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City of Yes

Zoning for Housing Opportunity

Prepared for:



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There are three City of Yes zoning text amendments

1. **Zoning for Carbon Neutrality** (Passed and amended by City Council in **December**, now law)
2. **Zoning for Economic Opportunity** (City Council to vote by end of **May**)
3. **Zoning for Housing Opportunity** (Tentatively set to be referred by **end of April**. I heard draft text is coming “this week”)

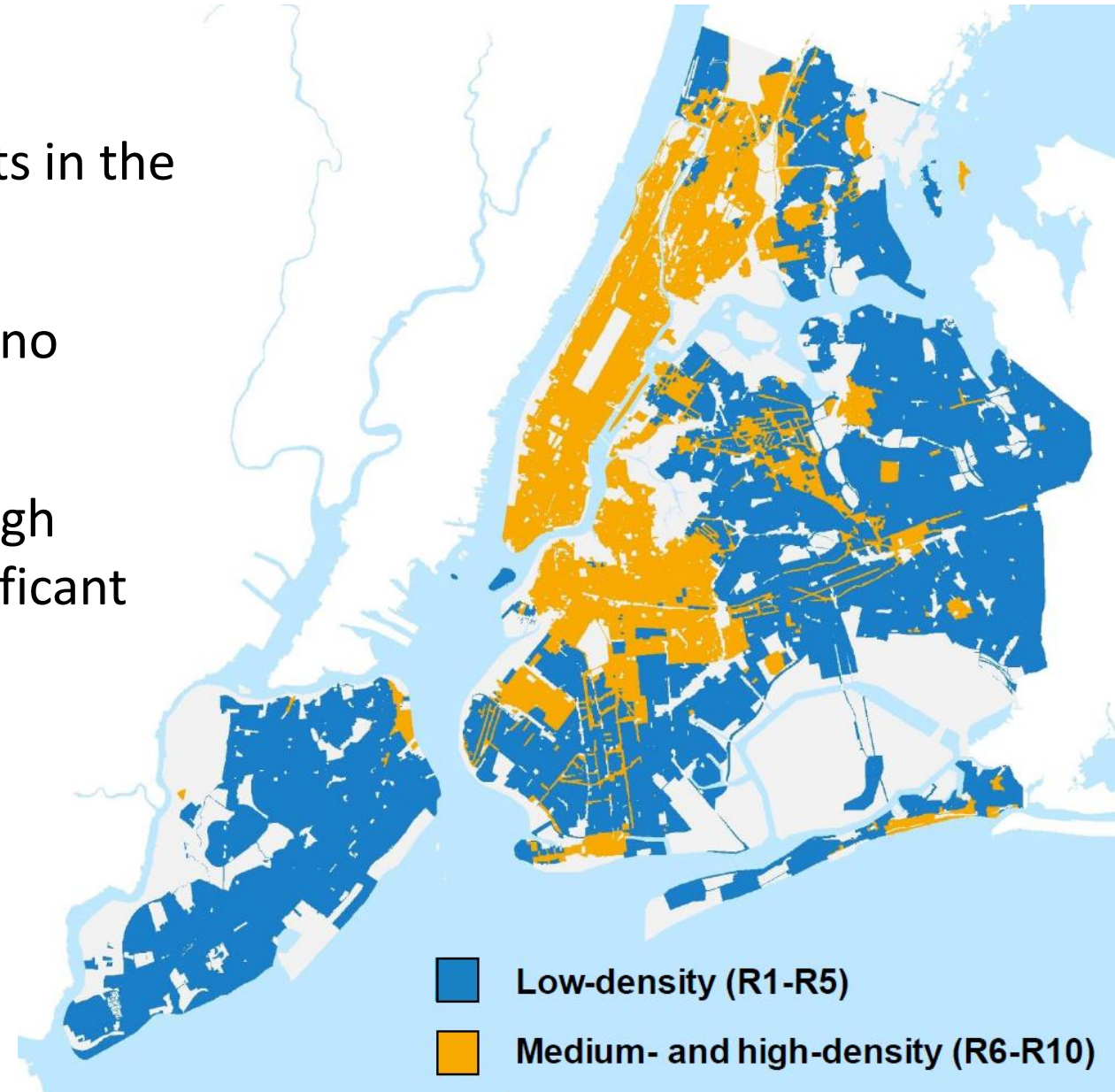
Today is an intro to **City of Yes for Housing Opportunity (COYHO)**

While we don't have zoning text yet, we do have other resources

- Draft Scope of Work for the DEIS, which can be downloaded [here](#)
- EAS, which can be downloaded [here](#)
- There have been info sessions (which can be reviewed [here](#))
 - January 30 (Universal Affordability Preference)
 - February 27 (Diverse Housing Types)
 - March 27 (Missing Middle Housing)
- There will be one more:
 - April 17 (General Overview)

The Scope of Work for the EIS gives detailed descriptions of the proposals without the zoning text

- Much of COYHO will impact the R1-R5 districts in the outer boroughs
- That means large chunks of COYHO will have no direct impact on CD2, or Manhattan
- We will not address any of these outer borough changes, other than to say that they are significant



But there will be some major changes that impact CD2:

1. “Universal Affordability Preference,” or more FAR for affordable housing
2. Allowing buildings made up of very small units
3. Changes to make infill on height factor housing estates easier and bigger
4. Exempt Quality Housing from the “Sliver” rule
5. Expand the dates for non-residential building conversions
6. Floating floor area from historic districts
7. Elimination of special treatment for Manhattan Core zoning districts

1. “Universal Affordability Preference,” or more FAR for affordable housing is the amendment’s affordability program, and it builds off of AIRS

- Affordable Independent Residences for Seniors or “AIRS” is an existing zoning bonus that gives additional FAR to projects with affordable units for seniors
- Adopted in its current form in 2016 as a part of Zoning for Quality and Affordability, AIRS has not been very popular. It was suspended for much of its existence due to fair housing concerns
- AIRS gives a FAR bonus for affordable senior housing averaging 80% of AMI. The size of AIRS bonuses vary by zoning district
- The proposed Universal Affordability Preference (UAP) will expand those bonuses to all high-density districts and apply them to all affordable housing developments
- DCP has said that UAP’s average AMIs will be lower than AIRS’s 80%

1. The FAR and height bonuses for UAP are substantial, but in line with AIRS

- The FAR bonus ranges from 20% to 77%. Larger percentage increases are found in the low-density districts

	Basic Core FAR	AIRS FAR	UAP	Change from Basic	Pct Increase in FAR	Max height basic	Max Height UAP
R6 Nrrw	2.20	3.90	3.9	1.70	77%	na HF	95
R6 Wide	2.43	3.90	3.9	1.47	60%	na HF	95
R6A	3.00	3.90	3.9	0.90	30%	75	95
R7-2	3.44	5.00	5.0	1.56	45%	na HF	115
R7A	4.0	5.00	5.0	1.00	25%	85	115
R8	6.02	7.20	7.2	1.18	20%	na HF	145
R8A	6.02	7.20	7.2	1.18	20%	125	145
R9	7.52	7.52	9.0	1.48	20%	NA towers	185
R10	10.0	12.0	12.0	2.00	20%	NA towers	235

- UAP remains completely optional

1. Replace the optional R10 inclusionary bonus with UAP

- Currently, R10 equivalent districts can get a 20% FAR bonus for ~5% affordable units that can be placed off site
- Adopted in 1980s, the optional R10 bonus does not require affordable housing in proportion to its bonus
- The City was criticized for not fixing the R10 program when adopting MIH; COYHO will finally make R10 affordability proportional to the bonus
- Will apply to parts of Fifth Avenue and scattered C6-4 districts
- It will still remain optional



R10 district in CD2

1. Remove the special permit to use CF FAR for supportive housing

- Currently, most supportive housing is limited to residential FARs without a CPC special permit
- COYHO would remove the CPC special permit and replace it with a CPC authorization
- In some districts, the difference between residential FAR and CF FAR is substantial:

	Basic res FAR	CF FAR
R6	2.43	4.8
R7-2	3.44	6.5
R8	6.02	6.5
R9	7.52	10

2. COYHO will permit buildings with all studio apartments

- Currently, zoning prevents developers from developing apartment buildings with all small units
- It does this through the “dwelling unit factor,” which is currently 680 SF
- Basically, all residential zoning floor area that could be built on a site is divided by 680 SF and the number of units provided must be less than that result
- In 2016, the “dwelling unit factor” was lowered in most high-density zoning districts to a uniform 680 SF
- COYHO will remove the dwelling unit factor in CD2 entirely
- This change comes with no requirement for any affordable housing

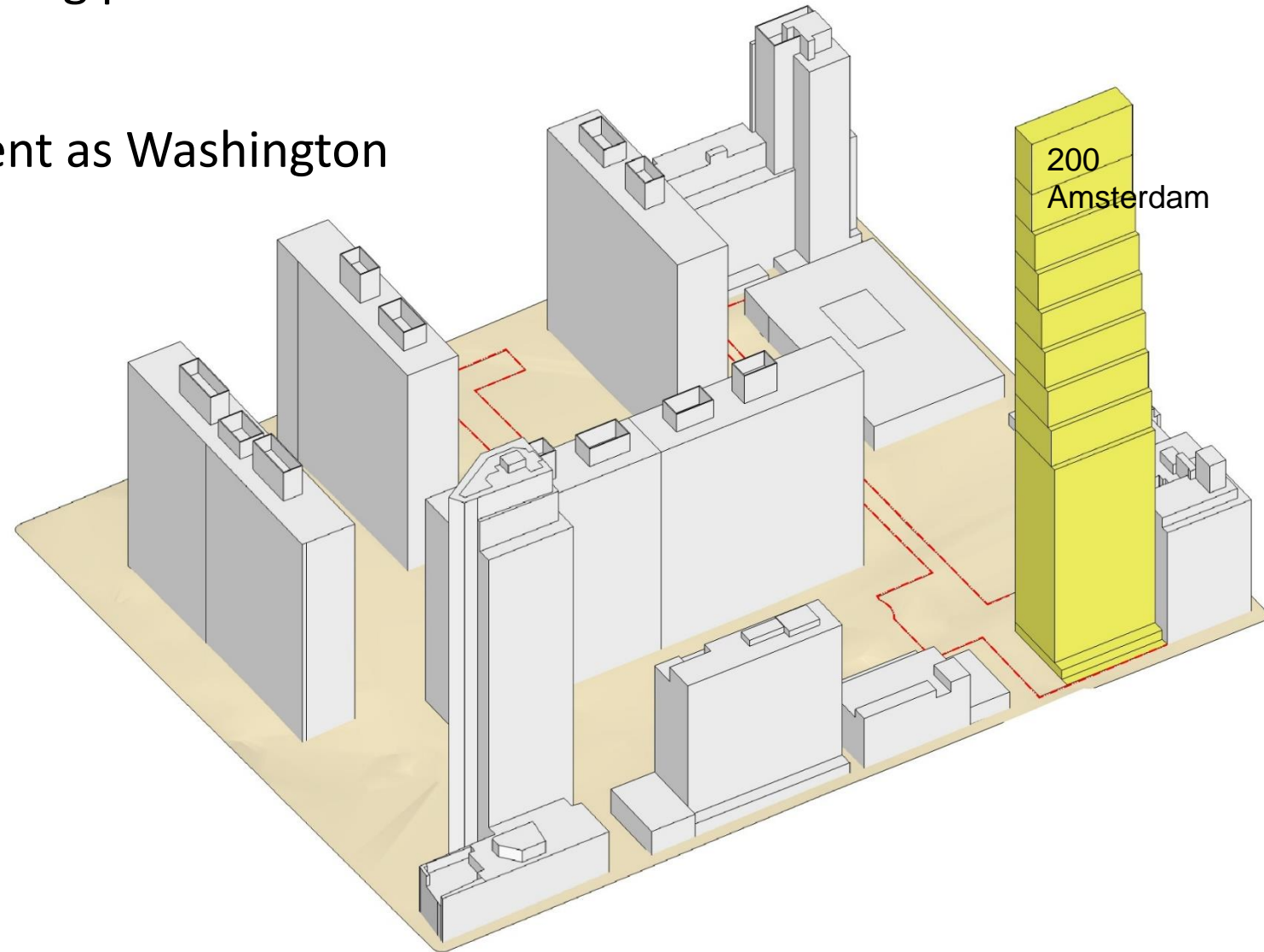
3. Make infill on housing estates easier

- CD2 doesn't have many of these developments, also known as “tower-in-the-park” developments
- But it does have Washington Square Village:

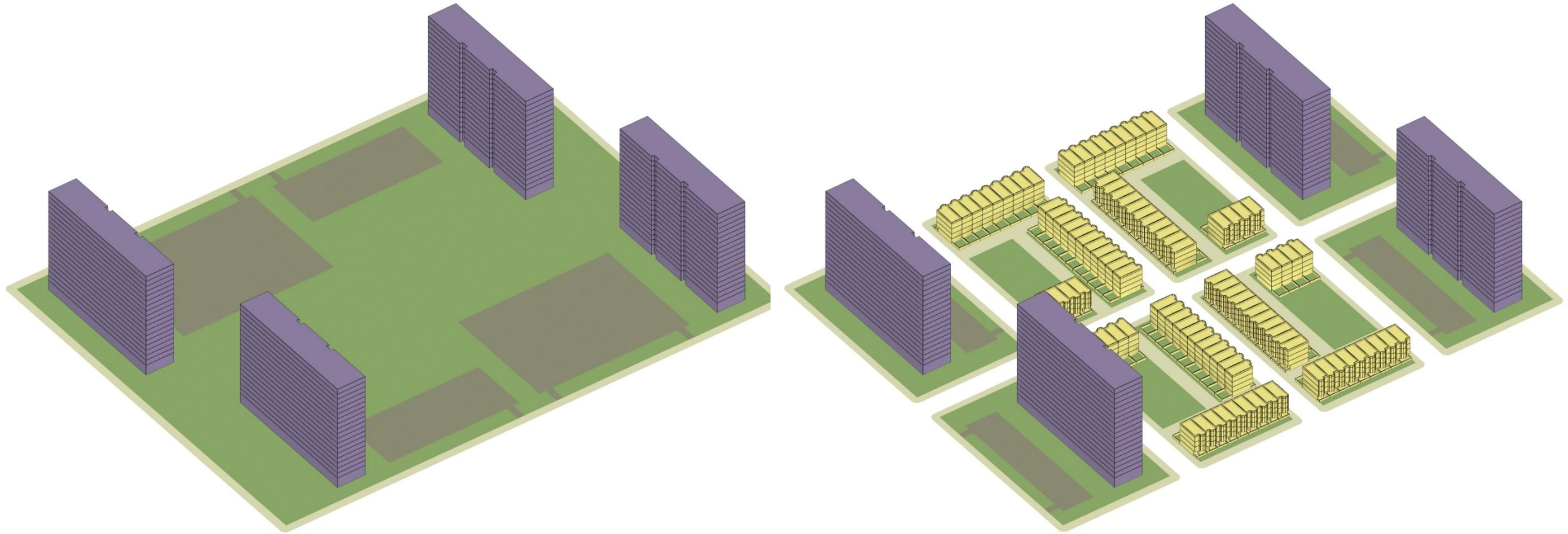


3. Currently, tower-in-the-park zoning encourages tower infill like 200 Amsterdam

- 200 Amsterdam is the 670-foot building placed on the campus of Lincoln Towers.
- This is the same residential equivalent as Washington Square Village



3. Currently, if you want to do low rise infill on an existing height factor housing estate like this, you can't



- But you can do very tall towers like 200 Amsterdam

3. COYHO will make MAJOR changes to how we consider infill development on these estates

- It will permit Quality Housing infill so long as the overall FAR does not exceed the Quality Housing maximum FAR for the zoning district
 - This is a very big deal: it will allow substantially more FAR in most tower-in-the-park estates
 - It will mean that Washington Square Village, which is built-out under current residential regulations, could have an additional ~**500,000 SF** of development
- To make sure this floor area can be used, COYHO also:
 - Eliminates the Open Space Ratio, which required that these developments had and maintained ample open space for residents' use
 - Reduces required distance between buildings (currently 60 feet for most tall buildings) to match the Multiple Dwelling Law (40 feet)
- No affordability is required to take advantage of these zoning changes

3. The infill is also permitted to be larger than typical Quality Housing buildings

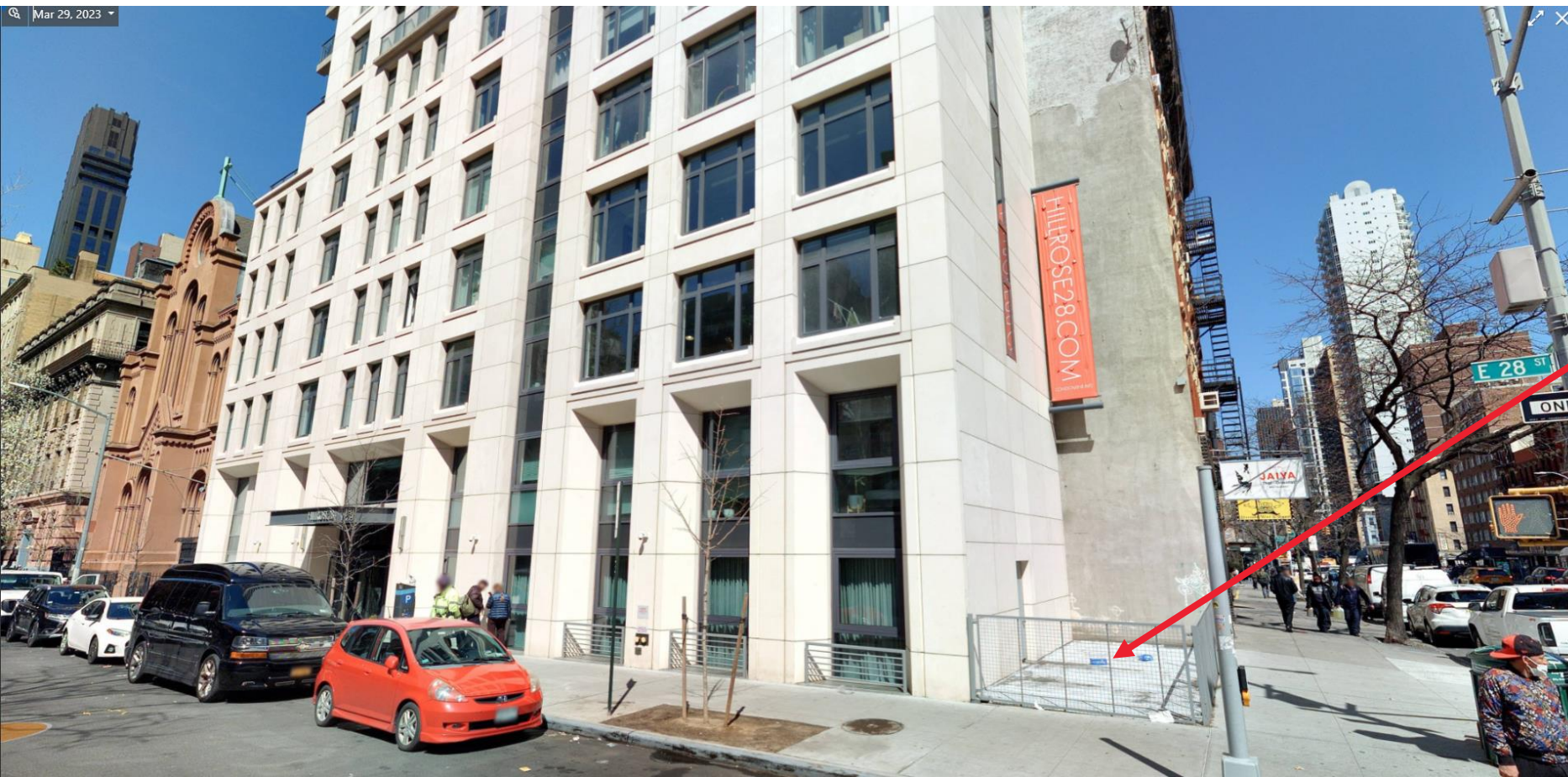
- COYHO will permit an increase in height for infill quality housing buildings

	Basic QH height	Infill height	Increase from basic	% increase
R6	65	125	60	92%
R7-2	75	155	80	107%
R8	120	255	135	113%
R9	145	285	140	97%

- The extra height will ensure that all the floor area could be used
- The infill proposal impacts other CDs more than CD2, but it certainly gives NYU more options and flexibility on future expansions

4. Currently, the height of a narrow building is limited to the width of the streets on which it faces

- This is the so-called “sliver rule,” which prevents very tall slender buildings, unless they abut another very tall building
- This has resulted in odd development decisions, like 181 East 28th Street:

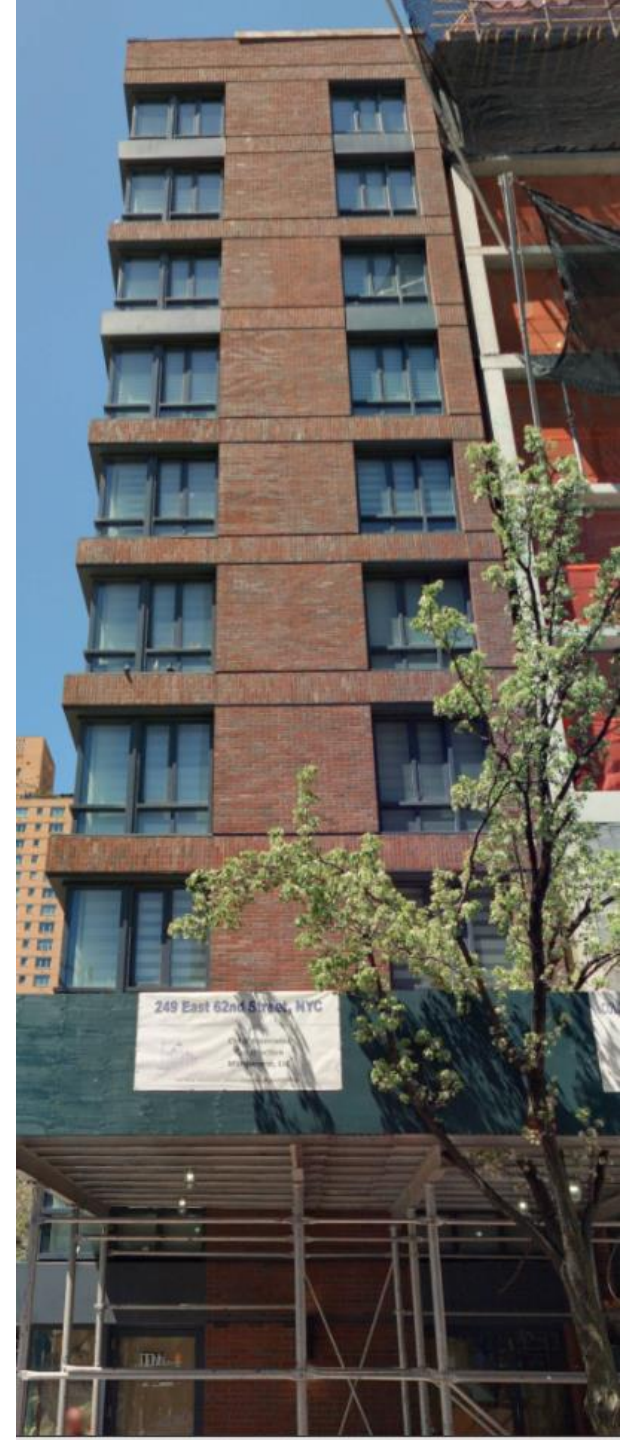


This developer cut off a tiny portion of their lot so that it would not have narrow frontage on Third Avenue, so that the building could be taller than 100 feet. This tiny lot is not a part of the building's zoning lot and is left undeveloped

We don't want zoning to produce results like this

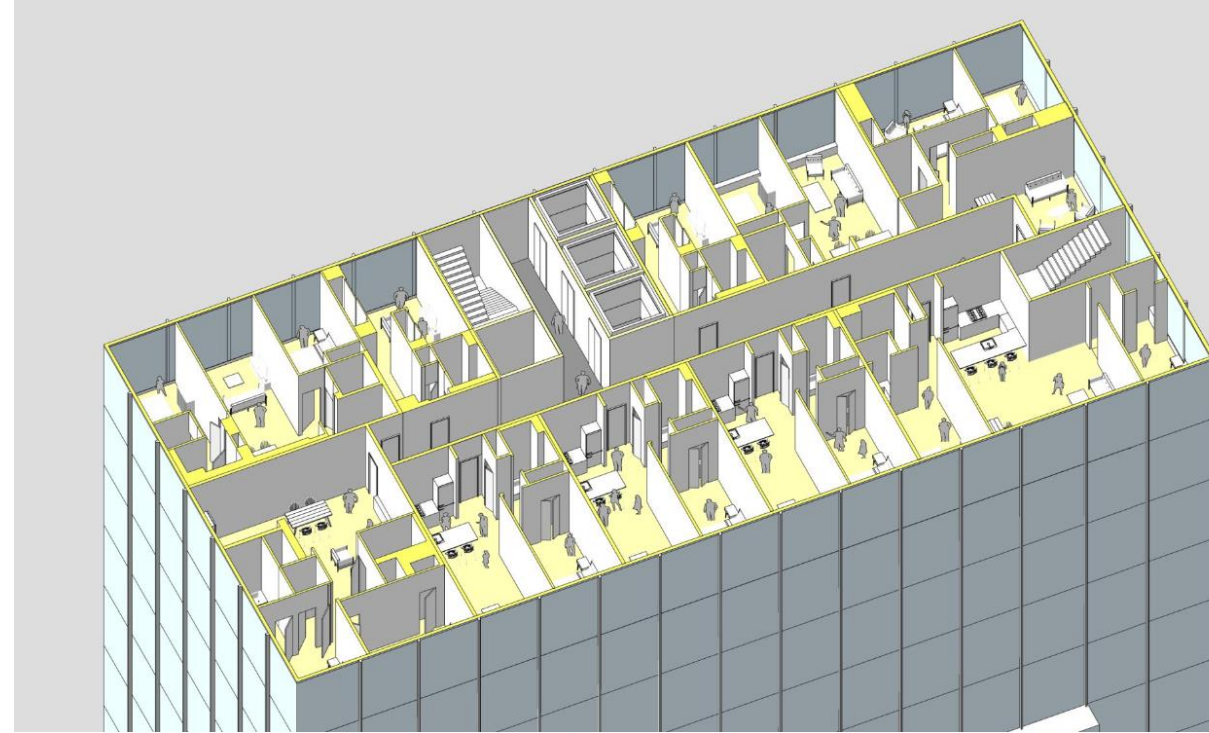
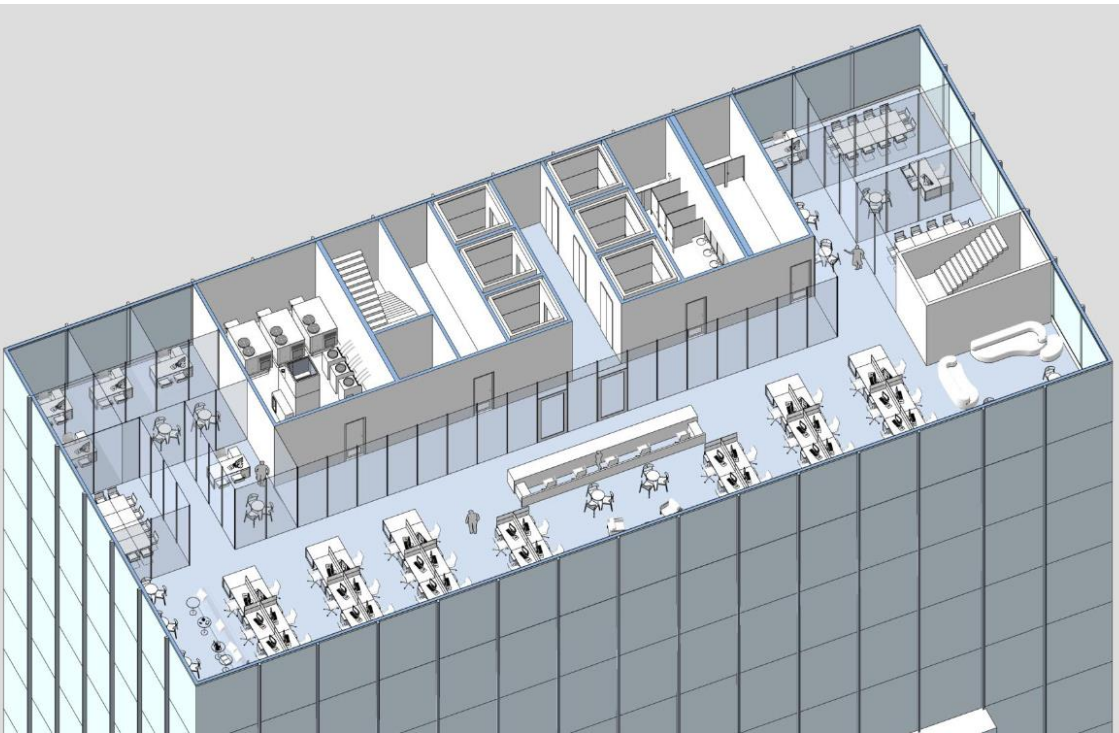
4. COYHO would eliminate the Sliver Rule for all Quality Housing buildings

- Quality Housing buildings are already height limited and the district is already tuned to the context of the neighborhood
- Sliver often applies to small scale buildings located on midblocks with height limits slightly higher than the width of the street
- But it also matters for narrow buildings in higher density districts, like 1177 Second Avenue →
- Because Sliver limited height to 100 feet, this building could not use the optional 2.0 FAR affordable housing bonus, and so produced zero affordable units
- But COYHO does not condition Sliver relief on affordability
- In 2015, the City proposed lifting Sliver for affordable buildings, but this was removed before that zoning change (ZQA) was adopted



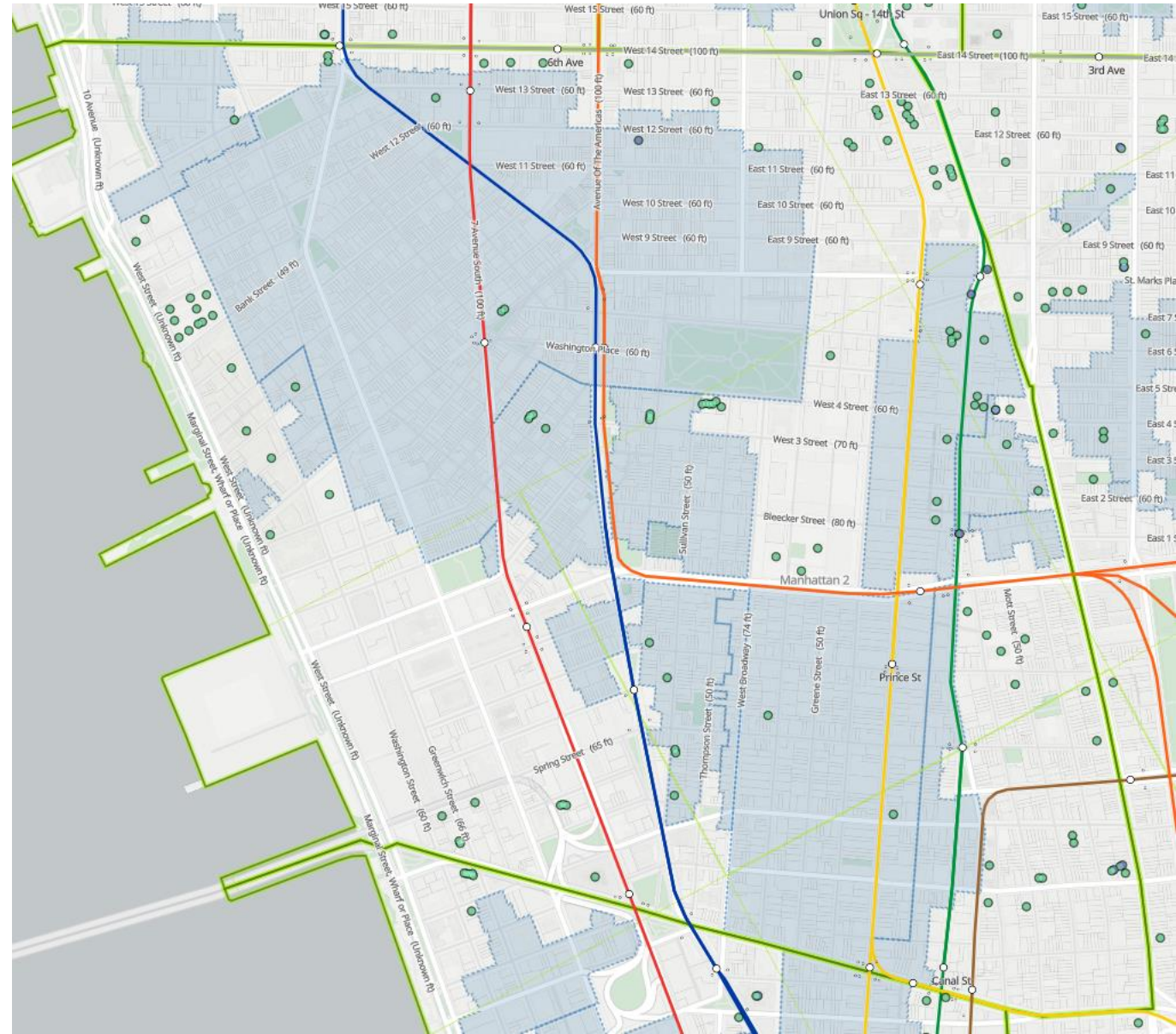
5. COYHO would increase the number of non-residential buildings that can be converted into residential use

- Currently, non-residential buildings in CD2 can be converted to residential use if they were built before 1961. COYHO would extend that date to 1990
- COYHO would also allow conversions to rooming units or supportive housing. Such conversions are currently prohibited



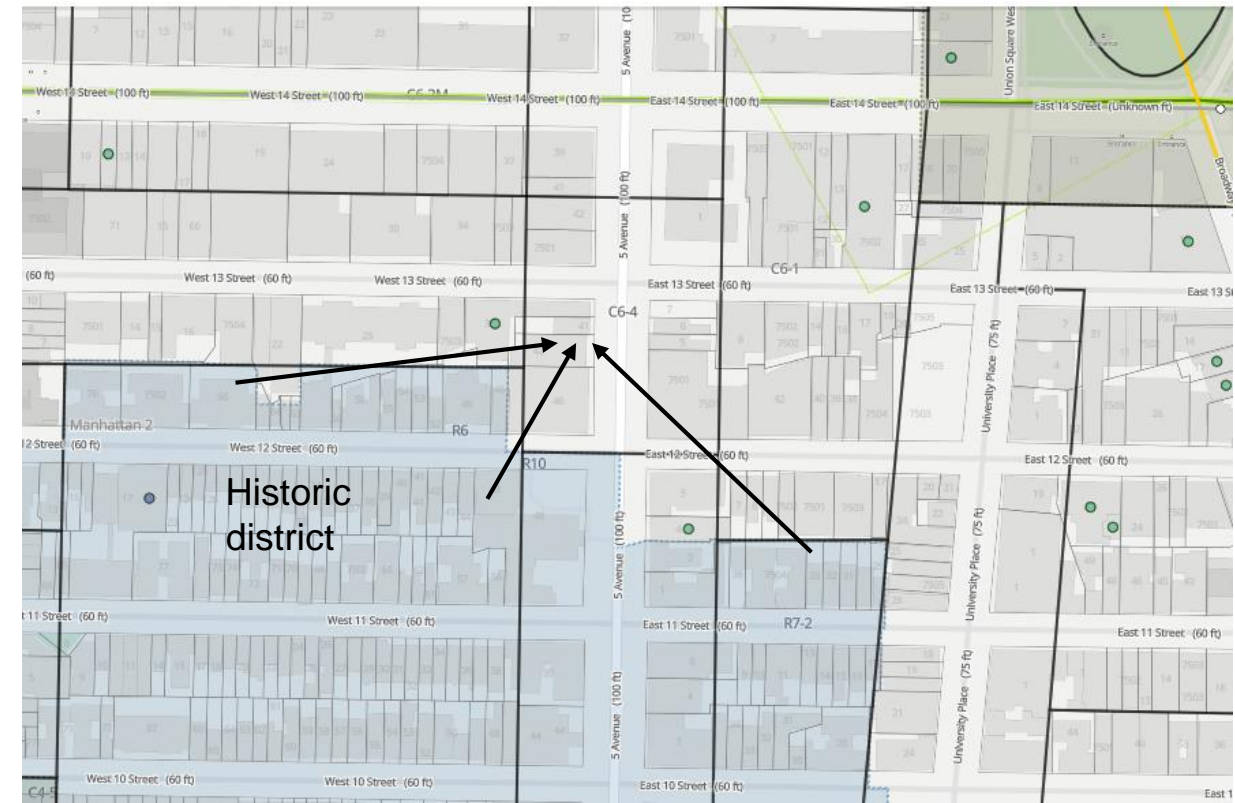
6. COYHO will permit floor area to float from landmarks and historic districts to other zoning lots on other blocks

- Currently, floor area can be moved from landmarks across a street, but it requires a special permit, the receiving site has to be directly across from the granting site, AND the receiving site is limited to a 20% increase
- COYHO will permit floor area from historic district properties or landmarks to float to any adjacent block
- This is huge in your CD, as it will unlock vast amounts of floor area that are currently locked up in historic districts (in blue to the right)



6. The areas most impacted will be the non-landmarked areas adjacent to historic districts

- While any zoning district can take this extra floor area, they are still governed by bulk requirements
- Tower districts could receive more transfers because they have no height limit, but it's unclear if COYHO will lift the 20% increase cap
- Transfers would be permitted via authorization: no special permit, no ULURP!
- Places like Fifth Avenue and 13th Street become an obvious receiving site due to:
 - Proximity to historic districts
 - Tower zoning



7. COYHO will eliminate the Manhattan Core treatment of certain zoning districts

- R6, R7 and R8 districts have special treatment in the Manhattan Core
- The FARs and heights permitted in these districts are sometimes LOWER in the Manhattan Core when compared to the rest of the City
- The proposal will unify the FAR and heights of these districts throughout the City
- This is an effective increase in density in these districts in CD2

	Current FAR	Proposed FAR	% Increase
R6 Nrrw	2.20	2.20	0
R6 Wide	2.43	3.00	23%
R7 Nrrw	3.44	3.44	0%
R7 Wide	3.44	4.00	16%
R8 Nrrw	6.02	6.02	0%
R8 Wide	6.02	7.20	20%

Thoughts and considerations

- COYHO is almost entirely carrot and no stick
- It appears to be driven by supply-side arguments: more housing is better, and more housing will mean more affordability
- If you want to build rent regulated housing, the COYHO will subsidize it with floor area, but it will *require* no affordability, unless there is Mandatory Inclusionary Housing
- Personally, I was expecting to see something that would *require* some affordability. It's just not there
- It also does not address some other concerns . . .

For instance, it does not address “big-footing” or huge buildings with few units

- 1165 Madison Avenue is a new 10 FAR, 210-foot building with 11 units
- It has a “quadplex,” a single unit that occupies four of its stories
- 1165 Madison averages **5,358 SF per unit**
- COYHO does nothing to require more units out of such buildings



Also, some neighborhoods in Manhattan have been hemorrhaging housing units to conversions and combinations

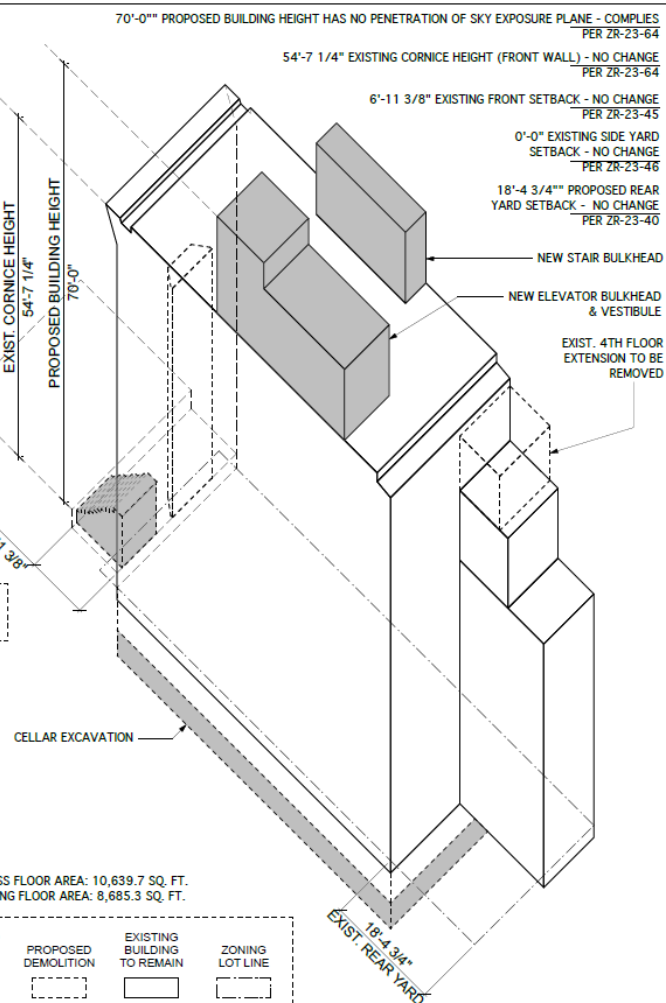
- This map shows the change in housing units from 2010 to 2023 by block



- Areas showing housing unit loss are the West Village, Upper East Side and Upper West Side

We see small tenements converted into single-family homes. The West Village has seen many such conversions

- 17 West 9th Street is a six-unit multiple dwelling
- It got approval in 2023 to convert to a single-family home



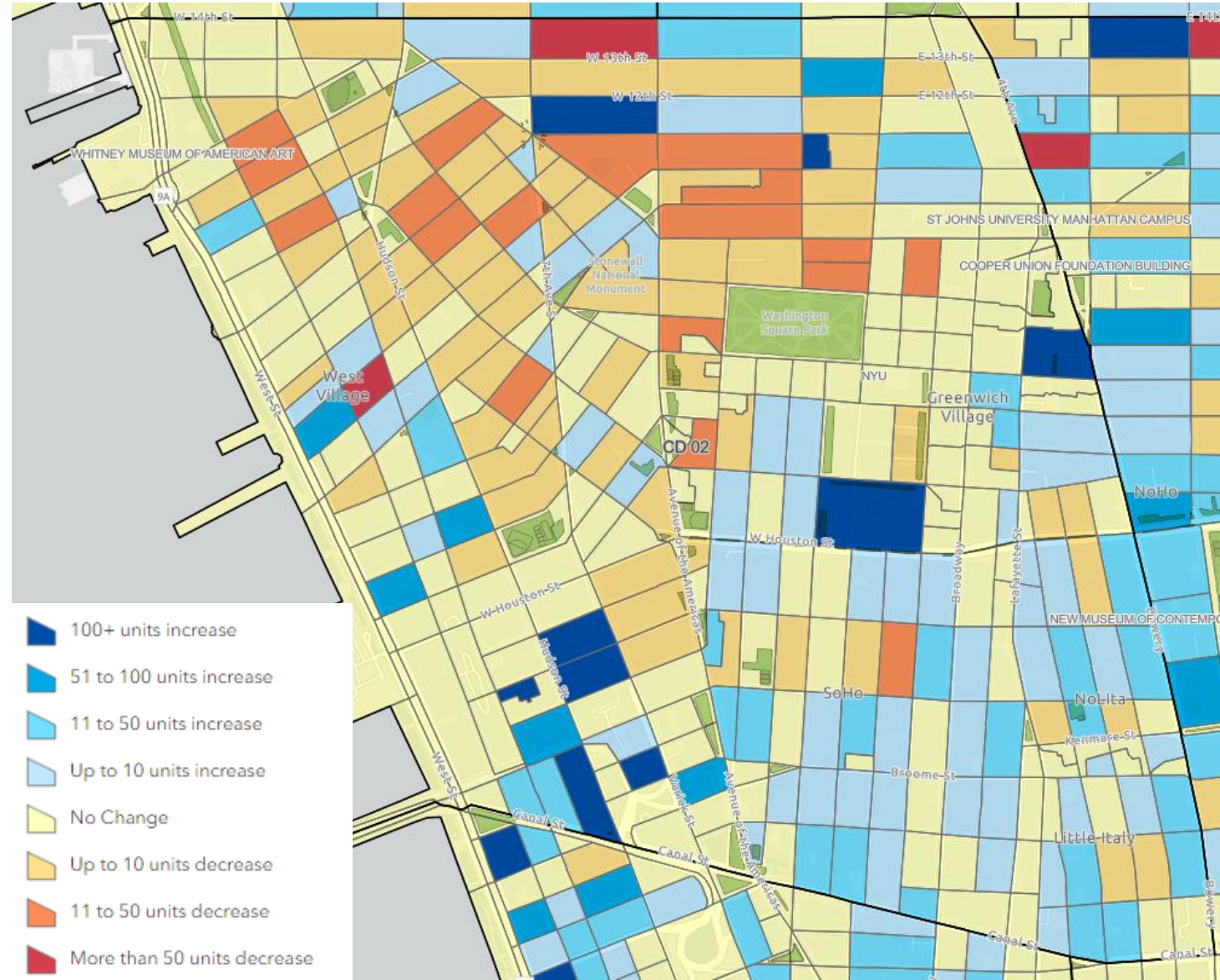
But combinations in larger buildings are probably resulting in more losses of units

- Co-ops like these have many units and often see combinations
- Units lost to combination are harder to track because they do not need new Certificate of Occupancies



There is nothing in COYHO that will stem the loss of units through conversions and combinations

- This is of special concern in areas with many landmarks, which makes new development more difficult
- It's hard to get back units once they are lost!



Will flexibility in floor area movements undermine UAP?

- If developers can get floor area from historic districts, unencumbered by the requirement to provide affordable housing, why would developers use the UAP bonus?
- 421-a's replacement is the major reason, and we don't know that that looks like yet



Finally, the lack of any affordability requirements makes progressive NYC oddly passive when it comes to affordable housing

- Many jurisdictions require a small percentage of affordable housing (~10%) out of all new developments, with no zoning bonus or direct subsidies
- This includes most jurisdictions in Westchester County
- Residents and developers of new developments with such requirements effectively subsidize the affordable housing that's being created
- COYHO does nothing like this. Instead, NYC relies upon optional programs and Mandatory Inclusionary Housing, which is only triggered when there is a substantial upzoning
- This seems like a lost opportunity to me

Next steps

- **Zoning for Housing Opportunity** should be referred later this month. The CB will have at least sixty days for review
- For COYEO, the CPC Chair permitted Boards to submit their comments six weeks after their due date, effectively extending the review period
- In addition to the major zoning change, the application you receive will also have a full environmental review: you will need all the time you can get
- The City has encouraged comments at any time on any relevant topic. If you have strong initial thoughts, you can express them now
- You may wish to pay special attention to issues of concern in the CD, like landmarks transfers, since it impacts so much of the district

Discussion / Questions



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