housing Fund (WCHF)	Once 90% of High Line Transfer Corridor floor area has been used, allow for an equivalent FAR bonus to be purchased from the City with funds to be pooled into a West Chelsea Affordable Housing Fund (valued up to \$10 Million) to be used for land acquisition for affordable housing	ZR § 98-262	10/14/2009		\$10,000,000		\$1,733,500	Complete, 09/07/2017 - CPC issued a determination that, more than 90 percent of the floor area in the High Line Transfer Corridor eligible for transfer has now been transferred.
									02/28/2018 - CPC action setting price of development rights of WCAHF at \$625/sq ft
									03/26/2019 - WCAHF established by HPD. Financial commitments to fund began in 2019.
g)	Community Preference	All affordable housing units created through the inclusionary program or on public sites will be subject to 50% community preference	ZR § 23-90	6/23/2005					Complete
h)	Conversions	Introduce an Inclusionary Housing Bonus for conversions to mirror items (d) and (e) above	ZR § 98-262	6/23/2005					Complete

Subtotal	1,425	\$10M	1163	\$1,733,500
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- Complete
- Incomplete/Ongoing
- Does not apply

Western Railyards Points of Agreement

Updated as of 8/7/2024

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
a)	Anti-Demolition	Zoning Text Amendment for Subareas D4 and D5 of the SHYD , Preservation Area P-2 of the SGCD and the SWCD							Completed
b)	Affordable Housing on ERY and WRY	Related to build a minimum of 265 permanently affordable rental units on WRY and an additional 166 on either WRY or ERY, for a total of 431 permanently affordable units.	Tax Incentives		431		107		Related constructed 107 affordable units on the ERY at 15 Hudson Yards.
c1)	Affordable Housing Off-Site	HPD to issue RFPs for affordable housing development on City-owned sites at 54th and 9th (MTA) and 48th and 10th (DEP).			0	\$40,000,000	0		04/09/2018 - RFPs issued 02/13/2019 - Development teams designated MTA Site: Hudson Companies and Housing Works, Inc. DEP Site: Douglaston Development and the Actors Fund Both Sites currently under construction
c2)		If DSNY is relocated from its 136-140 20th Street facilities, HPD commits to develop the site for a range of incomes up to 165% of AMI.			75		75		This site has been redeveloped as a park. The commitment of units are to be transferred to the Slaughterhouse Site (493 11th Avenue, currently in pre-development). The Slaughterhouse ULURP was approved by the City Council on December 15, 2021 with 225 affordable apartments, combining commitments from both WRY and HY POAs.
c3)		HPD to work with Council Member and CB4 to preserve up to 150 units of privately owned SRO housing.			150		-		Redevelopment of SRO units completed in Stardom Hall - 330 W 51st Street in 2017

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
c4)		Related to seek two extensions of federal rental subsidy to it existing Mark Up to Market Project Based Section 8 HUD contracts (Terrific Tenements and French Apartments) for no less than 40 years from City Council approval of WRY rezoning			263		263		The HAP contract for Terrific Tenements expired in 2023. At that time, Related will renew it, for the longest term allowed by HUD, which is currently 20 years. The HAP contract French Apartments expires in 2036. At that time, Related plans to renew it for the longest term allowed by HUD, which is currently 20 years.
c5)		Related to guarantee that all existing affordable housing units in the Westport (77 affordable units out of 371 total units) and the Tate (79 affordable units out of 313 total units) will remain permanently affordable to households averaging up to 90% of AMI, not to exceed 125% of AMI.	Tax Incentives		156		156		The 421a program expires on June 30, 2025 for Westport and June 30, 2023 for the Tate. Related will make those units permanently affordable at that time.
d1)	WRY School	Related agrees to provide copy of amended Letter of Intent with SCA to CB4, local school district, Manhattan Borough President, and Council Member							
d2)		Related commits to offer SCA approximately 120,000 sf of space at Site 6 for a public school and that Site 6 will be one of the first three buildings to be built.							Dependent on construction of WRY residential buildings. WRY platform not yet started construction.

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
e)	Community and Cultural Space	Related agrees to make available a minimum of 16,000 GSF of space for local cultural institutions or other local arts not-for-profits in at least two facilities and to construct the core and shell of the cultural spaces.							Dependent on construction of WRY residential buildings. WRY platform not yet started construction.
f1)	Open Space	Related agrees to replace the member appointed by the President of HYDC to serve on the Open Space Advisory Board with a member appointed by the Manhattan Borough Commissioner of the Parks Department.							
f2)		Related agrees to change the timing of the open space payments to two payments of \$1 million each.							
f3)		Administration to work with Council to review and modify street tree planting program to ensure appropriate allocation of street trees and to work with ConEd re appropriate location of trees and vaults.							
f4)		Administration to work with Council, community, and Port Authority to create open space on Port Authority sites between West 34th and West 41st Streets, between 9th and 10th Avenues.							MCB4 continues to work with Port Authority directly on the development of their properties as part of the Bus Terminal Redevelopment Project. Port Authority is proposing two publicly accessible open spaces on the Dyer Avenue Deck-Overs, located between 37th to 39th Streets between Ninth and Tenth Avenues.

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
f5)		Administration to establish Open Space Task Force to review and advise on the creation of open space on the blocks described above with reps from DOT, Parks, and HYCAC.							
f6)		Administration, in connection with Port Authority, agrees to use Green streets Program to green the "canoe" traffic island on West 36th Street, between 9th and the Lincoln Tunnel.							Completed in October 2018.
f7)		Administration agrees to work with Port Authority to improve sidewalks along Dyer Avenue, between West 34th and 36th Streets in order to upgrade to ADA standards.							Port Authority submitted plans to the Department of Transportation, and they approved in 2020. As of 2024, improvements are complete except for one pedestrian ramp at West 41 St and Dyer Avenue.
g)		Provided that the open space proposed for the site currently occupied by DEP at 10th Avenue, between West 48th and 49th Streets, is not mapped as park land, upon completion Water Tunnel No. 3, DEP will fund the design of the open space and make a capital contribution to its construction.							Park is completely funded and the park design has been approved by MCB4 and NYC Parks. Construction to start in late 2025 to early 2026.

	Point	Summary	Regulatory Action	Adoption Date	Commitment (Dwelling Units)	Commitment (Funds)	Affordable Units Built/ Preserved to Date	Funds Received to Date	Status
h)	Day Care	Related to provide ACS with additional opportunities to exercise the option for 10,000 sf of ground floor space suitable for use as a child care center.							Dependent on construction of WRY residential buildings. WRY platform not yet started construction.
i)	Fire Protection Assessment	Study to address the potential need for new FDNY facilities in the Hudson Yards district.							
j)	ZR Section 93-06 and Restrictive Declaration	Execution and recordation of a Restrictive Declaration shall include the City Council approval of modifications, an independent monitor, wind analyses, and a construction consultation process committee for any development or enlargement on the WRY pursuant to zoning amendments.							
k)	Landmarks	LPC to conduct a preliminary review of the historic districts and 11 sites proposed for landmark designation by CB4.							LPC did not designate any landmarks in MCD4 from 2010-2021. However, CB4 conducted a Landmarks study in September 2019 and has proposed 2 Historic Districts: Paddy's Market and Hell's Kitchen. MCB4 continues to negotiate designation with LPC.

Subtotal	1,342	\$40,000,000	713	n/a
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- Complete
- Incomplete/Ongoing
- Does not apply

**City of Yes for Housing Opportunity
Proposed Citywide Text Amendments**

APPENDIX C

**Visualizations of Bulk, Height and Setback Comparisons
Existing Zoning vs. Proposed Zoning
(Selected Blocks within Manhattan Community Board 4)**

City of Yes for Housing Opportunity

Bulk, Height and Setback Comparisons
Existing Zoning vs. Proposed Zoning

July 22, 2024

Clinton Housing Development Company
Planning Department

Chelsea

From left to right:

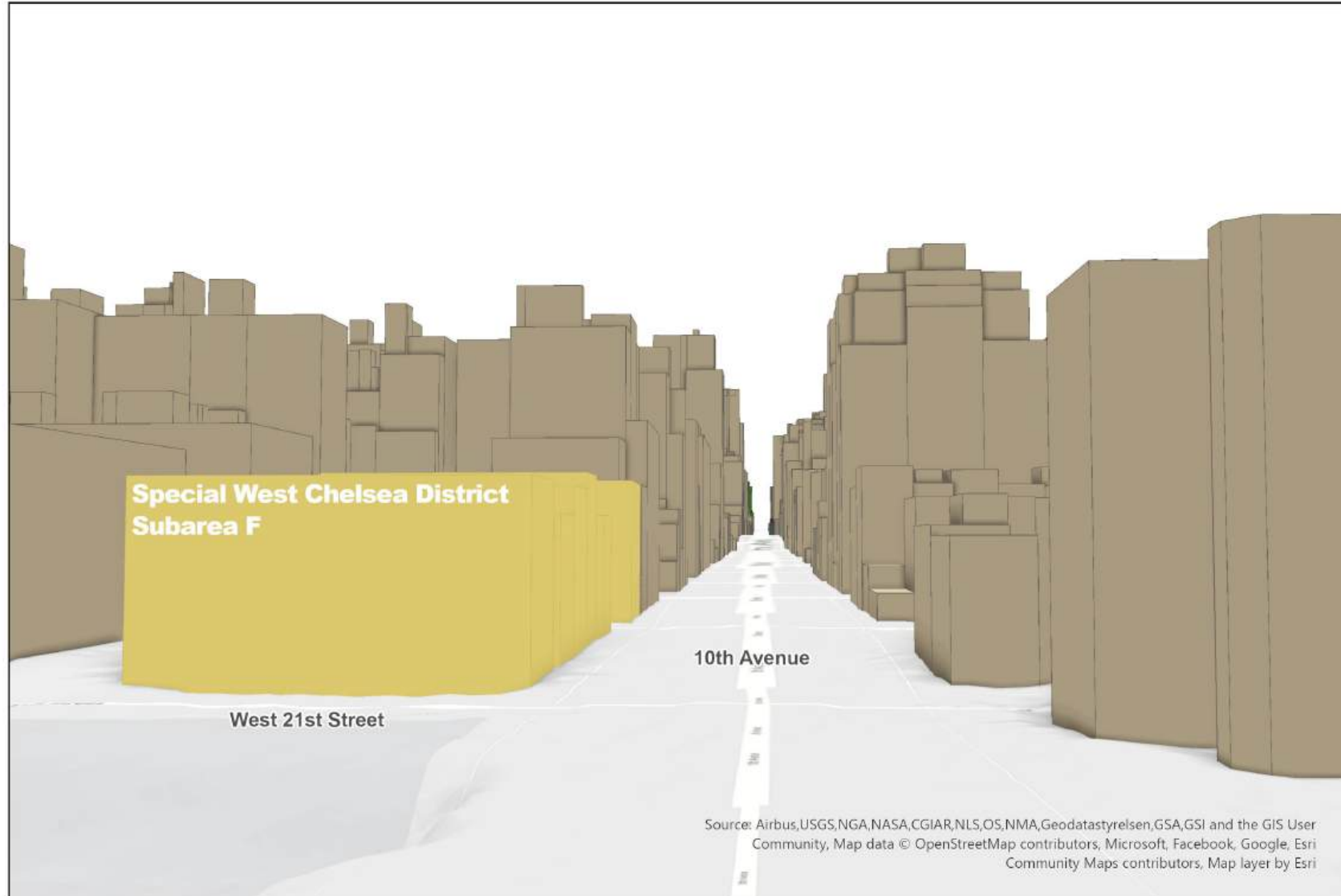
- Special West Chelsea District, Subarea F
- West 21st to 23rd Street between 9th and 10th Avenue (Chelsea Historic District)
- West 19th to 21st Street between 8th and 9th Avenue (partially within Chelsea Historic District)
- West 20th to 22nd Street between 7th and 8th Avenue (outside of Chelsea Historic District)



Special West Chelsea District

Subarea F, between West 21st and 23rd Street on 10th Avenue

Existing Built Environment

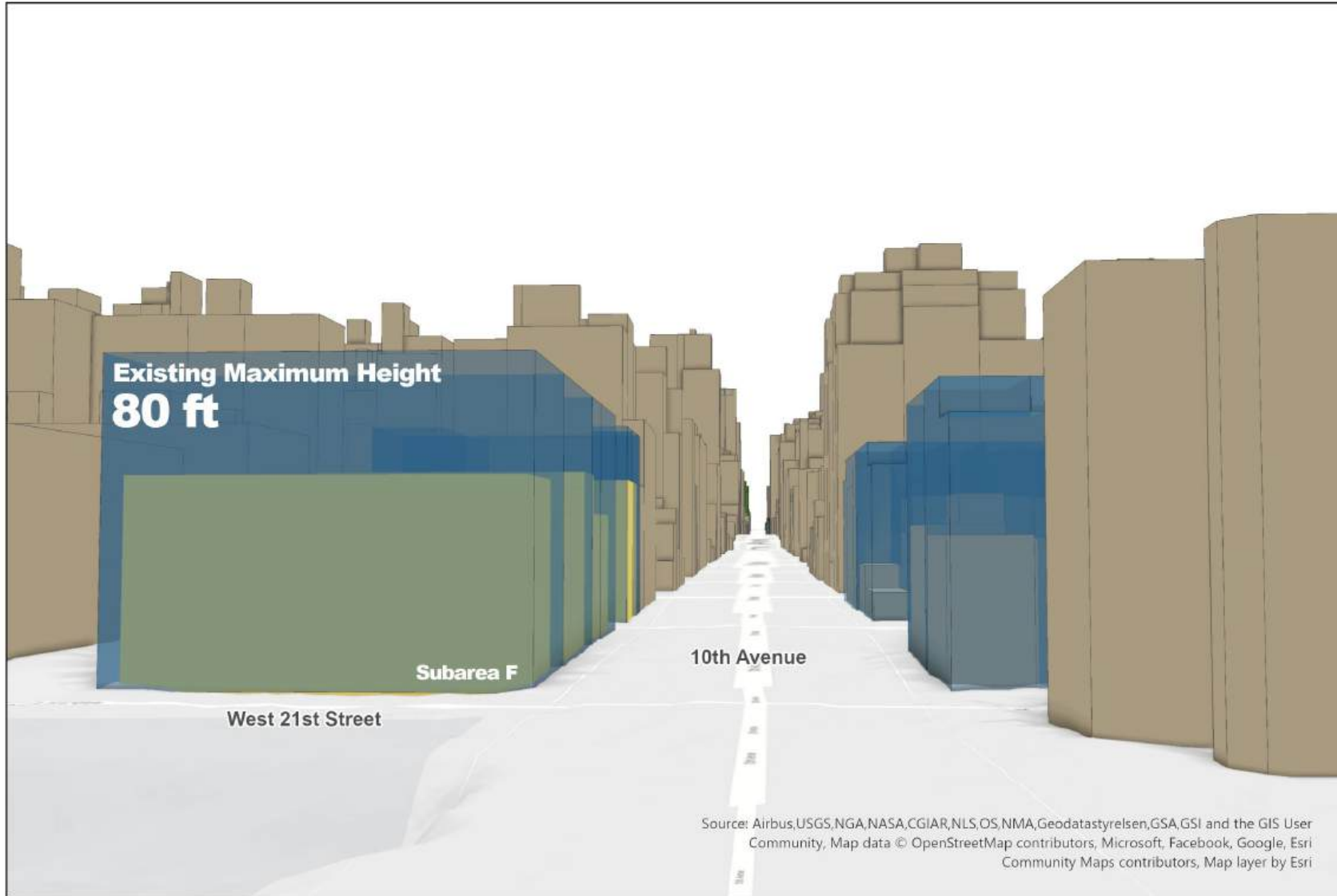


Special West Chelsea District

Subarea F, between West 21st and 23rd Street on 10th Avenue

Maximum Under
Current Zoning

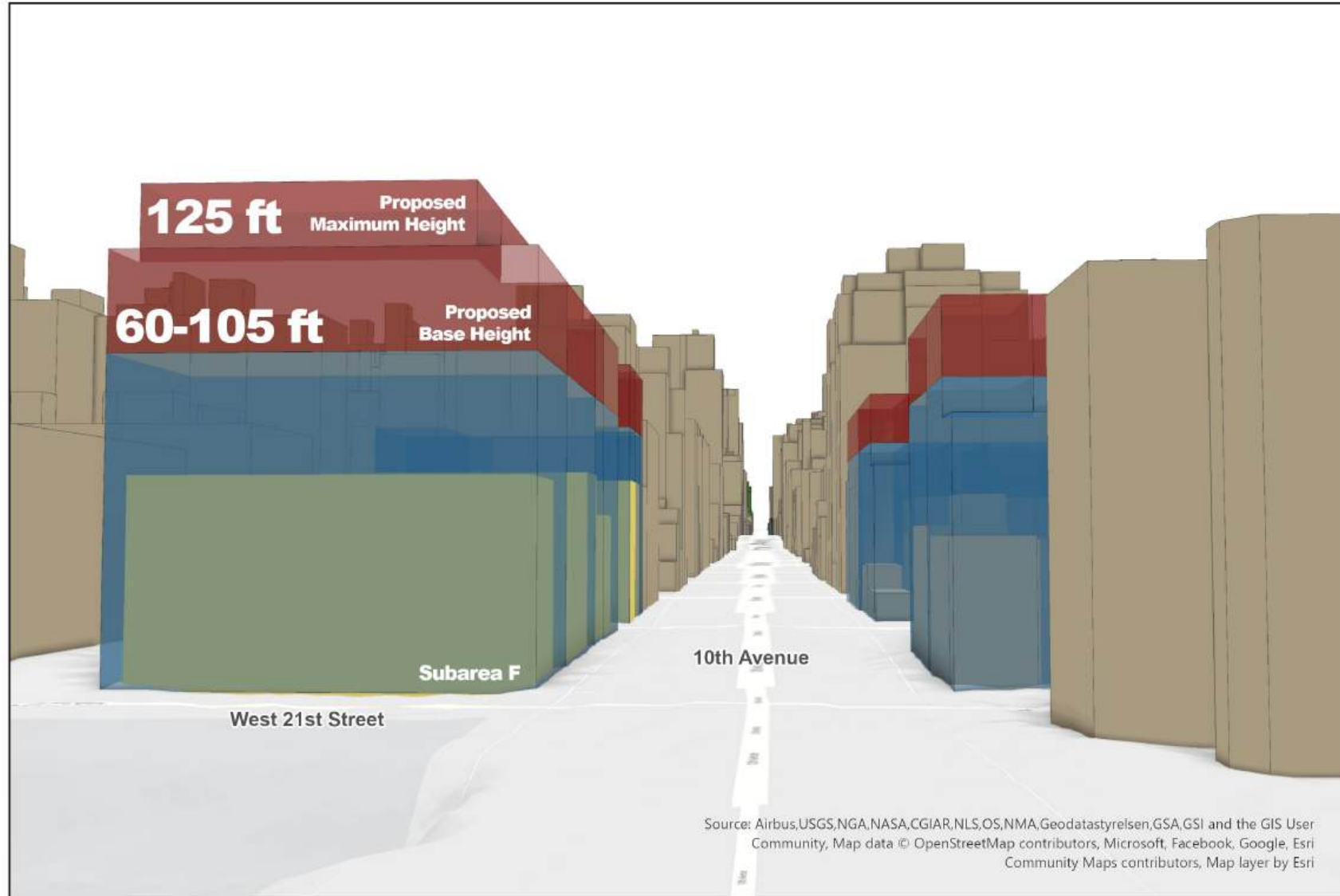
(100% Build)



Special West Chelsea District

Subarea F, between West 21st and 23rd Street on 10th Avenue

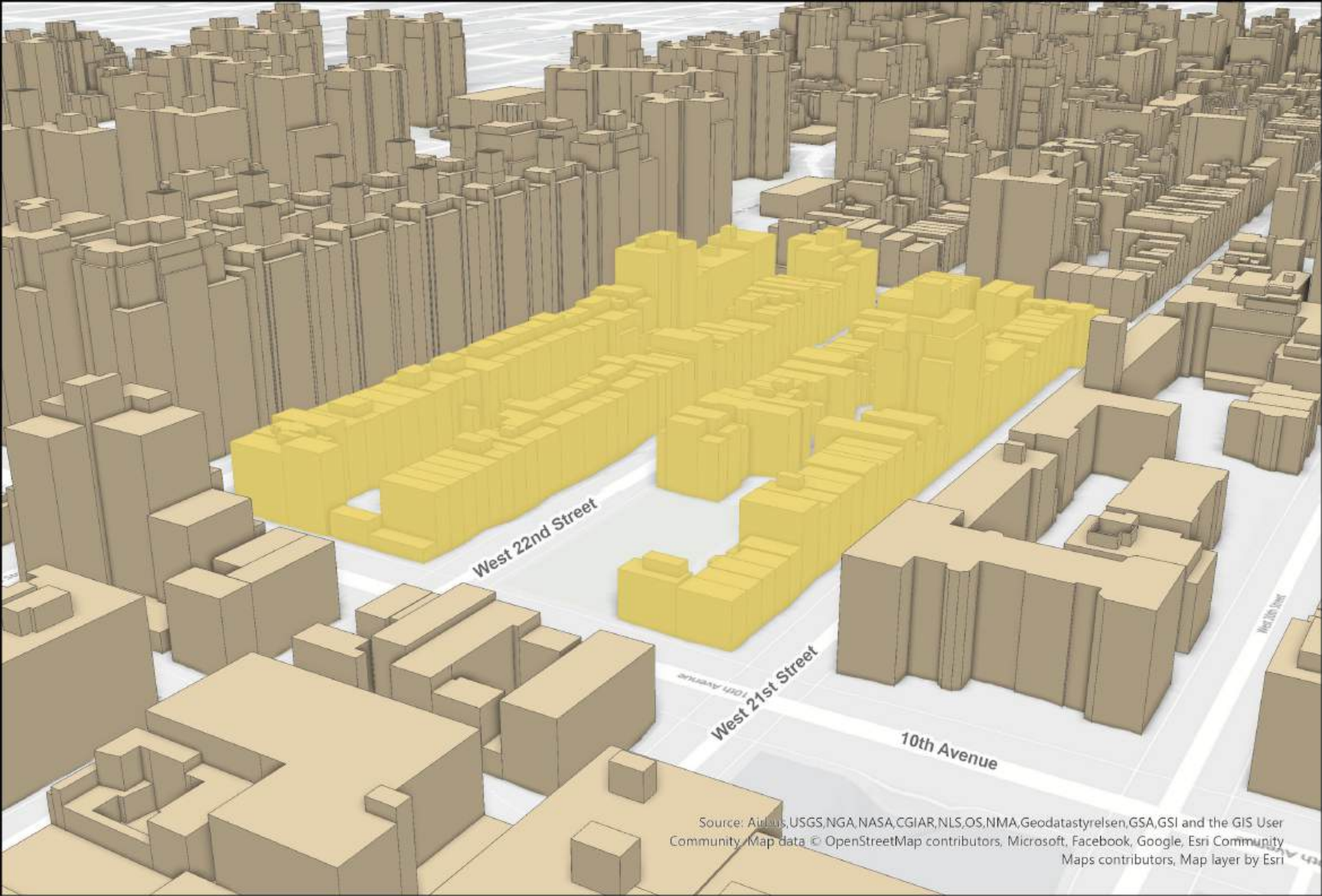
Maximum Under
Proposed Zoning with UAP
(100% Build)



West 21st to 23rd Street between 9th and 10th Avenue

Blocks Fully Within Chelsea Historic District

Existing Built Environment



West 21st to 23rd Street between 9th and 10th Avenue

Blocks Fully Within Chelsea Historic District

Maximum Under
Current Zoning

(100% Build)



West 21st to 23rd Street between 9th and 10th Avenue

Blocks Fully Within Chelsea Historic District

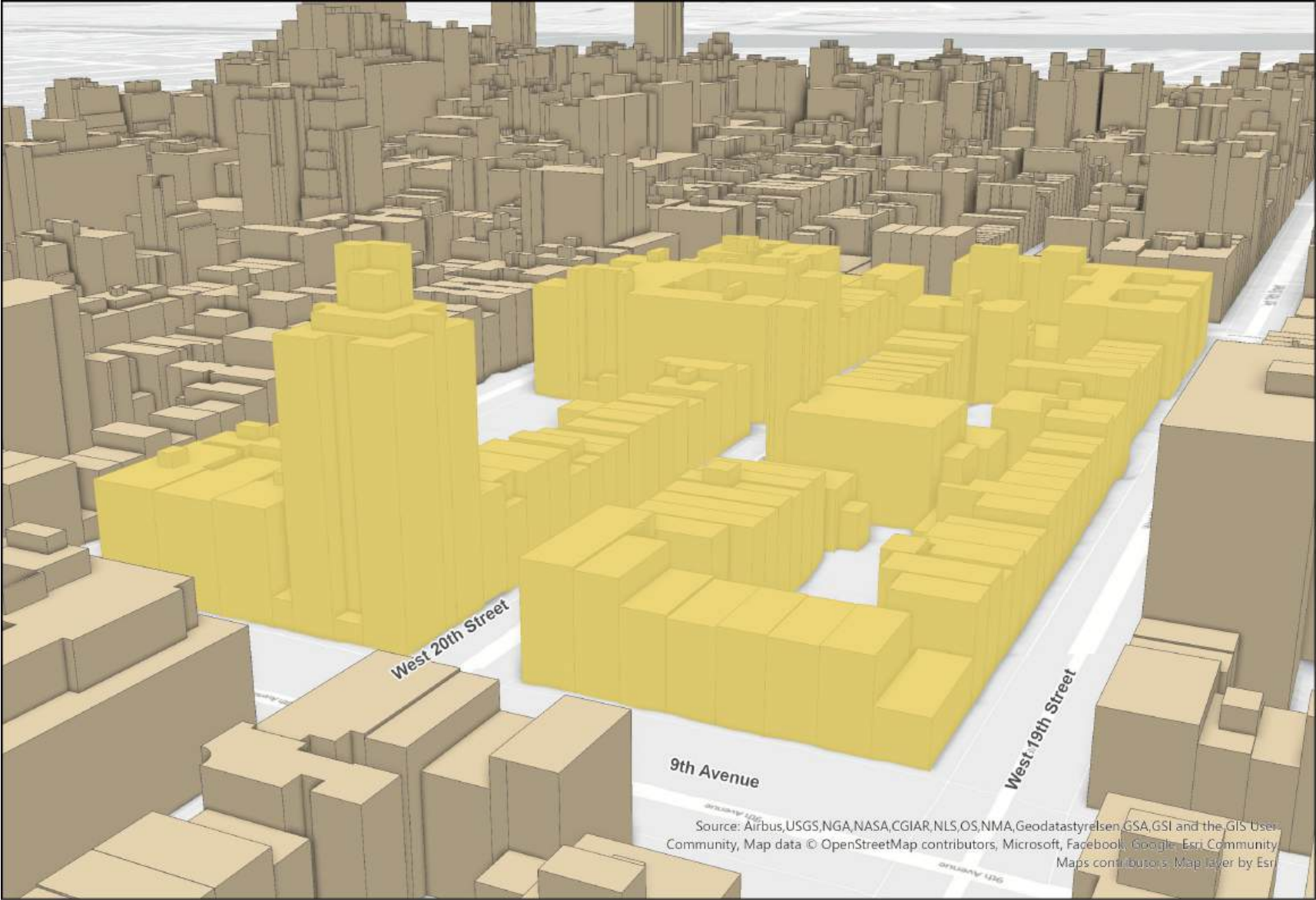
Maximum Under
Proposed Zoning with UAP
(100% Build)



West 19th to 21st Street between 8th and 9th Avenue

Blocks Partially Within Chelsea Historic District

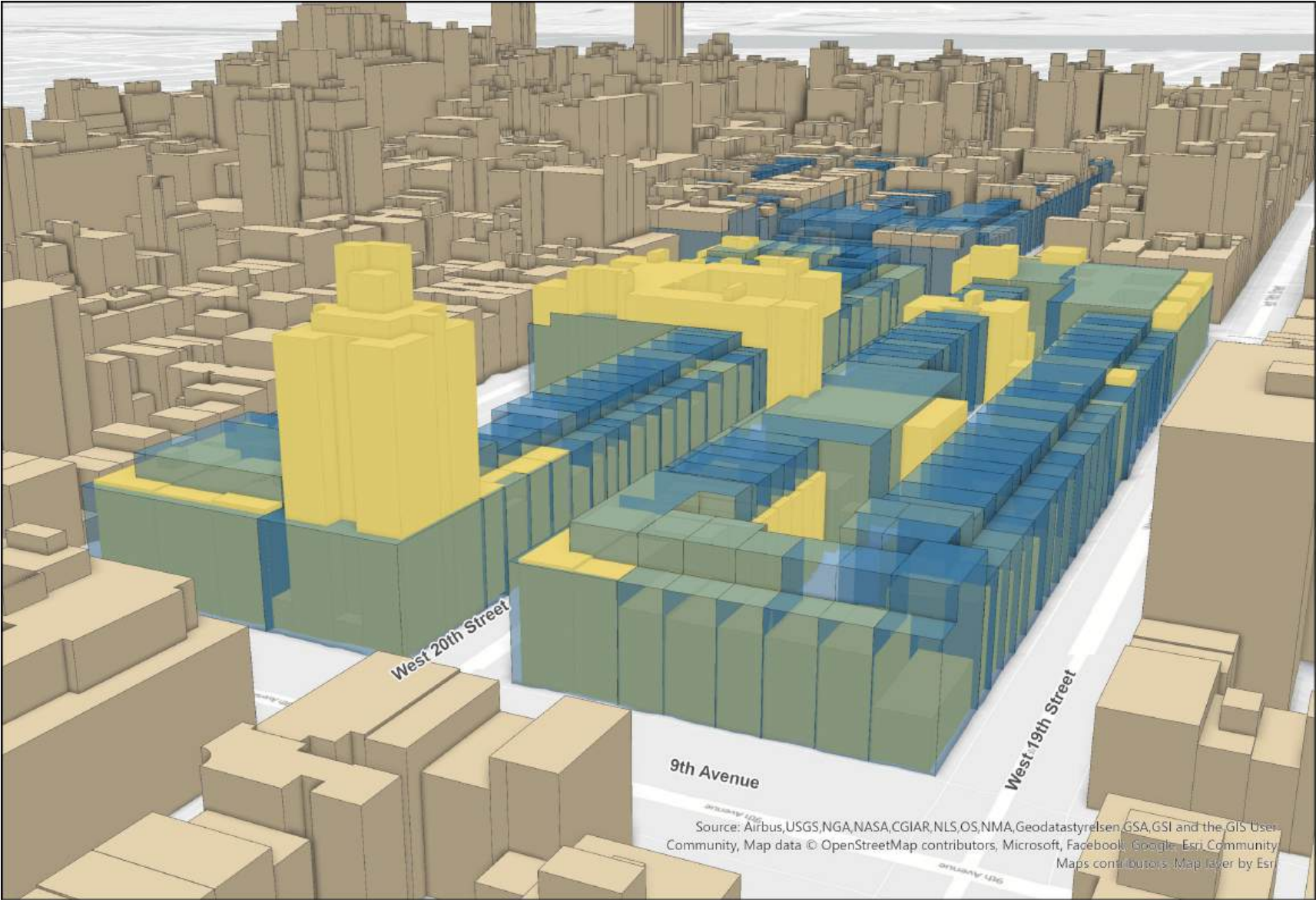
Existing Built Environment



West 19th to 21st Street between 8th and 9th Avenue

Blocks Partially Within Chelsea Historic District

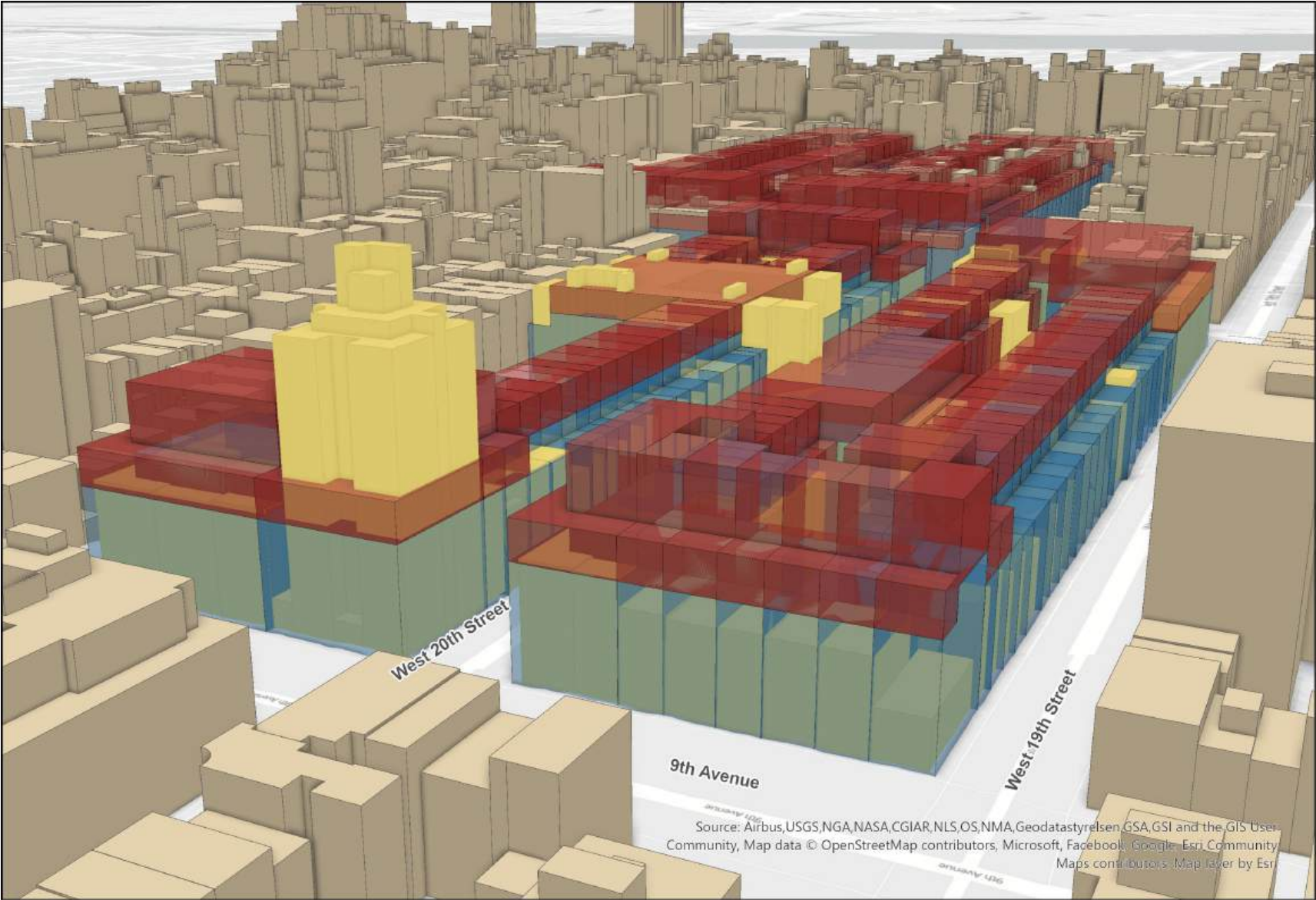
Maximum Under
Current Zoning
(100% Build)



West 19th to 21st Street between 8th and 9th Avenue

Blocks Partially Within Chelsea Historic District

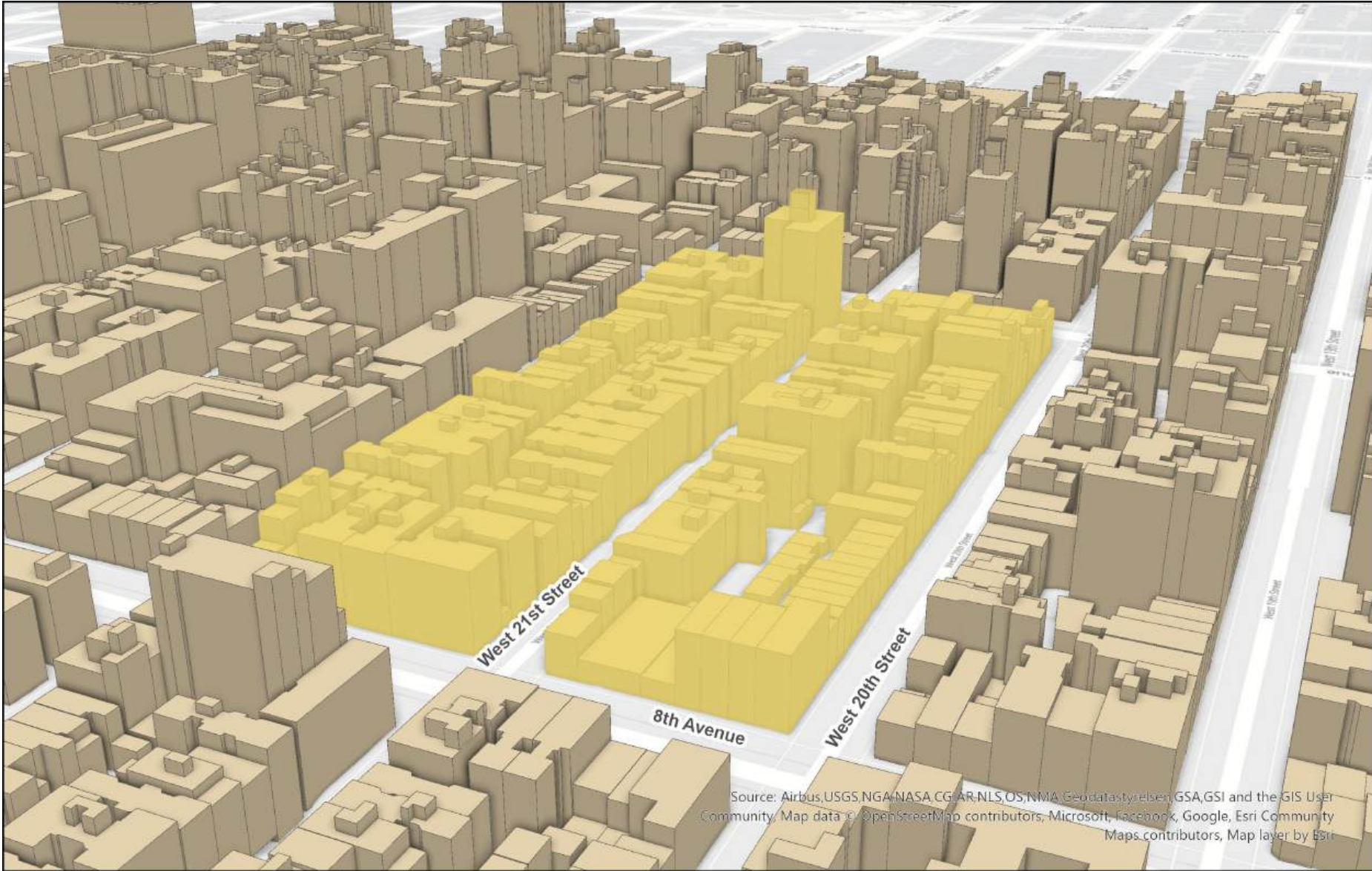
Maximum Under
Proposed Zoning with UAP
(100% Build)



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

Existing Built Environment



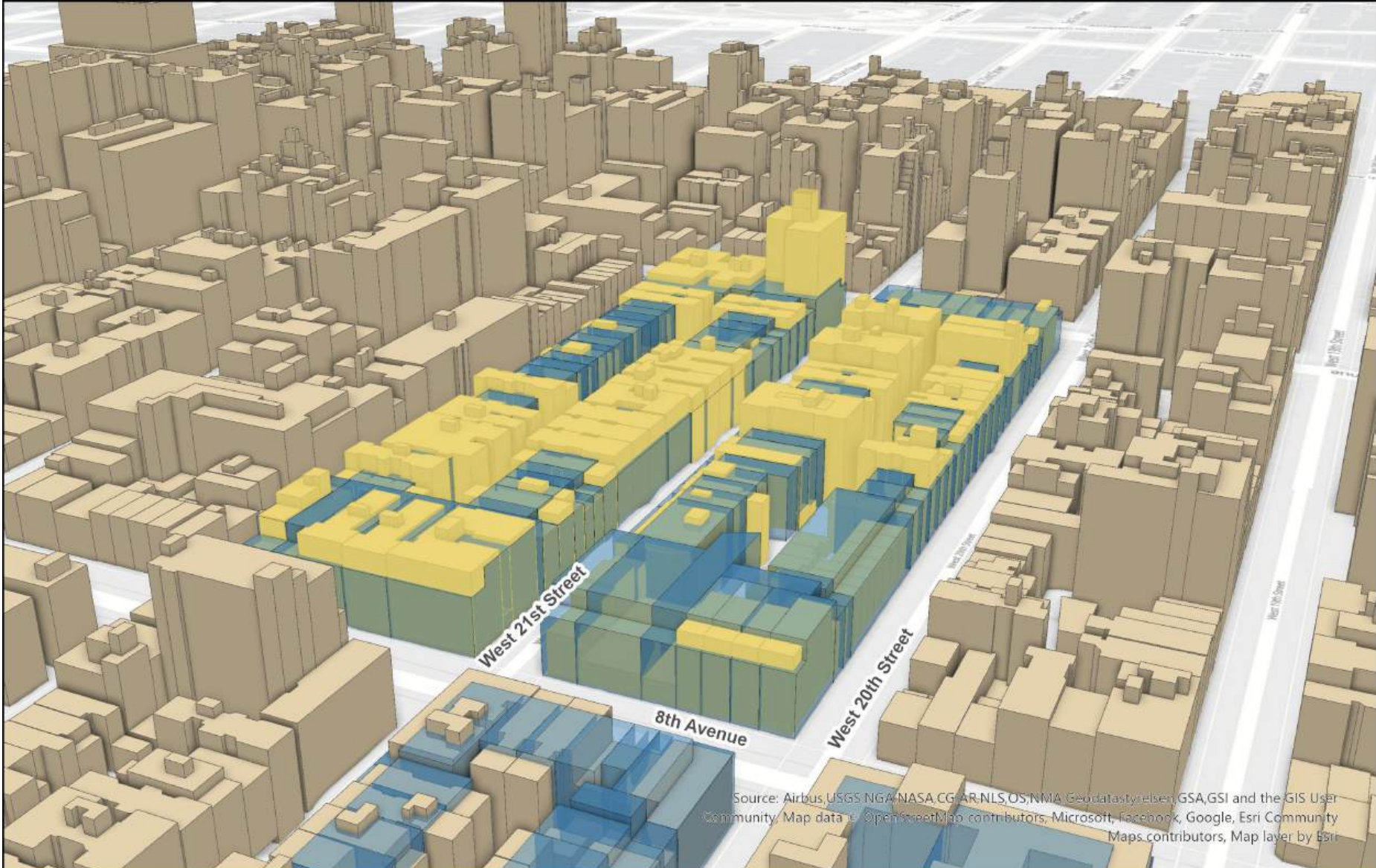
Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Geodastyle, Esri, GSA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

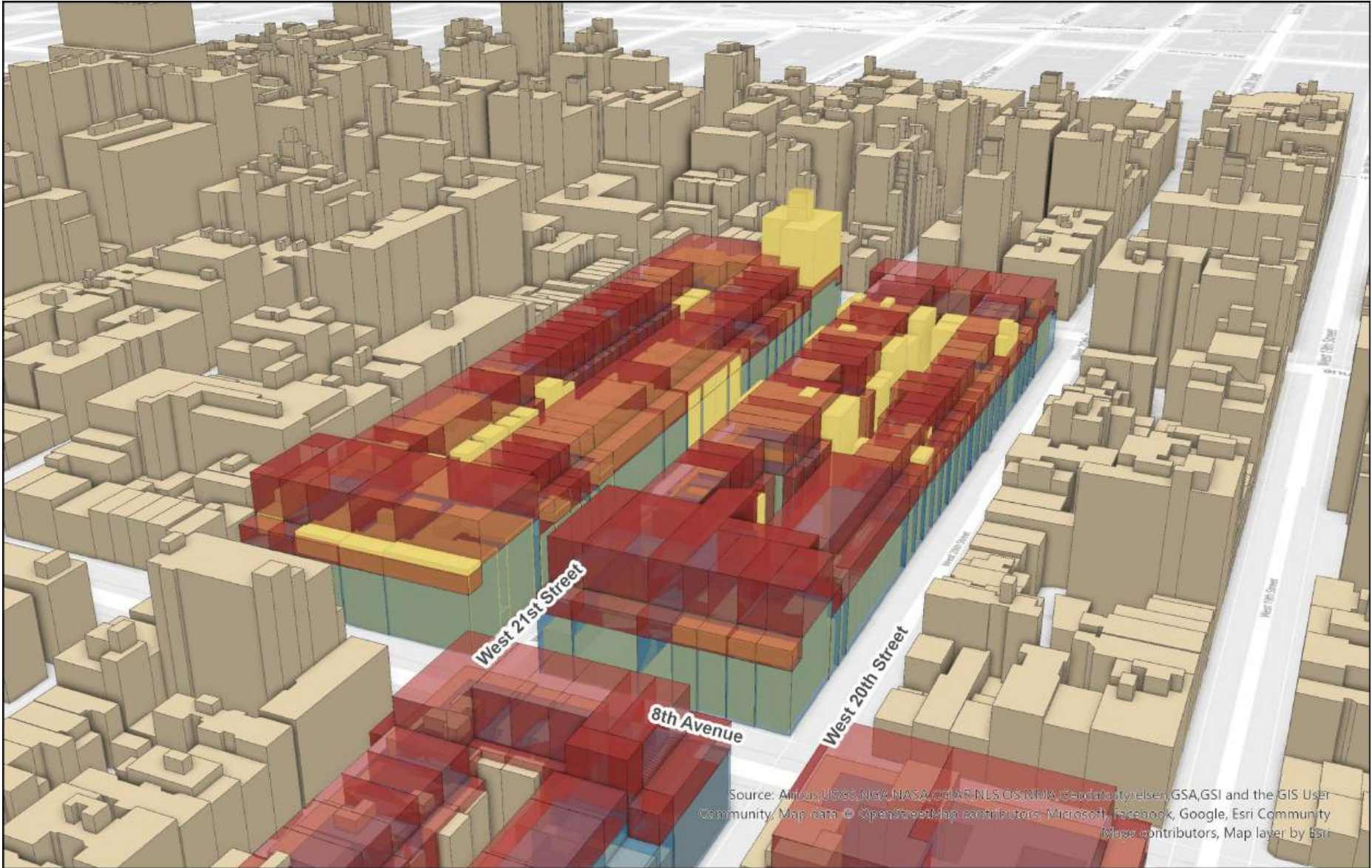
Maximum Under
Current Zoning
(100% Build)



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

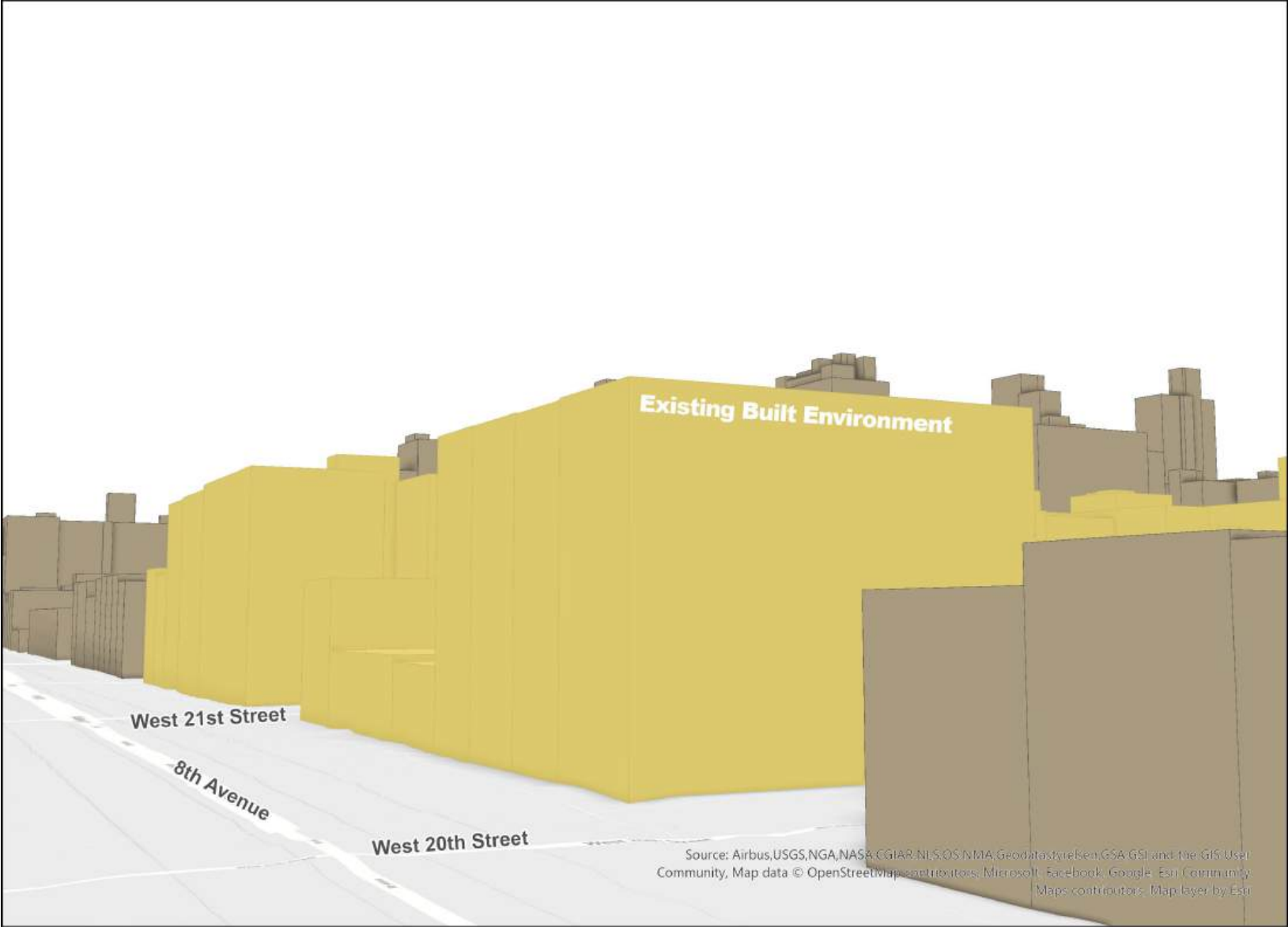
Maximum Under
Proposed Zoning with UAP
(100% Build)



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

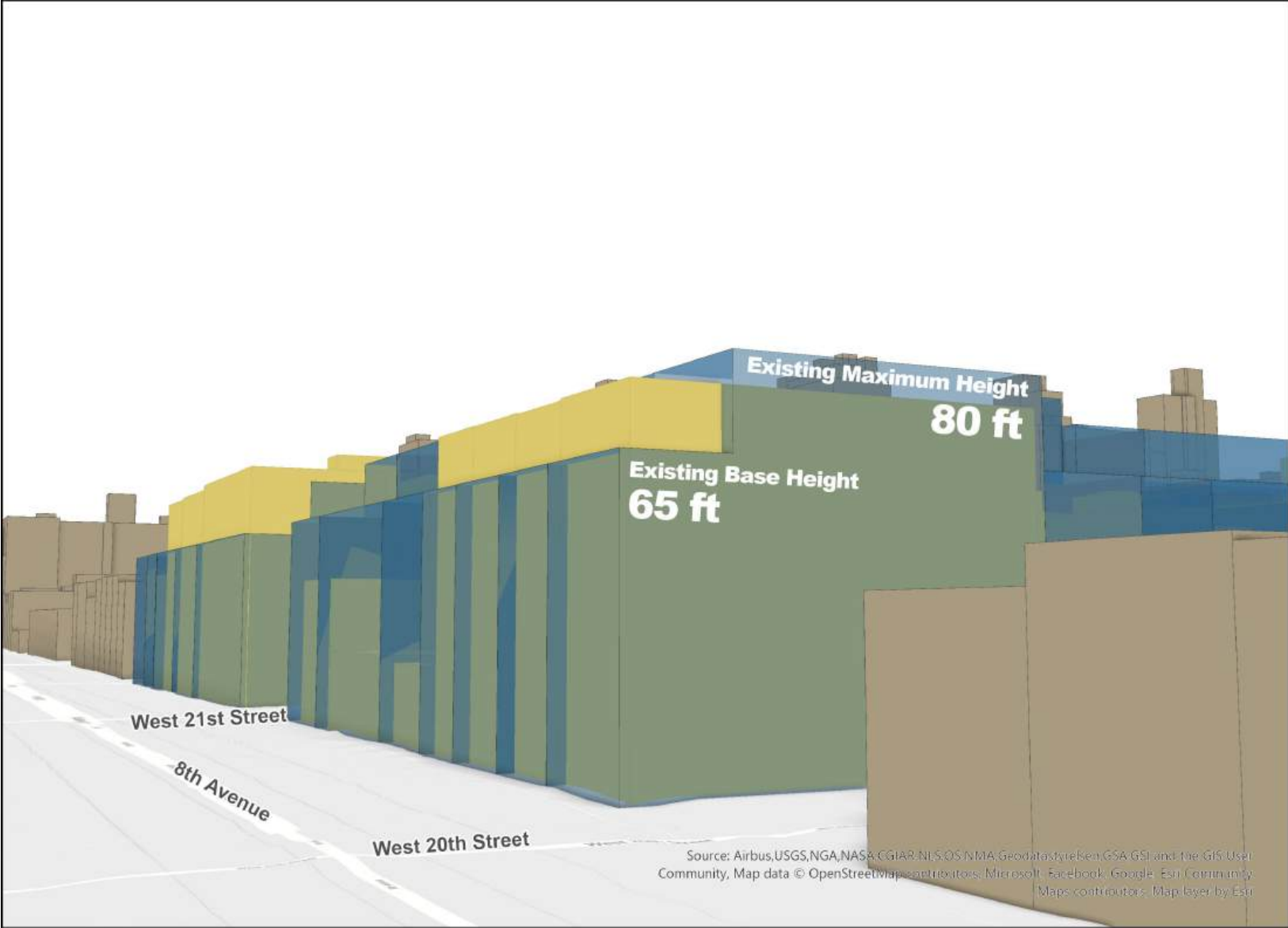
Existing Built Environment



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

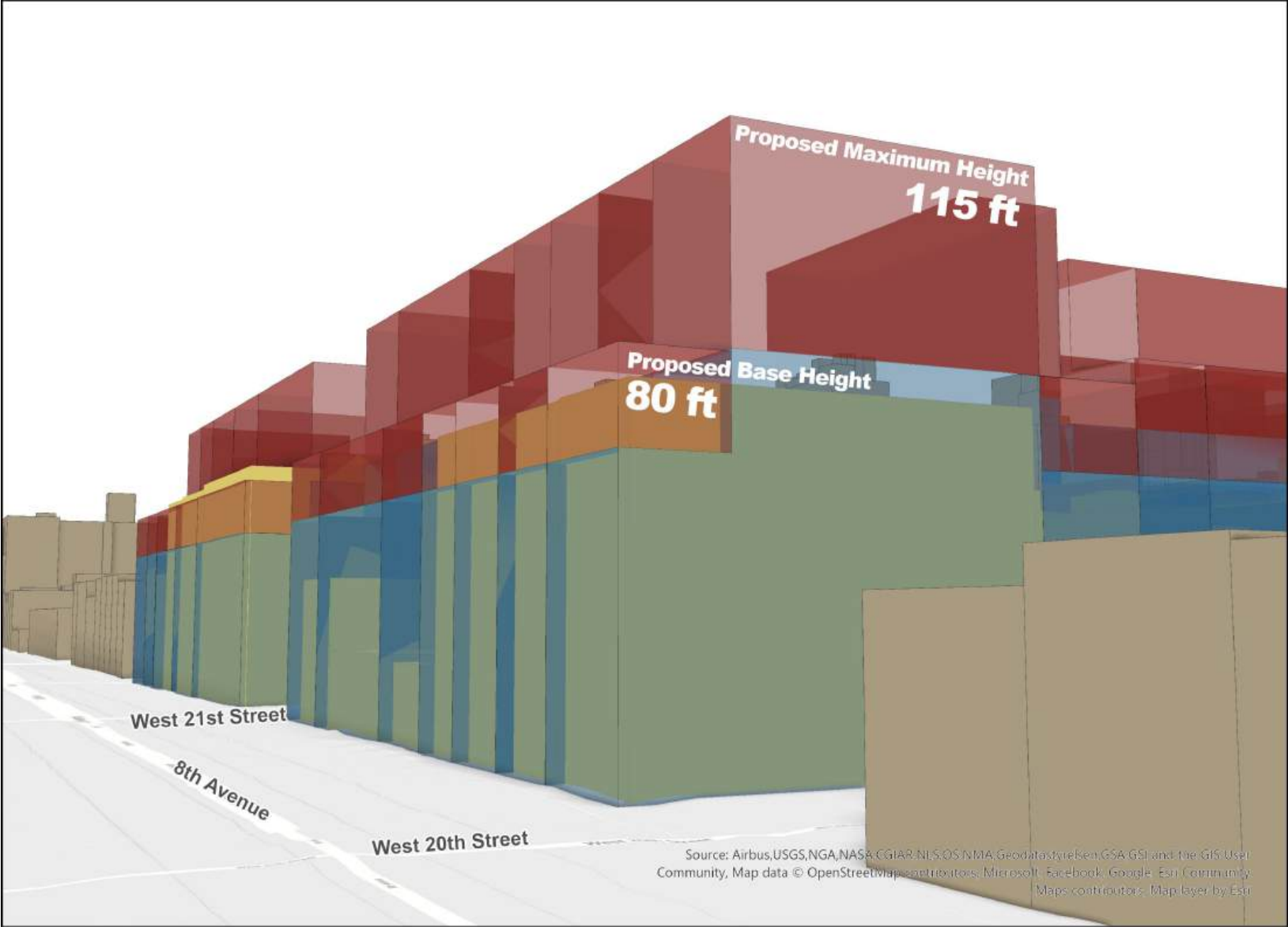
Maximum Under
Current Zoning
(100% Build)



West 20th to 22nd Street on 8th Avenue

Blocks Outside Chelsea Historic District

Maximum Under
Proposed Zoning with UAP
(100% Build)



Special Hudson Yards District

Portion of Hell's Kitchen Subdistrict; Subarea D5

- West 38th to 40th Streets along 9th Avenue



Special Hudson Yards District

38th to 40th Street on 9th Avenue Looking South

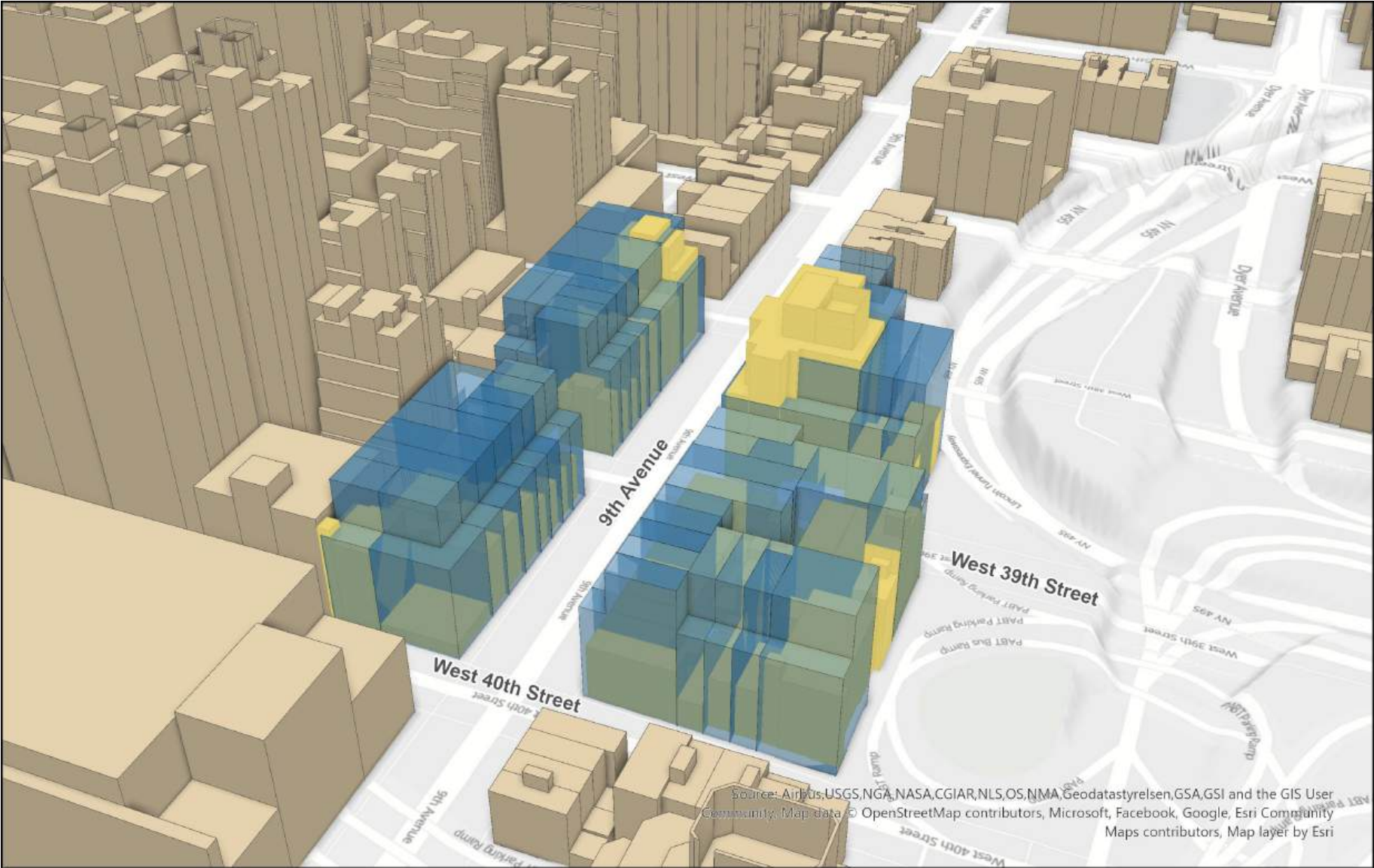
Existing Built Environment



Special Hudson Yards District

38th to 40th Street on 9th Avenue Looking South

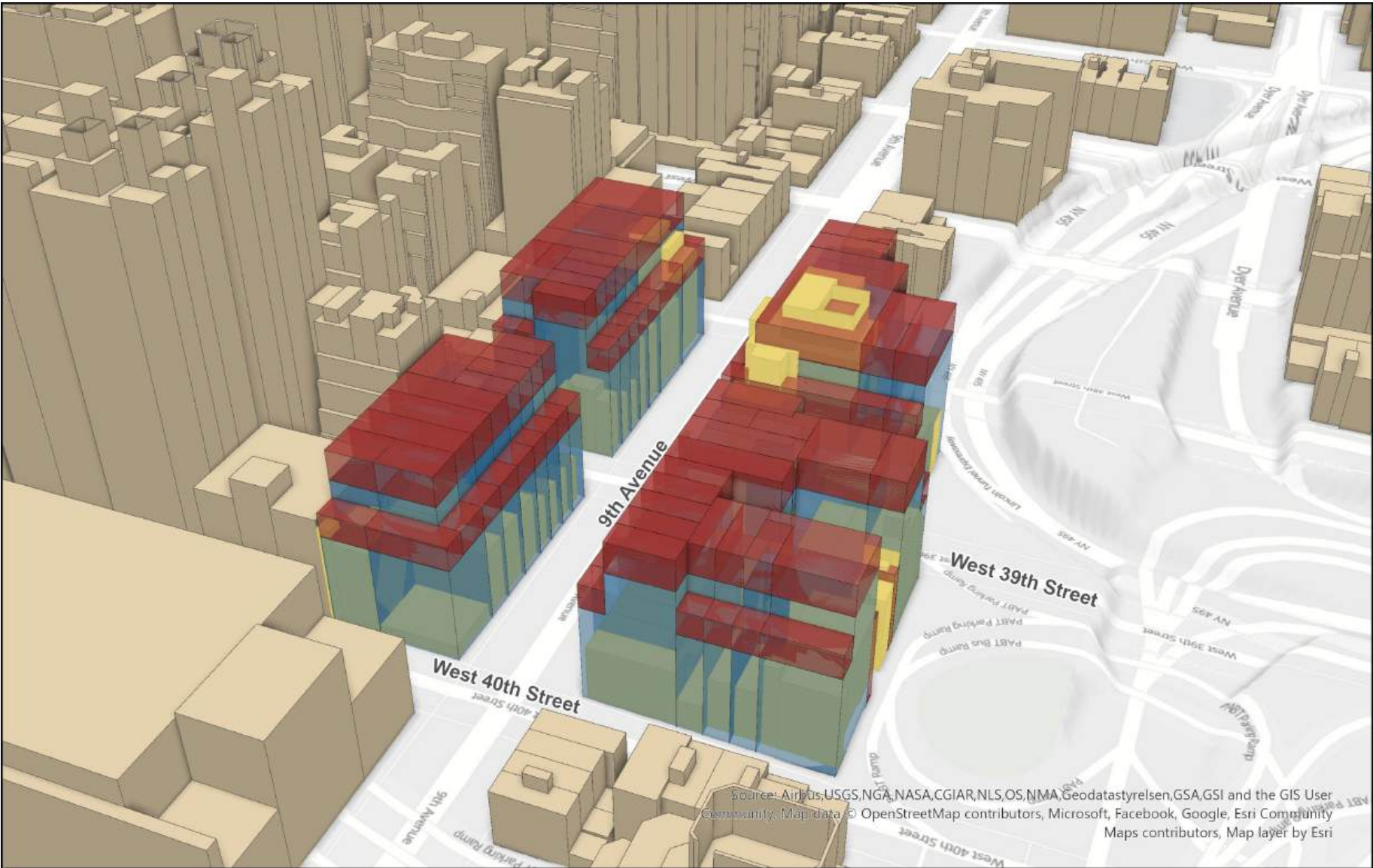
Maximum Under
Current Zoning
(100% Build)



Special Hudson Yards District

38th-40th Street on 9th Avenue Looking South

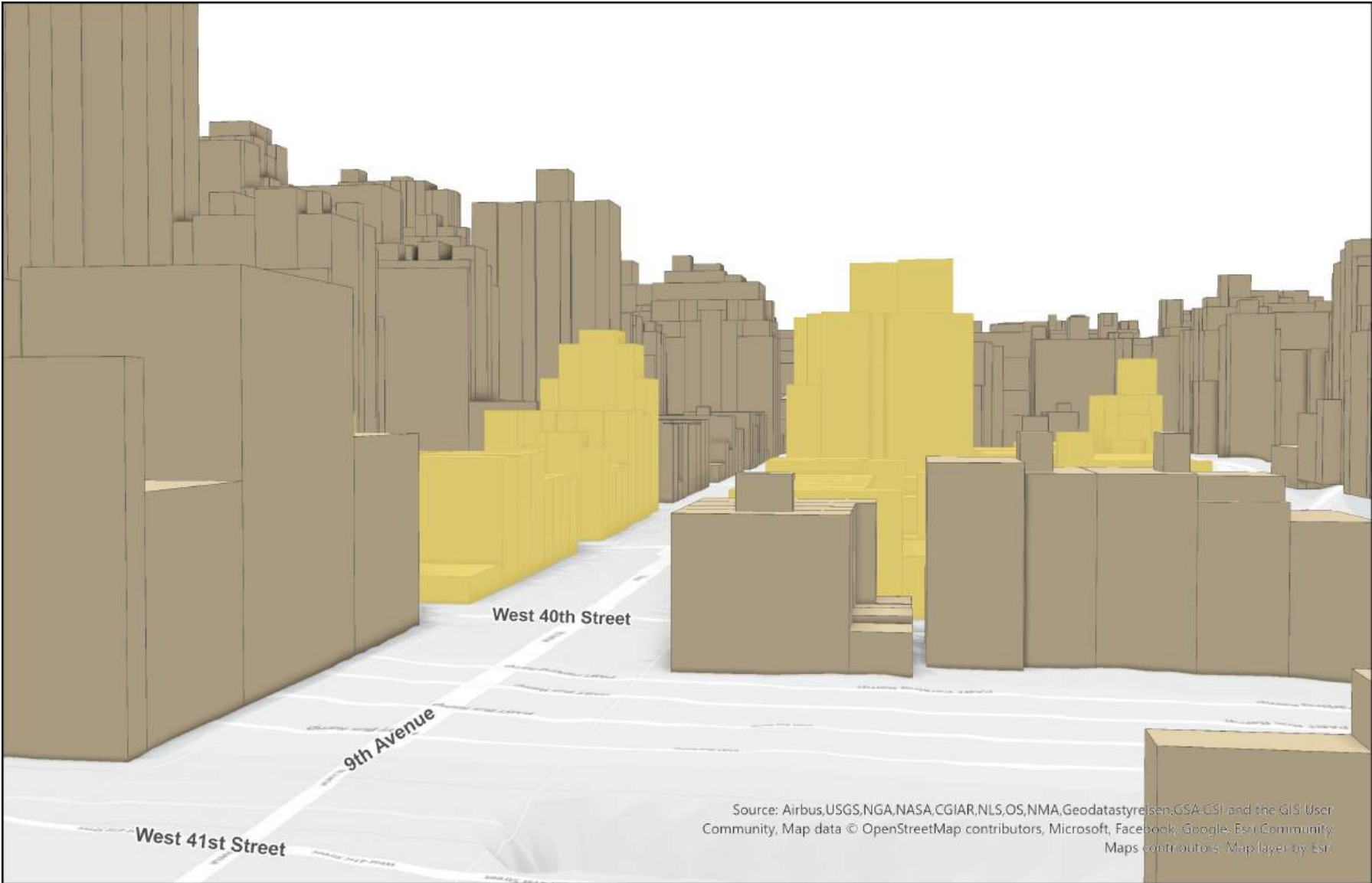
Maximum Under Proposed
Zoning with UAP
(100% Build)



Special Hudson Yards District

38th to 40th Street on 9th Avenue Looking South

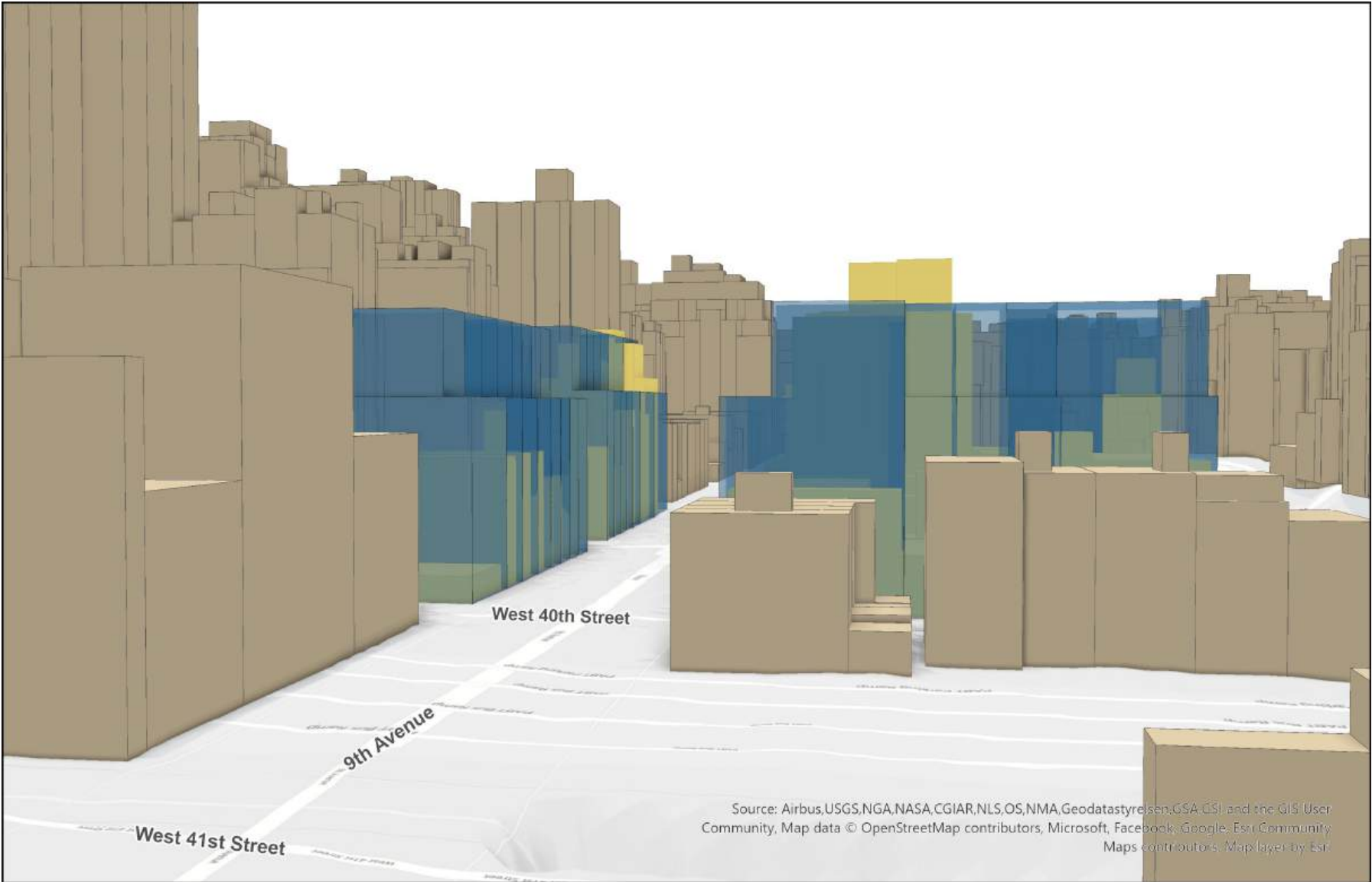
Existing Built Environment



Special Hudson Yards District

38th to 40th Street on 9th Avenue Looking South

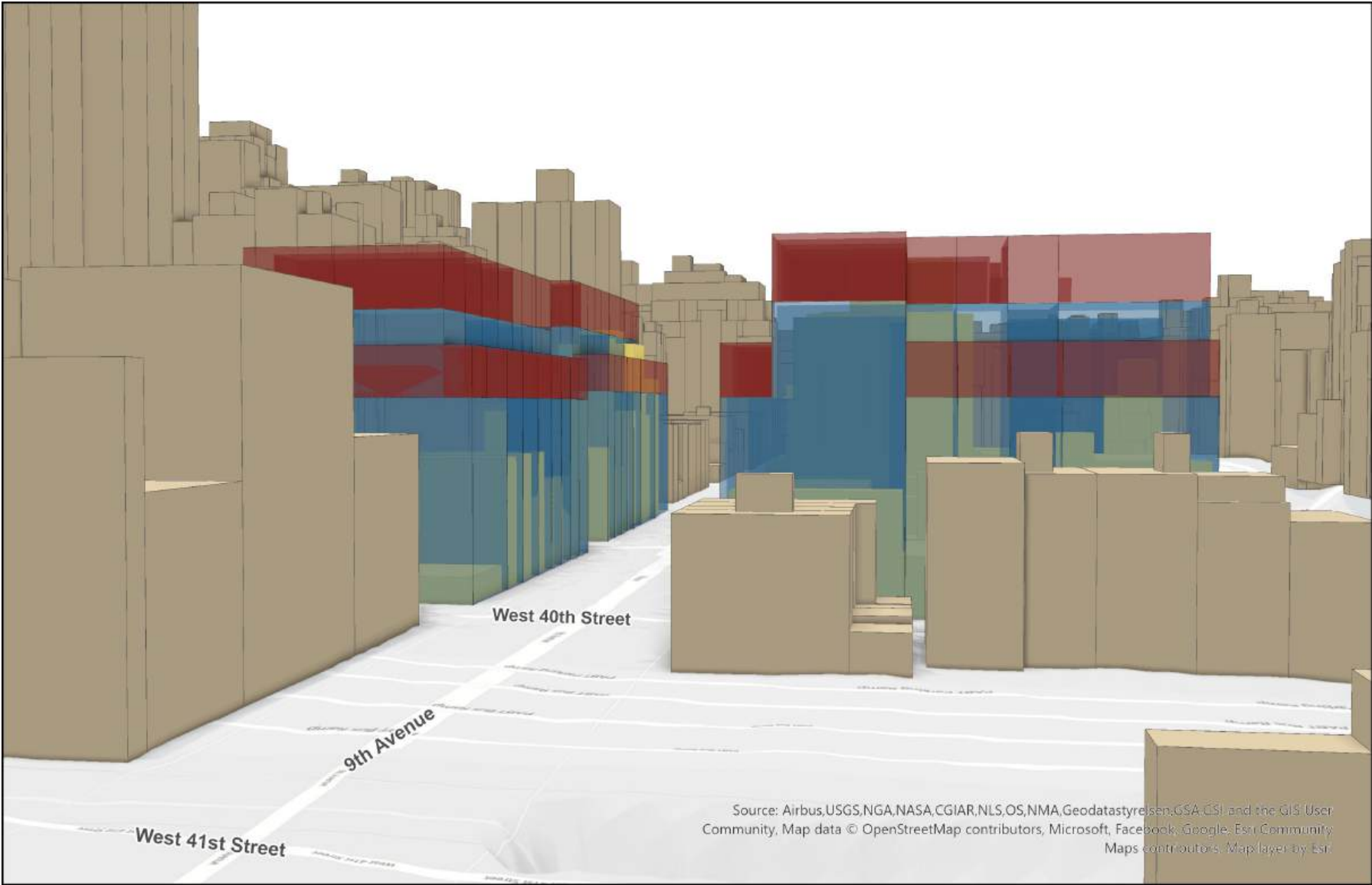
Maximum Under
Current Zoning
(100% Build)



Special Hudson Yards District

38th to 40th Street on 9th Avenue Looking South

Maximum Under Proposed
Zoning with UAP
(100% Build)



Special Clinton District Preservation Area (Subarea A)

From north to south:

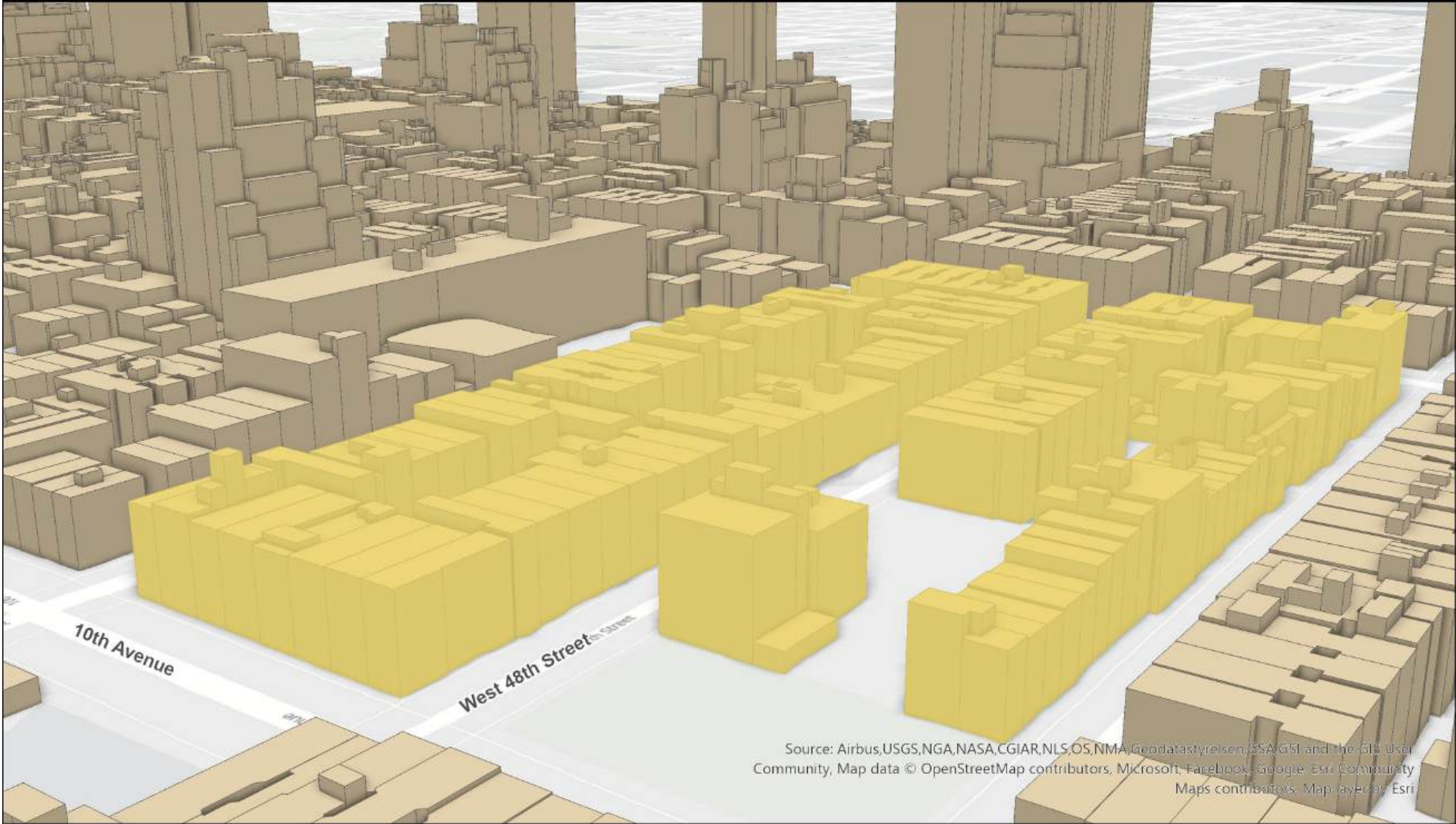
- West 47th to 49th Street between 9th and 10th Avenue
- West 43rd to 45th Street between 9th and 10th Avenue



Special Clinton District

47th to 49th Street between 9th and 10th Avenue

Existing Built Environment

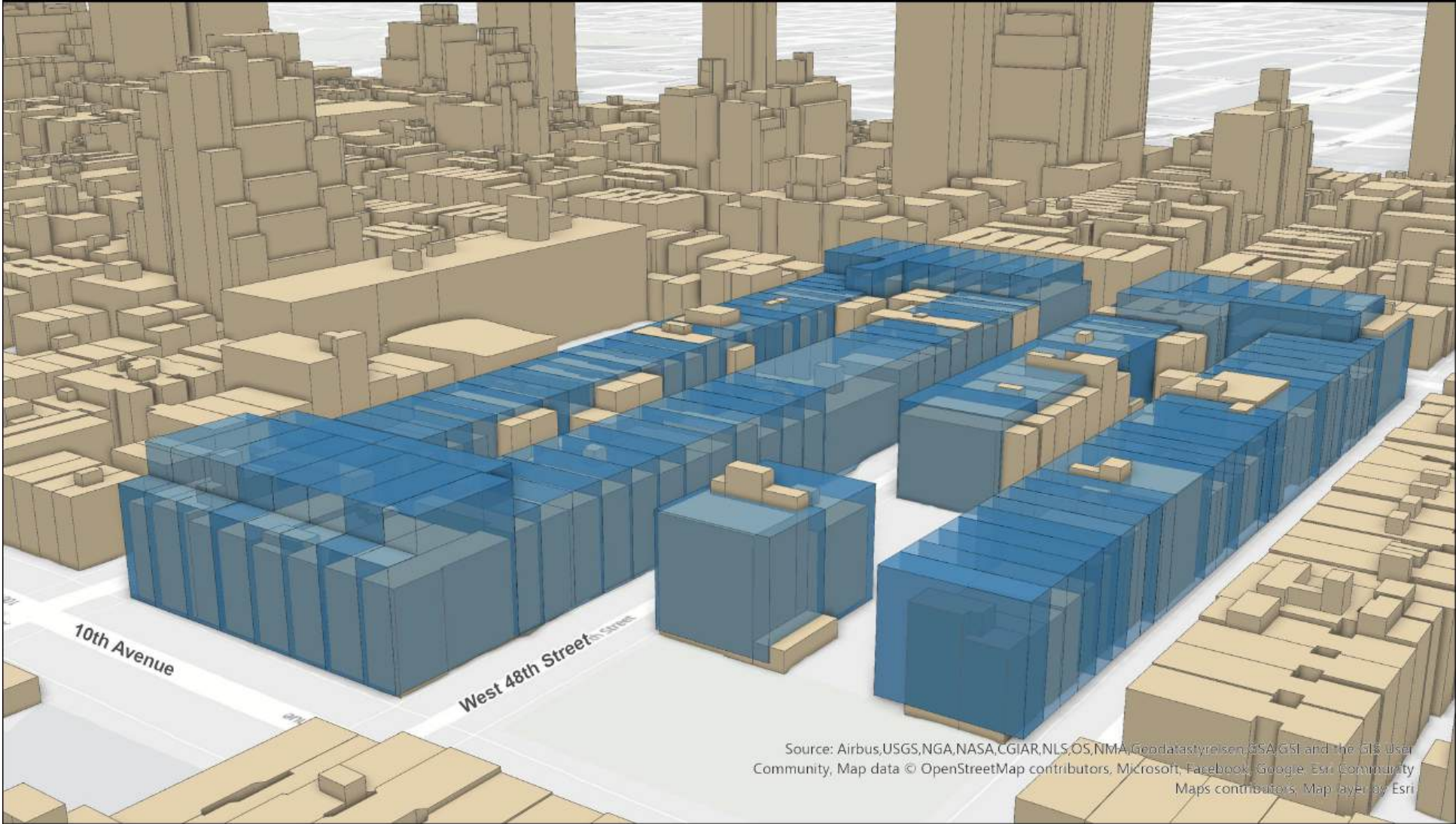


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Gendata, styreisen, ESA, GSI and the GIS user Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri, Community Maps contributors, Map layer by Esri

Special Clinton District

47th to 49th Street between 9th and 10th Avenue

Maximum Under
Current Zoning
(100% Build)

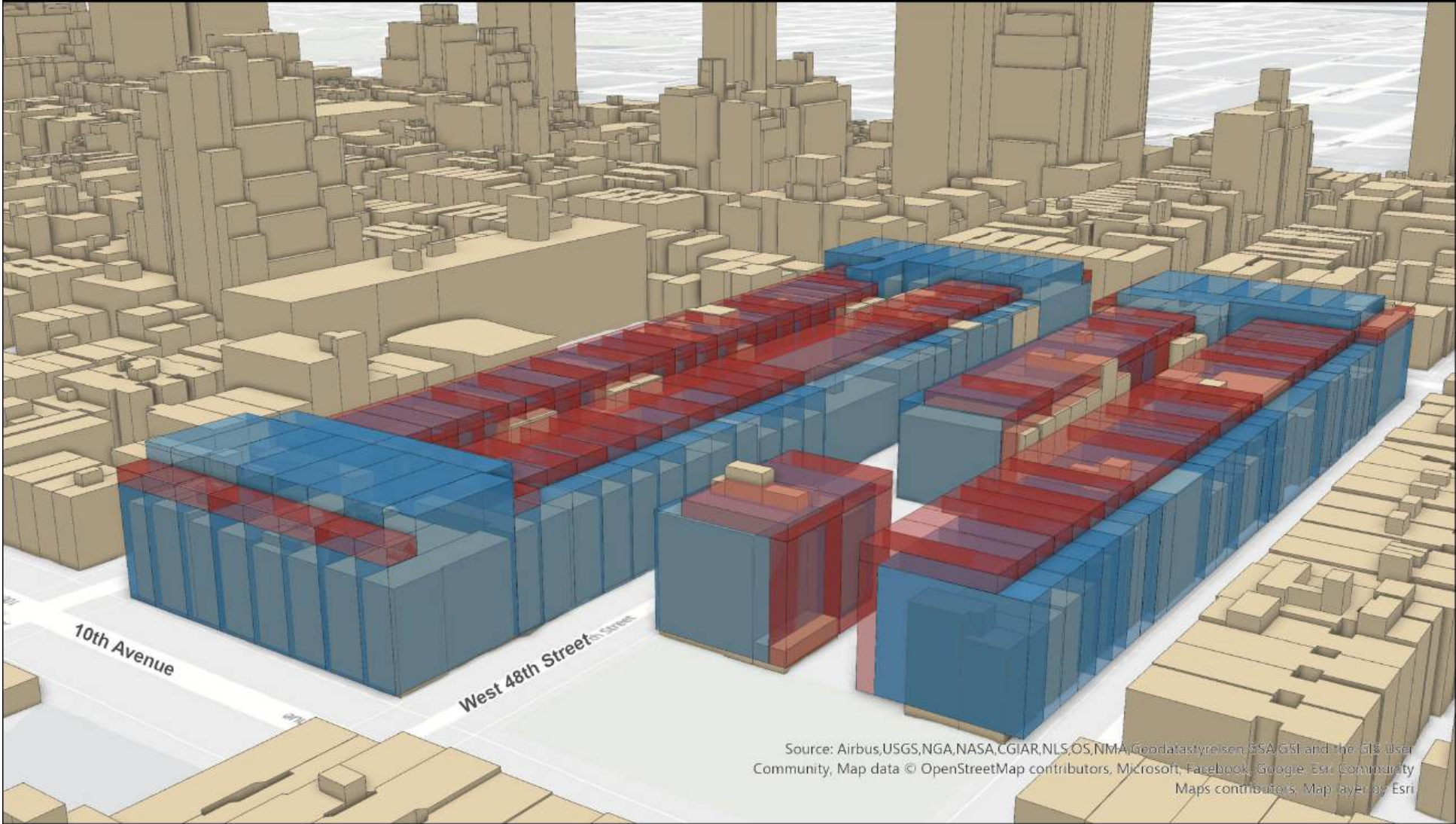


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Geodatastyrelsen, ESA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri, Community Maps contributors, Map layer by Esri

Special Clinton District

47th to 49th Street between 9th and 10th Avenue

Proposed New Maximum
Base and Building
Heights Without UAP
(100% Build)

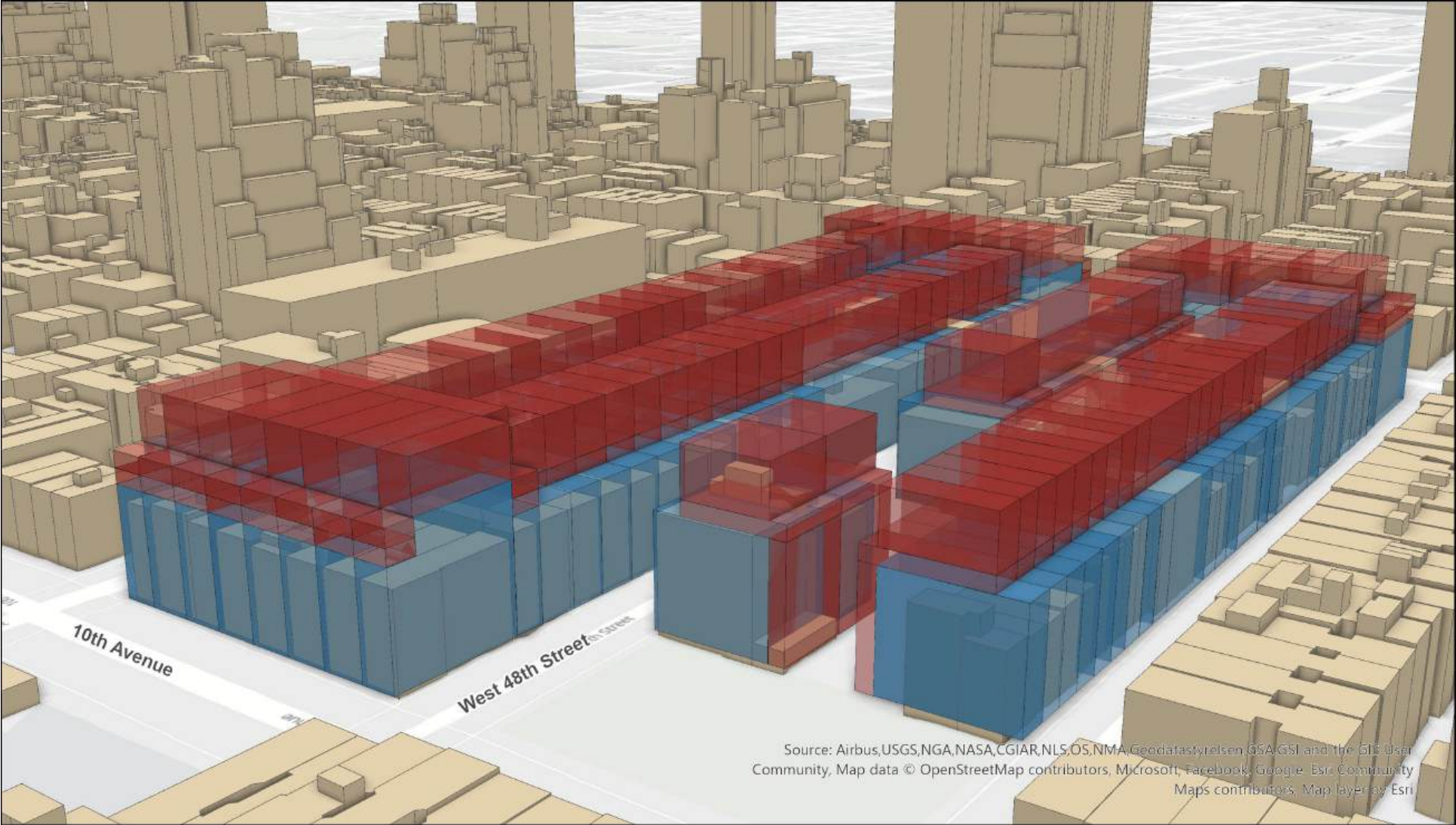


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Geodatastyrelsen, ESA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri, Community Maps contributors, Map layer by Esri

Special Clinton District

47th to 49th Street between 9th and 10th Avenue

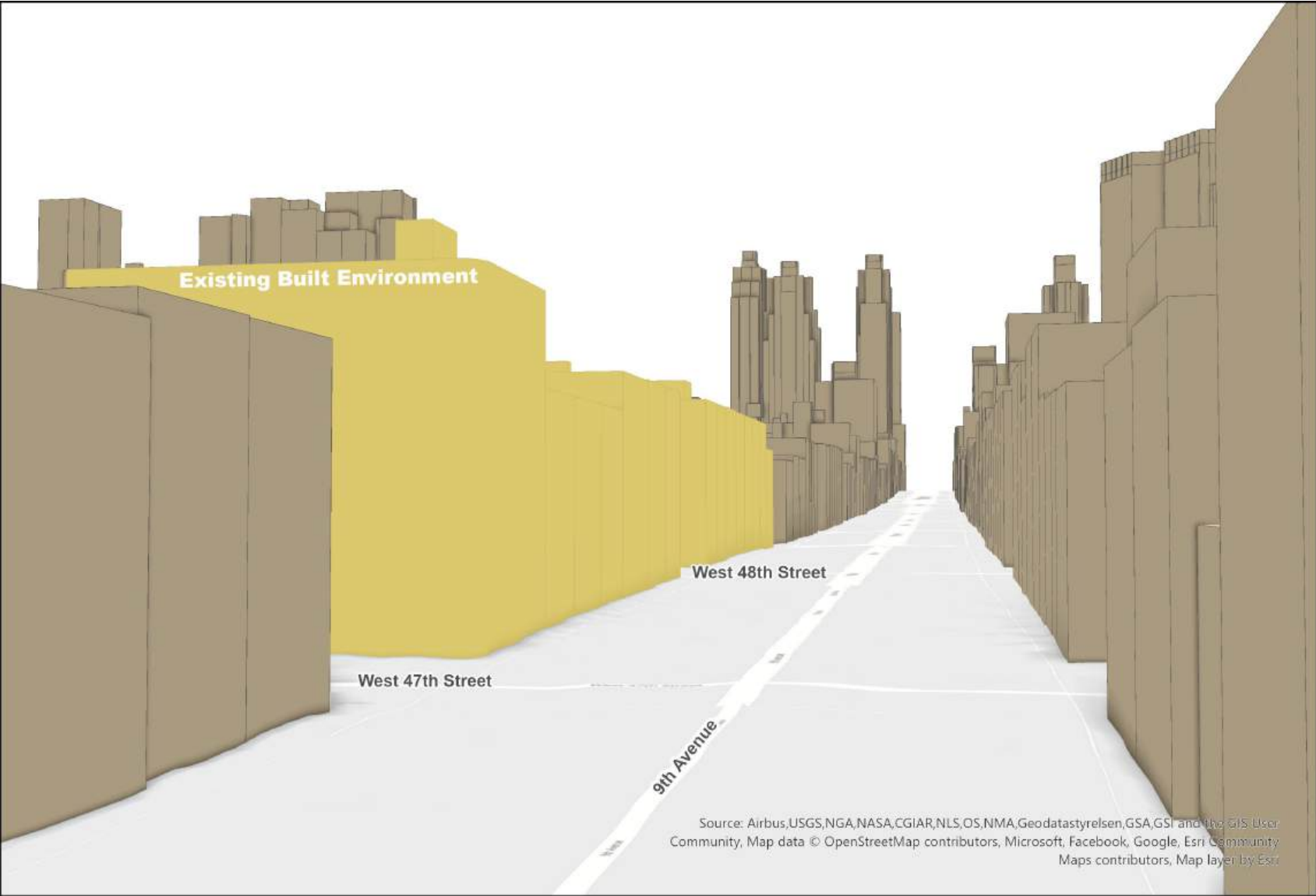
Maximum Under
Proposed Zoning with UAP
(100% Build)



Special Clinton District

West 47th to 49th Street on 9th Avenue

Existing Built Environment

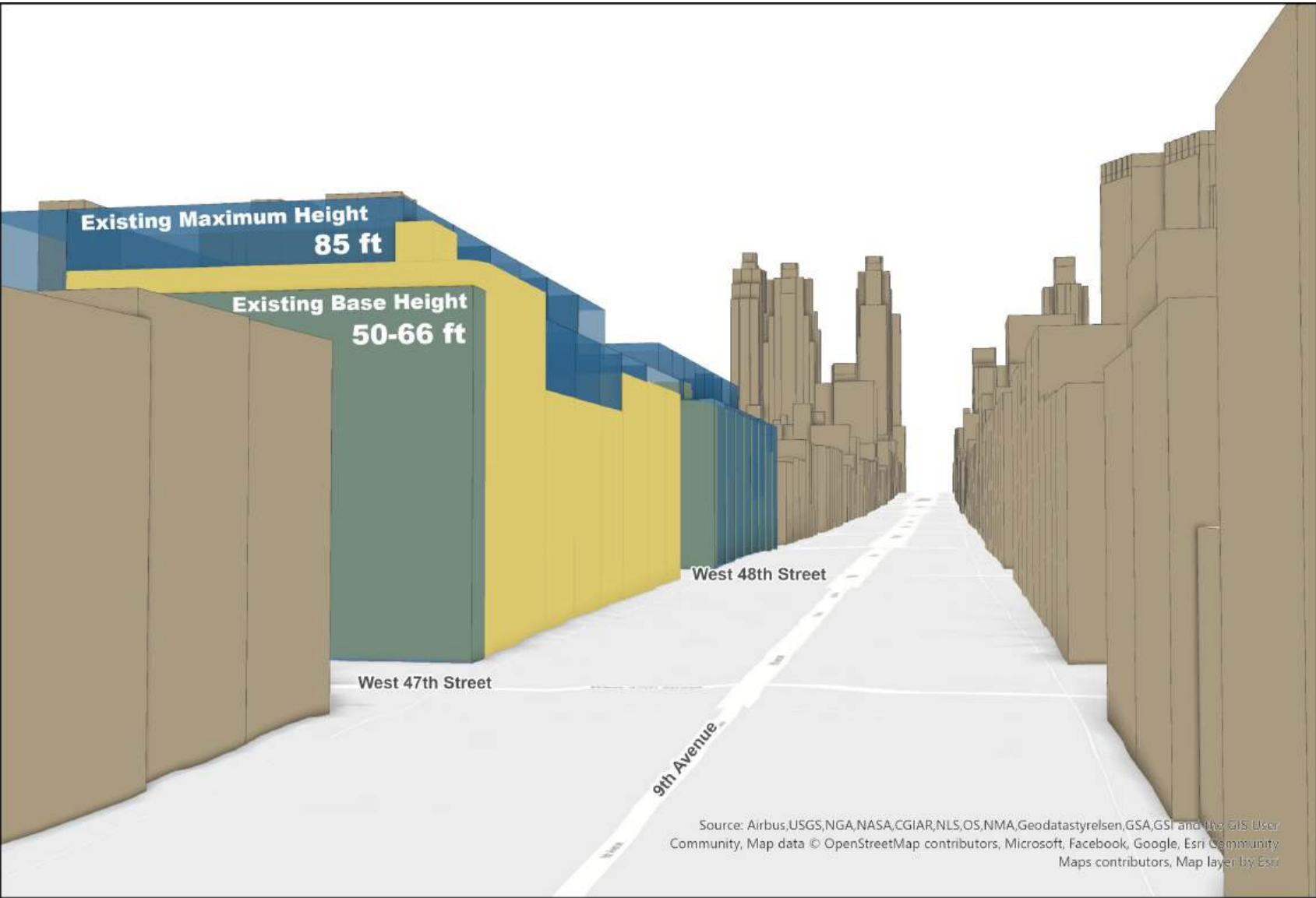


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

Special Clinton District

West 47th to 49th Street on 9th Avenue

Maximum Under
Current Zoning
(100% Build)

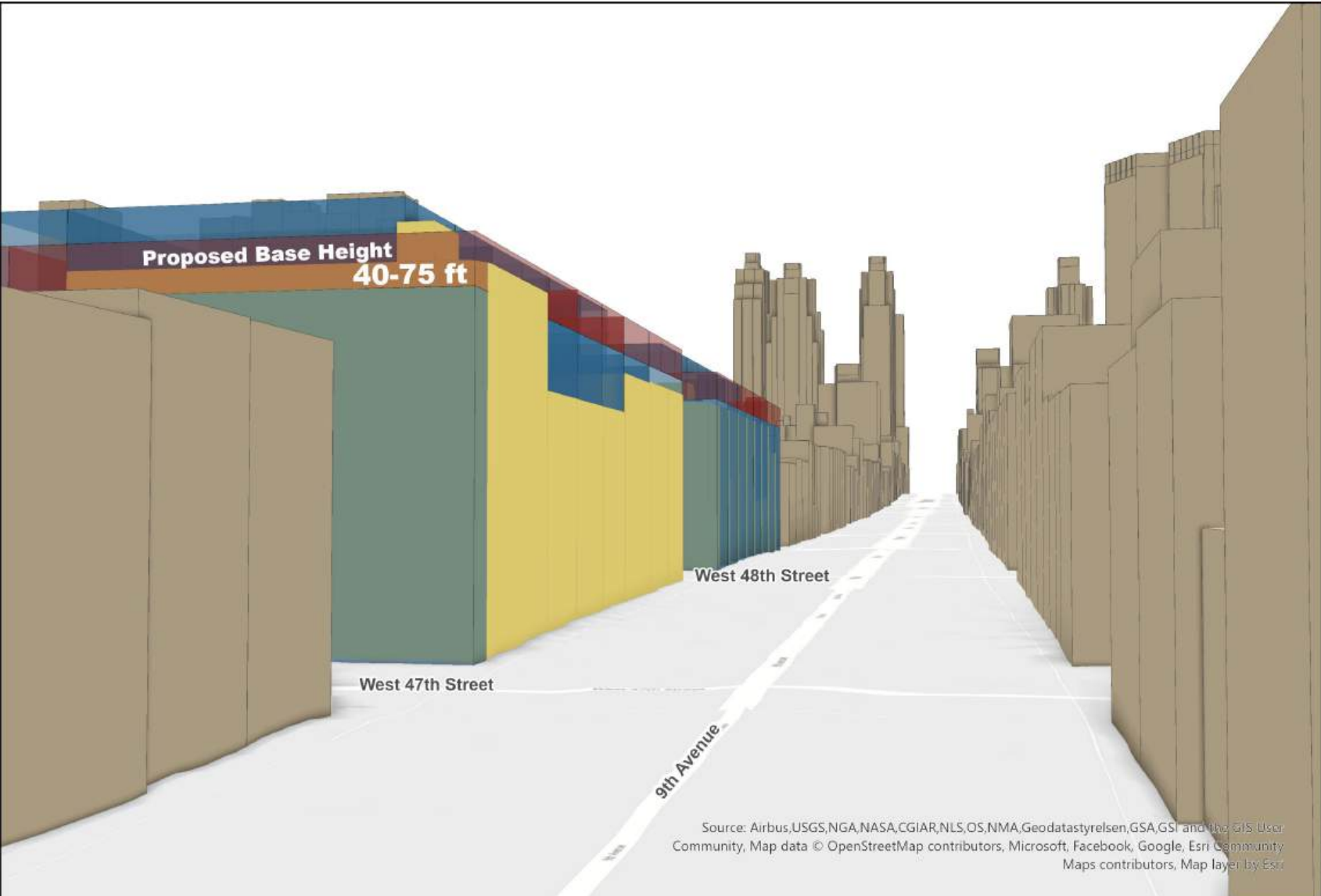


Special Clinton District

West 47th to 49th Street on 9th Avenue

Proposed New Maximum Base and Building Heights Without UAP

(100% Build)

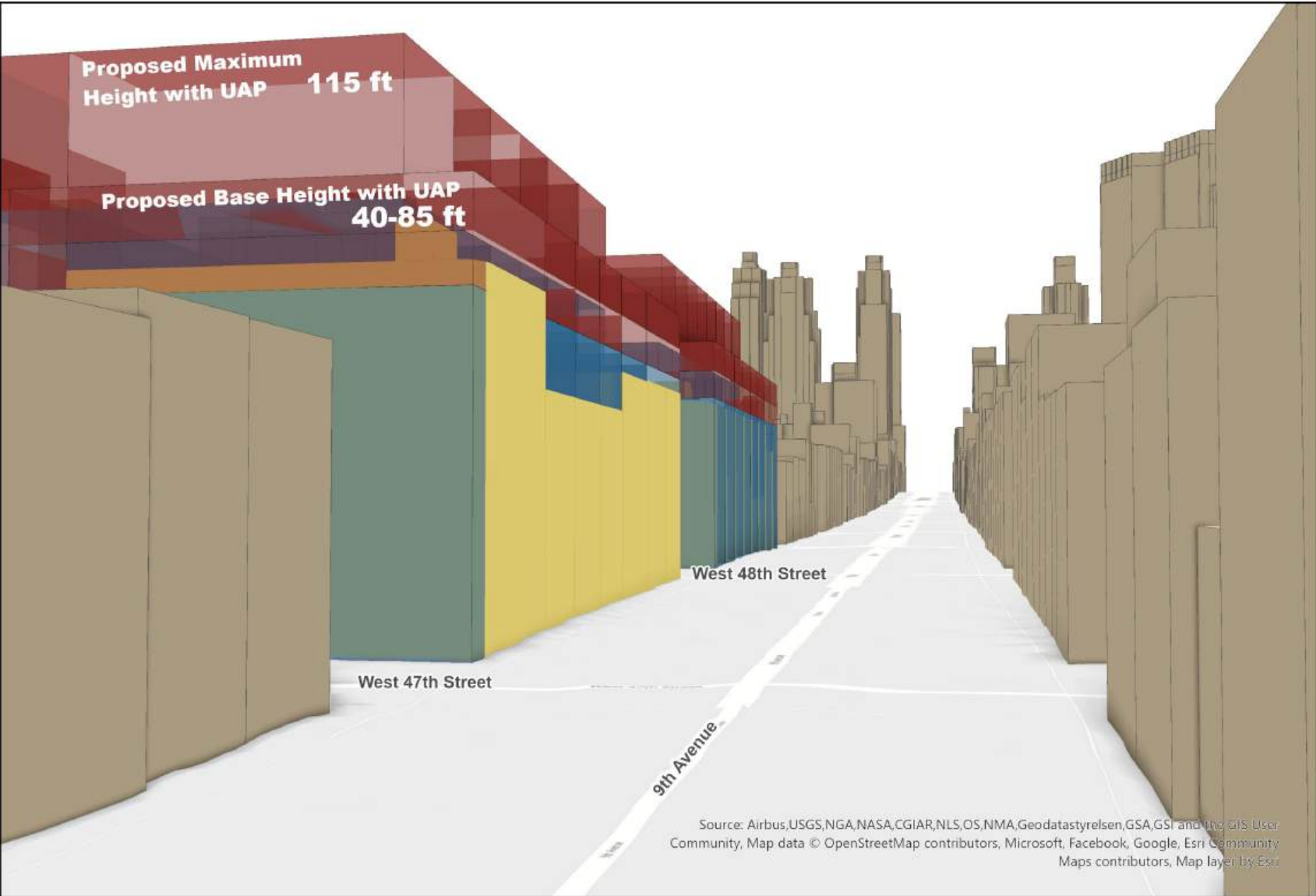


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

Special Clinton District

West 47th to 49th Street on 9th Avenue

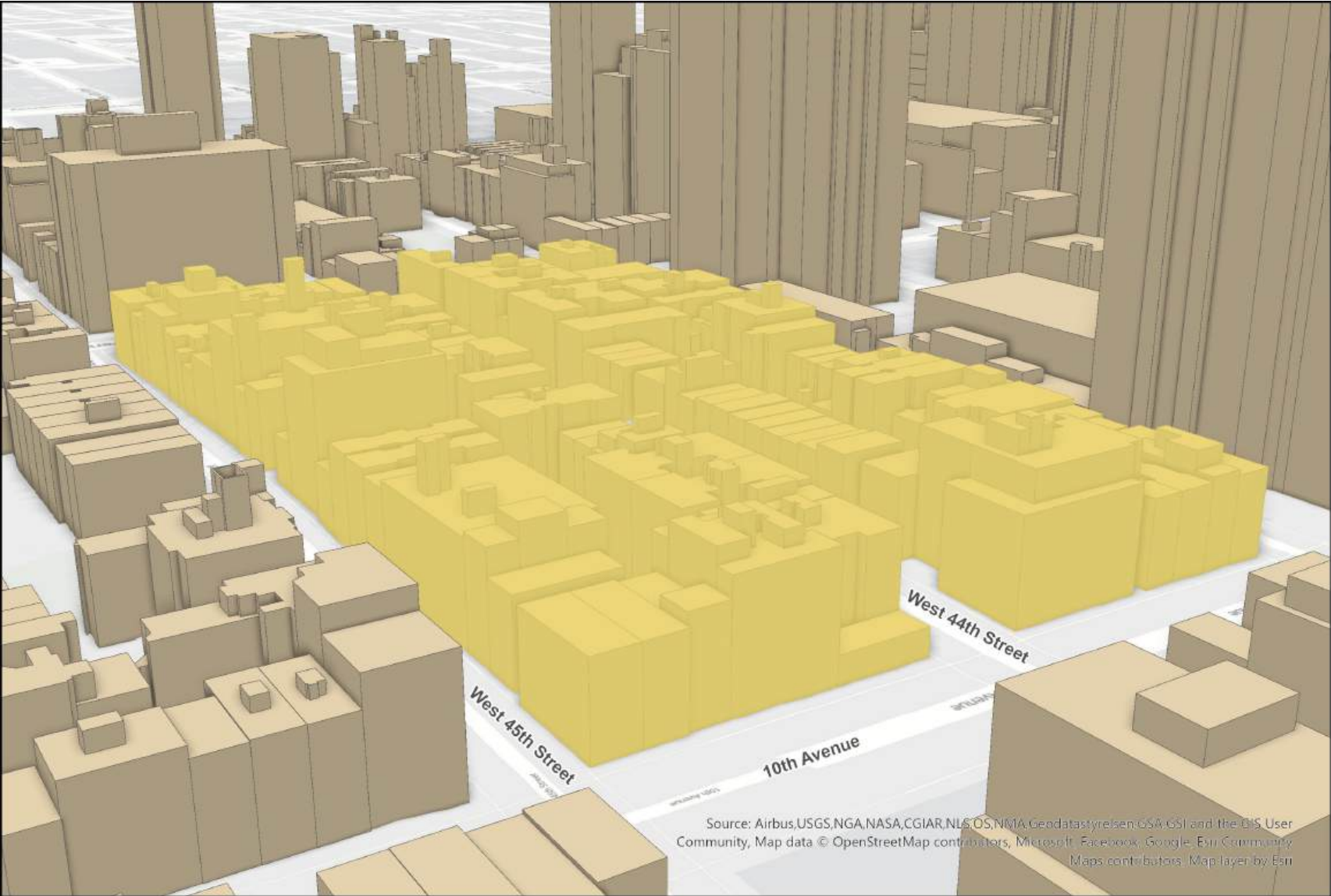
Maximum Under
Proposed Zoning with UAP
(100% Build)



Special Clinton District

43rd to 45th Street between 9th and 10th Avenue

Existing Built Environment

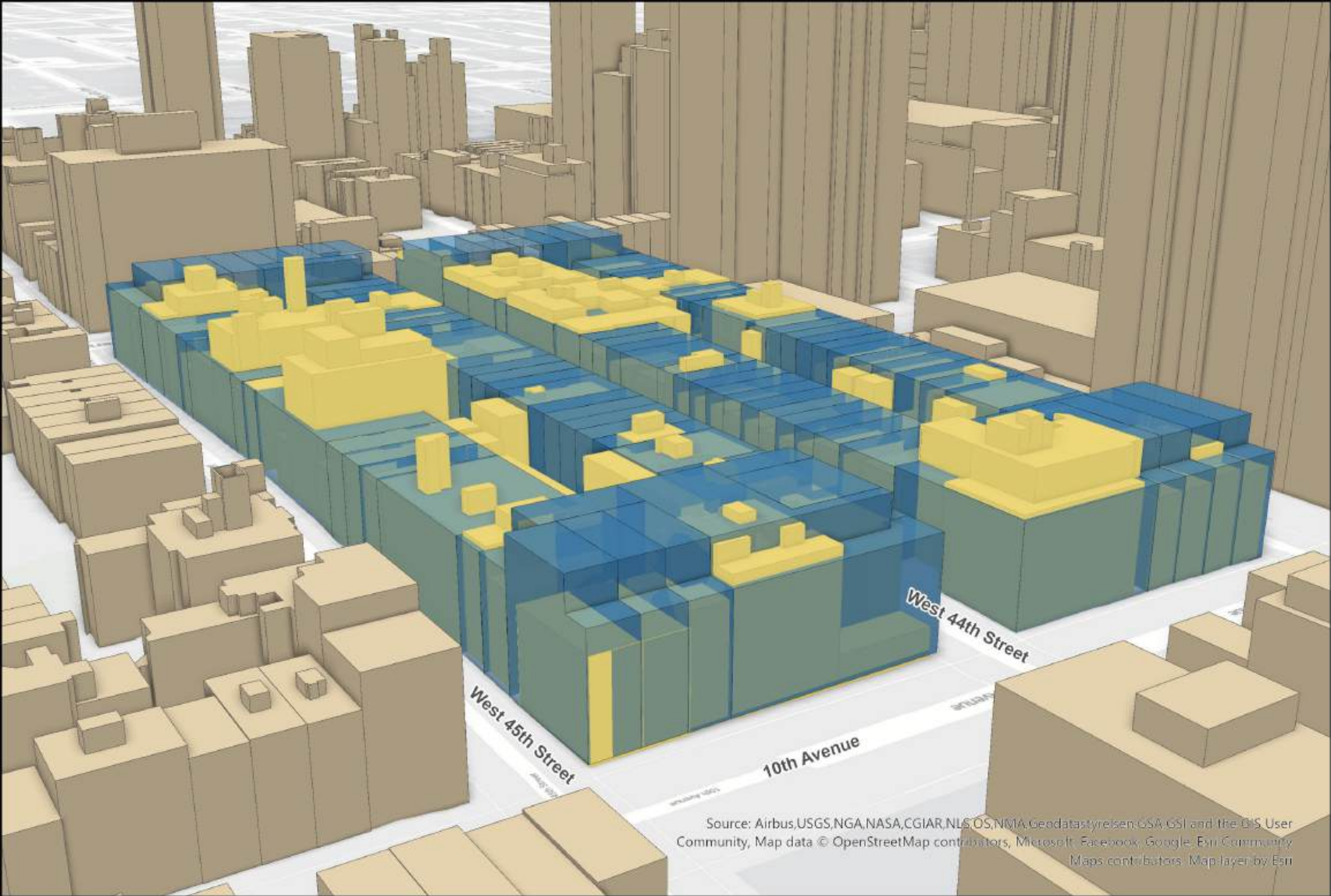


Source: Airbus, USGS, NGA, NASA, CGIAR, NLS, OS, NIMA, Geodatastyreisen, USA, GSI and the GIS User Community, Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

Special Clinton District

43rd to 45th Street between 9th and 10th Avenue

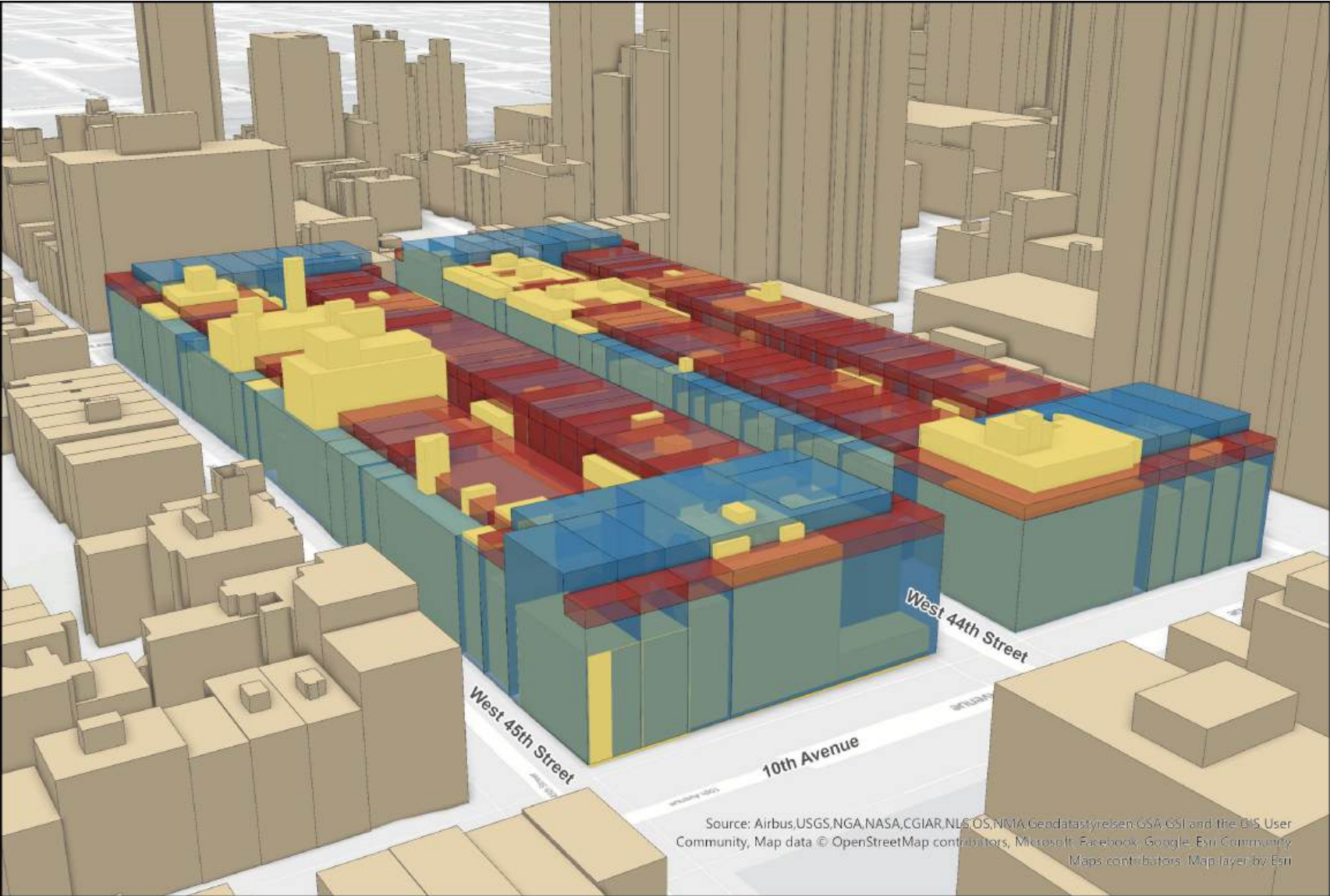
Maximum Under
Current Zoning
(100% Build)



Special Clinton District

43rd to 45th Street between 9th and 10th Avenue

Proposed New Maximum Base
and Building Heights Without UAP
(100% Build)

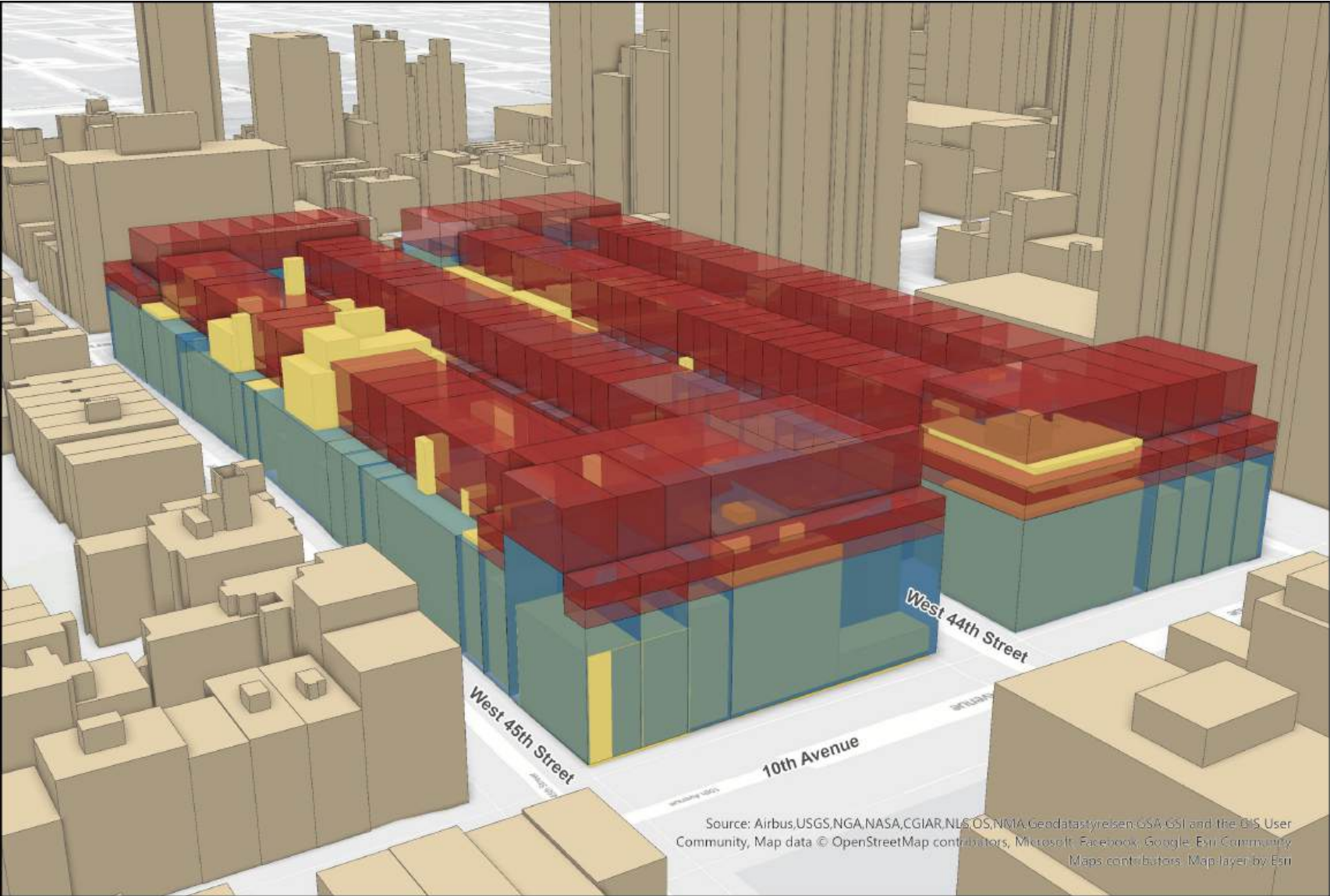


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Special Clinton District

43rd to 45th Street between 9th and 10th Avenue

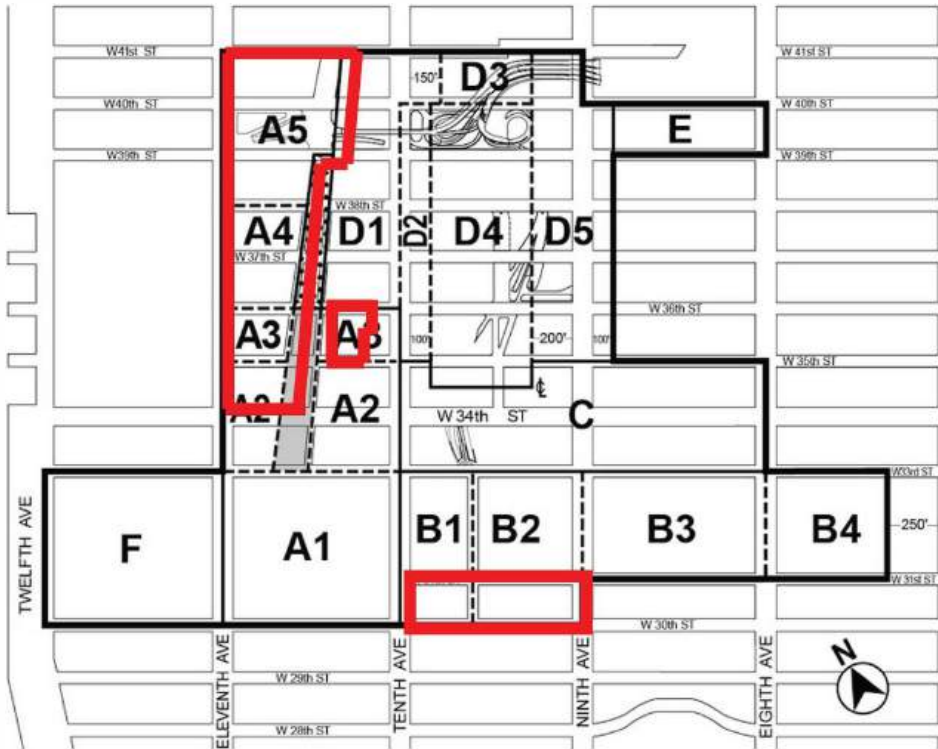
Maximum Under
Proposed Zoning with UAP
(100% Build)



**City of Yes for Housing Opportunity
Proposed Citywide Text Amendments**

APPENDIX D

Special Hudson Yards District Annotated Zoning Map



— Special Hudson Yards District (areas in **RED** refer to Table 14)

— Subdistricts

----- Subareas within subdistricts

■ Phase 1 Hudson Boulevard and Park

■ Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A

- Eastern Rail Yard Subarea A1
- Four Corners Subarea A2
- Subareas A3 through A5

Farley Corridor Subdistrict B

- Western Blocks Subarea B1
- Central Blocks Subarea B2
- Farley Post Office Subarea B3
- Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

- Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 34	# Against: 1	# Abstaining: 1	Total members appointed to the board: 48
Date of Vote: 7/11/2024 12:00 AM		Vote Location: 12 West 39th Street, NY NY	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/26/2024 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	450 7th Avenue, Suite 2109, NY NY 10123

CONSIDERATION: Please see a copy of CB5 resolution attached.

Recommendation submitted by	MN CB5	Date: 7/22/2024 10:30 AM
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Manhattan Community Board Five

Bradley Sherburne, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

July 17, 2024

Daniel Garodnick
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: City of Yes for Housing Opportunity

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, July 11, 2024, the following resolution passed with a vote of 34 in favor; 1 opposed; 1 abstaining:

WHEREAS, The City of Yes for Housing Opportunity (COYHO) proposed citywide zoning text amendment is the Department of City Planning’s third and final proposal under the City of Yes initiative; and

WHEREAS, The COYHO proposal is a significant amendment to the zoning regulations in the City of New York, impacting all five boroughs, including a range of neighborhoods from low-density homeowner neighborhoods to medium- and high-density neighborhoods; and

WHEREAS, Manhattan Community Board 5 (MCB5) supports citywide zoning reforms to enable the construction of more housing in general and affordable housing in particular with a wider range of housing types in neighborhoods throughout the city; and

WHEREAS, CB5 has consistently advocated for affordable housing in the past, and it has been repeatedly part of our top three needs in our district needs statements; and

WHEREAS, MCB5 believes comprehensive planning “dedicated to socio-economic equality and environmental justice”¹ to protect vulnerable residents and neighborhoods should come before citywide zoning resolutions are enacted; and

WHEREAS, NYC suffers from severe inequity, with some neighborhoods having life expectancies nearly 10 years lower than their adjacent communities²; and

¹ [Opinion: Top-Down Comprehensive Planning Will Further Empower Those on Top \(citylimits.org\)](https://www.citylimits.org/opinion/top-down-comprehensive-planning-will-further-empower-those-on-top)

WHEREAS, Previous NYC administrations focused on rezoning underrepresented and marginalized neighborhoods while, in some cases, downzoning or otherwise erecting barriers to new housing supply in wealthier neighborhoods; and

WHEREAS, The previous rezonings, some of which generated a large supply of housing, have not alleviated the housing crisis, and NYC is in an even worse situation with a current vacancy rate of only 1.7%; and

WHEREAS, The cost of housing has continued to climb and the vacancy rate has continue to fall even though “More than 180,000 new units of housing were built”³ under Bloomberg and “200,000 affordable homes were produced and preserved”⁴ under de Blasio; and

WHEREAS, Key moments in the history of NYC zoning amendments enacted to create more affordable housing sheds light on today’s affordable housing crisis; and

WHEREAS, Results from the rezonings under the Bloomberg Administration include the following:

- Bloomberg rezoned 37% of the city and “claimed credit for creating opportunities for high-density growth along subway corridors while preserving low-density neighborhoods”⁵
- The 2005 Greenpoint/Williamsburg rezoning, after 10 years in 2015 “added nearly 10,000 housing units, lost nearly 8 million sq ft of manufacturing uses while adding over 12 million sq ft of residential uses”⁵
- “Real median gross rent in Greenpoint/Williamsburg increased from \$1,200 in 2006 to \$2,330 in 2022. This represents a 94.2% increase over the same period. The overall rental vacancy rate in Greenpoint/Williamsburg was 2.3% in 2022”⁶
- “A decade later, the waterfront area’s white population increased by 45% compared to 2% decline citywide, while the area’s Latinx population declined by 27% compared to a 10% increase citywide”⁷
- “The large-scale upzoning in 2005 put in place affordable housing incentives that developers could opt into voluntarily and receive a density bonus in exchange”
- “These numbers point to the most explosive growth and most rapid displacement in New York City”⁸

² [Same City, but Very Different Life Spans - The New York Times \(nytimes.com\)](https://www.nytimes.com/2018/05/14/us/politics/new-york-city-rezoning.html)

³ [The quiet, massive rezoning of New York - POLITICO](https://www.politico.com/news/2018/05/14/new-york-rezoning-quiet-massive-000000)

⁴ [The Truth About Neighborhood Rezonings, Housing, and Demographic Change \(gothamgazette.com\)](https://www.gothamgazette.com/2018/05/14/the-truth-about-neighborhood-rezonings-housing-and-demographic-change/) ⁵ [Reshaping New York - Interactive Feature - NYTimes.com](https://www.nytimes.com/2018/05/14/us/politics/new-york-city-rezoning.html)

⁵ [Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg’s New York City](https://www.nytimes.com/2018/05/14/us/politics/new-york-city-rezoning.html)

⁶ [Greenpoint/Williamsburg Neighborhood Profile – NYU Furman Center](https://www.nyu.edu/greenpointwilliamsburg/neighborhood-profile/)

⁷ [Criticizing De Blasio Rezonings, Williams Introduces 'Racial Impact Study' Requirement \(gothamgazette.com\)](https://www.gothamgazette.com/2018/05/14/criticizing-de-blasio-rezonings-williams-introduces-racial-impact-study-requirement/)

WHEREAS, Results from the rezonings under the de Blasio Administration include the following:

- During the de Blasio Administration, six low-income neighborhoods out of the proposed 15 were rezoned including East New York, Downtown Far Rockaway, East Harlem, Jerome Avenue and Inwood⁹
- “Most of the rezonings pursued by the administration have been in low-income communities of color and advocates say that has exacerbated gentrification while also refusing to ask more affluent and white communities to allow more housing in their neighborhoods”¹⁰
- “Not a single one of the 9,902 apartments built in 21 MIH [Mandatory Inclusionary Housing] projects in neighborhoods with average incomes under 40% of AMI [Area Median Income] would be affordable to the typical local resident—let alone anyone making less than the neighborhood average—without an additional subsidy”¹¹
- For MIH units since 2021, “In only 23 percent of projects were a majority of “affordable” units affordable to average local residents”¹²“The median sale price for a home in East New York’s predominant ZIP code, 11207, rose by \$25,500 from 2014 to 2015, to \$275,000”¹³
- “A report from the Center for NYC Neighborhoods ranked East New York [No. 1 in house flipping](#) based on [246 flips](#) of one- to four-family homes in 2017, up from 94 in 2015”¹⁵
- “Community Board 11 voted against the East Harlem rezoning but said they would be able to accept a more modest rezoning under certain conditions, including that 20 percent of new residential units are made available to households making less than \$25,770 for a family of three and 30 percent are for families making between \$25,770 and \$103,080”
- As of 2020 “East Harlem has seen no affordable housing units produced under the mandatory inclusionary housing mechanism in the rezoning area”¹⁶
- In the final deal reached in the 2017 rezoning, “East Harlem will be one of the focus areas for the pilot “certificate of no harassment” pilot, which will require landlords seeking to renovate or develop their properties to prove they have not harassed tenants”¹⁷
- “East Harlem is also one of the areas targeted for the city’s new Landlord Ambassador pilot, which funds community organization to reach out to small landlords and provide them with information about HPD’s affordability programs”¹⁸

⁸ [Game of Zones: Neighborhood Rezoning and Uneven Urban Growth in Bloomberg’s New York City](#)

⁹ [A New Year’s Update on the de Blasio Rezoning \(citylimits.org\)](#)

¹⁰ [Criticizing De Blasio Rezoning, Williams Introduces ‘Racial Impact Study’ Requirement \(gothamgazette.com\)](#)

¹¹ [De Blasio’s Housing Legacy In 9 Graphics | Community Service Society of New York \(cssny.org\)](#)

¹² [De Blasio’s Housing Legacy In 9 Graphics | Community Service Society of New York \(cssny.org\)](#)

¹³ [East New York’s transformation has started after Mayor Bill de Blasio’s call for rezoning. Who owns the blocks that are benefiting? | Crain’s New York Business \(crainsnewyork.com\)](#)

WHEREAS, Displacement occurred in previous rezonings and may happen again when the Area Median Income (AMI) does not align with the local neighborhood resident’s AMI; and

WHEREAS, The proposed average income AMI of 60% across the city does not create stable housing for individuals and family in neighborhoods like Midtown that has a higher average AMI than the rest of the city and low-income neighborhoods like East Harlem and the South Bronx that have a significantly lower AMI; and

WHEREAS, MCB5 is concerned that market rate developers may not utilize UAP even with the floor area boost and the new 485-x Affordable Neighborhoods for New Yorkers Tax Incentive program; and

WHEREAS, Between 2014 and 2021, MCB5 created a total of 332 new affordable housing units and preserved 1,074 affordable housing units and created a total of 3,280 affordable and market-rate housing units¹⁹; and

WHEREAS, The 332 affordable housing units represent only 3% of Manhattan's total affordable housing share during that time²⁰; and

WHEREAS, MCB5 is concerned about housing being treated as a commodity and the highly speculative nature of land values in NYC's globalized real estate market; and

WHEREAS, MCB5 states that relying on the market and government-funded affordable housing alone as seen in previous rezonings may not create the necessary affordability for over half of New Yorkers, including middle-income New Yorkers who are more predominant in our district; and

WHEREAS, individuals with disabilities in New York City face significant housing challenges, particularly those relying on SSI, SSDI, or public assistance, which often do not cover the costs of market-rate housing in the city; and

15 [Seven Years In, East New York Rezoning Hasn’t Panned Out \(therealdeal.com\)](https://therealdeal.com)
16 [4 Months After Rezoning, East Harlem Stakeholders Remain Vigilant \(citylimits.org\)](https://citylimits.org)
17 [4 Months After Rezoning, East Harlem Stakeholders Remain Vigilant \(citylimits.org\)](https://citylimits.org)
18 [4 Months After Rezoning, East Harlem Stakeholders Remain Vigilant \(citylimits.org\)](https://citylimits.org)
19 [Manhattan CB2 May 15, 2024 Land Use 2 Committee \(youtube.com\)](https://youtube.com)
20 [Manhattan CB2 June 24, 2024 Land Use 2 Committee \(youtube.com\)](https://youtube.com)

WHEREAS, the lack of accessible housing further compounds this issue, with much of the existing housing stock not meeting accessibility standards, and new accessible apartments built with government subsidies often having income requirements beyond what is provided by SSI; and

WHEREAS, the need for independent housing options, such as ordinary apartments, is crucial for individuals with disabilities, yet the available affordable options like supportive housing may not fully meet this need; and

WHEREAS, a 2001 HUD report highlighted the ongoing challenge of poverty-level incomes for individuals on SSI, with incomes remaining below 20% of the Area Median Income (AMI); and

WHEREAS, MCB5 believes that “soaring real estate markets have created a worldwide housing crisis”¹⁴ and will continue to plague NYC unless substantial changes and innovative solutions are implemented to solve this urgent issue; and

WHEREAS, While zoning is only one tool to alleviate the housing crisis, it must go hand in hand with other mechanisms including solutions such as tax reform, streamlined permitting processes, investment in the development of affordable housing, incentives for market-rate developers to build low-income and affordable housing, and policies to address rent stabilization, rent control, and tenant protections; and

WHEREAS, Due to lessons learned from previous neighborhood rezonings during the de Blasio and Bloomberg administrations, MCB5 is asking that any citywide rezoning proposals must include stronger affordability mandates, strong anti-displacement measures, mechanisms to promote diverse property ownership, guaranteed infrastructure improvements, meaningful community input processes, annual and comprehensive data collection and analysis of rezoning results reported and reviewed at regular meetings with community boards; and

WHEREAS, In regards to championing affordability mandates, MCB5 has consistently supported increasing opportunities for affordable housing, recognizing that 52% of NYC’s residents are rent burdened, spending more than 30% of their income on rent, and 30% of residents are severely rent burdened, spending more than 50% of their income on rent¹⁵; and

WHEREAS, The COYHO solution to affordable housing is focused on incentives with no mandates except for Mandatory Inclusionary Housing, which has not proven successful, as “Only 2,065 MIH affordable housing units have been approved since 2020”¹⁶; and

¹⁴ [Lessons From a Renters’ Utopia - The New York Times \(nytimes.com\)](https://www.nytimes.com/2018/05/16/nyregion/renters-utopia.html)

¹⁵ [Spotlight: New York City’s Rental Housing Market : Office of the New York City Comptroller Brad Lander \(nyc.gov\)](https://www.nyc.gov/spotlight/new-york-citys-rental-housing-market)

¹⁶ [How Has de Blasio's Inclusionary Zoning Program \(MIH\) Fared? | Manhattan Institute](https://www.manhattaninstitute.org/analysis/how-has-de-blasios-inclusionary-zoning-program-mih-fared)

WHEREAS, MCB5 asserts that the COYHO plan does not go far enough to solve the housing affordability crisis that burdens a majority of New Yorkers; and

WHEREAS, MCB5 acknowledges that alleviating the housing crisis is critical for protecting against workforce displacement and ensuring stable housing for residents to remain in their communities; and

WHEREAS, MCB5 acknowledges that while addressing the housing crisis necessitates the substantial construction of new units as a critical strategy, it is only one component of the comprehensive solution required; and

WHEREAS, for stronger affordability mandates, there are precedents in other cities where a certain percentage of units are required to be affordable, and this would be the board's preference for larger projects that would allow a new affordability mandate to pencil out but we understand there might be financial challenges to that; and

WHEREAS, Because condominiums are now the prevalent housing type constructed in CD5 and other high density districts in Manhattan, UAP should be expanded to be eligible for affordable housing production in condominium projects; and

WHEREAS, MCB5 has consistently advocated for open space as a vital amenity throughout the district and has requested that redeveloped sites in the East Midtown Rezoning include either outdoor plaza space or covered pedestrian space¹⁷; and

WHEREAS, Districts like Queens Community Board 2 (QCB2) and “Long Island City have experienced massive new housing construction over the past 20 years, significantly exceeding their "fair share" of city-wide housing development”, and “To date the city has not implemented sufficient infrastructure improvements in [...] additional park space to support this population growth”¹⁸; and

WHEREAS, with the recent public health crisis and the mental health issue that the city is facing, access to public open space and nature is more important than ever; and

WHEREAS, CB5 has 0.4 acre of open space per 1,000 residents compared to the citywide average of 1.8 acres¹⁹; and

WHEREAS, Amenities that complement public spaces, such as public bathrooms, are crucial for ensuring accessibility for everyone; and

WHEREAS, Councilmember Brewer noted in last month’s full board meeting that recent Parks Department public bathrooms cost \$13 million and \$10 million; and

¹⁷ [CB5 East Midtown Rezoning Resolution](#)

¹⁸ QCB2 Land Use Committee COYHO resolution

¹⁹ [NY4P-Profiles MN5.pdf](#)

WHEREAS, Last year, MCB5, along with MCB1 and MCB4, passed resolutions and a letter of support to require public bathroom access for Privately Owned Public Spaces (POPS) over 10,000 square feet, as food amenities are required for spaces of this size²⁰; and

WHEREAS, Public-private partnerships are essential to ensure our district receives the diverse infrastructure needed with this upzoning; and

WHEREAS, in taking away community assessment, this plan fails to assess or even account for the impact of new housing on communities, including the need for additional infrastructure like hospital beds, school seats, and other essential services. This oversight can lead to strained resources and diminished quality of life.

WHEREAS, MCB5 will be transitioning from commercial to residential zoning with the COYHO rezoning and the upcoming Midtown South rezoning, making access to schools and community facilities essential to support this neighborhood; and

WHEREAS, The elimination of parking requirements proposed in COYHO allows the option of providing parking in future projects and aligns with the city's sustainability initiatives; and

WHEREAS, the zoning resolution withholds relief from existing buildings to remove excess parking which could be put to better use as affordable housing; and

WHEREAS, COYHO also proposes that existing buildings can apply for a permit to add parking, which expands the ability to permit additional parking compared to current "as of right" permits that can only be requested by new buildings; and

WHEREAS, This allowance could be useful for residential conversions but creates the potential for the Manhattan Core to have net additional parking in both new and existing buildings, which could undermine the purpose of lifting parking mandates; and

WHEREAS, Curb cuts and garage doors will change the streetscape of Midtown and the effect on ground floor street activity will be impacted; and

WHEREAS, The New York City Charter establishes Community Boards and outlines their critical role in land use decisions, particularly through Section 197-c which mandates the Uniform Land Use Review Procedure (ULURP) for many land use actions, and the COYHO proposal's reduction of ULURP reviews, granting of as-of-right powers to developers, expansion of landmark air-rights transfers, and removal of special permits may reduce community oversight; and

WHEREAS, The proposed changes in COYHO represent a shift in the role of Community Boards and local oversight in the development process, potentially reducing crucial community input and local knowledge in shaping our neighborhood's future; and

²⁰ [CB5 Resolution - Proposed Text Amendment to Provide Access to Public Bathrooms in POPS \(airtableusercontent.com\)](https://airtableusercontent.com)

WHEREAS, MCB5 chose not to fill out the form provided by DCP, as it does not provide us the opportunity to state our concerns in a nuanced manner with this massive zoning text amendment; and

WHEREAS, MCB5 did not discuss all of the issues contained in the massive zoning text amendment given we had only 60 days to provide our comments; and

WHEREAS, MCB5 is in favor of the general goal of providing more housing and in particular more affordable housing in CB5; and therefore be it


RESOLVED, MCB5 approves the proposed City of Yes for Housing Opportunity zoning text amendments with the following stipulations:

1. Address the needs of rent-burdened residents, which constitutes more than half of all city households, by the creation and enforcement of stronger affordability mandates, beyond current and future MIH zoned areas by, for example, requiring a meaningful percentage of units (similar to UAP's percentage) in projects that utilize proposal's text amendment 75-25 (as-of-right increases in height and bulk for existing buildings) and establish a minimum amount of affordable units for all projects over a certain size (very large conversions).
2. Implement comprehensive tenant protection programs and more ownership opportunities in all neighborhoods to prevent displacement, drawing from past pilot programs and incorporating lessons learned and neighborhood-specific needs.
3. Adjust Area Median Incomes (AMIs) for affordable housing to reflect local neighborhood levels, preventing displacement and ensuring stable housing for existing residents.
4. Extend the proposed 10-year sunseting of the Voluntary Inclusionary Housing for condominium developments until the Department of City Planning (DCP) develops a comparable program for the Comprehensive Housing Opportunity (CHO) zoning mechanism. This should allow newly constructed condominium projects in R-10 Districts, IH Designated Areas, and Special Districts to receive a density bonus in return for the new construction, substantial rehabilitation, or preservation of permanently affordable housing.
5. Condition the proposal's expanded radius of possible landing sites for the transfer of unused development rights by individual landmark to be limited to only residential and community facility uses (and not for commercial or manufacturing uses).
6. Condition the proposal's as-of-right mechanism for Landmark transfer of development rights on housing developments that would include affordable housing that would be comparable to the UAP minimum.
7. In alignment with the City's goals of carbon neutrality and prioritizing housing over parking, condition the proposal's text amendments for 13-431, 13-442, and 13-45 (new and expanded parking) to not allow the elimination of dwelling unit space and we ask that both the

As of Right parking space formula and the As of Right 15 parking space maximum be lowered to a significantly smaller percentage of dwelling units.

8. Require Very High-density Developments (VHD) utilizing the 12.0 Floor Area Ratio (FAR) to provide 10,000 square feet of Privately Owned Public Space (POPS).
9. Mandate that POPS over 10,000 square feet and serving food provide access to public bathrooms.
10. Ensure the zoning text includes provisions for new schools, additional healthcare facilities, and other community facilities in our district.
11. Establish a publicly accessible transfer of development rights database.
12. Annual and comprehensive data collection and analysis of rezoning results.
13. An amendment is necessary to address the urgent housing needs of individuals with disabilities in New York City. This amendment calls for increased efforts to develop affordable, accessible housing options tailored to the specific needs of individuals with disabilities, ensuring access to safe, inclusive housing options that promote independence and autonomy. Additionally, policy changes are advocated to bridge the income disparities faced by individuals on SSI, SSDI, or public assistance, aiming to provide suitable housing options that align with their financial resources. By incorporating these additional measures, we aim to enhance the existing resolution and create a more equitable housing landscape that meets the diverse needs of all residents, including those living with disabilities.

Sincerely,



Bradley Sherburne
Chair

Aaron Ford
Chair, Land Use, Housing and Zoning Committee

Cc: Mark Levine, Manhattan Borough President
Hon. Mark Levine, Manhattan Borough President
Hon. Carlina Rivera, NYC Council Member, 2nd District
Hon. Erik Bottcher, NYC Council Member, 3rd District
Hon. Keith Powers, NYC Council Member, 4th District
Hon. Gale Brewer, NYC Council Member, 6th District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 44	# Against: 0	# Abstaining: 0	Total members appointed to the board: 44
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 25 Waterside Plaza	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/14/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	211 East 43rd Street, Suite 1404 and Zoom: cbsix.org/meetings-calendar/

CONSIDERATION: Manhattan Community Board Six hereby tenders its Favorable recommendation on the COYHO Proposal. Manhattan Community Board Six also has the following further comments on the COYHO Proposal and requests that they be taken into account in preparing the final language to be presented to the City Council for consideration:

- Affordable housing. Manhattan Community Board Six is formally on record as considering the development and preservation of affordable housing to be among our City's highest priorities. Our Board is concerned that the COYHO Proposal does not mandate any additional income-restricted housing in exchange for liberalizing the zoning regulations that govern housing construction;
- Housing diversity. The proposal should encourage the construction of a diversity of apartment sizes that reflects the diversity and needs for families of all sizes. For example, if 30% of city residents live in 3 person families, then 30% of new affordable units should be designed for 3 person families. Similarly, if 10% of the city residents are single individuals then 10% of the apartments should be designed for single individuals;
- Changes to minimum setbacks and yard requirements. Our Board is concerned that these changes could reduce the quality of life for existing residents by reducing light and air and otherwise eroding living conditions disproportionately to the number of incremental units they add, and we urge that these changes be limited or subject to community review;
- Liberalization of bulk and height restrictions on existing buildings. Our Board is concerned that these changes could lead to redevelopment on lots whose neighbors until now had no reason to anticipate further development, and we urge that these changes be limited or subject to community review;

(More comments in our attached resolution).

Recommendation submitted by	MN CB6	Date: 7/3/2024 5:06 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

SANDY MCKEE
CHAIR

JOHN KELLER, FIRST VICE CHAIR
MARK THOMPSON, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

GABRIEL TURZO, TREASURER
BEATRICE DISMAN, ASST. TREASURER
LIVIA SHREDNICK, SECRETARY
RUPAL KAKKAD, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

VIA E-MAIL

June 20, 2024

Dan Garodnick
Director
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Resolution Expressing a Favorable Recommendation on the Proposed City of Yes for Housing Opportunity Zoning Text Amendment Package

At the June 12, 2024 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, Manhattan Community Board Six has formally and repeatedly expressed its support for significant action to address the shortage and affordability of housing units in the city;

WHEREAS, the Board has repeatedly called for the construction of new housing on large lots within our Community District, including the Hunter College Brookdale Campus (now being redeveloped into SPARC Kips Bay) and the site east of First Avenue between East 38th Street and East 41st Street informally known as “the Solow Site”;

WHEREAS, the Department of City Planning (DCP), under the direction of the Mayor, has proposed a package of zoning text amendments known as the City of Yes for Housing Opportunity (the “COYHO Proposal”), which is designed to increase housing construction throughout the city, including in our Community District;

WHEREAS, Manhattan Borough President Mark Levine supports the COYHO Proposal as consistent with his 2023 comprehensive housing strategy, which was itself endorsed by the Board on April 13, 2023 by a vote of 43 to 0;

WHEREAS, DCP referred the COYHO Proposal for Community Board review in May, and made a presentation and answered questions in a Public Hearing held by our Land Use & Waterfront Committee on May 20, 2024;

WHEREAS, in that Public Hearing, DCP was prepared with substantive responses to the specific concerns about the COYHO Proposal raised in the Board's resolution of May 9, 2024;

WHEREAS, the Land Use & Waterfront Committee subsequently voted unanimously, and the Housing & Homelessness Committee subsequently voted 4-1, to advise the Board to register a Favorable recommendation on the COYHO Proposal;

WHEREAS, although we remain concerned about some specific provisions of the COYHO Proposal, in the judgment of our Board its shortcomings and risks are overwhelmingly outweighed by its likely positive impact on the quantity of available housing;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six hereby tenders its Favorable recommendation on the COYHO Proposal to the Department of City Planning;

BE IT FURTHER RESOLVED that Manhattan Community Board Six tenders the following further comments on the COYHO Proposal to the Department of City Planning, with our request that they be taken into account in preparing the final language to be presented to the City Council for consideration:

1. **Affordable housing.** Manhattan Community Board Six is formally on record as considering the development and preservation of affordable housing to be among our City's highest priorities. Our Board is concerned that the COYHO Proposal does not mandate any additional income-restricted housing in exchange for liberalizing the zoning regulations that govern housing construction;
2. **Housing diversity.** The proposal should encourage the construction of a diversity of apartment sizes that reflects the diversity and needs for families of all sizes. For example, if 30% of city residents live in 3 person families, then 30% of new affordable units should be designed for 3 person families. Similarly, if 10% of the city residents are single individuals then 10% of the apartments should be designed for single individuals;
3. **Changes to minimum setbacks and yard requirements.** Our Board is concerned that these changes could reduce the quality of life for existing residents by reducing light and air and otherwise eroding living conditions disproportionately to the number of incremental units they add, and we urge that these changes be limited or subject to community review;
4. **Liberalization of bulk and height restrictions on existing buildings.** Our Board is concerned that these changes could lead to redevelopment on lots whose neighbors until now had no reason to anticipate further development, and we urge that these changes be limited or subject to community review;
5. **Landmark floor area transfer.** Our Board is concerned that the proposed mechanism for administratively transferring floor area from landmarked lots to other lots across a large adjacent area will result in unexpected height and bulk in

places relatively far from the transferring property. We urge that the final COYHO Proposal provide a provision for community review of transfers, and that transfers for housing development require that some units be permanently income-restricted;

6. **Infill housing.** Our Board reiterates our opinion that large residential open spaces across the city (such as the parkland and plaza space within Stuyvesant Town and Tudor City in Manhattan Community District 6) are a critical resource for public health, recreation, and quality of life that must be protected from excessive and disruptive infill development, and urges that the final COYHO Proposal balance the intensive public use of these open spaces against the need for new housing;
7. **Income-restricted housing.** Our Board is concerned that the Universal Affordability Preference (UAP) mechanism as proposed does not sufficiently incentivize developers to build income-restricted units, and urges that the final COYHO Proposal provide further incentives to maximize the share of developers who elect to use the UAP mechanism to add income-restricted units;

BE IT FURTHER RESOLVED that Manhattan Community Board Six calls on the New York State Legislature to strengthen protections against displacement as a result of housing redevelopment, and to mandate under law that families displaced for redevelopment be accommodated in comparable housing in the same community at comparable rents.

VOTE: 44 In Favor 0 Opposed 0 Abstention 0 Not Entitled

Best regards,



Jesús Pérez
District Manager

Cc: Hon. Alex Bores, Assembly Member
Hon. Harvey Epstein, Assembly Member
Hon. Liz Krueger, State Senator
Hon. Kristen Gonzalez, State Senator
Hon. Mark Levine, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Hon. Keith Powers, Council Member
Hon. Julie Menin, Council Member
Rich Mintz, Chair, CB6 Housing & Homelessness Committee
Majed Abdulsamad, Chair, CB6 Land Use & Waterfront Committee



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

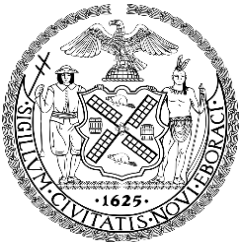
RECOMMENDATION: No Objection			
# In Favor: 27	# Against: 14	# Abstaining: 1	Total members appointed to the board: 42
Date of Vote: 6/18/2024 12:00 AM		Vote Location: 250 West 87th 2nd FL	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/18/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	250 West 87th St. 2nd FL

CONSIDERATION: Comments on individualized items. Not a vote in favor or against; just comments itemized.

Recommendation submitted by	MN CB7	Date: 7/24/2024 11:03 AM
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THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 7

250 West 87th Street, New York, NY 10024 • Phone (212) 362-4008
Website: <https://nyc.gov/mcb7> • E-mail: mn07@cb.nyc.gov

RESOLUTION

Date: June 18, 2023

Committee of Origin: Housing & Land Use

Re: City of Yes for Housing Opportunity (Zoning Application Portal number [N240290ZRY](#)).

Full Board Vote: 27 In Favor 14 Against 1 Abstention 0 Present

**Full Board Vote, leave the summary rating of CB7's response on the DCP portal blank:
26 In Favor 15 Against 0 Abstentions 0 Present**

The DCP has proposed amendments to the City's Zoning Resolution designed to encourage an increase in the City's housing stock, and, in particular, the number of available affordable housing units.

DCP has identified a growing housing crisis that has made housing increasingly unavailable to low-income families and has caused a dramatic increase in rents for all New Yorkers citywide. According to DCP:

- Vacancy rates are at 1.4%, substantially lower than the 5% level that State law regards as the existence of a housing emergency;
- More than 53% of New Yorkers currently pay more than 30% of their income for housing, with 32% paying more than 50%;
- Based on the 2020 census, New York's population grew by more than 600,000 between 2011 and 2020 while the number of available housing units increased by just over 200,000. New York ranks fifth from last among twenty large U.S. cities in the creation of housing units per 100,000 population between 2011 and 2020.

According to City Comptroller Brad Lander's February 2024 Spotlight: New York City's Housing Supply Challenge, "growth in the housing stock largely kept pace with employment from 1980 to 2010, both growing about 14%. After the 2008 Great Recession, however, from 2010-2022, employment grew by 23% while the housing stock increased by just 9%."

DCP has endeavored to ease impediments to and create incentives for constructing new housing, particularly affordable housing throughout the City, in high-, medium- and low-density neighborhoods.

DCP estimates that the proposed amendments will generate between 58,000 and 110,000 additional housing units over a fifteen-year period.

Manhattan Community Board 7's 2023 District Needs Statement states:

Affordable housing is the district's most critical need and it lack contributes to a myriad of other issues facing district residents – homelessness, food insecurity, social and emotional problems, inadequate health care, and domestic violence.

MCB7 has reviewed the proposed Amendments and approves/disapproves specific items, as follows:

DCP proposed zoning text Amendments directly affecting Community Board 7/ Manhattan (MCB7)

1. Proposals to allow more floor area for affordable and supportive housing:

DCP proposes a new program "Universal Affordability Preference" (UAP) which would incentivize construction of 20% additional floor area which must be dedicated to affordable housing for rental to tenants earning up to 60% of Area Median Income (AMI) to better meet the needs of many New Yorkers. The affordable units would be required to be provided on site, and be equivalent in size and distribution within the building as the market-rate units.

The proposed amendments would also eliminate the requirement that supportive housing must seek a special permit to achieve an increase in FAR, and would require merely an "authorization," that

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Re: City of Yes for Housing Opportunity (Zoning Application Portal number [N240290ZRY](#)).

Full Board Vote: 27-14-1-0

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Full Board Vote, leave the summary rating of CB7's response on the DCP portal blank: 26-15-0 -0.

would reduce the time required for approval by the community board and DCP from seven months to three months. The authorization procedure would eliminate the requirement of a public hearing, and review by elected officials, including the Borough President and the City Council.

The proposed amendments would eliminate current voluntary Inclusionary Housing provisions that provide a more generous bonus, allow for rentals of affordable units to tenants below 80% AMI and permit affordable housing to be provided off-site within geographic restrictions. The proposed amendments would also permit an increase of building envelope requirements (the shape of the building) to accommodate the greater floor area and maximum height requirements to permit developers to take advantage of the UAP option.

MCB7 Response: In general, MCB7 agrees with the policy of increasing the supply of affordable housing units. The creation and preservation of affordable housing units have been recognized by MCB7 as its most critical need. We are concerned, however, that replacing voluntary Inclusionary Housing with the UAP program may have the unintended effect in R10 districts and Special Purpose Districts of discouraging developers from participating in the construction of affordable housing. The UAP program could substantially increase the percentage of needed affordable housing, and prohibits the construction of affordable housing off-site. We ask that DCP and the City Council contemplate adjustments to the UAP program to induce as much affordable housing production as possible in high land-cost districts, such as MCB7, so that high opportunity neighborhoods such as the Upper West Side further the Administration's stated goals of furthering fair housing and addressing the affordability crisis. Further, MCB7 recommends that the UAP scheme be modified to allow for affordable housing credits to be awarded where the developer preserves existing affordable units within the district. The requirement for off-site preservation should be 30% of the host site's FAR. MCB7 further recommends that DCP consider expanding the Mandatory Inclusionary Housing Program to developments in high density districts.

MCB7 opposes the proposed procedural change to use authorizations for approval of floor area increases, eliminating the requirements of a public hearing and review by elected officials.

2. Proposals for small and shared apartments:

The proposed amendments would eliminate impediments to the construction of shared apartments (i.e., single-room occupancy units with communal bathrooms and/or kitchens) and would eliminate the "Dwelling Unit Factor," which restricts the number of units on a building lot. The purpose of these proposed amendments is to encourage housing for low-income individuals who cannot afford larger apartments. The units would provide permanent, not transient, housing.

MCB7 Response: MCB7 approves DCP's proposed amendments to allow small and shared units.

3. Proposals to eliminate obstacles to Quality Housing Development in non-contextual zoning districts:

In 1961, the NYC Zoning Resolution was revised after 50 years and a major provision was the construction of "tower in the park" buildings that were taller and set back from the street, on large amounts of open space. In the 1980's, DCP created "contextual zoning" in medium- and high-density districts in response to a feeling that towers-in-the-park were isolating and were not part of the streetscape. Contextual zoning or Quality Housing rules did not change allowable FAR but created rules for shorter buildings with greater lot coverage set at the lot line. Such buildings were height-limited and maintained existing street walls, making new development contextual with existing older buildings.

The campuses, as built, contain significant open spaces, which could support the construction of more housing units ("infill"). However, the Zoning Resolution currently does not permit the construction of Quality Housing units on these sites. The proposed amendments would allow for infill conforming to

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Quality Housing rules. The proposed amendments would also reduce the required distance between buildings on the same lot to 40 feet for buildings lower than 125 feet, and 80 feet for buildings above 125 feet. The proposed amendments would also provide more flexibility in compliance with curb cuts and street tree regulations and relax requirements for construction on irregularly shaped lots.

The proposed amendments would also eliminate the “sliver” law restricting the heights of buildings less than 45 feet wide to the width of the street or 100 feet, whichever is less. Instead, the height of these buildings would be limited to the Quality Housing rules, which provide for contextual construction.

MCB7 Response: In Manhattan Community District 7, the three campuses that can be impacted are Douglass Houses, Wise Towers and Amsterdam Houses.

The proposed amendments could have several potential impacts on NYCHA (New York City Housing Authority) campuses, depending on the specific nature and scale of the initiative. The concerns with respect to NYCHA campuses also apply to varying extents to other tower-in-the-park campuses in our District, including Park West Village, Lincoln Towers, and certain buildings in the Lincoln Square Special District.

I. Potential positive impacts – Increased Housing Options:

- The City of Yes initiative may introduce new housing options, such as affordable housing units, mixed-income developments, or supportive housing, within or near NYCHA campuses. This could provide residents with more choices and opportunities for housing, potentially alleviating some of the overcrowding and demand for public housing units.
- Improved Living Conditions: If the City of Yes Housing Opportunities include renovations or revitalization efforts, it could lead to improved living conditions for NYCHA residents. This might involve upgrades to infrastructure, facilities, and amenities, as well as enhanced safety and security measures. Overall, this could contribute to a better quality of life for residents within NYCHA campuses.
- Community Integration: Introducing mixed-income or supportive housing options within NYCHA campuses could promote greater social and economic integration within these communities. This may help reduce stigma and foster a more inclusive and diverse environment.

II. Challenges and Concerns:

However, among the negative impacts, there are potential challenges and concerns associated with the City of Yes Housing Opportunities initiative. These include issues related to:

- Gentrification and displacement.
- The preservation of affordable housing options for low-income residents.
- Adding new housing units without sufficient consideration for preserving green spaces or addressing infrastructure needs could indeed lead to a decrease in available open areas.
- If the new housing developments are not carefully planned in terms of density and design, they could exacerbate existing overcrowding issues within NYCHA communities.

Overall, the impact of these amendments on NYCHA campuses will depend on how the initiative is implemented, the level of community engagement and input, and the extent to which it addresses the unique needs and challenges faced by NYCHA residents.

As a general principle, MCB7 favors easing restrictions preventing infill on campuses, and it is critical to have buy-in from impacted communities. No individual infill project should proceed without significant and adequate opportunity for input from the affected community, including votes from

tenants at the affected campuses. Additionally, the Community Board must be involved in any such project.

4. Proposals regarding conversions of non-residential buildings to residences:

The proposed amendments would increase the number of commercial and industrial buildings eligible for conversion to residences.

- Presently, conversion is not permitted for buildings constructed after 1961 or, in some cases, 1977. The proposed amendment would provide for a uniform cut-off date of 1990.
- The proposed amendments would permit conversion citywide, not solely in commercial districts, as at present, and allow non-commercial buildings such as religious institutions, to convert to residential use. Further, the proposed amendments would expand the opportunities for conversion, currently limited to “dwelling units” to expand to include rooming units (i.e., shared units).
- The proposed amendments would eliminate restrictions on conversions in commercial districts that currently restrict such conversions to preserve commercial and light industry uses.
- The proposed amendments would allow existing office buildings built before 1990 that exceed their allowable FAR to apply to the City Planning Commission for an “authorization” to increase their permitted FAR by up to 20% to facilitate conversion to residential use. The authorization would not require a full ULURP application, a public hearing, or public review by elected officials or the City Council.

MCB7 Response: MCB7 approves the proposed amendments insofar as they expand the option of conversion to all commercial and industrial buildings, citywide. MCB7 recommends that, rather than using a specific cut-off date (which might require future amendments), the amendments should permit conversions in buildings older than 35 years. However, MCB7 disapproves the authorization process for an increase in permissible FAR; any such application should be subject to ULURP.

5. Creation of R-11 and R-12 district designations:

The proposed amendments would create new zoning district designations, R-11 and R-12, which would be subject to mandatory affordable housing rules (20 or 30% affordable units) and would permit FARs up to 15 and 18 respectively. DCP is not seeking to map any such districts at present. Any such mapping would be subject to a full ULURP (Uniform Land Use Review Procedure) review.

MCB 7 Response: CB7 approves the creation of R11 and R12 districts with the conditions that such mappings go through ULURP and require 30% affordable housing.

6. Expansion of area for transfer of air rights:

Presently, religious institutions and certain other non-profit owners are permitted to transfer unused development rights to adjacent sites or a site directly or diagonally across the street. The proposed amendment would increase the area for transfer to include any site on the same block as the transferor, or on a block directly or diagonally across the street.

MCB7 Response: Community Board 7 approves the proposed amendment.

7. Lincoln Square Special District:

The proposed amendment would incorporate the UAP framework in the Lincoln Square Special District and eliminate what DCP deems “redundant” rules regarding bulk and minimum dwelling unit size. They would also require 30% lot coverage, eliminate the requirement that 60% of a building’s floor area be at or below 150 feet, allow variation in height for tower tops, and permit recesses in the street wall.

MCB7 Response: MCB7 approves the proposed amendment.

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Re: City of Yes for Housing Opportunity (Zoning Application Portal number [N240290ZRY](#)).

Full Board Vote: 27-14-1-0

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Full Board Vote, leave the summary rating of CB7's response on the DCP portal blank: 26-15-0 -0.

8. Proposal to eliminate parking mandates:

DCP proposes to end the requirement that new housing projects provide a certain minimum number of off-street parking spaces. The proposal will allow off-street parking, but no one will be required to build unnecessary parking. Building off-street parking takes up space, is expensive, and hinders development, especially of affordable housing. Parking minimums also incentivize people to own and drive cars.

MCB7 Response: MCB7 approves DCP's proposed amendment to remove parking mandates. Although parking mandates no longer apply in our district, the proposed amendment will increase the supply of housing citywide, thus reducing rents or dwelling prices in our district, while decreasing overall traffic in the city.

9. Miscellaneous proposed amendments:

DCP also proposes the following amendments to the Zoning Resolution:

- Establish a new system of street wall heights to permit conformity to existing structures;
- Provide more flexible base heights to permit conformity to existing structures;
- Permit dormers up to forty feet in width above the maximum street wall height;
- Increase permitted tower lot coverage to allow for more efficient building floor plate; and
- Modify ground floor regulations to provide that the second floor begins no lower than 13 feet above the sidewalk.

MCB7 Response: MCB7 has not been provided with sufficient information to enable us to opine on these proposals, and therefore CB7 recommends disapproval of these provisions unless and until such information and context is clearly understood.

10. DCP has endeavored to identify opportunities for additional housing units throughout the city, including in low-density districts, primarily in low-density districts outside Manhattan.

These include:

- Adjusting maximum FARs that currently restrict construction to one or two-family homes; the new limits would permit multi-family buildings, up to five stories, in certain areas;
- Reduce minimum yard width requirements (30 feet to 20 feet for rear yards; eight to five feet for side yards; and 10 to five feet in front yards);
- Eliminate requirements for open space (open space ratio);
- Permit occupancy of "Accessory Dwelling Units"; and
- Reduce the size of courtyards from 1,200 square feet to 900 square feet.

MCB7 Response: MCB7 disapproves of the proposals to the extent that it eliminates the requirement that a building be situated no closer than 30 feet from the lot line. While intended primarily for low-density areas in boroughs other than Manhattan, these proposed amendments would enable substantial infill within the "donuts" within blocks lined by low-rise buildings, townhouses, and brownstones. MCB7 believes that the "donuts" are a unique and valued feature of our community and are worth preserving.

MCB7 also notes that, at least in our community, the expansion of brownstones and townhouses, most of which are owner-occupied, is unlikely to create additional affordable or even market-rate housing.

MCB7 further disapproves of the proposal to the extent that it proposes to eliminate the requirement of open space in proportion to the residential building with which it currently must be associated in infill and possibly other development situations. MCB7's experience with the existing open space ration requirements reflects the need to tighten rather than eliminate these requirements.

Date: June 18, 2024

Re: City of Yes for Housing Opportunity (Zoning Application Portal number [N240290ZRY](#)).

Full Board Vote: 27-14-1-0

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For example, in a now-abandoned effort to add density to a portion of Park West Village, existing law allowed a locked roof deck not accessible to the community at large to be included as open space for a proposed tower that was out of scale with the surrounding residential buildings. At 200 Amsterdam Avenue, a painfully gerrymandered series of open spaces were cobbled together to create an out-of-scale tower. In neither situation did the stretching of the intent of the open space ration relate to or provide a single unit of affordable housing.

MCB7 also disapproves of the proposed reduction in the square footage of courtyards, which are frequently a source of light and air for residents. No study or evidence has been submitted to indicate that the need for light, air circulation and separation of uses today is materially different than when these various protections were first adopted.

Moreover, combining the elimination of the Open Space Ration with the proposed reduction in required rear and side yards for infill and other development will have the effect of compromising the livability of future buildings and that will potentially create larger rooms for existing and new construction, but not more units of housing. Certainly, there is no requirement in the proposed COYHO amendments that the use of the proposed changes to the Open Space Ration, the reduction in rear and side yards, and the other compromises in this portion of the proposed amendments section in any way be conditioned upon the premise that whatever additional units that may ensue from these drastic revisions be affordable at any recognized level.

MCB7 is troubled that these proposed changes, which cumulatively have the potential to rewrite the residential feel of the exteriors and interiors of existing and future housing, were not the subject of a special call-out to Community Boards and the public reviewing these proposals

Valerie S. Mason
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan**

August 12, 2024

Daniel R. Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: City of Yes for Housing Opportunity

Dear Chair Garodnick,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the Board approved, approved with conditions, and disapproved, as indicated below, the following resolutions with respect to application No.240290ZRY for a set of text amendments to the Zoning Resolution, which, collectively, are known as the City of Yes for Housing Opportunity proposal (“COYHO”):

WHEREAS, the proposals contained in COYHO, put forth by the Department of City Planning, represent the third of three sets of proposals designed to promote sustainability, support economic development and create affordable housing throughout the City of New York; and

WHEREAS, the primary aim of COYHO, as set forth by the Department of City of Planning is to promote a “little bit” of housing in every neighborhood; and

WHEREAS, the housing market study provided in COYHO’s DEIS showed that Community District 8 is unfortunately *first* among all New York City Community Districts in housing units *lost* during the period 2010-2024 but during the same period the District had substantial construction activity with developers often choosing to develop sites with large units rather than additional housing for our District; and

WHEREAS, the combination of (a) construction of such massive buildings with almost no additional housing, (b) the conversion of small tenements to single family homes, and (c) the combination of units in condos and coops, has left our district with substantial construction activity but destruction of housing, often affordable housing, and replacing it with some of the largest most expensive housing units in the world; and

WHEREAS, it has long been a primary goal of Community Board 8 Manhattan to help in the facilitation and creation of affordable housing in our district and elsewhere in the City of New York; and

WHEREAS, Community Board 8 Manhattan has conducted a comprehensive review and engaged in discussions with relevant city agencies regarding the COYHO zoning text amendment and engaged a land use and zoning expert to assist us in our review of COYHO; and

WHEREAS, COYHO comprises 15 components of varying impact levels and clarity, necessitating careful consideration; and

WHEREAS, Community Board 8 Manhattan noted that due to the limited review period, and the complexity of COYHO changes, many questions about different components of COYHO remain, causing reluctance and a hesitation on the part of many of our Board Members as to how best to express our views on the individual proposals, the overall proposal and the review process itself (e.g., although not called out in the proposals explicitly, COYHO proposes to reduce many long standing standards for residential development including, reduction of the rear yard from 30 feet to 20 feet, reduction of courtyard sizes, reduction of side yards and distances between buildings, an increase in maximum lot coverage, a closer placement of legal windows to the lot line, and the removal of height factor zoning, with none of the foregoing linked to the creation of affordable housing); and

WHEREAS, Community Board 8 Manhattan is concerned about the potential loss of Charter mandated community input and City Council review that the as of right nature of these COYHO proposals will establish; and

WHEREAS, Community Board 8 Manhattan reserves our right to continue to evaluate COYHO as it moves forward and to provide additional comment on the proposals as more information becomes available and the proposals evolve through the legislative process;

THE RESOLUTION FOR THIS APPLICATION IS DIVIDED INTO FIFTEEN PARTS:

Part A – Proposal 1: Town Center Zoning

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part A** of this resolution by a vote of 25 in favor, 14 opposed, 3 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 1 would re-introduce buildings with ground floor commercial and two to four stories of housing above, in areas where this classic building form is banned under today’s zoning resolution.

THEREFORE, BE IT RESOLVED that Part A of this application is **APPROVED** as presented.

Part B – Proposal 2: Transit-Oriented Development

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part B** of this resolution by a vote of 24 in favor, 16 opposed, 3 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 2 would allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

THEREFORE, BE IT RESOLVED that Part B of this application is **APPROVED** as presented.

Part C – Proposal 3: Accessory Dwelling Units

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part C** of this resolution by a vote of 26 in favor (i.e., a disapproval), 16 opposed, 1 abstention, and 0 not voting for cause.

WHEREAS, COYHO Proposal 3 would permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments;

WHEREAS, the Proposal may result in a strain on infrastructure, with no proposed limitations on the number of ADUs per block or size of ADUs, and the unknown impact to surrounding properties,

WHEREAS, though this Proposal was primarily aimed at districts located other than in Manhattan it would enable substantial infill within the “donuts” with blocks in our district and elsewhere in Manhattan which are lined by low rise buildings, townhouses and brownstones, a unique and valued feature of many of our city blocks;

THEREFORE, BE IT RESOLVED that Part C of this application is **DISAPPROVED** as presented.

Part D – Proposal 4: District Fixes

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part D** of this resolution by a vote of 26 in favor, (i.e., a disapproval), 15 opposed, 2 abstentions, and 0 not voting for cause.

WHEREAS, CPC stated this COYHO Proposal 4 would give homeowners additional flexibility to adapt their homes to meet their families’ needs; and

WHEREAS, “district fixes” increase the allowable densities in nearly all of the currently low density districts, and the Board was reluctant to tell other districts what allowable densities should be in their neighborhoods.

THEREFORE, BE IT RESOLVED that Part D of this application is **DISAPPROVED** as presented.

Part E – Proposal 5: Universal Affordability Preference

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part E** of this resolution by a vote of 23 in favor, 16 opposed, 4 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 5 would allow buildings to add at least 20% more housing if the additional homes are permanently affordable, and

WHEREAS, this Proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

THEREFORE, BE IT RESOLVED that Part E of this application is **APPROVED** as presented.

Part F – Proposal 6: Lift Costly Parking Mandates

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part F** of this resolution by a vote of 26 in favor (i.e., a disapproval), 15 opposed, 1 abstention, and 0 not voting for cause.

WHEREAS, COYHO Proposal 6 would eliminate mandatory parking requirements for new buildings in boroughs other than Manhattan as well as Manhattan Community Districts 9 through 12,

THEREFORE, BE IT RESOLVED that Part F of this application is **DISAPPROVED** as presented.

Part G – Proposal 7: Convert Non-Residential Buildings to Housing

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part G** of this resolution by a vote of 31 in favor, 11 opposed, 1 abstention, and 0 not voting for cause.

WHEREAS, COYHO Proposal 7 would make it easier for underused, non-residential buildings, such as offices, to be converted into housing.

THEREFORE, BE IT RESOLVED that Part G of this application is **APPROVED** subject to the following conditions: (1) that a minimum of 20% of the square footage be reserved for affordable housing; and (2) set the eligibility date for conversions to a rolling date of 35 years from the date of the building's construction.

Part H – Proposal 8: Small and Shared Housing

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part H** of this resolution by a vote of 29 in favor, 14 opposed, 0 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 8 would re-introduce housing with shared kitchens or other common facilities, and

WHEREAS, COYHO would eliminate strict limits on studios and one-bedroom apartments.

THEREFORE, BE IT RESOLVED that Part H of this application is **APPROVED** subject to the following conditions: that such housing only be permitted (1) as part of new construction or (2) in office-to-residential conversion projects, in each of the foregoing cases, which are designed to have 100% of the unit mix be small or shared units, as to prevent the unintended consequence of incentivizing conversion of existing multi-bedroom units to micro units.

Part I – Proposal 9: Campus Infill

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part I** of this resolution by a vote of 24 in favor (i.e., a disapproval), 19 opposed, 0 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 9 would make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more (e.g., a church with an oversized parking lot); and

WHEREAS, the Board is concerned about the loss of community approval and the effect of such new housing on existing housing, loss of existing light and air and loss of quality of life for existing residents such as loss of park space, other community uses, and parking spaces;

THEREFORE, BE IT RESOLVED that Part I of this application is **DISAPPROVED** as presented.

Part J – Proposal 10: New Zoning Districts

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part J** of this resolution by a vote of 26 in favor (i.e., a disapproval), 11 opposed, 5 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 10 would create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements and

WHEREAS, the Board is concerned about community approval.

THEREFORE, BE IT RESOLVED that Part J of this application is **DISAPPROVED** as presented.

Part K – Proposal 11: Update to Mandatory Inclusionary Housing

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved with conditions **Part K** of this resolution by a vote of 32 in favor, 5 opposed, 4 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 11 would update the Mandatory Inclusionary Housing Program to allow the deep affordability option to be used on its own.

THEREFORE, BE IT RESOLVED that Part K of this application is **APPROVED** subject to the following conditions: (1) apply stronger affordability requirements to this Proposal; (2) change the way in which AMI bands are applied to MIH; and (3) require affordable housing be distributed through 100% of floors.

Part L – Proposal 12: Sliver Law

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part L** of this resolution by a vote of 22 in favor (i.e., a disapproval), 17 opposed, 1 abstention, and 0 not voting for cause.

WHEREAS, COYHO Proposal 12 would repeal the Sliver Law and allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

THEREFORE, BE IT RESOLVED that Part L of this application is **DISAPPROVED** as presented.

Part M – Proposal 13: Quality Housing Amenity Changes

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part M** of this resolution by a vote of 22 in favor, 16 opposed, 2 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 13 would extend amenity benefits in the “Quality Housing” program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space.

THEREFORE, BE IT RESOLVED that Part M of this application is **APPROVED** subject to the following conditions: Require new buildings to have trash rooms, mail rooms, delivery areas, laundry, and other infrastructure inside, and include these spaces in the 5% deduction, as the Proposal should not be used as a floor area bonus to provide elements that should be provided in any event.

Part N – Proposal 14: Landmark Transferable Development Rights

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part N** of this resolution by a vote of 23 in favor, 16 opposed, 0 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 14 would make it easier for owners of landmarks to sell unused development rights by expanding transfer radius and simplifying procedure.

THEREFORE, BE IT RESOLVED that Part N of this application is **APPROVED** subject to the following conditions: (1) require that only residential or community facility uses be eligible land uses for properties taking advantage of the expanded landmark development rights transfer radius; (2) require the inclusion of a mechanism for affordable housing for developments using the as-of-right landmark TDR; and (3) limit the amount of increase an eligible site can receive to 20% of their existing FAR.

Part O – Proposal 15: Railroad Right-of-Way

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part O** of this resolution by a vote of 25 in favor, 14 opposed, 0 abstentions, and 0 not voting for cause.

WHEREAS, COYHO Proposal 15 would simplify and streamline permissions for development involving former railroad rights of way.

THEREFORE, BE IT RESOLVED that Part O of this application is **APPROVED** as presented.

Please advise our office of any action taken on this matter, and we would be happy to answer any questions you may have.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 25	# Against: 5	# Abstaining: 7	Total members appointed to the board: 37
Date of Vote: 6/20/2024 12:00 AM		Vote Location: Forum at Columbia University, 605 West 125th Street @Broadway	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/13/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Manhattan Community Board No. 9 District Office - 3295 Broadway, NYC 10027

CONSIDERATION: PLEASE SEE ATTACHED RESO (with supporting docs).		
Recommendation submitted by	MN CB9	Date: 7/1/2024 7:40 PM



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. Dan Garodnick

Hon. Carolyn Thompson
Assistant Treasurer

Chair/Director

Hon. Solomon Prophete
Secretary

Department of City Planning

Hon. Theodore Kovaleff
Assistant Secretary

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

Hon. Dan Garodnick
June 24th, 2024

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

Hon. Dan Garodnick
June 24th, 2024

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



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

July 1, 2024

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First Vice-Chair

Hon. Monique Hardin-Cordero
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Chair/Director

Hon. Deirdre McIntosh-Brown
Treasurer

Department of City Planning

120 Broadway, 31st Floor

Hon. Carolyn Thompson
Assistant Treasurer

New York, New York 10271

Hon. Solomon Prophete
Secretary

Dear Chair Garodnick

Hon. Theodore Kovaleff
Assistant Secretary

At its regularly scheduled General Board Meeting held on Thursday, June 20, 2024, in hybrid (in person and remote); Manhattan Community Board No. 9 adopted the following reso re: **City of Yes Zoning for Housing Opportunity (COYHO) with detailed conditions** by a vote of: 25 in favor, 5 opposed, and 7 abstentions:

Eutha Prince
District Manager

WHEREAS New York is undergoing a citywide housing crisis characterized by prohibitively expensive rents, a failure to accommodate growing homeless and migrant populations, and widespread displacement of long-term neighbors; and

WHEREAS Manhattan Community Board 9 (MCB9) has formally and repeatedly drawn attention in its District Statement of Needs and its committee actions to the impact of the housing affordability crisis on West Harlem, where over 51% of MCB9 residents are rent-burdened (paying over 30% of their income on rent) and 30% are severely rent-burdened (paying over 50%); and

WHEREAS the city's housing stock has lagged behind its job and population growth for decades, with a 9% increase in residential units and a 21% increase in jobs since 2010, which has created the lowest apartment vacancy rate since 1968 and omnipresent housing instability for New Yorkers; and

WHEREAS city zoning policy (including the last major zoning text amendment of 1961) has exacerbated these problems by concentrating residential development in a small number of neighborhoods, restricting the development of small apartment buildings citywide, and incentivizing luxury development through the prohibition of new buildings with small units; and

Hon. Dan Garodnick

July 1, 2024

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WHEREAS 315,356 lots comprising 43% of the City's residential land (as of 2023) maintain suburban low-density zoning (under the categories of R1, R2, and R3 zoning groups and their variants) that has essentially frozen the boundaries of the core city to those neighborhoods that already comprised said core in the mid-twentieth century and a few upzoned former industrial neighborhoods; and

WHEREAS almost all new housing units added in the city since 2010 have been added via conversion of previous manufacturing and industrial land to residential land, with the rest being added as infill development in already-dense neighborhoods; and

WHEREAS MCB9 has formally called attention to the unequal burden of the housing crisis in a March 2023 resolution calling for an increase in the residential capacity of R1, R2, R3, and R4 residential zoning districts citywide; and

WHEREAS MCB9 believes that a return to the natural growth of the City from the expansion of the urban core through increased access to mass transit accompanied by the resulting increases in residential and commercial density enabled by such transit access is required in any long-term solution to our current housing crisis; and

WHEREAS the Department of City Planning (DCP) in its customized presentation for MCB9 displays maps that show that Manhattan Community District 9 currently has zero lots zoned for one-family, 2-family, or low-density multi-family residences, and instead has 100% of its lots already zoned for medium-density and high-density development, illustrating the limited number of incremental housing units that could be produced in Manhattan Community District 9 (MCD9) by increases in density without destroying existing dense housing stock; and

WHEREAS DCP has proposed the "City of Yes Zoning for Housing Opportunity (COYZHO)" zoning text amendment, which aims to reduce housing insecurity by modestly increasing the supply of housing units in all neighborhoods and includes proposals like the Universal Affordability Preference (UAP) for high-density districts; town-center zoning, transit-oriented development, and Accessory/Ancillary Dwelling Units (ADUs) for low-density districts; and removal of parking mandates, office-to-residential conversions, and relegalization of small-unit buildings citywide; and

WHEREAS the high-density UAP proposal, which legalizes as-of-right additional affordable units in residential construction for residents whose average incomes are 60% of the city's area median income (AMI), would help high-density residential districts like MCB9 with few Mandatory Inclusionary Housing (MIH) lots create a substantial number of affordable homes for residents; and

Hon. Dan Garodnick

July 1, 2024

Page 3

WHEREAS the low-density town-center zoning, transit-oriented development, and ADU proposals would partially address MCB9's March 2023 resolution by increasing residential floor area in low-density neighborhoods, and the citywide office-to-residential conversion proposal would produce much needed housing units from underutilized office spaces; and

WHEREAS the application of R5 density and bulk regulations in 34-111 to "qualifying residential sites" generally over 5,000 square feet or having commercial or community facility uses within a half-mile of a mass-transit site as defined in proposed section 12-10 will restore property owners' ability to develop small (3-5 story) apartment buildings with ground-floor retail or community facility space, a flexible building type and source of housing previously common before the 1961 zoning code effectively forbade it; and

WHEREAS the removal of existing Section 33-04 of the zoning text in the proposed text amendment removes most of the "Lower Density Growth Management Areas" regulations that have helped create the housing crisis; and

WHEREAS COYZHO grants additional flexibility to existing buildings to add off-street parking spaces or to increase such parking spaces in section 13-07 of the proposed text amendment and by exempting certain parking spaces from floor area calculations in section 12-10, partially addressing MCB9's concerns about additional development and congestion pricing resulting in diminished parking availability for Harlem residents; and

WHEREAS the UAP provisions of the proposed text amendment would, according to DCP, require any units created by the additional floor area not be community facility uses like dormitories or homeless shelters and instead be affordable dwelling units that would be rented to the public via the housing lottery administered by the Department of Housing Preservation and Development (HPD), which would incentivize Columbia University and other large institutions in MCD9 to include affordable housing in any dormitory or other community facility developments going forward; and

WHEREAS MCB9 has concerns about the local impact of several components of COYZHO, including the implementation of its "rooming units" provisions (which include single-room occupancy (SRO) provisions), changes to community board review for landmarked districts, and provisions related to dormitories and institutional housing, as MCB9 faces continued growth of institutional housing limited to institutional affiliates (like Columbia University dormitories and faculty housing), especially in Morningside Heights and Manhattanville, which erode the supply of housing units available to non-affiliates and the general public, displacing many members of the community; and

WHEREAS MCB9 would like to see additional modifications made to COYZHO in order to legalize and incentivize the development of affordable residential hotels or apartment hotels considered "Class A multiple dwellings" under the New York State Multiple Dwelling Law

Hon. Dan Garodnick

July 1, 2024

Page 4

(famous examples include the Hotel Chelsea and The Pierre, among many others), a key component of the “missing middle” housing that has more services than an SRO but does not have requirements for long-term leases typical of a standard apartment and that would be useful for situations ranging from newly-graduated college students to newly-arrived migrant families; and

WHEREAS MCB9 referred the review of COYZHO to its Housing, Land Use, and Zoning Committee, which held a public hearing on the zoning text amendment and attaches all submitted public comments to the text of this resolution and which voted unanimously to advance a resolution in support of COYZHO subject to conditions; and

WHEREAS while MCB9 identified key areas requiring improvement in provisions of COYZHO, its risks and shortcomings are outweighed by the likely positive impacts of the UAP provision on affordable housing supply in MCB9 and the low-density provisions on housing supply citywide;

THEREFORE BE IT RESOLVED that MCB9 supports the passage of COYZHO with the following modifications and caveats:

- 1. Dormitories and other institutional affiliate housing:** that the UAP proposal as-written in section 27-111 of the proposed text amendment be modified to include language explicitly requiring any “affordable housing units” created with the UAP bonus floor area to be open to being leased by the general public (such as by the housing lottery on Housing Connect), as the current wording may allow the bonus floor area to be misused by higher education institutions or other institutional owners to take floor area bonuses for development of income-limited Class B rooming units as community facility space governed by a regulatory agreement with HPD without providing affordable housing to non-affiliated community members; and
- 2. Expand low-density provisions:** that pursuant to the March 2023 MCB9 resolution, the town-center zoning and transit-oriented development provisions such as those contained in section 34-111 of the proposed text amendment be extended to provide increases in residential floor-area across all low-density residential neighborhoods, rather than the substantial but limited fraction of parcels identified; and
- 3. Deepen low-density provisions:** that pursuant to the March 2023 MCB9 resolution, section 23-211 of the proposed text amendment increase the Maximum Floor Area Ratio for [R1-1 R1-2 R1-2A R2 R2A R3-1 R3-2 R3A R3X] groups to 1.0 and [R2X R4 R4-1 R4A R4B] groups to 1.25 from its current proposal of 0.75 and 1.0, respectively, the desired ADU’s

and other housing envisioned by the rest of the text amendment; and

4. Equal treatment for rooming units across districts: that section 22-122(b)(6) of the proposed text amendment remove the prohibition on rooming units on zoning lots that are limited to single- or two-family houses; and

5. Increased viability and flexibility for ADUs: increase the cap on Ancillary Dwelling Unit square footage from 800 square feet to 1,200 square feet to allow for more flexibility and maximize the likelihood of success for ADUs, including the possibility of 2 bedroom ADUs; and

6. Increased transit-access: That the City, in collaboration with the Metropolitan Transit Authority, work to plan new expansions of the mass transit system to eventually bring substantially all residentially-zoned land into the Greater Transit Zone as defined section 12-10 of the proposed text amendment; and

7. Community board landmark review of transfers of development rights: that section 75-442 of the proposed text amendment not allow transfer of development rights by landmarks by a certification process and instead be modified to allow such transfers by an approval process or other process in a way that allows Community Board input similar to the existing processes for landmark alteration applications that must appear before the local community board before consideration by the Landmarks Preservation Commission; and

8. Restoration of General Purposes of Chapter 5 Commercial-to-Residential Conversions: that the proposed text amendment section 15-00 restore prior items (b), (c), (d), and (f) so as to restore the previously-stated and still-important priorities of reducing the negative effects of such provisions on commercial and manufacturing businesses, protecting important job-producing industries, providing sufficient space for commercial and manufacturing uses integral to New York's economy, and provide new housing of a type and at a density appropriate to these Community Districts, respectively; and

9. Limiting the usage of UAP floor area for rooming units: that the UAP provisions including "rooming units" (commonly SROs) in the definition for "qualifying affordable housing" in section 12-10 of the proposed text amendment include a limitation that no more than 50% of the UAP bonus floor area (subject to certain limits or provisions for relatively small amounts of floor area) be used for "rooming units" instead of "dwelling units" or "supportive housing units," as MCB9 supports a diversity of housing options and is wary of allowing the private market to choose to potentially maximize revenue per square foot by building only UAP-qualifying rooming units at the expense of dwelling units; and

Hon. Dan Garodnick
July 1, 2024
Page 6

10. Restore QHP requirements to R8 districts north of 125th Street in Manhattan Community District 9: certain portions of the former Quality Housing Program restrictions on developments in MCD9 should be restored; and

11. Provisions relating to the Manhattanville Special District: that the reference to “the Other Area east of Broadway” in Section 104-31 of the proposed text amendment which would increase the height limit on the old Claremont Theater at 3332 Broadway on the southeast corner of Broadway and West 135th Street from 120’ to 145’ be removed; and

THEREFORE BE IT FURTHER RESOLVED that the success of COYZHO, like previous City of Yes proposals, hinges not only on its zoning textual amendments but also on their adequate enforcement by relevant city agencies, and that in particular, MCB9 is aware of persistent safety issues in its currently illegal SRO stock and believes that their proposed relegalization by COYZHO must be accompanied by adequate health and fire-code enforcement; and

THEREFORE BE IT FURTHER RESOLVED that MCB9 has appreciated the proactive outreach of DCP and will continue to work with them to continue to further improve COYZHO.

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

Sincerely,



Victor Edwards
Chair
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. 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



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 32	# Against: 2	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 6/26/2024 12:00 AM		Vote Location: 231 West 124th Street New York, NY 10027 and Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/20/2024 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	231 West 124th Street

CONSIDERATION: List of Recommendations by MCB10:		
<ol style="list-style-type: none"> 1. Implementation of the proposed changes should occur incrementally to allow for an assessment of the impact/effectiveness, as well as the utilization of various options that are provided to increase housing development such as the Universal Affordability Preference and changes to requirements in low density communities. 2. Establish mandates/targets to evaluate the impact and effectiveness of the proposed changes. 3. Increase the Universal Affordability Preference to at least 30% instead of at least 20%. 4. Mandate development on campus infills to include 50% of newly developed units to be permanently affordable at the 40% AMI level. 5. Maintain existing parking requirements. 6. Include affordability mandates in the development of small and shared housing developments. 7. Provide community boards with an outline of existing functions compared to new or eliminated functions that will be created if the City of Yes for Housing Opportunity is passed. 		
Recommendation submitted by	MN CB10	Date: 7/8/2024 4:58 PM



Hon. Marquis A. Harrison
Chairperson
Minah Whyte
District Manager

CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor New York, NY 10027
T: 212-749-3105 F: 212-662-4215
Website: <https://cbmanhattan.cityofnewyork.us/cb10/>

Resolution Manhattan Community Board 10

RESOLUTION: To not support with recommendations the City of Yes Housing Opportunity Citywide Text Amendment.

WHEREAS, New York City Department of City Planning (hereafter known as DCP) is proposing the City of Yes for Housing Opportunity Citywide Text Amendment (N240290ZRY) that will implement changes to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution are designed to enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City; and

WHEREAS, the City of Yes for Housing Opportunity Citywide Text Amendment is created to build more housing throughout the city in order to help address low apartment vacancy rates, the fact that 50% of renters are rent burdened, and there are approximately 93,000 individuals residing in homeless shelters; and

WHEREAS, there are total of fifteen (15) proposals that will impact low density and medium-high density communities, and the city at large that Manhattan Community Board 10 must consider:

Low Density (R1-R5 Districts)

1. Town Center Zoning – Re-introduce in areas where the classic building form of a commercial ground floor with two to four stories of housing above.
2. Transit-oriented Development – Allows for modest 3-5 story apartment buildings on large lots within a half mile of a subway or rail station.
3. Accessory Dwelling Units (ADUs) – permit ADUs in backyard cottages, garage conversions, and basement apartments.
4. District Fixes – Give homeowners additional flexibility to adapt their homes to meet family needs.

Medium – High Density

5. Universal Affordability Preference (UAP) – allow building to add at least 20% more housing if additional homes are permanently affordable with an average 60% AMI for these units.

Citywide

6. Lift Costly Parking Mandates – eliminates mandatory parking requirements for new buildings
7. Convert Non-Residential Buildings to Housing – make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.
8. Small and Shared Housing – reintroduce housing with shared kitchens or other common facilities as well as eliminate strict limits on studios and one-bedroom apartments.
9. Campus Infill – make it easier to add new housing on large sites with 1.5 or more acres that have existing building on them.

Miscellaneous

10. New Zoning Districts – create new residential districts that require mandatory inclusionary housing that can be mapped in central areas in compliance with state requirements.
11. Update to Mandatory Inclusionary Housing – allow the deep affordability option (Option 3) to be used as a standalone.
12. Sliver Law – allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts
13. Quality Housing Amenity Changes – extend amenity benefits to family-sized apartment buildings with 9 or more units.
14. Landmark Transferable Development Rights – make it easier for landmarks to sell unused development rights by transferring radius and simplifying procedure.
15. Railroad Right-of-way – Simplify and streamline permissions for development involving former railroad rights of way.

WHEREAS, the City of Yes for Housing Opportunity is a dense (~1300 pages) document that will result in changes to zoning regulations throughout the City DCP facilitated three presentations on 5/16/24 and 5/23/24, and at a public forum on 6/20/24, as well as provided a Q&A documents from other community boards throughout the city, and:

WHEREAS, Manhattan Community Board 10 Land Use Committee facilitated two public hearings on 5/16/24 and 5/23/24, and public forum on 6/20/24; and

WHEREAS, Manhattan Community Board 10 agrees that the need for housing in the City is urgent, the committee believes that the type of housing developed as a result would be disproportionately market rate; and

WHEREAS, on May 23rd, 2024 Manhattan Community Board 10 Land Use Committee voted **4 Yes, 1 No, 1 Abstention, and 0 Recusal** to not support the City of Yes Housing for Opportunity with recommendations. The primary concerns of the committee and the community, as well as the recommendations were as follows:

Universal Affordability Preference (UAP) – this is a voluntary option that developers can use that will replace the voluntary inclusionary housing option. While this will provide at least 20% more housing that will be permanently affordable, the UAP requirement should mandate a greater percentage of affordability (30%) as well as mandate an average AMI of 40% instead of 60%.

Lift Costly City Parking Mandates – the inclusion of parking would be at the discretion of developers. Parking challenges already exist in Manhattan Community Board 10. Garage parking is costly and parking on the streets is limited due to a variety of reasons. As the City of Yes for Housing Opportunity eliminates parking mandates, the construction of developments in certain areas of the community, such as the previously proposed One45 project, would place an even greater strain on existing transportation hubs.

Small and Shared Housing - while this will support households of one or two individuals, it does not address the needs of families. Eliminating limits on studios and one-bedroom apartment might lead developers to create smaller units vs. units for families.

Campus Infill – Manhattan Community Board 10 has various locations throughout the district that are considered campuses such as our NYCHA developments, Esplanade Gardens, Lenox Terrace, and the site proposed for the One45 project. It is recommended that any new

development on these campuses should require 50% of the units to be permanently affordable and an average 40% AMI.

Overarching Concerns

- While more housing is needed throughout the city, the community board believes that more *affordable* housing is needed. The City of Yes for Housing Opportunity will result in the development of a disproportionate number of market rate units. UAP should require at least 30% permanently affordable units as developers will receive additional FAR (floor area ratio).
- The City of Yes for Housing Opportunity has an anticipated number of new housing units that will be produced in the next 15 years but it does not establish mandates/targets for various communities throughout the city. The City should establish mandates and targets for creation of new housing throughout the city, and should track progress against these targets.
- The City of Yes for Housing Opportunity provides significant benefits to developers with limited guarantees to renters that are financially challenged and rent burdened. It is recommended that changes to the zoning occur incrementally to allow for the city to assess their impact and effectiveness. It is recommended that changes outlined in the City of Yes for Housing Opportunity are implemented in phases.
- The City of Yes for Housing Opportunity is a large amendment that must be reviewed, discussed, and deliberated by community boards within a 60-day period. Unfortunately, the amendment does not clearly outline the changes to areas that the community board currently reviews indicating that some processes will change to a CPC Chair review. The city should provide a comparative analysis of current community board review areas versus new or eliminated areas by the City of Yes for Housing Opportunity.

The chart below outlines the committee decisions on each of the proposed actions:

Proposal	Support	Do Not Support	Requested Modification/Recommendation
Low-Density			Not found in CB
Town Center Zoning	X		
Transit-Oriented Development	X		
Accessory Dwelling Units	X		
District Fixes	X		
Medium - High Density			Density found in CB 10
Universal Affordability Preference (UAP)		X	Creates 20% affordable units at an average of 60% AMI with additional FAR. Committee recommends an increase in the affordability rate by lowering the AMI average to 40% instead of 60%. Additionally, increase the percentage of affordable units from 20% to 30% because the rate of market rate to affordable

			unit in each new development that uses UAP will be 80% to 20%. This is a disproportionate amount of market rate units that does not meet the needs of the community and will negative impact the way in which AMI is calculated.
Citywide			
Lift Costly Parking Mandates		X	Development of parking would be at the discretion of the developer – optional for new housing. Community already burdened with finding parking in the area. Existing parking lots are costly. Congestion pricing will have greater impact on the community as non-CB 10 residents will park their vehicles in the community in order to access the various transportation hubs located in the district.
Convert Non-Residential Buildings to Housing	X		CB 10 has no existing buildings that are eligible for conversions.
Small and Shared Housing	X		Community is concerned with the limited number of affordable units for families.
Campus Infill		X	CB 10 has many eligible campuses including the various NYCHA developments, Lenox Terrace, Esplanade Gardens, and the site previously designated for the One45 project. It is recommended that any new development should have a requirement that includes 50% of the units to be permanently affordable at the 40% AMI level.
Miscellaneous			
New Zoning Districts	X		
Update to Mandatory Inclusionary Housing	X		Option 3 would become a standalone for rezoning allowing for 20% affordable units at the 40% AMI. ULURP would still be required.
Sliver Law	X		
Quality Housing Amenity Changes	X		Will now require all buildings with 9 or more units to provide

			at least 3% of FAR amenities such as laundry room, indoor recreational space, mail room, etc.
Landmark Transferable Development Rights (LDTR)	X		This would become a CPC Chair certification. All action would still be approved by the Landmarks commission.
Railroad Right-of-Way	X		

NOW THEREFORE, BE IT RESOLVED

Manhattan Community Board 10 **does not support the City of Yes for Housing Opportunity Citywide Text Amendment**, with the recommendations listed below. During the June 26th, 2024 meeting, the board voted **32 Yes, 2 No, 0 Abstention, and 0 Recusal.**

1. Implementation of the proposed changes should occur incrementally to allow for an assessment of the impact/effectiveness, as well as the utilization of various options that are provided to increase housing development such as the Universal Affordability Preference and changes to requirements in low density communities.
2. Establish mandates/targets to evaluate the impact and effectiveness of the proposed changes.
3. Increase the Universal Affordability Preference to at least 30% instead of at least 20%.
4. Mandate development on campus infills to include 50% of newly developed units to be permanently affordable at the 40% AMI level.
5. Maintain existing parking requirements.
6. Include affordability mandates in the development of small and shared housing developments.
7. Provide community boards with an outline of existing functions compared to new or eliminated functions that will be created if the City of Yes for Housing Opportunity is passed.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 0	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 6/25/2024 12:00 AM		Vote Location: 2180 Third Avenue, New York, NY 10035	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/21/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Museum of the City of New York, 1220 Fifth Avenue, New York, NY 10029

CONSIDERATION: Approve with conditions.

Recommendation submitted by	MN CB11	Date: 6/28/2024 6:48 AM
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CB11M

EAST HARLEM

Xavier A. Santiago
Chair

Angel D. Mescaín
District Manager

June 25, 2024

Dan Garodnick
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on Land Use application N 240290 ZRY: City of Yes for Housing Opportunity

Dear Director Garodnick,

Community Board 11 (CB11) appreciates the opportunity to review and comment on Land Use application N 240290 ZRY: City of Yes for Housing Opportunity.

Community Board Recommendation

Whereas the New York City Department of City Planning (DCP) proposes a citywide zoning text amendment (the “Proposed Action”) to the New York City Zoning Resolution (ZR) to enable more housing and a wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City;

Whereas the Proposed Action, known as City of Yes for Housing Opportunity (COYHO), seeks to enable more housing and a wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City;

Whereas the Proposed Action comprises project components in four broad categories: Medium- and High-Density proposals in R6-R10 districts and equivalents; Low-Density proposals in R1-R5 districts and equivalents; Parking proposals, which span the full range of districts and densities; and assorted other changes in line with project goals;

Whereas these changes will apply in underlying zoning districts, Special Districts, and other geographies that modify underlying zoning, with limited adjustments to reflect planning goals in specific areas;

Whereas more than 500,000 units of housing are needed across the city and this zoning text amendment is anticipated to produce up to about 100,000 units of housing, CB11 asks that the city do more to increase diverse housing stock that is affordable especially as it relates to the AMI of neighborhoods like East Harlem and that seeks to meet the needs of larger families instead of prioritizing studio and

1-bedroom apartments; and

Whereas the City of New York should assist with providing a plan for the rehabilitation of the estimated 300,000 vacant units to assist with the housing affordability crisis, now, therefore, be it

Resolved, that Manhattan Community Board 11 recommends approval with conditions of Land Use Applications N 240290 ZRY: City of Yes for Housing Opportunity as follows:

	<i>Proposal</i>	<i>Position</i>
1	Town Center Zoning	Support
2	Transit-Oriented Development	Support
3	Accessory Dwelling Units	Support
4	District Fixes	Support
5	Universal Affordability Preference	Support
6	Lift Costly Parking Mandates	Support
7	Convert Non-Residential Buildings to Housing	Support
8	Small and Shared Housing	Do Not Support
9	Campus Infill	Do Not Support
10	New Zoning Districts	Support
11	Update to Mandatory Inclusionary Housing	Support
12	Sliver Law	Support
13	Quality Housing Amenity Changes	Support
14	Landmark Transferable Development Rights	Support
15	Railroad Right-of-Way	Support

1. *Any proposal that removes or does not include public input, community board review and/or City Council review through this Zoning Text Amendment should be adjusted to re-include such input.*
2. *Any addition of new housing must be required to include a minimum portion of affordability.*

Full Board Vote: In Favor: 32; Opposed: 0; Abstentions: 0

If you have any questions regarding our recommendation, please contact Angel Mescain, District Manager, at 212-831-8929 or amescain@cb11m.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Xavier A. Santiago', with a horizontal line extending to the right.

Xavier A. Santiago
Chair

cc: Jose Trucios, New York City Department of City Planning (via email)
Hon. Mark Levine, Manhattan Borough President (via email)
Hon. Diana Ayala, Deputy Speaker, New York City Council (via email)
Hon. Yusef Salaam, New York City Council (via email)
Jason Villanueva, Community Board 11 (via email)
Rosa Diaz, Community Board 11 (via email)



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 26	# Against: 2	# Abstaining: 3	Total members appointed to the board: 31
Date of Vote: 6/25/2024 12:00 AM		Vote Location: 104 Haven Ave 9th Floor	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/17/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	CB 12 M Office 530 West 166th St. Room 6B

CONSIDERATION:	
<p>At the General Meeting on Tuesday, January 23, 2024, Community Board 12, Manhattan, passed a resolution with a vote of 26 in favor, 2 opposed, 3 abstentions, and 0 not voting, supporting the City of Yes for Housing Opportunity Zoning Text Amendment proposed by the Department of City Planning except for the proposals to map new high-density residential districts, eliminate limits on buildings with primarily studios and one-bedrooms, and eliminate mandated parking requirements for new buildings, which it does not support as they are currently drafted; urging the Department of City Planning to further study the potential adverse and/or unintended impacts of the proposals it currently does not support and modify them to mitigate against these impacts before the City Planning Commission votes on the Zoning Text Amendment; and urging Mayor Eric Adams to create a multi-agency taskforce that includes community stakeholders to formulate and implement an ongoing capital plan to develop thoughtfully designed, well-built, and well-maintained housing citywide that is permanently affordable individuals and households with low-to-moderate incomes.</p>	
Recommendation submitted by	MN CB12
Date:	7/9/2024 1:00 PM

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

July 9, 2024

Hon. Dan Garodnick
Chair
NYC Dept. of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Resolution Conditionally Supporting the City of YES for Housing Opportunity Zoning Text Amendment

Dear Chairman, Garodnick:

At the General Meeting on Tuesday, January 23, 2024, Community Board 12, Manhattan, passed a resolution with a vote of 26 in favor, 2 opposed, 3 abstentions, and 0 not voting, supporting the City of Yes for Housing Opportunity Zoning Text Amendment proposed by the Department of City Planning except for the proposals to map new high-density residential districts, eliminate limits on buildings with primarily studios and one-bedrooms, and eliminate mandated parking requirements for new buildings, which it does not support as they are currently drafted; urging the Department of City Planning to further study the potential adverse and/or unintended impacts of the proposals it currently does not support and modify them to mitigate against these impacts before the City Planning Commission votes on the Zoning Text Amendment; and urging Mayor Eric Adams to create a multi-agency taskforce that includes community stakeholders to formulate and implement an ongoing capital plan to develop thoughtfully designed, well-built, and well-maintained housing citywide that is permanently affordable individuals and households with low-to-moderate incomes.

Whereas: The New York City Department of City Planning (“DCP”) has proposed a citywide amendment to the New York City Zoning Resolution (the “Zoning Resolution”) entitled the City of Yes for Housing Opportunity (the “Proposed Action” or the “Zoning Text Amendment”) to revise outdated, restrictive, and complicated zoning laws that limit opportunities to create new homes and make those that do get built more expensive. The Zoning Text Amendment was released for public review by the community board on April 29, 2024. The review period ends on July 8, 2024. DCP states that it will accept comments on the Zoning Text Amendment up to September 2024 when the City Planning Commission is scheduled to vote on the Proposed Action; and

Whereas: DCP’s rationale for the Zoning Text Amendment is that almost all of New York City’s recent housing production has been concentrated in a few neighborhoods, some having created virtually no new housing, thereby putting pressure on a few

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

July 9, 2024

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parts of the City to produce all new housing. The Proposed Action is intended to make it possible to build a little more housing in every neighborhood thereby not dramatically changing neighborhood character or overtaxing infrastructure. The Proposed Actions would allow for the development of more, and more types of housing; and

Whereas: While zoning does not directly build or fund new housing, and affordable housing depends on subsidies and other forms of public support, it is one tool within the City's control that regulates the density and use of what housing can be built, where housing can be built, and can include requirements for income-restricted housings; and

Whereas: The Proposed Action is the third of three City of Yes zoning actions proposed by DCP to update the City's 1961 Zoning Resolution. In June 2023, Community Board 12-Manhattan ("CB12M") passed a resolution supporting the City of Yes for Carbon Neutrality, the first of these proposed zoning actions. In January 2024 CB12M passed a resolution conditionally supporting the City of Yes for Economic Opportunity, the second of these proposed zoning actions; and

Whereas: The Zoning Text Amendment would:

1. Create Universal Affordability Preference ("UAP"), a new tool that would allow buildings to add at 20% more density or floor area ratio (FAR), if at minimum the additional 20% FAR is dedicated to homes that are permanently affordable to households earning on average 60% of the Area Median Income (AMI);
2. Make it easier to convert vacant offices and other non-residential buildings to residential use;
3. Relegalizing modest apartment buildings with stores on the street and apartments above exist in low-density areas across the five boroughs, most of them from the 1920s to 1950s that are prohibited by the current zoning;
4. Remove parking mandates for new housing while preserving the option to provide parking if there is demand;
5. Allow or legalize accessory dwelling units (ADUs), which include backyard cottages, garage conversions, and basement apartments to provide more residential units, including for multi-generational families, without significantly changing the look and feel of a neighborhood;

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment
July 9, 2024
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6. Relegalize modest, three- to five-story apartment buildings in low-density areas, like those that built from the 1920s to 1950s, on large lots on wide streets or corners within a half-mile of public transit that are prohibited by current zoning;
7. Remove obstacles and streamline outdated rules to make it easier for campuses, such as NYCHA developments and faith-based institutions, to add new buildings; and
8. Re-legalize shared housing (housing with shared kitchens or other common facilities) which were banned in the 1950s and apartment buildings consisting of studio apartments, which were banned in the 1960s; and

Whereas: The Zoning Text Amendment includes 15 proposals that relate to target low-density zoning districts, medium and high-density zoning districts, and zoning districts citywide as well as and zoning modifications; and

Whereas: The Zoning Text Amendment's low-density, i.e.: R1- R5, zoning district proposals include:

- Town-center Zoning to reintroduce buildings with ground floor commercial and two to four stories of housing above in areas where this form of building previously was permitted but is prohibited under current zoning;
- Allowing three- to five-story apartment buildings on large lots within a half mile of subway or rail stations that are on wide streets;
- Permitting new, code-compliant accessory dwelling units such as backyard cottages, garage conversions and basement units; and
- Adjusting FAR, perimeter yards, height, and other rules to give homeowners additional flexibility to adapt their homes, which may be out of compliance with current zoning, to meet family needs; and

While Washington Heights and Inwood is medium-density zoning district, with only one low-density, R3-2 equivalent, zoning district which is in the Sherman Creek area and is owned by the New York City Parks Department, it is interested in supporting good city planning and urban design principles citywide; and

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment
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Whereas: The Zoning Text Amendment's medium to high-density, i.e.: R6-R10, zoning district proposal includes the creation of UAP to extend existing rules applicable to affordable senior housing to all forms of affordable and supportive housing; and

Whereas: The Zoning Text Amendment's proposal that would apply citywide include:

- Eliminating mandated parking requirements for new buildings, while allowing for parking to be provided if there is demand;
- Making it easier to convert vacant or underutilized non-residential buildings, such as office buildings, to residential use;
- Re-legalizing housing with shared kitchens or other common areas and eliminate strict limits on buildings with primarily studios and one-bedrooms; and
- Making it easier to add new contextual, height-limited housing on large campus sites, such as NYCHA developments, which have existing buildings and ample room additional to accommodate new development; and

Whereas: The Zoning Text Amendment's other miscellaneous proposals include:

- Creating and mapping new zoning districts with allowable density more than 12 FAR that require Mandatory Inclusionary Housing (MIH);
- Updating MIH rules to allow the deep affordability option, which requires 20% of units to be set-aside at an average of 40% AMI, to be used as a standalone option;
- Elimination of the Sliver Law, except for narrow lots that are less than 45 feet wide, in zoning districts that have height limits or options for height limits;
- Extending the amenity benefits in the Quality Housing Program to all multi-family buildings and updating the amenities to improve incentives for family-size units;
- Making it easier for landmarks to sell unused development rights by expanding transfer radius, simplifying the process for transfers that require limited bulk modifications, and broaden the program to individual landmarks in low-density zoning districts; and
- Update the permissions required for development or expansion of development involving current or former railroad rights of way to

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

July 9, 2024

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replace the current Special Permit process established in 1962 by a City Planning Commission Authorization (CPC) for sites over four acres and a Certification by CPC's Chair for smaller sites; and

Whereas: DCP hosted informational meetings on the Zoning Text Amendment fall 2023. Representatives of DCP presented the Zoning Text Amendment to CB12M's Land Use Committee at its regularly scheduled meetings held on May 1, 2024 and on June 5, 2024, and on June 5, 2024 provided the Committee with a 34-page memo that included the questions posed by to Manhattan Community Boards 9, 10, 11, and 12 concerning the Proposed Action and DCP's responses; and

Whereas: CB12M understands the need to update aspects of the Zoning Resolution, many of which are unchanged from 1961, that can present obstacles to the design and development of housing in New York City and may prohibit types of housing required to meet the diverse housing needs of city residents. It supports the Zoning Text Amendment in principal but is concerned with the potential unintended consequences of mapping new zoning districts with allowable density more than an FAR of 12, lessening restrictions on buildings with predominantly studios and one-bedroom units, and eliminating parking mandates for new housing; and

Whereas: The Municipal Dwelling Law (MDL), as modified in 1961, limited the maximum residential density in New York City to a 12 FAR. However, the New York State Legislature recently made changes to the MDL allow the city to lift the 12 FAR cap and requires any zoning district with FAR above 12 to be subject to MIH. The highest residential density zoning district in the Zoning Resolution is R10. R10 zoning has a FAR of 10; in R10 districts a FAR of 12 is permitted for developments subject to MIH. The Zoning Text Amendment would create two new residential zoning districts, R11 and 12 with FARs of 15 and 18, respectively. Limited areas of the city are currently zoned R10. It is unclear where DCP deems it appropriate to map the new R11 and R12 zoning districts and what guidelines and controls would be put in place to avoid the potential for conflicts of scale and character between developments in these new districts and neighboring areas; and

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

July 9, 2024

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Whereas: Single-Room Occupancy (SRO) residences, which were legal prior to 1961, provided a source of affordable housing. Re-legalizing SROs would help to serve the housing needs of some city residents. However, new residential buildings constructed in Washington Heights and Inwood, and elsewhere in the city, already have a concentration of studio and one-bedroom units. It is unclear how current zoning is an obstacle to this type of development or why it is necessary to revise zoning to allow for a future development to have a greater concentration of studios and one-bedroom units; and

Whereas: The 2016 Zoning for Quality and Affordability (ZQA) revised the Zoning Resolution to, among other things, make the provision of parking optional for affordable housing and affordable senior housing developments within a half-mile of a subway station, defined as a transit zone, and reducing the parking mandates for affordable housing and affordable senior housing outside of a transit zone. The modifications to parking requirements under ZQA did not apply to market-rate housing. Under the Proposed Actions, with potentially more housing built without parking, there could be increased demand on existing off-street parking, applying upward pressure on the price of parking, making it less affordable to many residents, notwithstanding that the parking facility may be in the buildings where they reside; and

Whereas: Most residential buildings in Washington Heights and Inwood pre-date the 1961 Zoning Resolution. New development built pursuant to the 1961 Zoning Resolution often yields buildings that are out of context with the neighborhoods. There is significant demand for affordable housing in Washington Heights and Inwood, upper Manhattan, and citywide. CB12M has consistently advocated for the preservation of affordable housing, respecting neighborhood scale and character, historic preservation, contextually sensitive new residential developments and for new affordable housing developments that are affordable to current residents. The Proposed Action would update the Zoning Resolution to improve it as a tool to advance these objectives, now, therefore, be it

Resolved: Community Board 12-Manhattan supports the City of Yes for Housing Opportunity Zoning Text Amendment proposed by the Department of City Planning except for the proposals to map new high-density residential districts, eliminate limits on buildings with primarily studios and one-bedrooms, and eliminate

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment
July 29, 2024
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mandated parking requirements for new buildings, which it does not support as they are currently drafted; and be it further

Resolved: Community Board 12-Manhattan urges the Department of City Planning to further study the potential adverse and/or unintended impacts of the proposals it currently does not support and modify them to mitigate against these impacts before the City Planning Commission votes on the Zoning Text Amendment; and be it further

Resolved: Community Board 12-Manhattan urges Mayor Eric Adams to create a multi-agency task force that includes community stakeholders to formulate and implement an ongoing capital plan to develop thoughtfully designed, well-built, and well-maintained housing citywide that is permanently affordable for individuals and households with low-to-moderate incomes.

Sincerely,

Katherine Diaz
Chairperson

cc:

Hon. Eric Adams, Mayor, NYC

Hon. Jumaane Williams Public Advocate

Hon. Mark Levine, Manhattan Borough President

Hon. Brad Lander, Comptroller

Hon. Adriano Espaillat, Congressman

Hon. Robert Jackson, State Senator

Hon. Al Taylor, Assembly Member

Hon. Manny De Los Santos, Assembly Member

Hon. Carmen De La Rosa, Council Member

Hon. Shaun Abreu, Council Member



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 8	# Against: 1	# Abstaining: 5	Total members appointed to the board: 23
Date of Vote: 7/9/2024 12:00 AM		Vote Location: 1 Centre Street	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/20/2024 8:30 AM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Virtual

CONSIDERATION: Detailed breakdown of votes is below: Proposal 1 - Town Centers: Approve - 8 in favor; 0 against; 7 abstaining Proposal 2 - TOD: Approve - 8 in favor; 0 against; 7 abstaining Proposal 3 - ADU's: Approve with conditions - 8 in favor; 0 against; 7 abstaining Proposal 4 - District Fixes: No action Proposal 5 - UAP: Approve with conditions - 8 in favor; 1 against; 5 abstaining Proposal 6 - Parking mandates: No actions Proposal 7 - Office Conversions: Approve with conditions - 8 in favor; 0 against; 5 abstaining Proposal 8 - Small and Shared Housing: Approve with conditions - 8 in favor; 1 against; 4 abstaining Proposal 9 - Infill Approve with conditions - 7 in favor; 1 against; 4 abstaining New Zoning Districts: Approve with conditions - 8 in favor; 0 against; 4 abstaining Updates to MIH: Approve with conditions - 7 in favor; 0 against; 5 abstaining Sliver Law: Approve - 7 in favor; 0 against; 5 abstaining Quality Housing Changes: Approve with conditions - 8 in favor; 0 against; 4 abstaining TDR: Approve with conditions - 8 in favor; 0 against; 4 abstaining Railroad Right-of-Way: No action		
Recommendation submitted by	MN BP	Date: 7/10/2024 12:39 PM

**MANHATTAN BOROUGH BOARD RESOLUTION
CITY OF YES FOR HOUSING OPPORTUNITY ZONING TEXT AMENDMENT**

WHEREAS, New York City is in the midst of an unprecedented affordable housing crisis with:

1. An extremely low housing vacancy rate of just 1.4% in 2023, the lowest since 1968.¹
2. Skyrocketing rents, with the median rent in Manhattan reaching \$5,100 per month.
3. Severe slowdown in construction in recent years, with permits for new housing down over 30% across NYC in 2022 compared to 2021.²
4. Projections showing Manhattan will need approximately 473,300 additional housing units by 2032 in order to satisfy anticipated demand and maintain affordable housing options;³ and

WHEREAS, Our outdated New York City Zoning Resolution has played a role in slowing down the creation of housing; and

WHEREAS, New York City's Zoning Resolution was last overhauled in 1961, and many of its provisions have not been updated to address the impacts of exclusionary zoning and of regulations that limit housing development and typologies to meet demand; and

WHEREAS, In its 2024 legislative session the State of New York passed the following:

1. A real estate tax abatement, known as 485x, which includes affordability requirements
2. Elimination of the 12 Floor Area Ratio (FAR) cap in New York City
3. A tax incentive to finance the conversion of commercial buildings to residential that includes affordability requirements, known as the Affordable Housing from Commercial Conversion (AHCC) program; and

WHEREAS, On May 8, 2024, the City Planning Commission referred application No. N240290ZRY for a set of text amendments to the Zoning Resolution, which collectively are known as the City of Yes for Housing Opportunity (COY Housing) proposal; and

WHEREAS, The COY Housing proposal works in tandem with recently passed State legislation to boost the production of housing; and

WHEREAS, COY Housing includes nine major proposals, with the first four proposals applicable only to areas outside of Manhattan; and

¹ <https://www.forbes.com/sites/shimonshkury/2024/03/20/new-york-city-housing-shortage-highlights-need-for-more-development/?sh=22ef22ae4e58>

² NYC Rent Guidelines Board. 2023. Housing Supply Report.
<https://www1.nyc.gov/assets/rentguidelinesboard/pdf/reports/hsrpt23.pdf>

³ <https://www.forbes.com/sites/shimonshkury/2024/03/20/new-york-city-housing-shortage-highlights-need-for-more-development/?sh=22ef22ae4e58>

WHEREAS, Nonetheless, Manhattan's housing market conditions have been impacted by the lack of housing production in low-density areas, which the first four proposals of COY Housing aim to address; and

WHEREAS, Proposal 1 would allow marginal increases in residential density in town centers located outside of Manhattan; and

WHEREAS, Proposal 2 would incentivize the development of small apartment buildings in lower-density areas that are close to public transit and located outside of Manhattan; and

WHEREAS, Proposal 3 would facilitate the legal creation of accessory dwelling units (ADUs) outside of Manhattan by allowing them on the same zoning lot as a single or two-family residence. ADUs in rear yards will be limited to an area not exceeding 50% of the rear yard area and require a five-foot distance from the rear and side yard lines as well as street access and is therefore not feasible in Manhattan; and

WHEREAS, Proposal 4 would allow one- and two-family homeowners to adapt their homes and bring existing homes in compliance with zoning outside of Manhattan; and

WHEREAS, Proposal 5 would establish a Universal Affordability Preference (UAP) that would generally allow a 20% increase in residential density as long as that additional density is affordable or supportive housing at an average of 60% area median income (AMI); and

WHEREAS, UAP is expected to produce 20,000 units of income-restricted, permanently affordable housing within 10–15 years; and

WHEREAS, Housing developed under UAP would have to comply with MIH requirements regarding unit distribution and number of family-sized units; and

WHEREAS, A development using the UAP program could only obtain one additional 20% floor area bonus; and

WHEREAS, Proposal 6 would eliminate parking mandates for new buildings in several parts of the City, including in Manhattan Community Boards 9 through 12; and

WHEREAS, In 1982, the City of New York eliminated such parking requirements in Manhattan Community Boards 1 through 8; and

WHEREAS, Proposal 7 would facilitate the conversion of commercial buildings into residential use by extending the cutoff date for conversion to 1990 citywide and expanding the type of building that can be converted; and

WHEREAS, This proposal would not change the light and air requirements for residential use, including the requirement that each bedroom include an operable window; and

WHEREAS, The NYC Building Code requires one room of a living space to be at least 150 square feet, not including the bathroom, kitchen, or closet, and all additional rooms must be at least 80 square feet; and

WHEREAS, Proposal 8 would remove zoning restrictions that disallow alternative housing types, such as small/micro units and shared housing; and

WHEREAS, Proposal 9 would facilitate infill development on residential campuses and property owned by religious institutions and would not change allowable uses or increase FAR, but instead would remove obstacles for an owner to build to their property's maximum allotted FAR while also promoting more contextual development over tall and narrow residential buildings;

WHEREAS, Open space requirements would be maintained for sites exceeding 1.5 acres and a 50% lot coverage maximum would exist for campuses; and

WHEREAS, General City Law 36 stipulates that “[n]o permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or plan” and therefore any development seeking to build infill adjacent to a private road would have to complete a street mapping application, which requires a full Uniform Land Use Review Procedure (ULURP) approval; and

WHEREAS, Proposal 9 would not result in an increase in the allowable FAR on any campus; and

WHEREAS, The New York City Housing Authority (NYCHA) conducts extensive engagement with its residents as part of any infill development plans on its campuses; and

WHEREAS, Additional proposals include (1) Creating new zoning districts, including R11 and R12 with 15 and 18 FAR respectively; and

WHEREAS, Any property owner or entity seeking to designate land under one of the new zoning districts would have to obtain approval through ULURP and designate a Mandatory Inclusionary Housing (MIH) area; and

WHEREAS, Additional proposals also include (2) Updating the MIH Program to allow Deep Affordability (20% of a building's units affordable at an average of 40% AMI) as a standalone option; and

WHEREAS, Additional proposals also include (3) Eliminating the Sliver Law in contextual districts with height limits and maintaining the Sliver Law in areas where there are otherwise no height limits; and

WHEREAS, Additional proposals also include (4) Allowing all multifamily buildings an exemption up to 5% of floor area for amenities including laundry rooms, recreational space, lounges, fitness centers, and other qualifying amenities; and

WHEREAS, Additional proposals also include (5) Expanding the Landmark Transfer of Development Rights (TDR) program to allow landmarks to transfer development rights to a site anywhere on the same block, or immediately across the street or intersection; and

WHEREAS, The Landmark TDR program was established with the goal of creating a revenue stream for landmarked properties that might otherwise not be able to pay for Landmarks Preservation Commission (LPC)-compliant building maintenance and renovation work; and

WHEREAS, Any proposed development within an LPC historic district would still be required to obtain LPC approval; and

WHEREAS, Additional proposals also include (6) Simplifying the special permit requirements for building over a railroad right of way special permit; and

WHEREAS, The City's MIH requirement, which compels developers to include affordable housing as part of their residential development, can only be applied when there is a significant increase in the residential density allowed under zoning; and

WHEREAS, Applying affordability requirements when the capacity to build residential FAR remains unchanged could have the unintended consequence of resulting in less housing production; and

WHEREAS, On May 16, 2024, the Department of City Planning presented the City of Yes for Housing Opportunity application to the Manhattan Borough Board; and

WHEREAS, All 12 community boards held hearings on the text amendment application,

RESOLVED, that the Manhattan Borough Board votes to recommend the following for each of the proposals that are part of Application No. N240290ZRY:

General Comments

- New residential buildings should be required to provide loading areas, trash rooms, package rooms, mail rooms, laundry rooms, and other amenities and infrastructure, and those facilities should be provided in a manner that does not interfere with use of adjacent streets and sidewalks

- Additional schools, hospitals, and other services and infrastructure should be provided to support new residential density
- The City should create a publicly accessible Landmark TDR database
- The City should create publicly accessible database detailing outcomes of zoning actions
- High-density developments with an FAR over 12 should be required to provide a 10,000 sq. ft. Privately Owned Public Space (POPS) that includes a public bathroom
- Community board members discussed their individual and varying needs regarding AMI levels, tiers, and caps, noting that there was an overall desire for change. However, priorities differed by community board, so there was no consensus for specific AMI directives, including for the proposed changes for UAP, office conversions, campus infill, and MIH
- Community board members held different opinions regarding the level of public review that should be required for office conversion projects
- Community board members differed on whether ULURP review should be eliminated for the TDR from landmarked properties, noting that the current ULURP requirement is onerous and has resulted in limited use of the zoning provision, but that notification to community boards is not sufficient for reviewing these applications
- Community board members noted the importance of preserving light and air for their broader communities and that negative impacts caused by changes to residential building standards could outweigh benefits to their communities

Proposal 1: Town Center Zoning - *Recommend approval.*

Proposal 2: Transit-Oriented Development - *Recommend approval.*

Proposal 3: Accessory Dwelling Units - *Recommend approval with the following conditions:*

- Amend the proposal to ensure that neighborhood character is preserved
- ADUs should be restricted to R1 through R5 districts
- Remove changes to rear yard requirements in high-density districts (R6 through R12)
- Require community board review and approval of any changes to rear yard requirements if they remain in the proposal

Proposal 4: District Fixes - *No action*

Proposal 5: Universal Affordability Preference (UAP) - *Recommend approval with the following conditions:*

- Maintain contextual height and bulk requirements within special zoning districts
- Require UAP to be a mandate, not an option
- Reduce the off-site sunset provision from 10 years to 5 years
- Work with the Department of Housing and Preservation Development to provide additional subsidies to deepen affordability levels where needed
- Allow affordable housing credits to be awarded to developers utilizing UAP for the preservation of affordable units off site through a regulatory agreement

Proposal 6: Eliminate Parking Mandates - *No action with the following comment:*

- The City should improve transit infrastructure

Proposal 7: Conversions - *Recommend approval with the following conditions:*

- Set the eligibility date for conversions to a rolling date of 35 years from building construction
- Require buildings to retain spaces for building operations, including loading docks, particularly if the building has ground-floor commercial use
- Require a special permit for conversion to dormitory use by an academic institution
- Require a percentage of any housing created through conversions to be affordable
- Require public review and approval

Proposal 8: Small and Shared Housing - *Recommend approval with the following condition:*

- Allow only new construction or office-to-residential conversion projects to have 100% of the unit mix be small or shared units, as to prevent the unintended consequence of incentivizing conversion of existing multi-bedroom units to micro units

Proposal 9: Campus Infill - *Recommend approval with the following conditions:*

- Require ULURP approval for any infill developments
- Require that proposals replace or mitigate the loss of recreation space or other community amenities where they propose to remove them
- Require a percentage of any housing created through campus infill to be affordable
- Preserve setback requirements that protect access to light and air

Additional Proposals:

New Zoning Districts - *Recommend approval with the following condition:*

- Require that 30% of units created in these mapped districts are permanently affordable through a regulatory agreement

Update to Mandatory Inclusionary Housing (MIH) - *Recommend approval with the following conditions:*

- Apply stronger affordability requirements to this proposal
- Change the way in which AMI bands are applied to MIH
- Require affordable housing be distributed on 100% of floors

Sliver Law - *Recommend approval.*

Quality Housing Amenity Changes - *Recommend approval with the following condition:*

- Require new buildings to have trash rooms, mail rooms, delivery areas, laundry, and other infrastructure inside, and include these spaces in the 5% deduction

Landmark Transfer of Development Rights (TDR) - Recommend approval with the following conditions:

- Require that only residential or community facility uses be eligible land uses for properties taking advantage of the expanded landmark development rights transfer radius
- Require the inclusion of a mechanism for affordable housing for developments using the as-of-right landmark TDR
- Limit the amount of increase an eligible site can receive to 20% of their existing FAR
- Retain ULURP review

Railroad Right of Way - No action

Adopted by the Manhattan Borough board on the 9th day of July, 2024.



Mark Levine
Manhattan Borough President
Chair of the Manhattan Borough Board



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 7/8/2024 4:07 PM
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CITY OF YES FOR HOUSING OPPORTUNITY

Recommendation



MARK LEVINE
MANHATTAN BOROUGH PRESIDENT

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Introduction

Note from the Manhattan Borough President

An Historic Affordability Crisis

New York is a 21st-century city with a zoning code that largely dates from 1961. In that year, the last in which there was a comprehensive overhaul of our land use rules, the car was king, population was declining, and some experts actually worried the city had too much housing.

The New York of 2024 is a very different place. Today we are experiencing intense demand for housing, a severe shortage of supply, and an anemic rate of production. The direct result of these trends is catastrophically high rents that threaten to upturn the lives of a whole generation of New Yorkers.

There are many causes for our current predicament. Some are tied to national economic forces beyond our control. But arguably our biggest obstacle is entirely home grown: a zoning code from 1961 that makes it far too difficult for us to build the housing New Yorkers desperately need.

Our current zoning code makes it hard to convert vacant office buildings to residences. It prioritizes construction of parking over apartments. It leaves little housing next to some transit hubs and prevents apartments from being built on top of stores in some commercial districts. And worst of all: It does too little to ensure construction of affordable homes.

In the face of such obstacles, we are producing far less housing than other cities. New units permitted per 1,000 residents (between 2017 and 2021).¹

- Jersey City: 83
- Seattle: 67
- Washington, DC: 43
- Boston: 28
- New York: 13

Meanwhile employment growth continues to far outpace housing growth here.²

The resulting housing shortage has been great for landlords. The vacancy rate in New York City is now at just 1.4%, the lowest in half a century. Demand for housing here is so intense—and supply so restricted—that we are seeing bidding wars on rental apartments. Rents in Manhattan have been pushed up to unprecedented heights, now at over \$5,000 per month on average for market-rate units.³

1 Pew Charitable Trusts. [New York's Housing Shortage Pushes Up Rents and Homelessness](#). May 25, 2023.

2 Forbes. [New York City Housing Shortage Highlights Need For More Development](#). March 20, 2024.

3 Douglas Elliman. [May 2024 Manhattan, Brooklyn, & Queens Rental Report](#).

The housing shortage has been a disaster for working-class and low-income tenants. It has contributed directly to the painfully high number of families in homeless shelters. It means even New Yorkers with middle-class jobs are forced to look far beyond Manhattan for housing, and increasingly are being forced to leave the city altogether. The families who remain are heavily rent burdened, with 52% of households here now paying over 30% of their income to rent.

New York was not the only city to institute restrictive zoning rules last century. But many others have now amended those codes to allow for more housing to be created. Minneapolis, MN, Oakland, CA, New Rochelle, NY, Portland, OR, and Tysons, VA have all implemented policies in recent years to increase the pace of housing production, and all have subsequently seen rents rise at a fraction of the pace of the national average.⁴

It is now New York City's turn to act. It's time we address our housing affordability crisis by bringing our zoning code into the 21st century.

Manhattan at the Center

There are two housing myths in Manhattan: that there is no more room to create housing here and that housing created in the other boroughs doesn't impact us.

Our 2023 report, *Housing Manhattanites*, settled the first question. We highlighted 171 sites across the borough where housing can be built. In total it would yield as much as 70,000 units. Following through on this potential would mean that 70,000 additional households could enjoy our transit access, open space and parks, cultural institutions, world-class academic institutions and medical care, and rich cultural diversity.

As for myth number two: The entire New York City region is in fact one housing market. When outer borough neighborhoods prevent housing production, it increases rents across the region, including in Manhattan. Conversely, new housing added in any borough helps relieve the pressure on rents here.

City of Yes for Housing Opportunity would thus help residents in Manhattan in two critical ways: creating additional housing in our borough so that more of us can stay here, and adding housing around the boroughs to help relieve the affordability crisis that is afflicting people in Manhattan and every corner of our city.

⁴ Pew Charitable Trusts. [More Flexible Zoning Helps Contain Rising Rents](#). April 17, 2023.

Introduction

Summary

Recommendation on Non-ULURP Application No. N240290ZRY – City of Yes for Housing Opportunity by NYC Department of City Planning

The Department of City Planning (DCP) proposes to make a series of amendments to the New York City Zoning Resolution (ZR) that would update and streamline zoning regulations that seek to promote the creation of housing and affordable housing.

The Manhattan Borough President's office is releasing this comprehensive report as part of the Borough President's recommendation because of the significant impact this text amendment could have on the City's housing stock. This report provides an in-depth analysis, examples from other cities, and additional recommendations for some of the proposals.

The report focuses on the five proposals that would most affect Manhattan. These proposals are:

- **Universal Affordability Preference:** Providing residential density bonuses for developments that build affordable and supportive housing
- **Office Conversions:** Facilitating the conversion of office buildings into residential use
- **Flexible Living Arrangements:** Creating more flexibility for different apartment sizes and arrangements
- **Infill Development:** Facilitating contextual infill development on residential campuses and faith-based institutions
- **Parking:** Eliminating requirements for developments to provide a minimum number of residential parking spaces

Each chapter of this report focuses on the individual proposals and their potential impact on Manhattan neighborhoods. **The BP is recommending approval with conditions on all five proposals:**

- **Universal Affordability Preference and New Residential Districts:** Yes with conditions
 - ◇ Require that the City Planning Commission certify that the UAP option has been effectively used by condo and co-op developments prior to eliminating the off-site option
 - ◇ Ensure supportive housing is holistic and includes spaces for programming
- **Office Conversions:** Yes with conditions
 - ◇ Add a sunset date to this provision
 - ◇ Develop guidelines for conversions within historic districts
 - ◇ Require building amenities, including large trash rooms, packages, and bicycle storage
- **Eliminating Parking Mandates:** Yes with conditions
 - ◇ Work with other City agencies to provide alternative infrastructure, including bike and pedestrian infrastructure

- ◊ Work with the Department of Transportation to institute a municipal parking program
- Infill Development on Campuses: Yes with conditions
 - ◊ Require mitigations for loss of well-used open space on campuses
 - ◊ Develop a mechanism to require affordable units where Mandatory Inclusionary Housing would not apply
 - ◊ Ensure ample consultation with local community and NYCHA residents
- Small and Shared Housing: Yes with conditions
 - ◊ Require on-site social services for projects with supportive housing units
 - ◊ Update Department of Housing Preservation and Development requirements and subsidy programs to include alternative housing typologies

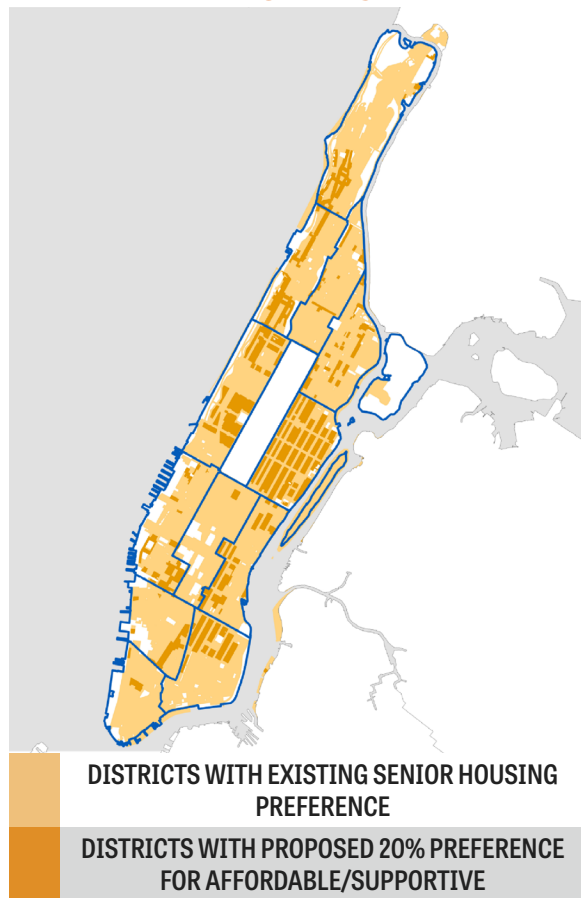
The City of Yes for Housing Opportunity text amendment would also establish new residential districts that would unlock greater density, subject to future rezoning actions. Other proposals address hurdles to housing production, including eliminating exclusionary zoning that reduces height and density in some zoning districts; allowing flexibility for sites that are in irregular or otherwise challenging sites; allowing greater flexibility for the transfer of development rights from landmarked properties; and streamlining and simplifying regulations that govern building size and shape. We believe these proposals are consistent with the spirit of the application: they make building housing easier while causing minimal impacts on the built environment and our neighborhoods. These proposals should be advanced as this application makes its way through the public review process.

In addition to the changes outlined above, COY Housing also includes proposals that would enable neighborhoods outside of Manhattan, many of which have produced less housing, to have incremental growth. These proposals include facilitating the construction of accessory dwelling units (ADUs); incentivizing residential development in areas that have rich access to public transit; and marginally increasing development capacity for one-story commercial buildings located in town centers. Just as Manhattan has to continue making contributions to the housing production pipeline, so too should neighborhoods in other boroughs. Ensuring that every part of our city builds housing advances not only our housing goals, but also our equity goals.

Proposals

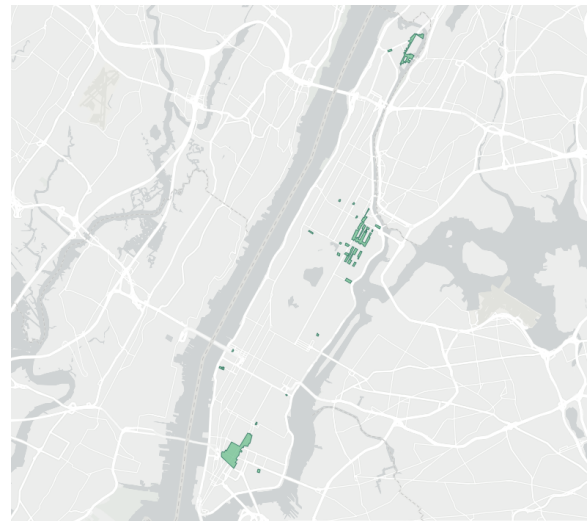
Proposal 1: Universal Affordability Preference

Applicable Geography



“... only 2.3% of Manhattan’s land area, or 4.3% of our lots are mapped with an MIH requirement, resulting in only 800 affordable units being built through the program between 2017 and 2022.”

MIH Mapped Areas



The Limitation of Current Zoning

New York City’s Mandatory Inclusionary Housing (MIH) Program, enacted in 2016, has proven to be an effective tool for creating affordable apartments—but it applies to only a tiny portion of properties today. According to our office’s analysis, only 2.3% of Manhattan’s land area, or 4.3% of our lots are mapped with an MIH requirement, resulting in only 800 affordable units being built through the program between 2017 and 2022. Meanwhile, alternative City-run affordable programs, like the Affordable Independent Residences for Seniors (AIRS) program and the R10 Inclusionary and the Inclusionary Housing Designated Areas programs, have been limited in reach.

Summary of the Proposal

The Department of City Planning (DCP) is proposing a “Universal Affordability Preference” (UAP) framework, which would provide floor area ratio (FAR) bonuses for developments that include affordable or supportive housing units. This provision would apply to R6 through R10 districts, or their commercial district equivalents, which cover the majority of Manhattan, and would not be required to obtain discretionary approval. Buildings taking advantage of this program may also be allowed flexibility in height and setback requirements, depending on their zoning district. The affordable units produced under this program would be required to be affordable to households at an average of 60% of the Area Median Income (AMI)—\$65,220 for one person or \$83,880 for a family of three.

UAP would apply differently in some of Manhattan’s special zoning districts that have specific building height and bulk requirements and lower FAR allowances. In these areas of the borough, a property owner could still take advantage of a UAP bonus but would have to adhere to special height and bulk requirements and/or lower FARs than in other parts of the borough.

The UAP would also replace the City’s Voluntary Inclusionary Housing and R10 Inclusionary programs, both of which have less strict affordability requirements. In addition, it would sunset the “off-site” provision that allows developments receiving an affordable housing floor area bonus to provide the affordable units on another site.

Analysis

Inclusionary housing policies have become an important tool for city planners and municipalities to encourage the creation of affordable housing and have had great success across the country. Although the design of these programs varies from case to case, a 2020 nationwide study looked at a sample of 383 inclusionary housing programs and found that these programs are an effective housing production tool, particularly when paired with other affordable housing policies. California, which has some of the country’s earliest inclusionary housing policies, produced an estimated 29,281 affordable units between 1999 and 2007.¹ Importantly, these units effectuate social and economic diversity across neighborhoods—particularly high opportunity neighborhoods.²

The Manhattan Borough President’s office believes this proposal could have a similar impact in Manhattan and significantly increase the number of affordable units built in New York City.

Recent Projects That Could Have Benefitted From an Affordable Housing Bonus

Below are examples of recent developments in Manhattan that would have created affordable housing units if the UAP program was used.

1 “Affordable By Choice: Trends in California Inclusionary Housing Programs.” Non-Profit Housing Association of Northern California, June 2007.

2 Calavita, Nico, and Kenneth Grimes. [“Inclusionary Housing in California: The Experience of Two Decades.”](#) Journal of the American Planning Association 64, no. 2 (June 30, 1998): 150–69.

312 West 43rd Street

312 West 43rd Street, also known as the Ellery is a new building that will provide 330 new units in Midtown/Hell's Kitchen. The building took advantage of the existing R10 Inclusionary program, which required the developer to make 15 of those units, less than 5%, affordable. The building also took advantage of the State's old 421a tax abatement and provided non-permanent affordable units under that program.

If the building had used the UAP program, it would have included approximately 54 additional permanently affordable units, for a total of 69 affordable units and 344 units overall. Although the incremental number of units is only 14, the stricter affordability requirements of the UAP program would have allowed the project to deliver a higher ratio of affordable units.

1516 Park Avenue

1516 Park Avenue, also known as the Pearl, is a new building in East Harlem that will provide 59 new units of market-rate housing. Under the UAP program, the building could have provided 12 additional units—all of which would have been permanently affordable, bringing the total unit count to 71.

Recommendations

The BP recommends approval with the following conditions:

1. Require CPC action to fully sunset the off-site provision after 10 years

Building affordable units on the same site as market-rate units is the preferred approach to creating an integrated housing stock. But we must ensure that eliminating the off-site option entirely does not result in the unintended consequences of constructing less housing. In areas with significant condominium development like Manhattan, we have seen that the legal and operational complexities of mixed rental/homeownership buildings have often necessitated using off-site provision option for project feasibility.

To address this concern, the Department of City Planning (DCP) should amend the proposed text to allow the City Planning Commission (CPC), after 10 years, to authorize a permanent sunset of the off-site program, provided certain findings can be met. During these initial 10 years of UAP, DCP and the Department of Housing Preservation and Development (HPD) should track data on the use of inclusionary housing certificates, how condominium and co-op developments have utilized the UAP, and best practices for building mixed-ownership buildings.

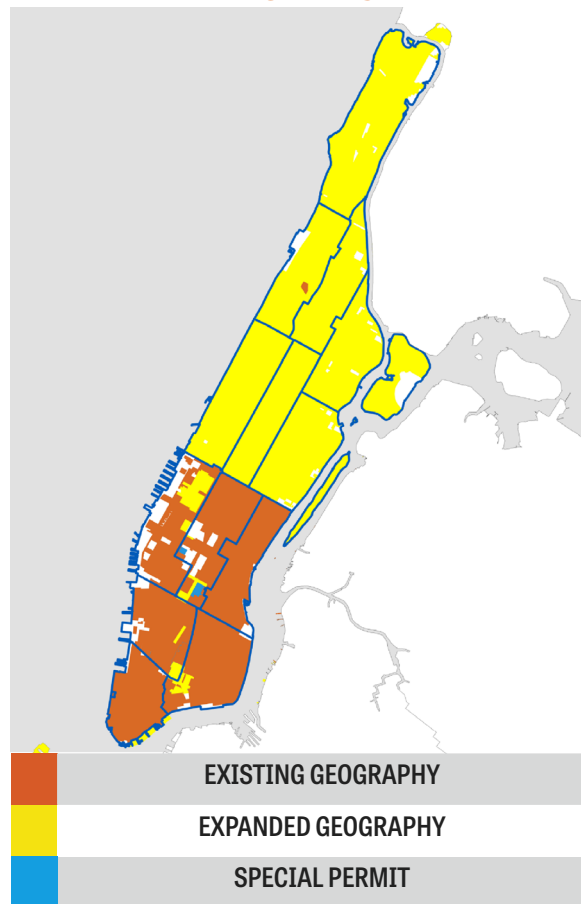
2. Ensure supportive housing is holistic

This proposal would facilitate the construction of new supportive units throughout the borough. Supportive housing needs to be accompanied by all the right tools in order to ensure the success of residents, the building, and the community as a whole. The AIRS program required that a portion of each development include space for "welfare facilities." Similar provisions could be built into this proposal to ensure that supportive housing residents can thrive.

Proposals

Proposal 2: Office Conversion

Applicable Geography



The Changing Landscape of Commercial Office Space

The COVID-19 pandemic dramatically altered how we use office space and how much of it we use. Today, it is common for businesses of all sizes to utilize remote and hybrid work arrangements, giving workers far more flexibility in when, and how often, they are in the office. While New York City and the business community have seen increases in the number of New Yorkers working from the office, at least part of this shift away from office use has been permanent. In March of this year, return to office rates were at 27.6% during the lowest occupied day of the week and 63.3% during the highest occupied day of the week.¹ Meanwhile, the vacancy rate for office space in Manhattan has steadily hovered at around 20%, representing 98.4 million square feet of direct and sublet vacant office space that is currently sitting empty in our borough.²

This underutilized commercial building stock offers an exciting and untapped resource that could be used to address our housing crisis.

However, converting office space is an expensive undertaking, and zoning requirements further complicate the path toward residential conversion.

Summary of the Proposal

DCP is proposing several zoning changes to facilitate the conversion of office space into housing. These proposals include extending the eligibility for commercial buildings to convert to residential use, expanding the area in which these buildings can convert, allowing a diverse array of housing typologies in buildings that are converted, and eliminating restrictions that prevent conversions in

1 [Occupancy by Day of Week](#). Kastle Systems. (n.d.).

2 Cushman & Wakefiel. (n.d.). [Marketbeat Manhattan Office Q1 2024](#).

certain commercial districts.

Currently, only commercial buildings built before 1961 and 1977 are eligible for conversion in most zoning districts. The proposal would extend the cutoff date from 1977 to 1990, unlocking the potential of an additional 6,000 units over the next 15 years—about half of which would be in Manhattan. Additionally, DCP would allow rooming units and community facility uses with sleeping accommodations to qualify for conversion. This proposal would lift provisions that were meant to preserve light industrial uses in certain commercial districts, where those provisions have been scarcely used, freeing up more space to be developed into housing. Finally, DCP proposes to extend residential conversions to community facility buildings, such as former churches and schools, and other religious institutions.

“The proposal would extend the cutoff date from 1977 to 1990, unlocking the potential of an additional 6,000 units over the next 15 years...”

Analysis

The conversion of commercial space to residential can, in the right circumstances, significantly increase the number of homes in a neighborhood. We have to look no further than the experience of Lower Manhattan in the 1990s and early 2000s to learn a few important lessons about how impactful office conversion can be.

In the 1990s, in the wake of an economic downturn, Lower Manhattan’s office stock saw a stark decrease in demand similar to the one we see throughout the city today. The City and State responded by enacting a series of zoning and policy changes known as the Lower Manhattan Revitalization Plan. The focus of this plan was to encourage Lower Manhattan’s transformation into a mixed-use neighborhood through tax incentives, flexibility for minimum unit size and layout of residential units, and incentives for commercial tenants. As a result of the plan, the Multiple Dwelling Law (MDL) was changed to allow buildings in Lower Manhattan to exceed the MDL’s cap on the size of residential buildings, which limits them to 12 times the size of their lot. This exemption on the residential floor area applied to buildings built between 1961 and 1977. Additionally, the state legislature approved a tax abatement, known as 421-g, for buildings in Lower Manhattan that converted office space to residential space. The abatement included a one-year tax exemption during construction, followed by 26 years of tax abatements that gradually reduced. Combined, these changes generated almost 13,000 units of housing, 75% of which were rental units and 975 of which were rent stabilized, in 98 formerly commercial buildings.³

The conversion of office space to residential in New York City will primarily be seen in the Manhattan core, making it an exciting opportunity to create badly needed housing in these areas. The Manhattan Borough President’s office believes these opportunities cannot be left on the table.

3 Shkury, S. (2024b, May 8). [New Housing Policy could trigger development boom in New York City](#). Forbes.

Examples of Office Conversions in Manhattan

45 Wall Street – Converted 1997

In 1997, 45 Wall Street was converted from an office building to 435 rental apartments. One of the first projects to be converted to residential as a result of the Lower Manhattan Revitalization Program, the building is 27 stories and 493,187 square feet. The former bank building contains a mix of residential units including studio, one-, two-, and three-bedroom units as well as multiple amenities. As part of the Lower Manhattan Revitalization Program, the units were entered into the Rent Stabilization program. However, that designation ended upon the expiration of a 14-year property tax abatement. Today, studio apartments in the building rent for \$4,470–\$4,880.

160 Water Street – Conversion in Progress

160 Water Street is a 24-floor, 481,858-square-foot office building with an FAR of 20. Upon completion, the conversion will yield 588 luxury residential units ranging from studios to two-bedrooms, with 45% of units containing a home office. In order to convert the property to residential use, the developers are adding five new stories on the tower, but in order to meet light and air requirements for the residential units, they are also carving out a shaft in the middle of the building's floorplates. This scope of work means construction will be very costly. Studios in the building are expected to rent for about \$3,500. The project is expected to be completed this year.

95 Madison Avenue – Proposed Conversion

95 Madison Avenue is an individual landmark in NoMad that currently has almost 95% vacancy. The owners of the 16-floor building, which was constructed in 1912, are considering conversion of the property to residential use. However current zoning regulations make conversion into housing not only expensive, but also time consuming as various approvals and exemptions would be necessary to facilitate residential use. In August 2023, the Mayor announced that this building would enter the Office Conversion Accelerator Program, which works with property owners and various city agencies to fast-track approvals to make conversions possible.

New Tax Incentive

The 421-g program played an instrumental role in Lower Manhattan during the 1990s. Similarly, a new program to assist with conversions was recently passed by the New York State legislature. The Affordable Housing Commercial Conversion Tax Incentive Benefits (AHCC) would require projects to make 25% of their units affordable at an average of 80% AMI. For conversion projects in Manhattan south of 96th Street, projects will receive a 35-year benefit with a 90% property tax exemption for the first 30 years and decreasing by 10% for the last five years. Projects in Manhattan north of 96th Street will receive a 65% exemption for the first 30 years before a five-year step-down. This abatement will make many conversions across Manhattan financially feasible while also bringing affordable units.

Recommendations

The BP recommends approval with the following conditions:

1. Require a sunset provision

The city's underutilized office stock can be a significant resource in alleviating our housing shortage. However, we must balance the goal of boosting our housing production with that of supporting our central business districts. DCP estimated that this proposal could help create 6,000 units over 15 years. With new State tax abatement, 467m, also designed to facilitate conversions, we could see these units come online even sooner. Therefore, the provision extending the number of buildings eligible for conversion should have a sunset date. Upon that expiration, the CPC, along with DCP, should assess the success of this program and its impacts on our business districts—including if additional opportunities for conversions should be facilitated via a new zoning provision. An extension of this provision, or any new provisions, should only be allowed if the CPC can find that the program has not had any adverse impacts on our business districts.

2. Develop guidelines for conversions in historic districts

Office conversions within historic districts that would alter a significant portion of a building's exterior would be required to obtain approval from the Landmarks Preservation Commission (LPC), which often includes a hearing and vote by the corresponding community board. This process can be lengthy and is usually iterative, with owners modifying plans based on feedback from the public and LPC. Given the complexity of office-to-residential conversions, LPC should provide guidelines for conversions that would fall under their purview in order to ensure that the review process is streamlined, while also protecting our historic districts.

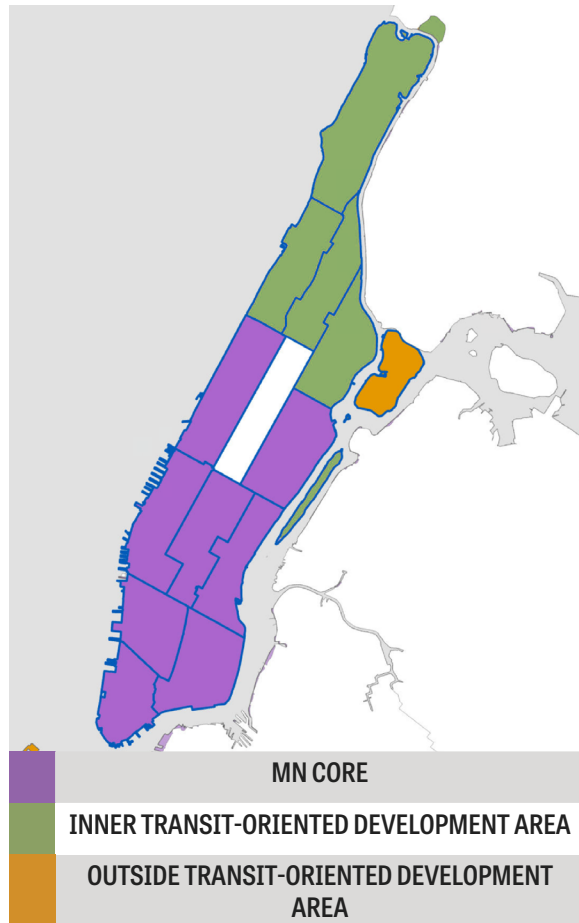
3. Require building amenities to minimize impacts of new residential uses

Much of the office space that is anticipated to be converted in Manhattan exists in dense commercial districts. As conversions begin to come online, and particularly as some owners take advantage of the State's removal of the 12 FAR cap, we may see some large residential buildings. These buildings should be required to include space for amenities that reduce challenges that could otherwise arise. For example, ample room for building trash, package collection, and bike storage would help ensure that those uses do not infringe on the public spaces and sidewalks around the building.

Proposals

Proposal 3: Parking Mandates

Applicable Geography



“... in Manhattan, more than 80% of residents do not own a vehicle...”

Parking minimums: taking space and driving up the cost of housing

Parking minimums require developers to include a certain number of off-street parking spaces as part of their developments. These requirements were instituted in zoning codes nationwide to prevent “spillover” parking, wherein cars from residential buildings drive through the streets to search for on-street parking. However, in Manhattan, more than 80% of residents do not own a vehicle, and parking garage capacity in many communities is high. Moreover, current parking requirements take up space that could otherwise be available for housing, making them an important factor that limits the development of the affordable and market-rate housing our city needs. Furthermore, building parking in Manhattan is difficult and expensive due to the nature of the hard bedrock on which Manhattan sits. Studies have shown that this construction cost trickles down to renters as developers offset the costs of building parking with the rents they charge.

Summary of the Proposal

This proposal would remove residential parking minimums citywide and lift nonresidential parking requirements for mixed-use developments in some areas. This framework establishes four zones based on transit access, and each of these zones would have different regulations. The following two zones apply to Manhattan:

- **Manhattan Core (Community Districts 1-8):** There is currently no parking required in the Manhattan Core. The proposal would make adjustments to the width of curb cuts, parking facility size, and special permit processes for increasing parking in existing buildings.
- **Inner Transit-Oriented Development Area (Manhattan Community Districts 9,-12 and Roosevelt Island):** This geography includes the multifamily zoning districts located approximately half a mile or less from a subway station and conforms with the Transit Zones established in the 2016 Zoning for Quality and Affordability. Parking would no longer be required for residential and mixed-use developments in these areas. A discretionary action would be created to remove existing parking in residential and mixed-use buildings if desired, making the space available for new use.

These proposed regulations would not prohibit any developer from providing off-street parking for their development if they choose to do so.

Analysis

The impact that parking requirements have on the space available for housing and on financing residential development has long been examined by policymakers in New York City, and the elimination of required off-street parking is not a new concept in Manhattan.

Creation of the Manhattan Core

In 1982, the City established the Manhattan Core, defined as Community Districts 1–8 in Manhattan, and eliminated minimum parking requirements in that area. The regulations, which are still in place today, also instituted parking maximums based on the number of housing units created. A 2009 analysis conducted by DCP found that most of the new parking built between 1982 and 2009 in the Manhattan Core was public and therefore useable for residents who need it.¹ That trend was formalized in a 2013 amendment to the Manhattan Core provisions, which required that accessory off-street parking spaces be made available for public use.

Parking Minimums in Zoning for Quality and Affordability (ZQA)

In 2016, the City made further adjustments to parking requirements through the ZQA zoning text amendment, which waived parking minimums for affordable and senior housing developments in the Transit Zone, a type of zone established in the ZQA to generally mean areas within a half mile from subway stations where car ownership is low. ZQA also allowed the elimination of parking at existing affordable housing developments through discretionary action.

In 2020, the Regional Plan Association found that in the first four years of the ZQA provisions going into effect, the production of new affordable units in the Transit Zone increased by 36% compared to before it was passed. That analysis showed that when coupled with other pro-housing policies, easing parking requirements for affordable developments can increase the production of affordable housing.²

1 [Manhattan Core Public Parking Study. Department of City Planning.](#)

2 [“Parking Policy Is Housing Policy.” RPA, December 2022.](#)

The Current Parking Landscape in Manhattan

On average, it costs \$67,500 to build one underground parking space in New York City, and that number significantly increases development costs, which are often passed on to New Yorkers in the form of higher rents. Underground spaces in Manhattan often involve digging through bedrock, which is challenging, time consuming, and expensive. Surface parking, on the other hand, takes up developable land and increases the amount of non-permeable surface, which presents issues in flood-prone areas. Together, the expense and space associated with each parking spot mean that parking requirements directly contribute to the high cost and lack of adequate affordable housing in New York City.

“... it costs \$67,500 to build one underground parking space in New York City...”

In areas of Manhattan that do require parking minimums, those minimums do not properly reflect the percentage of Manhattanites who actually own cars. In Community Districts 9–12, off-street parking requirements are defined by the residential zoning districts in which they are located. These districts are predominately zoned R7-2, R7A, and R8. In R7-2 and R7A districts off-street parking is generally required for 50% of dwelling units, and in R8 districts for 40% of dwelling units. Yet relatively few Manhattanites in these community districts – just 21%– own a car in the first place, suggesting that much of the required parking currently goes beyond what is necessary, taking up space for badly needed housing.

Community District	CDs 1 & 2	CD 3	CDs 4 & 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12
% of Households with Vehicle Access	22.3%	16.8%	16.4%	22.3%	27.8%	29.5%	20.7%	23.7%	17%	24.3%

Recommendations

The BP recommends approval with the following conditions:

1. Supplement new regulations with alternative infrastructure

The elimination of parking requirements should be accompanied by additional investments in public transit and bike/pedestrian infrastructure. Though some households may not have the option of reducing their car usage, others may be incentivized to use their cars less or eliminate car usage completely without guaranteed parking spots. It is therefore important that these households have a viable and reliable alternative mode of transportation, including a robust public transit system. Public investment or mitigations by developers for projects of a certain size that may add strain to the existing infrastructure should also be explored.

2. Insitute a municipal parking program

A city's transition to a less car-reliant lifestyle is a gradual process. As projects that take advantage of this proposal begin to come online, some areas of Manhattan may see pressure on the availability of on-street parking. In order to decrease the strain on Manhattanites who need to have a car and decrease the competition with out-of-town drivers, a municipal parking plan should be considered to ensure that there are parking options available for New Yorkers who need them.

City of Yes for Housing Opportunity Proposals

Proposal 4: Campuses

Limitation of Current Zoning

New York City is home to numerous residential campuses that were built in the “tower in the park” design, a planning style popular from the 1930s through the 1960s. While these campuses, which include New York City Housing Authority (NYCHA), Mitchell-Lama, and co-op developments provide thousands of affordable and middle-income homes, their arrangement and layout often result in less housing than would otherwise be possible with more traditional building types. They also stand in stark contrast to their surrounding area, as they are typically not aligned with the city’s street grid and often look “inward” toward a courtyard or open space that is far too frequently under-resourced and disinvested in.

Unhelpfully, in some parts of the city, the current Zoning Resolution makes it difficult to build more contextual, quality housing on these residential campuses, which in turn constrains the amount of affordable housing that could be built.

“... in some parts of the city, the current Zoning Resolution makes it difficult to build more contextual, quality housing on these residential campuses...”

To preserve and expand the affordable housing stock on these campuses, developers and policymakers have suggested developing on some underutilized areas of tower-in-the-park properties to generate revenue for badly needed capital repairs and create new homes for local communities. Investment is essential for the survival of many of these “tower-in-the-park” campuses that have been neglected and poorly maintained for years, particularly NYCHA and Mitchell-Lama campuses. NYCHA’s citywide portfolio alone was recently estimated to have capital repair costs of a staggering \$80 billion or more.

Difficulties in developing on these underutilized areas due to the irregular lot sizes and shapes are compounded by current zoning regulations. Developers need flexibility with building envelopes, open space, and other zoning requirements to allow for projects to take place. But under the current zoning code, such flexibilities would require an expensive and time-consuming approval process, which can hinder such projects.

Summary of the Proposal

This proposal would facilitate the creation of new housing on underdeveloped portions of residential campuses as well as other large pieces of land, such as those owned by religious institutions. This

proposal would allow infill buildings on campuses that follow height factor regulations to follow Quality Housing standards within the same campus, which allow shorter, bulkier buildings. Distance requirements for two buildings on the same zoning lot would also be changed to conform to the requirements set forth in the State's Multiple Dwelling Law: 40 feet for any portion of a building below 125 feet, and 80 feet for any portions of a building above that height. DCP also proposes to eliminate the "sliver law" which limits the heights of buildings that are on lots less than 45 feet wide, as long as they follow Quality Housing regulations. Finally, the proposal would establish an approval process for proposed buildings that would still necessitate bulk waivers.

Other changes that are part of this proposal include creating flexibility regarding height and setback requirements for developments in waterfront areas, replacing open space ratio requirements with a maximum lot coverage of 50% for campus zoning lots of at least 1.5 acres, requiring that infill developments only plant new street trees in front of their new building, as opposed to around an entire superblock, and providing flexibility for curb cut requirements.

Analysis

Infill development on residential campuses is not governed by any one citywide program or rule, meaning many proposals to build housing must receive a wide range of approvals and/or variances in order to be allowed, including Uniform Land Use Review Procedure (ULURP) approvals, special permits granted by the City Planning Commission, and mayoral zoning overrides. The lack of certainty, as well as the length of time required to obtain these approvals, is a serious barrier for developers proposing the creation of housing. This proposal aims to solve this problem by creating regulations that would streamline and encourage the creation of news housing that meets Quality Housing standards.

Previous proposals to build housing on underutilized property and raise revenue for NYCHA capital repairs have so far been limited in success. In 2013, NYCHA launched the Land Lease initiative, which granted developers a 99-year lease on public property in exchange for the creation of affordable units and financing capital repairs. That program was suspended shortly thereafter due to concerns about environmental impacts and the use of community and outdoor space.

Similarly, NYCHA's 2018 2.0 Plan included the Build to Preserve initiative, which was designed to create new housing on "underused" public land with revenues from these new buildings funding repairs to existing NYCHA buildings and units. The new buildings would have been required to meet Mandatory Inclusionary Housing affordability requirements.¹ It was estimated that the program could generate \$2 billion in revenue for major repairs to 10,000 units of NYCHA housing. While there have been various proposals for infill development since the program was instituted, none have been completed.

¹ Corwin, Michael. ["NYCHA 2.0: New Comprehensive Plan to Fix & Preserve Public Housing - NYCHA NOW."](#) December 12, 2018.

Completed and Proposed Infill Projects in Manhattan

Problematic example: 200 Amsterdam

200 Amsterdam Avenue is an example of a development that complied with current zoning requirements, and the resulting development was poorly integrated into its surroundings. The building's design relied in part on a gerrymandered zoning lot that maximized the amount of buildable floor area on the superblock where the site is located. Given that the development was considered infill as the lot was also part of the Lincoln Towers campus, the development only had the option of following height factor regulations. This resulted in a tower that stands in stark contrast to its surrounding buildings.

Under the COY Housing proposal, a development such as 200 Amsterdam would have the option to instead follow Quality Housing regulations. A building following Quality Housing regulations in an R8 district such as the one 200 Amsterdam is located in would not be subject to the open space ratio, allowing the building to be shorter and bulkier by taking up more lot area and being required to be closer to the street line.

Positive example: Harborview Terrace

NYCHA's Harborview Terrace, located between West 54th and West 56th Streets between Ninth and Tenth Avenues, presents an example of how an infill proposal can be developed with extensive community input and support. This infill development was proposed in 2005, as part of the Hudson Yards Points of Agreement. The Points of Agreement estimated the creation of 155 units of affordable to moderate- and middle-income households on portions of the campus that were contemplated but not developed during the initial NYCHA construction in 1977. The undeveloped portion of the campus currently has 37 parking spots and basketball courts. Notably, NYCHA infill projects do not have to undergo ULURP approval, but extensive community input took place for this proposal nonetheless. In 2013, the Harborview Working Group was established in collaboration with the Harborview Tenants Association and undertook a visioning process. The concept, which received broad approval from residents and the community board, includes 230 units of affordable housing as well as open space improvements. The massing proposed by the working group resulted in a bulkier building envelope with height shifted toward the midblock. As recently as 2016, Manhattan Community Board 4 passed a resolution calling for elements of the community-led infill plan to be implemented.

Recommendations

The BP recommends approval with the following conditions:

1. Mitigations for loss of open space

Infill is often proposed in areas of campuses that are underdeveloped. While these areas may be key sites for developing more housing, that development will nonetheless decrease the amount of open space on a campus—no matter how unused that space is. Development plans should include thoughtful planning for open and/or recreation space, including community facilities, green space, and playgrounds. Moreover, the proposed zoning text should allow for innovative solutions, including use of rooftop space.

2. Affordability requirements

While this proposal does not create additional floor area, these new provisions would facilitate the realization of a campus' development rights. While this condition does not legally trigger Mandatory Inclusionary Housing requirements, DCP should explore a mechanism to ensure that where a development benefits greatly from these new flexible rules, an affordability requirement is imposed on the new building.

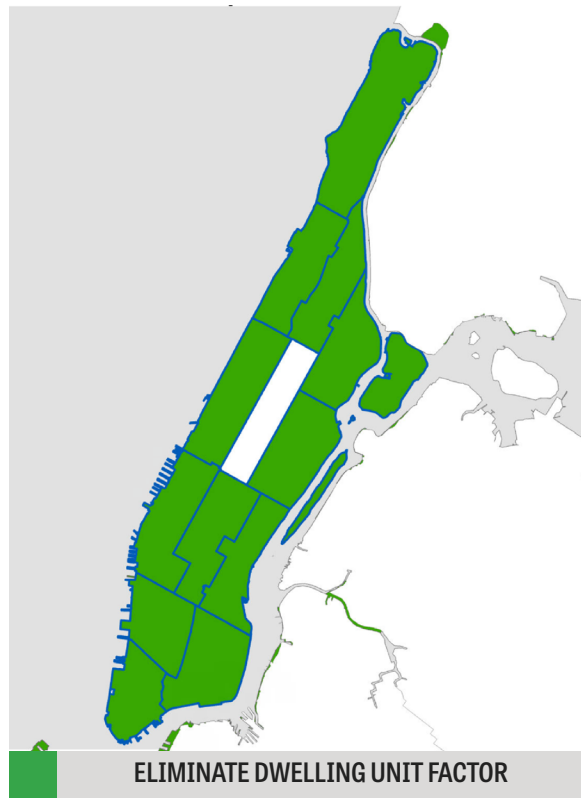
3. Resident and community input

Given resident concerns regarding infill projects, it will be important for community engagement to be part of large infill proposals. Community boards should be notified to allow for transparency in the process. Furthermore, infill developments should be designed to be the least disruptive to the existing buildings and residents as possible and integrate effectively into the existing campus. Resident engagement during the design process could help to meet these goals. Where not already required by NYCHA practice, co-op by-laws, or other mechanisms, existing residents should receive information about the new development proposal including any impact to related community facilities or open space. This outreach will ensure the infill projects are not only compatible with existing services and amenities that resident have, but also build upon them.

Proposals

Proposal 5: Small and Shared Housing

Applicable Geography



“[Micro-units and shared housing] ensure that families are not competing for the same apartments as groups of individuals who room together due to the lack of affordable, single-person housing.”

Limitation of Current Zoning: Restricting Housing Types

Our City once allowed single room occupancy housing with furnished residences and shared amenities. These arrangements, which provide residents with private space along with communal living, cooking, and/or bathroom spaces, ensured a variety of options for New Yorkers that were significantly more affordable than traditional apartment arrangements. Shared housing models have been implemented in several one-off projects, but the New York City Zoning Resolution hinders the construction of these and other typologies, limiting affordable options for New Yorkers.¹ For many New Yorkers, particularly single-person households, the lack of affordable options is particularly hard felt. The 2021 Housing and Vacancy Survey found that a staggering 46% of single-person households in New York City were rent burdened.² Micro-units and shared housing not only provide a potential pathway to affordable housing for this population; they also ensure that families are not competing for the same apartments as groups of individuals who room together due to the lack of affordable, single-person housing.

Summary of the Proposal

This proposal would facilitate the construction of residential developments with smaller units as well as shared housing. Our Zoning

1 Sullivan, B. J., & Burke, J. (n.d.). [Single-room occupancy housing in New York City: The origins and dimensions of a crisis](#). CUNY Academic Works.

2 Bureau, U. C. (2023, August 18). [New York City housing and vacancy survey \(NYCHVS\)](#). Census.gov.

Resolution uses a dwelling unit factor (DUF) to determine the maximum number of housing units that can be built in a development. In Manhattan, which is almost entirely mapped with high-density residential districts, the DUF is 680 square feet, meaning that the most units a building could have would be the total allowable residential floor area, divided by 680.

This proposal would lift the DUF within the Inner Transit-Oriented Development Area, which includes all of Manhattan (with the exception of Governors Island, Roosevelt Island, and Randall's and Wards Island). This proposal would also remove barriers in the zoning regulations regarding building conversions, as well as the City's Building and Housing Maintenance Codes to facilitate rooming units and shared housing arrangements.

Analysis

Single room occupancy (SRO) housing is typically comprised of common areas with amenities including kitchens and full bathrooms that can be accessed by all residents.³ In the mid-1900s, New York City had an estimated 200,000 SRO units.

Over the decades, as the state of these SROs deteriorated and they were perceived as “housing of last resort,” local opposition led to the closing of and legislating against these housing arrangements. In 1955, the New York City Council banned the construction of new SROs altogether in an effort to address SRO decline and promote development of single-family housing.⁴ The impact of these efforts was staggering. Today, the number of SROs citywide is estimated to be less than 30,000, according to a study by the Furman Center.⁵

Meanwhile, demand for SRO-type housing is at all-time high. While it is difficult to assess the exact level of need, we know that about 1.2 million renters live alone or with a roommate, a renter type that has historically been well suited for SRO housing. With studio apartment supply at less than 200,000 units citywide, there is a significant need to provide alternative options to the close to one million renters in search of such homes.⁶

“... about 1.2 million renters live alone or with a roommate”

The Manhattan Borough President's office believes that allowing for more SRO units and micro-units could provide an affordable solution to help address our housing crisis, because smaller units are

3 “21st Century SROs: Can Small Housing Units Help Meet the Need for Affordable Housing in New York City?” Eric Stern and Jessica Yager, NYU Furman Center, 2018.

4 Trokel, N. (2023, August 20). [Single-room occupancy apartments can ease New York's Housing Crisis - NYU Wagner Review](#). NYU Wagner Review.

5 “21st Century SROs: Can Small Housing Units Help Meet the Need for Affordable Housing in New York City?” Eric Stern and Jessica Yager, NYU Furman Center, 2018.

6 Ibid.

cheaper and less complex to build compared to other housing types, leading to lower rental prices.⁷ This is partly because SROs require much less space or individual unit infrastructure than larger multi-bedroom units, including bathrooms and kitchens, which are the most expensive rooms to build in a new development⁸, allowing for faster production to meet housing demand.

Projects with Alternative Housing Typologies



266 West 96th Street

266 West 96th Street will include 171 units of rental housing, comprised of 90 regular-sized units and 80 micro-units on the Upper West Side. To meet the dwelling unit factor requirement, the developer balanced the micro-units with larger apartments. Of these units, 68 will be permanent affordable housing. The building will also include 8,961 square feet of community facility space. The development is a result of a collaboration between Fetner and Urban Atelier Group.

Number of Residences	171
Building Square Feet	153,000
Floors	23
Average Unit Size (sf)	290-340
Building Amenities	Health club and more
Affordability Range	50, 70, and 130% AMI



244 East 106th Street

244 East 106th Street will bring four duplex units and one simplex shared unit to East Harlem, which will provide 32 opportunities for housing. The 10-story building is a collaboration between Ascendant Neighborhood Development and Ali Forney Center and will provide housing to individuals leaving the shelter system and low-income households. The building is part of the ShareNYC program, which provides public funding to developers to

⁷ Ginsberg, M. (2023, March 3). [Small is beautiful: Micro-units can help make NYC housing affordable](#). Manhattan Institute.

⁸ Ibid.

construct co-living and micro-unit projects.⁹ ShareNYC housing units are reserved for extremely low-, very low-, low-, and moderate-income households.¹⁰

The program is a pilot that was established with the purpose of allowing HPD to explore alternative housing models. This project, along with two other projects in Brooklyn, received funding in 2019.

Number of Residences	32 rooming units
Building Square Feet	21,827
Floors	10
Average Unit Size	~81 square feet per rooming unit
Building Amenities	Laundry, work/study space, multi-use space, landscaped yard
Affordability Range	Up to 60% AMI



335 East 27th Street - Carmel Place

Carmel Place offers 55 units of rental micro-housing ranging from 260 to 360 square feet each. The development won the adAPT NYC Competition in 2013, a Bloomberg-era competition for micro-unit housing innovation. Each unit is fully furnished, and residents are also offered access to indoor and outdoor amenities.

Number of Residences	55
Building Square Feet	20,593
Floors	9
Average Unit Size	260-350 square feet
Building Amenities	Gym, den, storage, bike storage, public space with seating, laundry, community room, roof terrace
Affordability Range	80-155% AMI

9 Rebong, K., & Staff, T. (2018a, November 1). [Co-living NYC: Sharenyc: Co-living developments](#). The Real Deal.

10 NYC HPD. (n.d.). [Featured Projects - ShareNYC](#).

Recommendations

The BP recommends approval with the following conditions:

1. Require social services for supportive housing projects

This proposal could provide significant housing opportunities to those in need of supportive housing. If SRO or micro-unit developments are going to serve the needs of this population, it is critical that they also include the services that will ensure the long-term success of residents, such as medication management, counseling, and educational and vocational assistance, among others. Providing these services ensures the success of not only building residents, but also the building and the neighborhood as a whole.

2. Update HPD requirements and subsidy programs to include alternative housing typologies

In order for these housing types to help alleviate the current affordable housing crisis, it will be necessary to provide developers with subsidies to offset the cost of providing such housing. Existing loan programs and tax incentive programs may need to be amended in order to include and incentivize new types of shared housing models beyond supportive housing. HPD's Supportive Housing Loan Program, NYC 15/15 Rental Assistance Program, and HCR's Supportive Housing Opportunity Program should all be amended or expanded to include shared housing options, along with Article XI and ELLA tax incentives for affordable housing. Additionally, HPD's minimum apartment size requirements should be updated commensurate with any changes in the dwelling unit factor to ensure that projects have a streamlined subsidy application process.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 23	# Against: 8	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 6/18/2024 12:00 AM		Vote Location: Astoria World Manor 25-22 Astoria Blvd.	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/18/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Astoria World Manor 25-22 Astoria Blvd. Astoria NY

CONSIDERATION: CB1, Queens voted in favor with five (5) conditions in R5 districts increase setback to a depth of 10 ft. to maintain street wall. Maintain existing yard requirements with no reduction in size of rear or side yards: Universal Affordability Preference: Require that the additional 20% FAR they can add bonus for permanently affordable units in any building reserved for tenants with income no higher than 40%AMI. Any infill on NYCHA campuses must require ULURP review. And, apply low & medium income tiers to any infill buildings constructed on NYCHA campuses. Please see the uploaded detailed document.

Recommendation submitted by	QN CB1	Date: 7/1/2024 2:14 PM
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**City of New York
Community Board #1, Queens**

The Pistilli Grand Manor
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Tel: 718-626-1021, Fax: 718-626-1072
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Donovan Richards
Borough President, Queens
Kahleel Bragg
Director, Community Boards
Evie Hantzopoulos
Chairperson
Florence Koulouris
District Manager

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Office Budget and Staff
Evie Hantzopoulos
Parks/Recreation/ Cultural
Co-Chairs
Richard Khuzami
Rosemary Yelton
Public Safety
Christopher Hanway
Transportation
Dominic Stiller

June 29, 2024

Honorable Daniel Garodnick, Chair
New York City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

RE: N230013 ZRY City of Yes for Housing Opportunity Zoning
Text Amendments

Dear Chair Garodnick:

After a duly advertised June 18, 2024 public hearing, Community Board 1 Queens (CB1Q) voted 23 in favor, 8 opposed, 0 abstentions and 0 not eligible to vote on a motion to recommend approval of the referenced CPC application with the following conditions:

District Fixes:

1. In R5 districts increase the setback to a depth of 10 ft. to maintain the street wall
2. Maintain the existing yard requirements with no reduction in size of rear or side yards;

Universal Affordability Preference:

3. Require that the additional 20% FAR they can add bonus for permanently affordable units in any building be reserved for tenants with incomes no higher than 40% AMI.

Campus Infill:

4. Any infill on NYCHA campuses must require ULURP review;
5. Apply low and medium AMI income tiers to any infill buildings constructed on NYCHA campuses.

The Board's approval does not negate many concerns regarding City of Yes including the voluminous text that had to be reviewed in an inadequate time period; the projections that were given without backing evidence; the underwhelming commitment to creating desperately needed affordable housing; unaddressed concerns in the DEIS; and the lack of protections to prevent displacement of small commercial tenants.

Community Review

On May 8th, DCP presented the text changes to CB1Q's Land Use and Zoning Committee and to the whole board at its May 21st meeting. Committee discussion was continued June 5, 2024.

At the Board's public hearing on June 18, 2024, there were six residents from the district who gave testimony. One resident opposed the text amendments, stating the infrastructure was inadequate to handle additional density, ADUs would possibly not meet code requirements and there already was insufficient parking.

Five residents testified in favor of the text changes, all citing similar reasons for their support:

- o more housing will reduce rents and the threat of being priced out of the neighborhood;
- o a strong market for more family and senior housing exists in Astoria;
- o remove residential parking mandates in exchange for more apartments and
- o market trends should dictate where and how much parking to provide.

AMENDED

BOARD MEMBERS (cont.)

George Alexiou
Cristian Batres
Kian Betancourt
Ann Bruno
Gerald Caliendo
Jean Marie D'Alleva
Dean O. Feratovic
Adam Fisher-Cox
Frank Fredericks
Jacqueline Ibarra
Vanessa Jones-Hall
Cristina Lastres
Ethan Lowens
Raga Maddela
Athanasios Magoutas
Patricia Mahecha
Jeffrey Martin
Amin Mehedi
Doreen Mohammed
Stella Nicolaou
Dino Panagoulas
Juliet Payabyab
RoseMarie Poveromo
Marisela Santos
Judy Trilivas
Mario Vergara
Quinella Williams
Thomas Wright

Additionally, the Community Board office received two letters from district residents in support of lifting parking requirements and two letters against City of Yes due to scale of proposal, lack of transparency, and lack of affordable housing guarantees. A neighborhood civic association in central Astoria opposed the removal of parking requirements, small and shared housing that will change the family character of the neighborhoods and allowing ADUs which will be neither affordable nor livable.

The Board and committee focused its review on those amendments that directly affect CDIQ.

Town Center Zoning Increase maximum FAR and maximum building height in R1 through R5 districts with commercial overlay districts to allow between 2 and 4 additional residential stories over ground floor commercial uses where it is not currently permitted.

There were concerns about existing businesses being displaced during and after new construction. Smaller commercial tenants have no protection against increased rents in new spaces. Given that the Furman Institute cited Astoria as having one of the highest rates of issued building permits and units constructed, the text changes could increase development impacts in CDIQ by increasing density citywide. With so many existing commercial vacancies, consider converting those spaces to residential.

Transit-Oriented Development (TOD) Allow 3- to 5-story apartment buildings in lower density districts on eligible sites greater than 5,000 SF within 1/2 mile of subway or RR stations and front either on wide streets or corner lots. It redefines existing transit zones and new geographic areas by distance from train stations and sets new density and bulk rules for new development in those areas. Limited bulk increases are made to sites near heavy infrastructure such as an elevated rail line, an open railroad right of way, a limited-access expressway, freeway, parkway or highway.

There were no comments even though the N/W elevated line runs north/south along 31st Street. The blockfronts adjacent to that line were rezoned C4-3 with a residential FAR of 3.6. There has been, and continues to be, significant redevelopment adjacent to the line between Ditmars and 39th Avenue stations.

Accessory Dwelling Units (ADU) Allow ADUs on one- and two- family lots in R1 to R5 districts, remove the dwelling unit factor that determines unit size and reduce the required minimums for all yards. An ADU between 500 SF and 800 SF and can be attached, detached, basement or attic apartments.

Members of both the board and land use committee were generally supportive but voiced concerns that the additional units would overburden the storm sewer system in R4 and R5 areas which already experience local flooding. Several members and public speakers indicated that the overall reduction in the minimum apartment size would make it more difficult to find apartments suitable for raising families. Affordability issues were frequently raised since ADU rentals would be market rate, determined by individual owners and not directly related to income limits or AMI. There are single-family homes in the R4 and R5 districts that might take advantage of this component, but there was concern that adding an ADU would change the density and character of some parts of the district.

Remove Parking Mandates for all off-street parking in new residential developments. Builders may provide parking if the market dictates and would be allowed to make those spaces available to the public. Lower districts will receive a 300 SF exemption for one parking space. No parking will be required in the Dutch Kills subdistrict of the LICSD.

With the exception of one public speaker, public hearing testimony, Board member discussion and comments supported replacement of parking areas with residential uses.

Conversion of Non-Residential Buildings to Housing Eliminate restrictions that make it easier for underused, nonresidential buildings to be converted to residential uses, allowing conversion of buildings constructed before 1991 in areas where residential uses are permitted and allowing different housing types such as shared, supportive or dormitory housing. BSA may modify conversions that create new or increase existing non-compliance with bulk regulations. Despite adaptive reuse in commercial space generating noise issues for residential units, comments supported the measure and expansion to include buildings in M districts.

Campus Infill Remove or modify zoning regulations to allow the use of development rights on sites over 1.5 acres or with control of an entire block: Height Factor Zoning would not be required on campus sites; height limits would be permitted by the underlying zoning district; building height would determine distance between buildings and increase the lot coverage on campus to 50%. Comments from both committee and board discussions include:

- Campus infill housing in this district would occur on NYCHA campuses. Any reduction in open space, especially in higher poverty areas, is a questionable proposal. (This district already has very poor access to open space with only 58% of its residents within walking distance of a park.)
- Since the NYCHA campuses are city-owned, public land, any infill must require deeply affordable and lower AMI income tiers, along with full review by residents and the community board;
- 30% to 40% AMIs are not affordable for NYCHA and should be lowered to 20%.

Small and Shared Housing Allow dwellings with shared kitchens and common facilities in multi-family zoning districts, along with buildings containing only small units. This component also reduces the Dwelling Unit Factor to 500 in all districts. DUF determines the mix of apartment sizes permitted within developments. CDIQ has a mix of DUFs ranging from 800 in R4, 900 in R5, 1,350 in R5B and 680 in R6 and above. Comments include:

- There is already a preponderance of studios in new developments and not enough affordable family-sized units.
- Density in new buildings was previously capped by allowable FAR and the DUF. Now other housing can use the additional floor area, allowing a wider range of housing without review.
- Existing basement apartments need State approval to be legalized.
- Unclear whether SROs are permitted in all zoning districts.

There was minimal or no discussion on the following components of the application:

New Zoning Districts Create six new General Residence Districts requiring Mandatory Inclusionary Housing that would require community board review under ULURP for mapping. The board will comment when reviewing a certified application. After establishing the Fast Track higher dwelling unit cut-off for requiring environmental review, the Board will be at a disadvantage when trying to review impacts of proposed developments if these new zoning districts are requested for sites in the district.

Update Mandatory Inclusionary Housing Allow the deep affordability option to be used independently. It's a move forward to expand affordability but more is needed.

Sliver Law Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Quality Housing Amenity Changes Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update QH to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space.

Landmark Transferable Development Rights Expand the transfer radius and simplify the process for landmarks to sell unused development rights. There are three landmark buildings in CDIQ to which a transfer of air rights might apply: Lent-Riker-Smith Homestead (R4), Barkin Levin Office Pavilion (R5) and the Steinway Family Residence (M1-1).

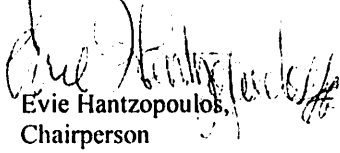
Railroad Right-of-Way Simplify and streamline permissions for development involving former railroad rights of way. The right-of-way for the New York Connecting Railroad cuts across CDIQ in a north-westerly direction. It passes over the Ditmars Blvd. station of the elevated N/W line on 31st Street between 23rd Avenue and Ditmars. North of the Grand Central Parkway it runs through lower-density, residentially-zoned areas of one- and two-family dwellings. South of the parkway, the line runs through built-up, medium-density residential in Astoria and industrial areas alongside the BQE in Woodside then splits at Hobart Street into two lines in a southerly direction. New development within the right-of-way is not expected as a result of these amendments.

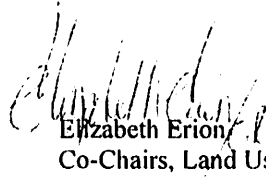
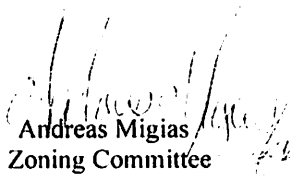
Consensus from both the Board and the Land Use and Zoning Committee meetings indicated that updating the Zoning Resolution was necessary. However, it was noted that making such broad-based and generous changes is questionable when other factors - financing, tax abatements and exemptions, site availability - have much more sway over new housing development decisions, location and construction timelines. Recent reports from DCP and other organizations refer to the significant number of new units built in CDIQ during the last decade, especially in western Astoria, Ravenswood and Dutch Kills. The expectation is that even though these new amendments will enable new development throughout the city, new residential construction will continue at an even higher level within this district and not spread across the city as is the intended goal.

Aside from concerns about additional development, there were issues raised during review regarding the DEIS analysis and findings that will be noted in a separate letter.

The Board acknowledges that zoning hasn't directly dictated affordability, but these text changes introduced the concept of adding FAR in exchange for affordability. This won't guarantee housing units that are affordable to all lower- and middle-income levels. The proposed amendments could and should have directly linked additional density to affordability mandates for low AMIs, especially when applied to as-of-right developments and conversions. Introduction of income averaging of AMIs and allowing the MIH deep affordability option to be used independently, are forward steps. But affordable housing is still out of the price range for many of our district's residents.

Sincerely,


Evie Hantzopoulos,
Chairperson

 
Elizabeth Erion, Andreas Migias
Co-Chairs, Land Use and Zoning Committee

cc: Honorable Donovan Richards, BPQ
Honorable Michael Gianaris
Honorable Tiffany Caban
Honorable Julie Won
Honorable Nydia Velasquez
Honorable Toby Ann Stavisky
Honorable Jessica Ramos
Honorable Steven Raga
Honorable Jessica Gonzalez-Rojas
Vicky Garvey, Land Use, QBP
Colin Ryan, DCP



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 38	# Against: 5	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 6/6/2024 12:00 AM		Vote Location: 43-31 39th Street, Sunnyside NY	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: Please see attached correspondence and worksheet

Recommendation submitted by	QN CB2	Date: 6/12/2024 5:46 PM
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Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

(718) 533-8773

Fax (718-533-8777

Email qn02@cb.nyc.gov

www.nyc.gov/queenscb2

Anatole Ashraf
Chairperson
Debra Markell Kleinert
District Manager

June 12, 2024

Daniel Garodnick
Chairperson
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

RE: **QNS CB 2 Full Board Meeting - Summary of Board Vote – June 6, 2024 for City of Yes for Housing Opportunity Proposed Zoning Changes with Approved Stipulations**

Dear Chairperson Garodnick:

On June 6, 2024 Community Board 2 held a public hearing. The Community Board voted to approve the proposed City of Yes for Housing Opportunity zoning text amendments with the following general stipulation below. With a quorum present, the vote was 38 (thirty-eight) in favor of the motion, 5 (five) opposed and no (0) abstentions.

Approved Stipulations:

1. QNS CB2 overall and Long Island City in particular have experienced massive new housing construction over the last 20 years, far more than the district's "fair share" of city-wide housing development. To date the city has not implemented sufficient infrastructure improvements in storm sewers, public transit capacity, or additional park space to support this population growth. QNS CB2 recommends that amendments which would increase housing density in Medium and High Density Districts not be implemented within QNS CB2 unless or until storm sewers are rebuilt and transit capacity and park space are increased to acceptable city-wide standards.

Other specific stipulations are as follows:

Low-Density

Town Center Zoning

Omit the word “restrictive” from the Summary text.

Transit Oriented Development

Transit Oriented Development in Low-Density districts should prioritize housing for seniors and the disabled.

Accessory Dwelling Units

Given the growing frequency of high-volume rain events and inadequate sewer infrastructure in many neighborhoods, CB 2 does not support the addition of ADU’s below ground level in buildings where current code requirements for basement apartments are not met. (As a practical matter, if the City wishes to grant legal “amnesty” to such units that exist already, and to assist owners in making those units safer, that should not be codified in the Zoning Resolution or permitted in new units.)

Medium and High Density

Universal Affordability Preference –

Refer to General Stipulation 1. Above

Citywide

Lift Costly Parking Mandates

Omit the word “Costly” from this title.

Small Shared Housing

Omit the proposed text which states that the limit on studios and one-bedroom apartments, a.k.a. the Dwelling Unit Factor, be removed. CB2 believes that a mixture of small and family sized units is essential to all healthy and sustainable neighborhoods, including those within transit zones.

Campus Infill

CB2 does not support this proposed text amendment.

As suggested by your department, we are also attaching the completed DCP worksheet for City of Yes for Housing Opportunity, with the same stipulations listed above.

Sincerely,



Debra Markell Kleinert
District Manager

DMK/mag

Attachment: QNS CB2 City of Yes Worksheet

Cc: Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate
Honorable Kristen Gonzalez, NY State Senate
Honorable Jessica Ramos, NY State Senate
Honorable Juan Ardila, NYS Assembly
Honorable Jessica Gonzalez-Rojas, NYS Assembly
Honorable Zohran Mamdani, NYS Assembly
Honorable Steven Raga, NYS Assembly
Honorable Robert Holden, NYC Council Member
Honorable Shekar Krishnan, NYC Council Member
Honorable Julie Won, NYC Council Member
Honorable Donovan Richards, Queens Borough President
Vicky Garvey, Queens Borough President's Office
Katherine Crawford, Department of City Planning
Anatole Ashraf, Chairperson, Community Board 2
Christine Hunter, Chair, Land Use & Housing Committee
Prameet Kumar, Vice Chair, Land Use & Housing Committee

City of Yes for Housing Opportunity

Instructions: This worksheet is for anyone who chooses to express their support or concerns. If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific goal or project component. You can leave notes in the comments section.

Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Omit the word "restrictive" from the Summary text.

Transit-Oriented Development



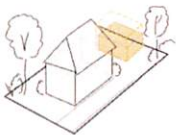
Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Transit Oriented Development in Low-Density districts should prioritize housing for seniors and the disabled.

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

Given the growing frequency of high-volume rain events and inadequate sewer infrastructure in many neighborhoods, CB 2 does not support the addition of ADU's below ground level in

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



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.

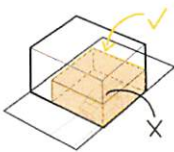
Support

Do Not Support

QNS CB2 overall and Long Island City in particular have experienced massive new housing construction over the last 20 years, far more than the district's "fair share" of city-wide housing development

Citywide

Lift Costly Parking Mandates



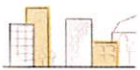
Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

Omit the word "Costly" from this title.

Convert Non-Residential Buildings to Housing

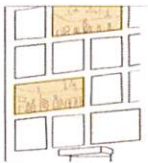


Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Omit the proposed text which states that the limit on studios and one-bedroom apartments, a.k.a. the Dwelling Unit Factor, be removed. CB2 believes that a mixture

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 23	# Against: 11	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 6/20/2024 12:00 AM		Vote Location: Travers Park	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/20/2024 2:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Travers Park

CONSIDERATION: This application requires further review and community input.

Recommendation submitted by	QN CB3	Date: 7/8/2024 4:44 PM
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COMMUNITY BOARD No. 3,

82-11 37th Avenue, Suite 606
Jackson Heights, New York 11372
Telephone: (718) 458-2707
Fax: (718) 458-3316
Website: queenscb3.cityofnewyork.us/
Email: communityboard@queenscb3.cityofnewyork.us

FRANK TAYLOR, Chairperson
GIOVANNA A. REID, District Manager

Donovan Richardson, Jr. Borough President

Dr. Laverne Nimmons - First Vice-Chairperson
Kevin Hughes-Noboa - Second Vice-Chairperson
Jairo Rodriguez – Treasurer
Richard Mullings – Secretary
Renetta English - Past Chair

City of Yes for Housing Opportunity – (N240290zry)

Queens community Board 3 at its June 20, 2024 meeting held a public hearing to review and vote on New York City Planning’s City of Yes for Housing Opportunity text amendment. The proposal seeks to expand opportunities for housing citywide by modifying the City’s current zoning resolution. The City of Yes for Housing Opportunity promises to make a modest increase the development of affordable housing through making changes to the current zoning regulations.

Community Board 3 recommends that the application be disapproved.

Community Board #3 is not against the development of affordable housing. We acknowledge the need for affordable housing particularly within our district. More than 50% of our population are struggling to find affordable housing. Each month residents shell out more than 35% of their monthly income on rent. While there has been some housing development within the district, most new construction is not affordable, an average 2-bedroom apartment is \$2700.00 per month. While the proposal claims the development of new affordable housing there is no guarantee.

Concerns

DCP in its effort to streamline the process, has reduced or eliminated community review. Streamlining the process without community input is not the way to go. Reduced community input places more power in the hands of developers and marginalizes community influence on neighborhood redevelopment. The review must be a collaborative process, which should include residents, community boards and elected officials

There are concerns that the rezoning modifications will be done in a cookie cutter fashion. One size does not fit all, each community district is different and must be treated as such.

The proposal does not mention whether our current infrastructure can support mass development without improvement/repair. Urgent attention is needed to address flooding and electric outages in our district before further development is considered.

Further discussion is needed regarding the elimination of required parking for new development. Parking in QCB3 is a premium and essential to our community.

Will property taxes increase with the addition of ADUs, mixed-use developments and multi-unit properties centered around mass transit ?.

Lastly, there are already tools in place that a property owner can use to vary the zoning regulation ,i.e. Ulurp and B.S.A. Perhaps there are steps that can be taken to streamline ULURP that wouldn't negatively impact the community.

While The City of Yes for Housing Opportunities' proposal claims permanent affordable housing it is not assured.

We support the existing housing programs such as Homes Now Campaign and others that will help build new affordable housing that New Yorkers need.

Vote

Upon the motion to disapprove the proposal for the City of Yes for Housing Opportunity, it was passed with a vote of 23 In Favor , 11 opposed and 0 Abstentions.

Sincerely

Frank Taylor
Chairman
Queens Community Board 3



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 11	# Against: 19	# Abstaining: 1	Total members appointed to the board: 31
Date of Vote: 6/11/2024 12:00 AM		Vote Location: 51-11 108 Street, Corona, NY	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: With a quorum present, the majority of the Board voted to accept the ULURP Committee recommendation which is to: DENY the City of Yes Housing proposal and to only support two items in the proposal as it was decided they would be beneficial to our district and NYC: 1. "Mandatory Inclusionary Housing" as it increases affordable housing and is aligned with the district's needs by allowing deep affordability. 2. "Quality Housing Program" as it promotes neighborhood character, and provides amenities for residents.	
Recommendation submitted by	QN CB4
Date: 7/8/2024 4:04 PM	



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 33	# Against: 4	# Abstaining: 1	Total members appointed to the board: 49
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 68-02 Metropolitan Avenue, 11379	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/8/2024 7:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Christ the King High School Cafeteria at 68-02 Metropolitan Avenue, 11379

CONSIDERATION: The members of Queens Community Board 5 voted overwhelmingly in opposition to the Proposed City of Yes for Housing Opportunity Zoning Text Amendment, at the Board Meeting of June 12, 2024. 100,000 new residential units in New York City, which is reportedly the goal of the Dept. of City Planning, should be achievable without significantly changing the character of communities and straining the local infrastructure more. Additionally, the 15 proposed components of change are too voluminous and complex to change at one time.

The four primary components of concern, which need the attention of the Dept. of City Planning are:

- 1) Accessory Dwelling Units, such as basement apartments and garage conversions pose potentially dangerous conditions. If basement dwelling units were legalized, the vast majority of property owners would not allow a city agency representative into their home despite the potential income benefits,
- 2) Lifting parking mandates for new buildings is very likely to cause increased competition and anxiety among motor vehicle owners, who already often spend valuable time and fuel looking for a parking spot. There also is concern that the Dept. of City Planning would allow existing parking lots to be converted to housing.
- 3) Small and Shared Housing, as proposed, would allow existing apartments to be converted to 2 or more apartments. This will increase fire hazards and alter the character of communities.
- 4) Transit Oriented Development would allow larger buildings within one-half mile of subway and rail stations. Many portions of fairly low-density communities are within less than one-half mile of subway and rail stations. If 5 story buildings would be permitted, the character of many communities would be altered and local infrastructure would be increasingly strained.

Recommendation submitted by	QN CB5	Date: 7/5/2024 4:47 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 23	# Against: 17	# Abstaining: 0	Total members appointed to the board: 46
Date of Vote: 6/18/2024 12:00 AM		Vote Location: 120-55 Queens Boulevard - Room 213	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/4/2024 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Rego Center, 61-35 Junction Blvd, Queens, NY 11374

CONSIDERATION: Queens Community Board 6 voted No to City of Yes, Housing Opportunity with conditions. Those conditions are detailed in the attached document.

Recommendation submitted by	QN CB6	Date: 6/24/2024 10:34 AM
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City of Yes - Housing Opportunity

24-0618 Queens CB6 Board Recommendation: No with Conditions

Proposal #	Initiative	Support	Don't Support	Board Conditions
	Low Density			
1	Town Center Zoning		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_As-of-right application of this proposal shall be restricted to individual lots.</p> <p>Discretionary action required for development of multiple contiguous lots.</p> <p>_Single-Family Zoning Districts are removed from this proposal.</p>
2	Transit-Oriented Development		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_Multiple contiguous lot purchase to require a discretionary action.</p> <p>_Qualifying sites to be limited to locations along a wide street only, and not the short end of the block.</p>
3	Accessory Dwelling Units		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_Homeowners adding ADU's to be required to bring entire home up to current energy code requirements to offset impacts on utility infrastructure.</p> <p>_Include city-funding financing programs for homeowners to upgrade their homes in accordance with this proposal.</p> <p>_Eliminate basement ADU development from areas designated as flood zones per current FEMA maps and from areas within our District that are known to be flood prone.</p>
4	District Fixes		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_As-of-right application of proposal for the purposes of enhancing property conditions to be limited to existing owner of the property only, and not absentee owners.</p>

Proposal #	Initiative	Support	Don't Support	Board Conditions
	Medium and High Density			
5	Universal Affordability Preference (UAP)		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_To the extent possible urge the retention of businesses affected by the redevelopment.</p>
	Citywide			
6	Lift Costly Parking Mandates		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_Permit no more than a 50% reduction from the current minimum parking requirements.</p>
7	Convert Non-Residential Buildings to Housing		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p>
8	Small and Shared Housing		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p>
9	Campus Infill		X	<p>_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.</p> <p>_In the case of a NYCHA site, affected community to be consulted to provide input into the redevelopment proposal.</p>
	Miscellaneous			

Proposal #	Initiative	Support	Don't Support	Board Conditions
10	New Zoning Districts		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd. _Subject to CEQR review.
11	Update to Mandatory Inclusionary Housing		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.
12	Sliver Law		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.
13	Quality Housing Amenity Changes		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.
14	Landmark Transferable Development Rights		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd. _Applications for development rights transfer require Community Board review.
15	Railroad Right-Of-Way		X	_Mandate through the City budget and State legislation the improvement of the following services and infrastructure in our District: Sewers, sanitary, electrical grid, school seats, new schools, transportation, advanced signaling upgrades to MTA service along Queens Blvd.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 36	# Against: 1	# Abstaining: 0	Total members appointed to the board: 37
Date of Vote: 6/24/2024 12:00 AM		Vote Location: St. Luke RC Church	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/24/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	St. Luke Roman Catholic Church

CONSIDERATION: Attached is CB #7-Qns. final report for DENIAL of City of Yes part 3 Residential. The report is (2) pages and (3) pages of the DCP Feedback Worksheet are also included.

Recommendation submitted by	QN CB7	Date: 6/26/2024 1:31 PM
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TO: Gene Kelty - Chairman CB7Q
FROM: Chuck Apelian – Vice Chairman and Land Use Chairman CB7Q
RE: COY, Part (3) Residential
DATE: June 24, 2024

Tonight, Community Board 7 Queens voted 36-1 to **OPPOSE - COY, Part (3) Residential**.

Each of the overwhelming and complex (15) components should have been presented as separate applications; but NYC DCP purposely combined them into one confusing take-it or leave-it decision.

Queens spent a great deal of effort circa 2005-2011 to contextually re-zone our neighborhoods. At that time, individual neighborhood charm and character was being destroyed on a daily basis. We at CB7Q championed (13) of these applications to carefully preserve the neighborhoods “we call home”.

A Manhattan NYC Council Member named Dan Garodnick was a big supporter of all our contextual zoning efforts. The same Dan Garodnick is now the Director of the Department of City Planning, and has now completely flopped and is willing to destroy all these prior protections with one massive overhaul. **COY, Part (3) Residential** will indiscriminately undo all our work within months and destroy the quality of life we value in our neighborhoods.

NYC Zoning is not a “one-size fits-all” solution, and it is impossible to believe the EIS honestly and completely addressed all issues without employing a great deal of Voodoo and Ouija Board. We certainly do not have sufficient infrastructure: Con Edison constantly is having Gas and Electric Brown-outs, Storm and Sanitary Sewers are overburdened – we see regular flooding due to the increase in impervious surfaces, and we do not have sufficient schools and proper traffic and public safety.

CB7Q worked tirelessly to develop the Willets Point Special District and 2,500 new, permanently affordable rental units will house nearly 10,000 residents and workers, including a new elementary school. We are very proud of this prime example to create affordable housing and a new neighborhood.

COY, Part (3) Residential does not apply the same prudent planning measures; it only allows unregulated proliferation of In-Fill zoning, the elimination of residential parking requirements and the complete disregard of the cherished value of our low density quality of life.

We completely oppose the following as disastrous examples of rampant In-fill Zoning:

- Accessory Dwelling Units
- District Fixes
- Town Center Zoning
- Transit Oriented Development
- Small and Shared Housing - *The City wants to revert back more than 100 years to allow SRO's*

COY, Part (3) Residential looks to re-create SRO's, turning back the clock of social progress over 100-years!

We completely oppose the Elimination of Parking Mandates in Residential Districts and the creation of any New Residential Zoning Districts, because they would **not** require any residential parking.

I asked our audience of over 200-people, how many took public transportation to our Hearing.

NOT ONE PERSON RAISED THEIR HAND!

And this is not unusual for many parts of Queens and other outer boroughs.

Transit Oriented Development (TOD) could work if it is located on blocks **immediately adjacent** to a Subway or Rail stations. Instead, NYC wants to allow TOD's to extend for a half mile radius! A half mile in both directions is approximately (20) blocks!

Within CB7Q, the LIRR line runs through a very large, low density residential district (predominantly R2-A) consisting of our Murray Hill, Broadway, North Flushing and Auburndale neighborhoods.

Allowing a TOD to extend a half mile in all directions would destroy all single family homes within this gorgeous area, and be completely obliterate the area within years.

We had one public speaker supporting **COY, Part (3) Residential**. The next speaker stated she lived in a single family home, to which the first speaker shouted out **"I wish I could live in a single family house"**.

To which I replied, **"If that was the case, you would no longer support COY, Part (3) Residential."**

Game, Set, Match.

This clearly demonstrates how people are idealistic and altruistic until it affects them directly. Once they are directly impacted, they voice the loudest opposition because **it affects them**.

Again, NYC Zoning is not "one-size fits-all" and this is why **COY, Part (3) Residential** fails miserably.

Please see the attached Worksheets for additional comments on specific items.

Sincerely

Chuck Apelian

CB 7Q

6-24-24

OPPOSITION TO COY PARTS

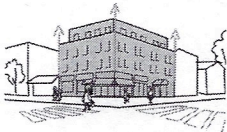
36-1

City of Yes for Housing Opportunity

Instructions: This worksheet is for anyone who chooses to express their support or concerns. If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific goal or project component. You can leave notes in the comments section.

Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

NEEDS MUCH MORE CLARIFICATION & APPEARS COSTLY TO IMPLEMENT RESULTING ONLY W/ MARKET RATE UNITS.

Transit-Oriented Development



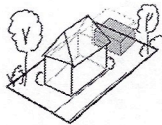
Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

ONE-HALF MILE RADIUS IS REDICULOUSLY TOO LARGE & WILL DESTROY LARGE AREAS OF S/F HOUSING.

Accessory Dwelling Units



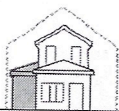
Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

ABSOLUTELY NOT!

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

THIS EQUATES TO INCREASED LOT COVERAGE IN S/F ZONES, WHICH WOULD EASILY BE ABUSED BY HOMEOWNERS

CB 7Q

6-24-24

Miscellaneous

CB7Q
6-24-24
36-1 OPPOK
COX PART 3

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

THESE NEW DISTRICTS
HAVE ZERO PARKING REQUIREMENTS

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

HEIGHT MUST BE CONTEXTUAL
TO IMMEDIATELY ADJACENT
BUILDINGS

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

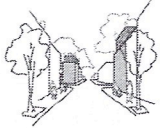
DO NOT UNDERSTAND

CB7Q 6-24-24

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6-24-24
36-1
OPPOR COY - PART 3

Medium and High Density

Universal Affordability Preference



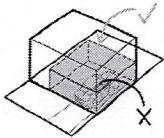
Allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

Support

Do Not Support

Citywide

Lift Costly Parking Mandates



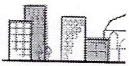
Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

ABSOLUTELY NOT!

Convert Non-Residential Buildings to Housing



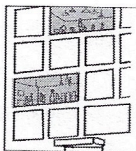
Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

COSTS MAY OUTWEIGH
BENEFITS WHICH WILL
ONLY CREATE MANDATORY
UNITS

Small and Shared Housing



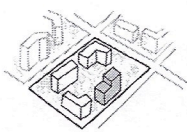
Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

ABSOLUTELY NOT!

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

CB7Q 6-24-24



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 39	# Abstaining: 1	Total members appointed to the board: 49
Date of Vote: 6/26/2024 12:00 AM		Vote Location: 183-02 Union Turnpike in Fresh Meadows	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/26/2024 7:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Hillcrest Jewish Center 183-02 Union Turnpike in Fresh Meadows

CONSIDERATION:		
Recommendation submitted by	QN CB8	Date: 7/17/2024 3:33 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 37	# Abstaining: 2	Total members appointed to the board: 49
Date of Vote: 6/11/2024 12:00 AM		Vote Location: 120-55 Queens Boulevard	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/22/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom Meeting -

CONSIDERATION:

Recommendation submitted by	QN CB9	Date: 6/12/2024 12:13 PM
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Queens Community Board 9
Land Use Committee
Resolution in Opposition
City of Yes – Housing Opportunity (EAS 24DCP033Y)

June 11th, 2024

WHEREAS, the Department of City Planning under Mayor Eric Adams has filed a legislative package under the banner of citywide zoning changes, called “City of Yes – Housing Opportunity”, proposing vast changes to land use, particularly for exponential increases in residential housing in lower-density zoning districts, and

WHEREAS, the subject Scope of Work document makes several conclusions that are not supported by accurate or complete data, which conclusions could have significant and lasting negative implications on communities throughout the city, and

WHEREAS, misleading and irrelevant comparisons are made in the document to other municipalities related to both housing starts and lower-density residential communities in New York City, and

WHEREAS, certain incorrect assessments are presented in the document regarding rezoning actions by the city in recent years showing, contrary to facts, that contextual zonings, lower-density communities and the Zoning Resolution itself are the main cause of the “housing crisis” in New York City, and

WHEREAS, contrary to the document’s intimations, the adoption of this plan would even further limit input from neighborhoods, Community Boards and elected officials in terms of planning and zoning among other issues raised due to dramatically increased “as-of-right” development scenarios, and

WHEREAS, contrary to the document’s assumptions, creating new upzoning mandates through transit-oriented development (TODs), accessory dwelling units (ADUs), “Town Center” zoning and drastic changes to the framework of basic zoning regulations, specifically in lower-density (R1-R5) zoning districts and particularly in one- and two-family zones (all R1 and R2 districts and R3A, R3X, R3-1, R4A, R4B, R4-1 and R5A zones) as well as elimination of all off-street parking requirements for all new residential development among other proposals within the “City of Yes – Housing Opportunity” overall package, will have an overwhelmingly negative effect on lower-density communities, and

WHEREAS, contrary to the report’s conclusions, the elimination of single- and two-family zoning, parking requirements and proposed legalization of basement/cellar, attic, garage units and new apartments in backyards would, in fact, disproportionately negatively affect minority communities across the city, and

WHEREAS, Queens Community District 9 believes that single- and two-family housing provides an affordable housing alternative in the city for middle class families who might otherwise leave the city.

THEREFORE, Queens Community District 9 stands in opposition to the “City of Yes – Housing Opportunity” proposed zoning changes issued by the Department of City Planning under Mayor Eric Adams in its entirety, particularly in opposition to A) lessening input from neighborhoods, Community Boards and elected officials in the planning, zoning and land use process through enabling increased “as-of-right” development; B) the imposition of mandated upzonings which would exponentially increase development in lower-density areas of the city, including TODs, ADUs and “Town Center” zoning; and C) radical changes to the basic zoning framework of all R1 through R5 zones, elimination of parking requirements in all new residential construction and other proposed changes that would deregulate residential zoning and drastically change the character of our neighborhoods.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 30	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 6/26/2024 12:00 AM		Vote Location: Old Mill Yacht Club	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/18/2024 12:00 AM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Old Mill Yacht Club

CONSIDERATION: Please see uploaded supporting documents submitted to CPC 7/10/24 Public Hearing which details the reasons CB 10 Q voted unfavorably.

Recommendation submitted by	QN CB10	Date: 7/10/2024 1:24 PM
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ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

CITY OF NEW YORK • BOROUGH OF QUEENS
115-01 LEFFERTS BOULEVARD
SOUTH OZONE PARK, N.Y. 11420
TEL: (718) 843-4488
FAX: (718) 738-1184
E-MAIL: cb10qns@nyc.rr.com



KARYN PETERSEN
District Manager

STATEMENT
To
NYC PLANNING COMMISSION PUBLIC HEARING
Regarding N 240290 ZRY
City of Yes for Housing Opportunity
July 10, 2024

On June 26, 2024, Community Board 10 Queens voted unfavorably on the Department of City Planning’s *City of Yes for Housing Opportunity* proposal. Our Board’s vote was unanimously against the proposal with no abstentions. While we appreciate the time and effort DCP devoted to providing explanations as well as answers to questions raised at our meetings, our concerns on some specific issues lead us to communicate to you an explanation as to why CB10 opposed DCP’s proposal.

Explanation of Community Board 10’s Position

The list below reflects the topics that were of major concern expressed at our meetings and at our public hearing:

- | | |
|--|---|
| <ul style="list-style-type: none"> Flooding Transit-Oriented Development, Town Center Zoning, ADUs Community character | <ul style="list-style-type: none"> Lifting Parking Mandates, Overdevelopment Essential services, Infrastructure |
|--|---|

During our June 6th regular Board meeting the public presentation by DCP was aimed for our Board members to get a fuller understanding of the proposal. Numerous members of the public were present but their opportunity to ask questions was limited to the meeting’s public session period toward the end of the meeting as the presentation was not part of a Public Hearing on COY/HO on that evening. As a result, at the request of our Land Use Committee Chairperson, we then conducted an informal COY/HO question and answer session just for the public on June 12, 2024. DCP staff attended to answer questions. That session was well-attended, and the general tenor and tone was negative from the public present. The concerns of those who attended were apparent in the questions asked and in comments made in parts of many of the questions. The concerns expressed generally also revolved around those topics in the list above.

On June 18, 2024, Community Board 10 conducted its Public Hearing regarding the proposal. We received written comment in support from one couple who reside within Community Board 10 and a couple of letters from individuals residing other parts of Queens stating opposition. We also received a support statement from AARP and one from a group of 130 other organizations city-wide in support.

All the Civic Associations active within Community Board 10 submitted written comment in opposition from the perspective of the neighborhoods they serve. Approximately 3,000 form letters in opposition gathered by a civic association in the Howard Beach neighborhood were submitted.

At our June 6th and June 12th sessions and again at the June 18th Public Hearing we provided copies of DCP's checklist so that people who did not wish to speak could provide their feedback. People handed them in as they left at the close of those 3 sessions. All but one we received expressed opposition. Most just checked off "do not support" without providing anything in the comment boxes. (Those we received on June 6th were anonymous, but those received on June 12th and June 18th included names.) There were 30 people who spoke at the Public Hearing on June 18th. All were residents of Community Board 10. All expressed opposition.

On June 20, 2024, our Land Use Committee met for the purpose of discussing and reviewing all the comments received and to develop its recommendation to the full Board. The committee voted unanimously to recommend that the full Board vote unfavorably on the proposal. On June 26, 2024, as stated above, Community Board 10 held a special meeting for the purpose of voting on the proposal. A quorum was present, and the full board vote was unanimously unfavorable to the proposal. No members abstained.

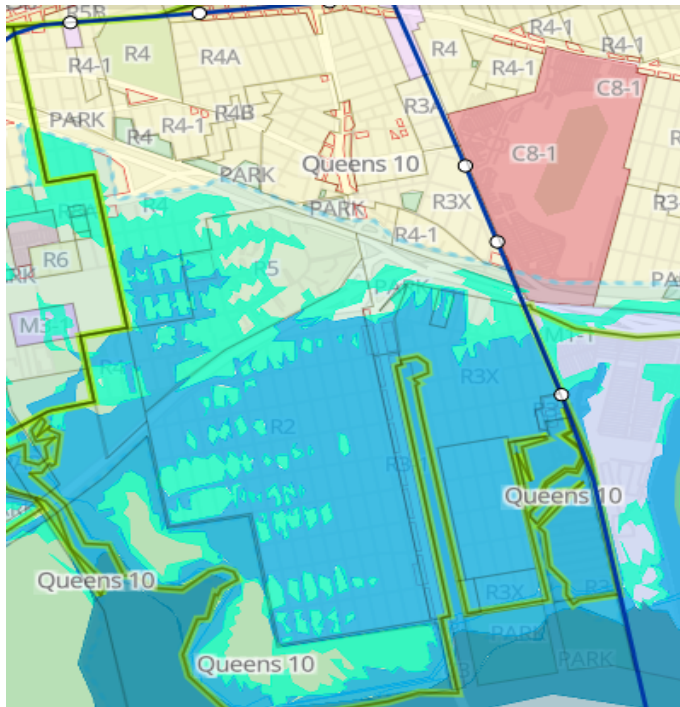
The overwhelming opposition expressed by our Community Board district's residents, civic associations, and Board members has indicated that the text amendment will have a severe adverse effect city-wide and to all parts of our neighborhoods within CB10. Most concerning are the parts of the proposal for low density districts – town center zoning, transit-oriented development, accessory dwelling units, and lifting of parking requirements. We therefore request that DCP remove each of the parts that affect the low-density districts (R1-R5) in the event that a modified zoning text amendment is done by DCP after all input is received from all 59 CBs, the 5 Borough Presidents, and the City Council Land Use Committee for submission for the final vote by the City Council.

We respectfully requested the Queens Borough President consider CB10's position as our Borough's position is formulated. We request that the Department of City Planning and the City Planning Commission also consider the views expressed below to gain a fuller understanding of why CB10 voted unfavorably. We would hope that the DCP and Commission address these concerns as their review of the proposal takes place prior to submission to the City Council.

Flooding

The devastating impact by Hurricane Sandy (2012) showed our city is one of the most vulnerable cities to coastal flooding around the globe. The low-lying areas in NYC can be flooded by nor'easter storms and North Atlantic hurricanes. The frequency of Hurricane Sandy-like extreme flood events is very likely to increase significantly as we move into the future due to the compound effects of sea level rise and climate change.

Currently, tidal flooding seriously impacts CB10's Howard Beach and Hamilton Beach areas. Other areas within CB10 suffer from flooding related to rainstorm water. It should be noted that Superstorm Sandy's damage in our area primarily resulted from storm surge unprecedented by our experience from prior storms. Hurricane Ida that severely impacted Queens was essentially a rainstorm as was Isaias, events not accompanied by excessive tidal flooding. Neither Sandy, Irene, Ida, nor Isaias were storm events in which major damaging winds were combined with major tidal surge and record-breaking rain.



The potential for damage from future catastrophic storms is real in many parts of our borough and most certainly within CB10. **Should we experience a major storm that has all three elements - tidal surge similar to, or greater, than Sandy, rainfall similar to Ida and other recent rainstorms, and the level of wind similar to that which have occurred in other states - the devastation potential is very real in CB10. While there is a city-wide need to create housing, it is imperative to us in CB10 that NO increase in density be permissible in any part of CB10 that is currently within the 1% flood plain.**

All the blocks (approximately a third of CB10's total land area) shown in this picture should be removed from any part of COY/HO that would allow for any increased density. Certainly, all the areas shown in blue should be. All the areas in blue or green were devastated by Superstorm Sandy. Much of the area has also been impacted severely by subsequent storms of lesser intensity. Further, our view is that increased density should NOT be permissible in any of the neighborhoods in our district currently within the 2% flood plain. Those areas potentially may be subject to future inclusion within the 1% flood plain.



It should be noted that large segments of our Ozone Park and South Ozone Park neighborhoods shown in this picture are currently located in NYCEM hurricane evacuation zones, which is a clear indication that future hurricanes could, and given the effects of climate change, probably will, impact them in the future. Housing density must continue to be limited in them if COY/HO is about planning for the future. Numerous other governmentally generated maps, whether federal, state, or city, similarly depict projected increases in land areas and residences that will be impacted by flooding in coming decades. Some areas shown in green experience residential flooding due to sewer backup and rain that overwhelms sewer infrastructure. Some of those areas are impacted by ground water flooding due to issues related to the water table.

Transit-Oriented Development, Town Center Zoning, Accessory Dwelling Units

CB10 has major concerns with the proposed Transit-Oriented Development provisions in DCP's proposal which would allow 3-5 story apartment buildings within a half mile of subway stations on wide streets or corners. We also have major concerns regarding the Town Center Zoning provisions that would allow ground floor commercial uses with 2-4 stories of housing above.



In our Howard Beach neighborhood, our concerns on these proposals mesh with our flooding concerns for a number of reasons. The Howard Beach/Airtrain Subway Station is located within the Howard Beach area located east of Crossbay Blvd. on Coleman Square in what is known to almost all residents living in Old Howard Beach as “town.” Its location is within a small C1-3 overlay where the underlying zoning is R3-1. The 2 bodies of water identified as *A* and *B* in the picture are not separate. In actuality, they are connected by a passage under the railroad tracks. Historically this entire commercial area has been regularly subject to tidal flooding that comes from 3 different directions. The area, as is the rest of Old Howard Beach and Hamilton Beach (both areas constitute Census Tract 884), is impacted now more and more frequently many times a month

even at times when there is no storm event.

All of Hamilton Beach, Old Howard Beach, and the Coleman Square commercial area are the sections of CB10 most vulnerable to tidal flooding. New Howard Beach and the Crossbay Blvd. commercial area (Census Tract 892.01) are also subject to tidal flooding more and more frequently. Parts of the Lindenwood area (in Census Tract 62.02) of Howard Beach are subject to both tidal and storm water flooding.

As we said above, the Coleman Square area is known locally as “town” and has been so known for generations. There is a reason for that. Hamilton Beach and Ramblersville were the first areas in Howard Beach to develop. The small, frame commercial buildings in “town” were essentially almost all constructed in the early 1900s and are mostly ground floor retail commercial with 1 story of currently occupied housing above. During the 1930s and 1940s most of the rest of Old Howard Beach developed. Prior to the 1950s the area was a town center that served Old Howard Beach and Hamilton Beach and the former LIRR station for decades before any of the other areas in today’s Howard Beach west of Crossbay Blvd. came into existence during the post-World War II building boom.

In the picture above the arrow is pointing south toward the rest of the R3-1 zone within Hamilton Beach. The black line just above the arrow indicates where the current Hamilton Beach Special Purpose District ends. This Special Purpose District was created by a resiliency rezoning project developed by DCP in collaboration with the community for the purpose of limiting density. In light of this current DCP proposal, hindsight indicates we should have pushed to have “town” included in it due to the flooding similarities and the historical connection to Hamilton Beach. The rezoning the Special Purpose District was part of was completed just a few years ago. At no time during the discussions with DCP was there any inkling from it that apartment buildings that would increase density could be or would be considered appropriate in the C1-3 overlay or anywhere else in Census Tract 884.

Our view is that the entire C1-3 area suffers from the same tidal flooding as Hamilton Beach regularly. In our view it is a totally inappropriate area to allow any type of multiple dwellings to be developed. For example, were the corner directly opposite the current Howard Beach/Airtrain Station to be developed with any kind of an apartment building, its residents would find that they often would need hip boots to cross the street to reach the station. Whenever there is tidal flooding in Hamilton Beach and the Coleman Square commercial areas there is also tidal flooding on many of the blocks within the rest of Old Howard Beach. It is our view that there be no provision to allow development of any type of multiple dwellings in those areas that are currently zoned R2 and R3X for 1 and 2 family residences.

We respectfully requested the Queens Borough President to strongly oppose inclusion of the Howard Beach/Airtrain Subway Station area as an area where any transit-oriented development as described in DCP's proposal be permissible. Further, we requested that our Borough President support and request that DCP extend the current Special Purpose District to include all of census tract 884 as virtually all blocks within that tract flood frequently now and will see more flooding in the future. Attached to this statement are some pictures of what a regular occurrence in the C1-3 area is. The type of flooding shown in those pictures is also typical and occurring more and more frequently on many blocks within Census Tract 884.

CB10's concerns regarding allowing development of multistory commercial/residential uses within our district on our other commercial strips are somewhat similar yet different as well. Our view is that there should not be any as-of-right ability to do so. Our view is that there perhaps will be some areas along our Crossbay Blvd. commercial strip in Howard Beach and along parts of the commercial areas of Crossbay Blvd. in Ozone Park where such development could be feasible, but they must be approached on a case-by-case basis through a separate zoning variance action (filed by the property owner/developer), requiring full community review.

Although it is not germane to this proposal a workforce housing component was part of Resorts World's recent presentation regarding its plans should NYRA close and Resorts get approval for a full gaming license. That component would be something we could consider favorably depending on its specifics. You may not be aware that years ago, long before casino gambling at Aqueduct was even talked about, there were numerous rumors that NYRA was closing. As that area is basically centrally located in our district, CB10 along with local civic leaders at that time in all our neighborhoods, engaged in an effort spearheaded by then BP Shulman to develop a conceptual plan with City Planning for a new community there. CB10 is not necessarily opposed to considering new housing on part of that property now. However, we are opposed to the types of higher density housing development within our existing low-density districts (R1-R4) neighborhoods that DCP's current proposal would enable.

In 2013 a large zoning action, known as the Ozone Park rezoning, was approved. The name "Ozone Park Rezoning" is somewhat of a misnomer. That action also incorporated parts of South Ozone Park and Richmond Hill. We wanted all of Richmond Hill that is within our district and all our South Ozone Park areas included, but DCP felt that would make the study area too large.

That 530 block Ozone Park rezoning was undertaken in response to concerns raised by Community Boards 9 and 10, local civic organizations, and local elected officials that existing zoning did not closely reflect established building patterns or guide new development to appropriate locations. Most of the study area was within CB10. The proposed actions sought to reinforce the area's predominant one-and two-family residential character, while directing moderately scaled new residential and mixed-use development to locations along the area's main commercial corridors and near mass transit resources. According to DCP's own words in the project documents then, DCP expressed that *"the existing zoning does not adequately reinforce the one-and two-family character typically found on the residential blocks."*

DCP further stated *"Existing zoning also does not distinguish major commercial corridors from residential side streets. As a result, recent development has not been located along main commercial corridors where it could reinforce and strengthen established mixed-use areas."*

In that rezoning, areas along the Liberty Avenue commercial and transportation corridor where density increases made sense were incorporated with some upzoning while downzoning was done in the residential neighborhoods. DCP's current proposal will effectively undo much of what was accomplished with the rezoning. That is not acceptable in the neighborhoods involved in the Ozone Park Rezoning area. It is not acceptable to the people who own homes and supported it just over a decade ago. For the most part those neighborhoods consist of attached and detached 1&2 family homes primarily currently zoned in R3-R5 districts. New apartment houses make no sense to those residents other than perhaps on parts of Liberty Avenue. No support that we are aware of has been expressed

by residents and homeowners on the residentially zoned side street blocks south of Liberty Avenue to allow development of multiple dwellings now that are not permitted by the 2013 rezoning.

Overdevelopment/Parking/Community character

Within CB10 there is an almost palpable fear among residents that uncontrolled development is what they will see in their neighborhoods if this DCP proposal is approved. The elimination of parking mandates for new development is not supported at all in any of our neighborhoods. While a city-wide goal to lessen the dependence on cars may be in some ways desirable, the need of our residents to get wherever it is they want to go safely and in a reasonable amount of time will continue their use of cars. Parking space shortages in both our residential and commercial areas are constant complaints all over our district. For many years for any commercial development anywhere in our district that required any type of a zoning action the provision of sufficient parking has been very much an issue in discussion between the Board, our residents, and the developers. For many years data published in the NYU Furman Center's annual *State of New York City's Housing and Neighborhoods* reported CB10 has among the highest rates of home ownership of 1&2 family homes out of the city's 59 CBs.

That is consistent across all our neighborhoods. Although we have some multifamily apartment buildings, the essential character of all our neighborhoods is low density residential primarily comprised of 1&2 family homes with some 3&4 family units also mixed in. The concept of allowing accessory dwelling units is opposed in all parts of our district.

Infrastructure/Essential services

Residents of CB10 do not consider existing infrastructure sufficient to meet their needs. The need for roadway repairs is a constant complaint. Capital road and sewer projects take decades to advance to construction. Con Edison's grid in our area is insufficient to meet current needs, particularly in parts of our South Ozone Park neighborhood. Our residents fear that in the absence of considerable infrastructure improvements prior to further development occurring, their quality of life will deteriorate.

Many of our schools, particularly in the northern parts of our district are overcrowded. For years the provision of new schools has been our first Capital Budget priority. In the view of our Board and our residents our police precinct is understaffed. Assigning additional personnel to the 106th Police Precinct has been our first Expense Budget priority for years. Our crime has been growing, historically. Over the last 23.5 years we have experienced increased major felony crime in more than half of those years. Our call for more officers is not just driven by the current situation in our city. Our population, both residential and ambient, continues to grow. We are seeing a disconcerting pattern of increases in major felony crimes against persons as opposed to property crime. We are also seeing that the percent of major felony crime occurring in our precinct in relationship to crime occurring in Patrol Borough Queens South overall has been increasing as well in recent years. It is no surprise to our Board that our residents feel our police services are insufficient and they fear increased development will exacerbate the lack of police services. Our residents are also fearful that other essential services such as fire and sanitation will not keep pace with development.

We realize this statement is lengthy. However, CB10 feels it is needed to explain why our vote was unfavorable on the COY/HO proposal. There were some provisions, particularly among the district fixes section, that we possibly might have supported, but overall, our residents and the Board believe the content of the whole proposal is far too broad to be supported. Even though the proposal was broken down with proposals for low density, high density, and other categories, we are not a one size fits all city. CB10 is considered a low-density district by the proposal. However, the proposal as put forth by DCP seems not to recognize that there are differences even among Community Board districts lumped together into categories like low density, etc. The many areas Community Boards serve in low density areas across the city are also not one size fits all.

NYC is a large city however our view is that our city is a collection of neighborhoods, especially in Queens where the sense of neighborhood identity is very real to our residents. Most NYC Community Board districts when looked at by their populations are larger than most cities in this state. Some CBs, like CB7Q and CB12Q in particular, along with some other Queens districts, have populations larger than many NYS counties. By and large our CBs within the city are larger than many, many cities, counties, and towns in the country. **What is acceptable and rational zoning for any of our districts needs to be evaluated and reviewed individually in each district,** taking into account the nuances of differences between them vis a vis housing patterns and desires of the residents.

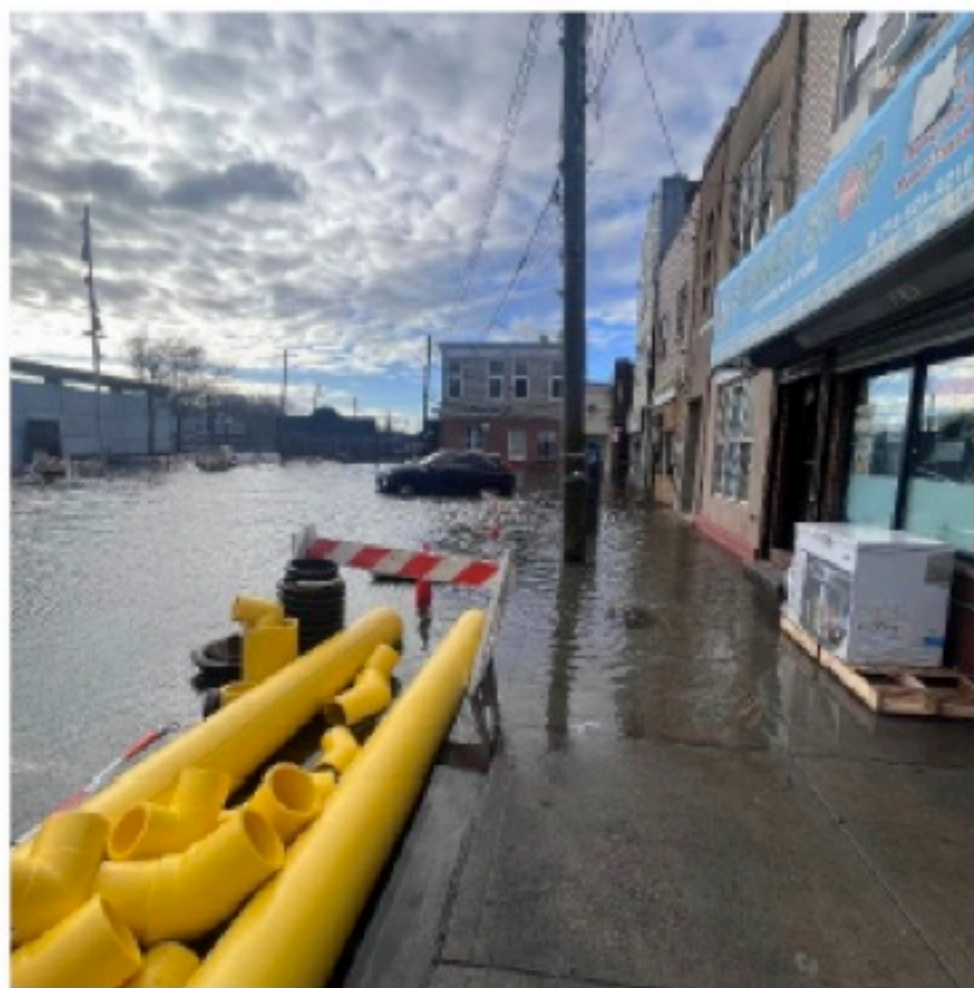
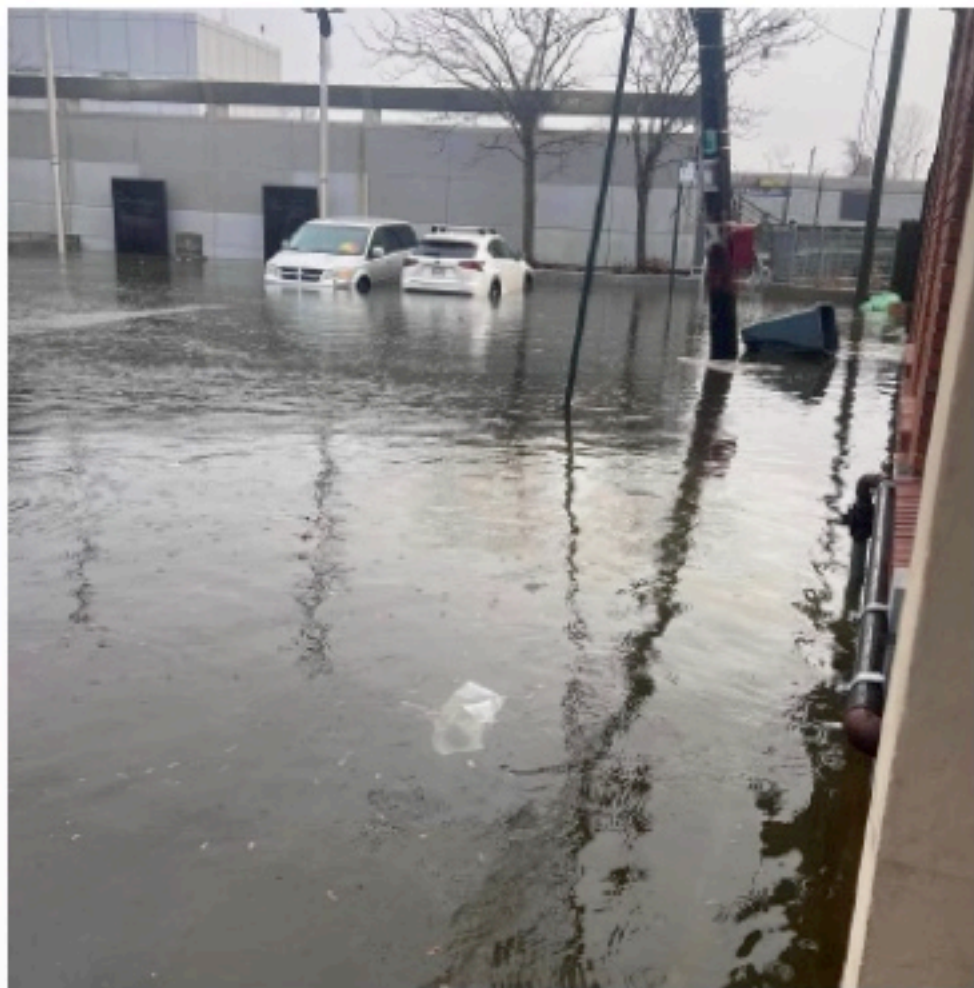
Thank you for your consideration of our views.

Betty Braton

Betty Braton
Chairperson

John D. Calcagnile, RA AIA

John D. Calcagnile, RA AIA
First Vice Chairperson
Land Use Committee Chairperson



These picture are of recent flood in the Coleman Square area and depict what is a common occurance.





COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 38	# Against: 1	# Abstaining: 0	Total members appointed to the board: 39
Date of Vote: 6/3/2024 12:00 AM		Vote Location: KCS, 203-05 32 Avenue, Bayside	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION:

Recommendation submitted by	QN CB11	Date: 6/6/2024 10:14 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 0	# Against: 30	# Abstaining: 0	Total members appointed to the board: 32
Date of Vote: 6/12/2024 12:00 AM		Vote Location: 172-17 Linden Blvd	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/12/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	172-17 Linden Blvd, Jamaica NY

CONSIDERATION:

Recommendation submitted by	QN CB12	Date: 6/25/2024 12:56 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 41	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 6/24/2024 12:00 AM		Vote Location: Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: Two things: (1) The Public hearing occurred at the QCB13 Land Use Committee Meeting held on June 10, 2024, when City Planning attended and presented a PowerPoint. Extensive Q&A and the LU Committee voted unanimously not to support. (2) The motion voted on at the General Board Meeting was to support the CoY for Housing Opportunity, which triggered a unanimous "NO" vote.

Recommendation submitted by	QN CB13	Date: 7/15/2024 3:16 PM
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**Queens Community Board 13 Resolution
Opposing “City of Yes for Housing Opportunity”
Adopted Unanimously (41-0) June 24, 2024**

Whereas: Community Board 13 held public meetings and discussions concerning the proposed City of Yes for Housing Opportunity citywide zoning text amendment, including before its Land Use Committee on June 10, 2024; and

Whereas: Each of the provisions of City of Yes for Housing Opportunity would REMOVE traditional New York City Charter-mandated community (board), borough president and city council reviews of uses not permitted under existing zoning and land use provisions; and

Whereas: New York City Charter-mandated “Community Review” protects neighborhoods from adverse and unplanned and unanticipated impacts before new development can occur; and

Whereas: The best ways to address possible future needs require New York City to provide tools and resources to each of its community boards to identify parcels in any given community that might be appropriate, and make sense, for beneficial local development and, thereby, foster collaborations with government, community and the private and non-profit sectors to realize such beneficial results; and

Whereas: the “As-of-Right” features of each of the provisions of City of Yes for Housing Opportunity would weaken, if not render totally useless, the existing City Charter-mandated “Community Review” provisions.

Now Therefore Be It Resolved:

- 1) Community Board 13 finds that any land use, zoning and or planning provisions including those found in City of Yes for Housing Opportunity that weaken rather than strengthen existing community review provisions found in the New York City Charter merit strong disapproval.
- 2) Community Board 13 follows its Land Use Committee recommendation that recommends rejection of the provisions of City of Yes for Housing in its entirety.
- 3) That this resolution be shared with each of the other 58 community boards, the City Council, Borough Presidents and the Mayor.

Bryan J. Block
Chair



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 25	# Against: 4	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 6/11/2024 12:00 AM		Vote Location: 333 Beach 90th St. Rockaway Beach, NY 11693	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: CB 14Q voted to oppose COY Housing Opportunity by a vote of 25 to 4. At the time of the vote, there were 48 board members on record.(See attached)

Recommendation submitted by	QN CB14	Date: 7/9/2024 10:50 AM
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Community Board #14 Q

CITY OF YES for Housing Opportunity

At the June 11, 2024 full board meeting of Community Board 14Q by a vote of 25 - Yes and 4 No, motion carried to oppose the City of Yes for Housing Opportunity for the following reasons:

Eight Key Components

1) Universal Affordability Preference: NO

We see this benefit more for the developer than the community. We expect that adding this 20% of affordable housing to a market rate development would provide the developer with government funding for the project.

2) Convert Office and Other Buildings to Housing: N/A

We do not have this situation in CB14Q; therefore we chose not to weigh in on this component.

3) Town Center Zoning: NO

Must be prohibited in areas where elevated trains are located. Housing above commercial and adjacent to train stations will have a negative effect on the health and wellbeing of the residents. They will have to endure the noise from trains rattling and brakes screeching and metal particles in the air causing respiratory illnesses.

4) Remove Costly Parking Mandates: NO

Parking requirements for ALL development is a must for the outer boroughs. Unlike Manhattan there are communities that have NO PUBLIC transportation, so cars are necessary. Many households now are multigeneration with multiply cars. Additionally, DCP you must consider those with physical disabilities, those who work where public transportation connections would make it difficult if not impossible to get to work. Currently 95% of commercial space in new affordable housing development remains unoccupied and we recommend that the amount of commercial /community facility space on the ground floor be reduced to 35% and the remaining ground floor space be allocated for much need parking. Current Parking requirements should

remain in place for any residential development that is more than a quarter half mile from public transportation.

5) Accessory Dwelling Units: NO

This component must be eliminated.

FIRST - FLOOD ZONE 1 – Board opposes any accessory dwelling in ALL the Flood Zone 1 areas in NYC. With the new DOB requirements, which prohibit basements in new construction in Flood Zone 1, this component clearly presents a danger for the conversion of existing basements. All new residential structures must be elevated as defined in Flood Zone 1 regulations which will require garages and backyard cottages to be elevated.

SECOND - With current Climate change data and many known communities throughout the city with flooding during normal rain events we urge DCP to eliminate this component. Too many residents have already died from flooding in basement apartments in non-Flood Zone 1.

6) Transit-Oriented Development: N/A

We do not have this situation in CB14Q; therefore, we chose not to weigh in on this component. We do not have this scenario as outlined in CB 14Q.

7) Campuses: NO

Will result in the elimination of open space, grass, trees, playgrounds, parking. All of which will have a negative impact on the surrounding communities.

In the scenario where there is existing housing on the campus, the impact of living in the middle of several years of construction will affect both the physical and mental health of the residents.

8) Small and Shared Housing: NO

This component is not clearly defined in any of the materials presented. The explanation provided suggests that this component would be like building SRO's, which this community board has had and still has several, that are not running efficiently or effectively. Where would the oversight be for those occupants?



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	QN BP	Date: 8/26/2024 10:06 AM
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Queens Borough President Recommendation

APPLICATION: City of Yes: Zoning for Housing Opportunities
COMMUNITY BOARD: Citywide

DOCKET DESCRIPTION

ULURP #N240290 ZRY – IN THE MATTER OF an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to expand opportunities for housing within all zoning districts, and across all 59 of the City’s Community Districts. These changes to the City’s Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President both at 120-55 Queens Boulevard, Kew Gardens NY 11424 and via Zoom webinar and livestreamed on www.queensbp.org on Thursday, August 8, 2024 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were eighty-seven (87) speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning (DCP) is proposing a zoning text amendment to add more housing stock in all residential zoning districts in New York City;
- The proposed amendment emphasizes updates for definitions and allowances through four major proposals: 1) Medium- and High-Density Districts; 2) Low-Density Districts; 3) Parking; and 4) Other Initiatives that are citywide in nature and overall align with housing goals. Proposal 1 effects R6 through R10 Districts and would allow increases in affordable and supportive housing Floor Area Ratios (FARs); expand eligibility for the City’s adaptive reuse regulations to a broader range of building; enable small and shared apartment models; and simplify infill regulations for campuses and other zoning lots with existing buildings. Proposal 2 effects R1 through R5 Districts, where one- and two-family homes are the predominant housing stock – the proposal seeks to reintroduce 3- to 5-story apartment buildings in low-density commercial areas and on large sites near transit; and enable certain homeowners to construct or remodel an Additional Dwelling Unit (ADU). Proposal 3 seeks to eliminate parking mandates citywide for new residential development. Proposal 4 is a catch-all for new zoning changes to increase housing opportunities, including but not limited to creating new zoning districts to fill in FAR gaps; street wall regulations; replacing qualifying ground floor regulations; increase flexibility for zoning list split by a district boundary; simplify and expand Landmark Transfer Development Rights (TDR) Program; and special permit renewal;
- The Department of City Planning made presentations to Queens Community Boards on various dates from May to July 2024. With regard to the zoning text amendments, Community Boards 1 and 2 voted in support with conditions, Community Board 6 voted in opposition with conditions, and Community Boards 3 through 5 and 7 through 14 voted in opposition. Reasons cited against the zoning text amendment included concerns with the City’s sewage, electrical, and sanitary infrastructure, especially in flood-prone areas in Southeast Queens; concerns with City resources such as school seats and public transportation due to a potential influx of new residents; the lack of community board discretion over residential land use matters; and lifting parking mandates may cause increased competition of street-parking. The two Community Boards that conditionally supported the text amendments recommended the following: districts should have increased setback to a depth of 10 feet to maintain street wall; maintain existing yard requirements with no reduction in size of rear or side yards; regarding the Universal Affordability Preference, the text should require that the 20% FAR bonus applicable in any building reserved for tenants with income no higher than 40% Area Median Income (AMI); any infill on NYCHA campuses must require ULURP review and should have low and medium income tiers in their tenancy; any increase in housing stock in Medium or High Density Districts should not be implemented unless or until City infrastructure and resources are addressed (as discussed in the oppositional vote); regarding Low-Density Town Center Zoning, omit the word “restrictive” from the summary text; regarding Transit Oriented Development (TOD), such development in Low-Density districts should prioritize housing for seniors and the disabled; regarding Accessory Dwelling Units (ADUs), such development should not be allowed below ground level in buildings where current code requirements for basement apartments are not met; remove the word “costly” from the “Lift Costly Parking Mandates” proposal; regarding Small Shared Housing, omit the proposed text which states that the limit on studios and one-bedroom apartments be removed; and lastly, to omit the campus infill development proposal entirely;

- At the Borough President's Land Use Public Hearing, the applicant made a presentation on the proposed text amendment. A total of eighty-seven (87) public members gave testimony at the Public Hearing, with sixty-two (62) against, twenty-three (23) in support and two who gave comments regarding the text amendments.
- The Borough President's Office has received two-hundred forty-two (242) letters of written testimony about Zoning for Economic Opportunity, two-hundred two (202) of which testified against and forty (40) testified in favor of the zoning text amendment.

RECOMMENDATION

Queens and New York City as a whole are facing housing and affordability crises the likes of which haven't been seen in generations. As the cost of living and the cost of housing rise, countless families across our city are living on the sharp edge of poverty and teetering on the brink of homelessness, all while our homeless shelter population has ballooned to nearly 90,000 individuals — more than 33,000 of whom are children. It is abundantly clear that the only realistic solution to these crises is to build more affordable housing as rapidly and strategically as possible.

The "City of Yes" Zoning Text Amendments seek to modernize the Zoning Resolution with regard to carbon neutrality, economic development and housing opportunities. With this last installment, it is important to recognize that all Community Boards highlighted significant concerns about potential impacts on Queens infrastructure and the need for deeper, affordable housing. Balancing these two critical issues will require thoughtful collaboration and robust commitments from the City and the State.

Based on the above consideration, I hereby recommend approval with the following conditions:

- DCP should continue working with other city agencies such as HPD, FDNY, DOB, and DEP to evaluate increased residential density and its impacts on borough infrastructure — such as school enrollment and classroom capacity, hospital bed availability, municipal service delivery and more — and publish their findings quarterly on their website;
- Parking creation tied to developments in major transit hubs such as downtown Jamaica, Flushing, Long Island City and other similar locations should remain optional, in order to increase housing opportunities there. However, parking mandates should still be required in Outer Transit-Oriented Development Areas (OTODAs) as described in the "Parking Mandates" proposal. The Long Island Railroad (LIRR) serves OTODAs like eastern and southeastern Queens, but service is infrequent and many commuters must drive to LIRR stations;
- DCP and HPD must collaborate to strengthen affordability options within the Town Center Zoning proposal. Creating new two- to four-story residential buildings in mixed-use lower-density areas is appropriate to increase housing stock, but there is a concern most new units would be market-rate. HPD should work with the City to establish and allocate funds to support subsidies and homeownership with these new development types;
- The Mayoral Administration should establish a minimum \$1-billion fund for the Basement Apartment Pilot Program through state, city, and federal sources, and the City Council should enact legislation such as a transparency bill to monitor the creation of new basement units and prevent unfair enforcement and targeting;
- The Mayoral Administration should establish an Amnesty Program for homeowners to legally convert or renovate their properties for basement apartments within a reasonable amount of time;
- DCP should exclude garage apartments or conversions from the ADU section in locations with existing infrastructure challenges, such as areas susceptible to inland flooding, or where garage conversions would exacerbate concerns around the capacity of the location's aging sewer and electrical infrastructure; and
- DCP should highlight all overlapping goals within their "City of Yes" text amendments such as sustainability, economic development and housing by showcasing examples on their website and within educational materials.



PRESIDENT, BOROUGH OF QUEENS

08/26/2024

DATE



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 1	# Against: 24	# Abstaining: 2	Total members appointed to the board: 27
Date of Vote: 6/11/2024 12:00 AM		Vote Location: St. Mary's Episcopal Church	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/11/2024 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	St. Mary's Episcopal Church, 347 Davis Avenue

CONSIDERATION:

Recommendation submitted by	SI CB1	Date: 6/12/2024 11:35 AM
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City of Yes for Housing Opportunity

George F Turner AIA
CB-1 Land Use Chair

Instructions: This worksheet is for anyone who chooses to express their support or concerns. If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific goal or project component. You can leave notes in the comments section.

Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support



Do Not Support



Elimates 1 story commercial "Tax Payer" buildings and provides better use of space

Transit-Oriented Development



Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support



Do Not Support



A must have

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support



Do Not Support



Probably wont be wide spread but this is the most community beneficial item

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support



Do Not Support



Another community beneficial item

Medium and High Density

Universal Affordability Preference



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.

Support



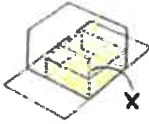
Do Not Support



4 Borough Issue Inclusionary housing and Senior living type residences already exist with zoning benefits

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support



Do Not Support



Require some parking where site conditions permit
Remove parking restriction in front yards of residences and max two spaces

Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

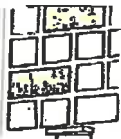


Do Not Support



Except near heavy industry uses

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support



Do Not Support



These uses create Rooming Houses and SRO environments (Not the best as they become unsupervised shelters where no one has responsibility for their "Shared" facilities)

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support



Do Not Support



Potential unless FDNY gets involved

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

No for Staten Island North Shore

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

No for Staten Island North Shore

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Manhattan Issue

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

4 Borough Issue but could be viable for the North Shore of SI

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Manhattan Issue

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

4 Borough Issue unless rail transport is added for SI

How to Submit:

If you choose to submit the optional worksheet, please upload it as a pdf to the land use portal as an attachment with your board's final resolution for Housing Opportunity. For any questions, please reach out to us at

HousingOpportunity@planning.nyc.gov



nyc.gov/YesHousingOpportunity

City of Yes for Housing Opportunity

- Concerned that creating more houses will not mean we will be addressing the issue of affordability and lack of services, infrastructure, along with the resources & funding we need to address the concerns of middle-class individuals

Instructions: This worksheet is for anyone who chooses to express their support or lack of concerns. If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific goal or project component. You can leave notes in the comments section.

Low-Density

Town Center Zoning

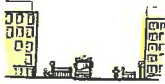


Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development



Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

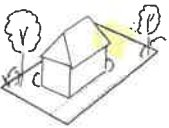
This really depends on where on the Island. Transit is terrible - should not add more to the problem but focus on

more reliable transit before adding more housing

- Concerned about rental prices as I am seeing upper housing going for prices that are so high.

Developers will take advantage of new development pricing.

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

- Concerned about rental prices as I am seeing upper housing going for prices that are so high.

Developers will take advantage of new development pricing.

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

The prices of housing is becoming unbearable we should focus on extending programs so people can be home owners & built home. People can't even afford rent.

* concerned about flooding, but also understand this could be useful for families, and rent-burdened individuals

Medium and High Density

Universal Affordability Preference



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.

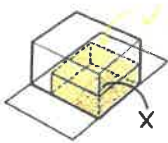
Support

Do Not Support

The affordability charts are not affordable. Cost should be after taxes or perhaps a lower percentage of earning as many more are actually rent burden that don't fit into mechanisms because it doesn't take into account debt & true cost of living.

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

No - this incentivizes developers to do less & not pay the true cost of business. They will not do it unless forced.

Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support



Small and Shared Housing



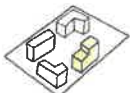
Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

- There should be a standard for dwellings. It's embarrassing what people are getting away with renting.

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

Yes - if the org is in business is in agreement & there is still a standard of care.

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

in former commercial industrial zoning?

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

The affordability chart is the problem - it is still not affordable

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

where are the initiatives for the middle class? The cost of living is too high how does this address?

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Depends where & what we are talking about
situational

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Be purpose for public use

Support

Do Not Support

* maybe, contingent on cleanup / remediation

in SRK - led the waterfront public & accessible

City of Yes for Housing Opportunity

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Commercial spaces remain vacant in our board's main commerce districts, the city should focus on enticing business owners to remain in NYC rather than creating a bastion for developers. Small business owners are suffering at the hands of this administration and this measure will only isolate them more and leave them to the mercy of predatory land lords.

Transit-Oriented Development



Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

Yet another measure that will lead to the destruction of our neighborhoods - if this measure passes, developers will flock to snatch up available lots by outbidding and overdeveloping our neighborhoods. This will destroy the very fabric of what makes Staten Island and the North Shore great.

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

For the same reasons as above - masking this as a favorable condition for homeowners is ridiculous - the bureaucratic inefficiency of city hall is the limiting factor for homeowners, this measure will just make it easier for developers to swoop in and rapidly change the fabric of our community.

Medium and High Density

Universal Affordability Preference



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.

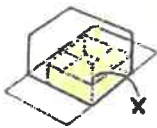
Support

Do Not Support

we don't need to extend housing availability for seniors using this measure - we should instead stop re-allocating senior housing for migrants. this measure will lead to deteriorating conditions for those living within these packed spaces

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

Most Staten Islanders rely on vehicles to travel - lifting parking mandates and stuffing dwellings with more residents will lead to more parking issues than we currently experience in our borough.

Convert Non-Residential Buildings to Housing



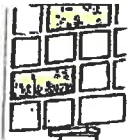
Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

the city should make the economic conditions more favorable to businesses so they remain in NY to boost the economy - more people without adequate jobs to support the population will further drive us into welfare conditions - all of this housing will be exploited by developers to line their pockets with taxpayer money

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Text

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

large spaces in Staten Island like parking lots serve a purpose - the density of our community is adequate.

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

I will summarize - none of these changes solve the growing problems that face our city - we've made it too favorable to the most wealthy by creating easy schemes for them to exploit the taxpayer by valling their intentions as altruistic - they exploit the city's taxpayers by tapping into welfare programs for a paycheck - our city has lost it's middle class, families and businesses are fleeing to New Jersey and beyond. We need to fix the conditions by removing barriers to economic success for small business and promoting safety and enforcement of our laws.

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

City of Yes for Housing Opportunity

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development

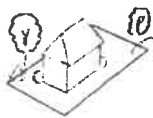


Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

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Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



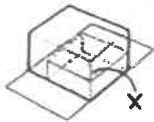
Allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

Support

Do Not Support

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

Convert Non-Residential Buildings to Housing

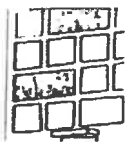


Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

City of Yes for Housing Opportunity

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development



Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

Poorly suited to North Shore flooding issues.

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

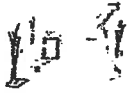
Support

Do Not Support

Vague to the point of meaning less.

Medium and High Density

Universal Affordability Preference



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.

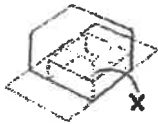
Support

Do Not Support



Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support



Convert Non-Residential Buildings to Housing



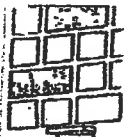
Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support



Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support



Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support



3

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

City of Yes for Housing Opportunity

No Name?

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Low-Density

Town Center Zoning



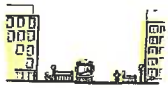
Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

there are ~~businesses~~ buildings without commercial businesses and the area looks terrible.

Transit-Oriented Development



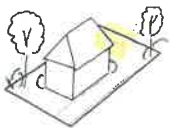
Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

NO New building on the North Shore utilize current buildings that are under/none utilized or abandoned.

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



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.

Support

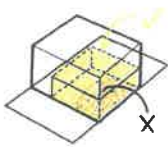


Do Not Support



Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support



Do Not Support



Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support



Do Not Support



Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

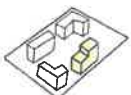
Support



Do Not Support



Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support



Do Not Support



Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

Do Not want MORE commercial buildings that may "sneak" in w/ new zoning.

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Do Not want over building on the North Shore. We already are over populated on the North Shore.

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

City of Yes for Housing Opportunity

No Name

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development

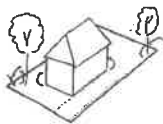


Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

DOB cannot enforce current covenants. The "grandfather" example is misleading. families will move in - over private areas

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

The process already exists to obtain a VARIANCE!

Medium and High Density

Universal Affordability Preference



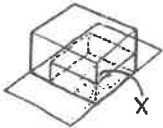
Allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

Support

Do Not Support

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

*We are a car oriented borough
Over building will result of
this passes*

Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

This must be a priority

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

good idea!

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

Great idea

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

This proposal is "fuzzy."

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

Sliver Law

Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

Quality Housing Amenity Changes

Extend amenity benefits in the "Quality Housing" program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space. (citywide)

Support

Do Not Support

Should only apply to large apt buildings NOT small multi-family bldgs

Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

Joe Ahlstrom

City of Yes for Housing Opportunity

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development



Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



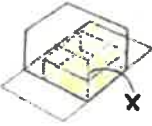
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Support

Do Not Support

Citywide

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Support

Do Not Support

Convert Non-Residential Buildings to Housing

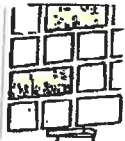


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Support

Do Not Support

Small and Shared Housing



Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Campus Infill



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Support

Do Not Support

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Do Not Support

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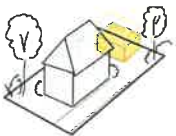


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Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



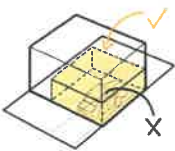
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Support

Do Not Support

Citywide

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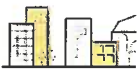


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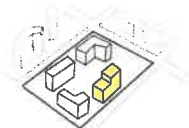


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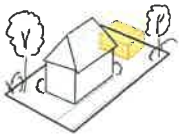


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Medium and High Density

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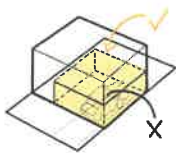
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Do Not Support

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Do Not Support

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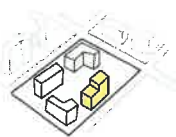


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Support

Do Not Support

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Low-Density

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Transit-Oriented Development

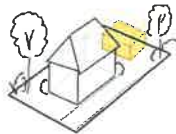


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Support

Do Not Support

Accessory Dwelling Units



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Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



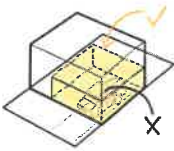
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Citywide

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Support

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Convert Non-Residential Buildings to Housing



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Support

Do Not Support

Small and Shared Housing

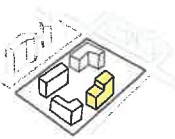


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Support

Do Not Support

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Support

Do Not Support

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Support

Do Not Support

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Support

Do Not Support

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Support

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Support

Do Not Support

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Support

Do Not Support

City of Yes for Housing Opportunity

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Low-Density

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Support

Do Not Support

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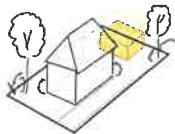


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Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



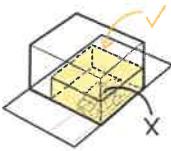
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Support

Do Not Support

Citywide

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Support

Do Not Support

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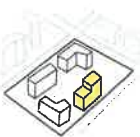


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Do Not Support

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Support

Do Not Support

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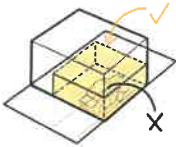
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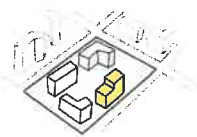


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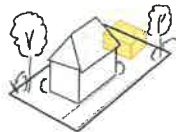


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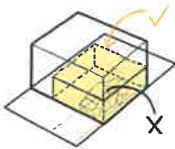
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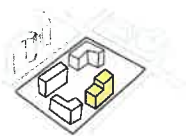


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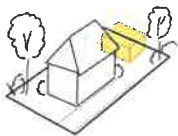


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Do Not Support

Medium and High Density

Universal Affordability Preference



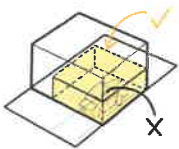
Allow buildings to add at least 20% more housing if the additional homes are permanently affordable. This proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

Support

Do Not Support

Citywide

Lift Costly Parking Mandates



Eliminate mandatory parking requirements for new buildings. Parking would still be allowed, and projects can add what is appropriate at their location.

Support

Do Not Support

Convert Non-Residential Buildings to Housing



Make it easier for underused, nonresidential buildings, such as offices, to be converted into housing.

Support

Do Not Support

Small and Shared Housing

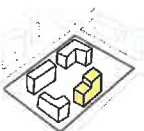


Re-introduce housing with shared kitchens or other common facilities. Eliminate strict limits on studios and one-bedroom apartments.

Support

Do Not Support

Campus Infill



Make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more, (e.g., a church with an oversized parking lot).

Support

Do Not Support

Miscellaneous

New Zoning Districts

Create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements. (citywide)

Support

Do Not Support

Update to Mandatory Inclusionary Housing

Allow the deep affordability option in Mandatory Inclusionary Housing to be used on its own. (citywide)

Support

Do Not Support

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Allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

Support

Do Not Support

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Landmark Transferable Development Rights

Make it easier for landmarks to sell unused development rights by expanding transfer radius and simplifying procedure. (citywide)

Support

Do Not Support

Railroad Right-of-Way

Simplify and streamline permissions for development involving former railroad rights of way. (citywide)

Support

Do Not Support

City of Yes for Housing Opportunity

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Low-Density

Town Center Zoning



Re-introduce buildings with groundfloor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's restrictive zoning.

Support

Do Not Support

Transit-Oriented Development

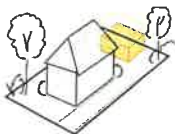


Allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

Support

Do Not Support

Accessory Dwelling Units



Permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments.

Support

Do Not Support

District Fixes



Give homeowners additional flexibility to adapt their homes to meet their families' needs.

Support

Do Not Support

Medium and High Density

Universal Affordability Preference



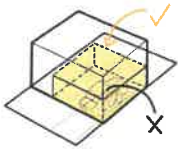
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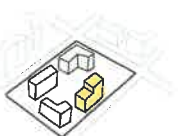


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Support

Do Not Support

Campus Infill



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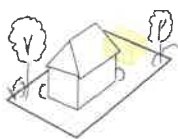


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Support

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Hell No

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Support

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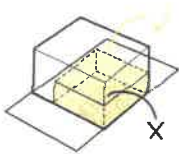
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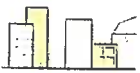


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Already happening, several along waterfront converted to high price housing units.

Small and Shared Housing

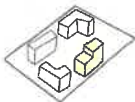


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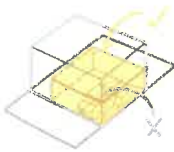
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Support

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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MARYAM YAGHOUBI
Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 20	# Abstaining: 0	Total members appointed to the board: 20
Date of Vote: 5/21/2024 12:00 AM		Vote Location: 1466 Manor Road, SINY 10314	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing:	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	

CONSIDERATION: The board members of the Community Board oppose the Housing Opportunity zoning text amendment proposed by the City of Yes in its entirety.

Recommendation submitted by	SI CB2	Date: 6/26/2024 1:19 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
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Application # N240290ZRY	Borough:
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable			
# In Favor: 24	# Against: 0	# Abstaining: 0	Total members appointed to the board: 24
Date of Vote: 5/28/2024 12:00 AM		Vote Location: Webex Virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/15/2024 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Community Board 3, 1243 Woodrow Road, SI, NY 10309

CONSIDERATION: Do Not Support City of Yes Housing, see Worksheet

Recommendation submitted by	SI CB3	Date: 6/28/2024 4:00 PM
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PROPOSAL	DO NOT SUPPORT	EXPLANATION
LOW-DENSITY		
TOWN CENTER ZONING	X	<p>The result will be a breakdown of the neighborhood's character. Residential above commercial is an outdated theory. Just take inventory of existing small-town centers. Most of these town centers are ghost towns, and storefronts are empty. We vehemently oppose anything over four stories.</p>
TRANSIT-ORIENTED DEVELOPMENT	X	<p>It is inappropriate for Staten Island, where bona fide mass transit does not exist. We are forced to be an automobile borough because we do not have a transit system that covers the entire borough. Our car dependency is a real-world need because there is virtually no practical other way to commute to work, go to school, shop, go to medical appointments, etc.</p> <p>Sites should be:</p> <ul style="list-style-type: none"> • Within 250' to mass transit. The reduction will prevent the inclusion of areas where driving remains predominant and where transit access is not as feasible as suggested. • over 5,000 square feet • only facing a street over 75 feet wide • Buildings would be strictly limited to 4 stories, no option to waiver.
ACCESSORY DWELLING UNITS (ADUs)	X	<p>Weakening zoning requirements to allow ADUs is unsuitable for a neighborhood's quality of life. Reducing side, front, and rear lot requirements will adversely affect the adjacent property. The image that seniors or adult children will live in these dwellings is delusional. ADUs will be a profitable tool for developers and builders. You can't legislate who lives in ADUs. This proposal is ambiguous and not well thought out. We are skeptical of the assumption that ADUs will not have additional vehicles in a neighborhood; most people need at least one car per family unit—increasing density overburdens stormwater and sanitary systems. Essential city services like Fire, Police, Sanitation, Schools, and the Department of Transportation will be stretched beyond capacity.</p>

PROPOSAL	DO NOT SUPPORT	EXPLANATION
DISTRICT FIXES	X	Homeowners should be given the right to make changes if they do not alter the neighborhood's aesthetic and do not conflict with zoning. We oppose modifications that lessen FAR and yard requirements and increase perimeter heights and all zoning that nullifies the R1, R2, R3, R3A, and R3X zones, which Staten Islanders worked hard to create. Upzoning creates a hidden density that benefits money-grabbing developers and landlords while shattering established low-density neighborhoods. We strive to preserve harmonious coherence in established neighborhoods.
MEDIUM AND HIGH DENSITY		
UNIVERSAL AFFORDABILITY REFERENCE	X	Universal affordability should not be mandated. The market should decree affordability. Statistics and AMIs are questionable. We do not support them.
CITYWIDE		
LIFT COSTLY PARKING MANDATES	X	Historically, CB3 SI has always advocated for more parking, not less. We do not and will not consent to lifting parking mandates.
CONVERT NON-RESIDENTIAL BUILDINGS TO HOUSING	X	We do not support expanding adaptive reuse regulations in Staten Island. Anything built for commercial use is not adaptable to residential utilization in our existing infrastructure. Schools, roads, transit, sewer, Fire, and Police departments are currently overstretched, so imposing additional density without thought or funding to upgrade infrastructure is unacceptable.

PROPOSAL	DO NOT SUPPORT	EXPLANATION
SMALL AND SHARED HOUSING	X	Another word for SRO. Repeating failed policies is not the answer for affordable housing. Shared common space for kitchens and bathrooms will breed unhealthy conditions. Privacy and potential conflicts with other occupants stemming from lifestyle differences will occur. Misuse of shared space and unwanted behaviors will be disruptive.
CAMPUS INFILL	X	Large sites with existing buildings were not built to meet residential codes or standards for sanitary sewers and wastewater. Adding dense residential to an inefficient infrastructure is objectionable. Staten Island's infrastructure has inadequate capacity, and what we do have is time-worn.
MISCELLANEOUS		
NEQ ZONING DISTRICTS		Unsure, not fully explained by DCP.
UPDATE TO MANDATORY INCLUSIONARY	X	
SLIVER LAW	X	We oppose extremely narrow buildings as they are out of character with existing structures.
QUALITY HOUSING AMENITY CHANGES		Undecided
LANDMARK TRANSFERABLE DEVELOPMENT RIGHTS	X	Undecided
RAILROAD RIGHT-OF-WAY	X	Undecided



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Housing Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MARYAM YAGHOUBI
Application # N240290ZRY	Borough: Citywide
CEQR Number: 24DCP033Y	Validated Community Districts:

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	SI BP	Date: 7/8/2024 5:06 PM
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Application #: N 240290 ZRY	Project Name: CITY OF YES FOR HOUSING OPPORTUNITY
CEQR Number: 24DCP033Y	Borough(s): STATEN ISLAND Community District Number(s): 1, 2, 3

Please use the above application number on all correspondence concerning this application

Docket Description:

IN THE MATTER OF The NYC Department of City Planning (DCP) proposing a citywide zoning text amendment to expand opportunities for housing within all zoning districts and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

Approved with condition that applicant work with Protectors of Pine Oak Woods to find appropriate sites for mitigation on Staten Island by CB3 Land Use (03/13/2024) and CB3 Board (03/27/2024)


RECOMMENDATION:

- | | |
|--|---|
| <input type="checkbox"/> Approve | <input type="checkbox"/> Approve with Modifications / Conditions |
| <input checked="" type="checkbox"/> Disapprove | <input type="checkbox"/> Disapprove with Modifications / Conditions |

Explanation of Recommendation, Conditions or Modification:

Related Application(s):

Address all questions about this Recommendation to
OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: DIVISION of LAND USE / TOPOGRAPHICAL BUREAU
 Address: 10 Richmond Terrace, Room G-12
 Staten Island, NY 10301
 Phone: 718-816-2114



Vito J. Fossella
 President, Borough of Staten Island

6/27/24

 Date