

Summary of NYC Council’s City for All Investments and Modifications to Zoning for Housing Opportunity (ZHO) Citywide Text Amendment

Throughout the public review process for ZHO, the Council heard from many stakeholders and other engaged New Yorkers about their concerns regarding its impact and the lack of complementary housing solutions. The Council recognized these concerns and released its City for All housing plan to meet the full range of needs of communities. Through its review of the Zoning for Housing Opportunity Citywide Text Amendment, it has sought to reach a balanced, well-considered outcome that respects the character of neighborhoods and secures investments into neighborhoods for housing stability and other support.

The following summarizes the final modifications to the ZHO citywide text amendment proposals. The final modifications were approved by the Subcommittee on Zoning and Franchises and Committee on Land Use at their November 21, 2024 meetings. This summary is intended to provide a broad overview; the full text of the citywide zoning text amendment, as modified, can be found here: [link on Legistar](#).

Table summarizing major ZHO proposals, community concerns on those proposals, and associated City Council Modifications.

For standard zoning terms see <https://www.nyc.gov/site/planning/zoning/glossary.page>)

COY ZHO Proposal	Community Concerns and City Council Modifications
<p>Low Density: Town Center Zoning</p> <ul style="list-style-type: none"> • Allows 3-5 story apartment building in low-density districts (R1-R5) on streets with commercial zoning • Within the greater transit zone, these buildings, regardless of district, can be 5 stories and 2.5 FAR • Outside the greater transit zone: <ul style="list-style-type: none"> ○ R1, R2, R3: 3 stories and 1.5 FAR ○ R4: 4 stories and 2.0 FAR ○ R5: 5 stories and 2.5 FAR 	<p>Concern: There is no zoning incentive in low density areas to build affordable housing</p> <p>Modification – 20% Affordability Incentive: Large projects (50+ units) can take full advantage of Town Center Zoning only if 20% is affordable at 80% Area Median Income (AMI)</p> <p>Concern: 1-2 family homes should be protected even if they are in commercial areas.</p> <p>Modification – Do not allow Town Center developments in areas where Commercial overlays are a single, isolated block, or on a block with a Commercial overlay that today is developed with mostly 1-2 family homes</p>
<p>Low Density: Transit Oriented Development (TOD)</p> <ul style="list-style-type: none"> • In all low-density (R1-R5) districts, allow 3-5 story apartment buildings, depending on zoning district <ul style="list-style-type: none"> ○ R1, R2, R3: 3 stories and 1.0 FAR 	<p>Concern: There is no zoning incentive in low density areas to build affordable housing</p> <p>Modification – 20% Affordability Incentive: Large projects (50+ units) can take full advantage of Transit Oriented Development only if 20% is affordable at 80% Area Median Income (AMI)</p>

<ul style="list-style-type: none"> ○ R4: 4 stories and 1.5 FAR ○ R5: 5 stories and 2.0 FAR <p>on sites:</p> <ul style="list-style-type: none"> ○ 5,000 sqf or larger ○ Located along wide streets or short blocks ○ Within .5 miles of transit <ul style="list-style-type: none"> ● Any site with a community facility use would be eligible for TOD, within the Greater Transit Zone ● Outside the Greater Transit Zone, only available to sites with an existing community facility use 	<p>Concern: The Proposed Transit Oriented Development geography does not match actual commuting patterns of public transit users and does not align with the distinction between single and multi-family districts</p> <p>Modifications:</p> <ul style="list-style-type: none"> ● Exclude all R1 and R2 single-family districts from TOD eligibility ● Reduce the TOD radius for outermost stations of the LIRR and Metro North within the City from .5 mile to .25 mile
<p>Low Density:</p> <p>Accessory Dwelling Units (ADUs)</p> <ul style="list-style-type: none"> ● Allow a variety of ADU types, including detached, attached extension, attic, basement ADUs ● Allowed on zoning lots with 1 or 2 family homes ● One unit, up to 800 sf and two stories ● Located at least 5 feet from lot lines ● Cannot occupy more than 50% of the rear yard ● Any ADUs in a coastal flood zone must be elevated above a floodplain (Basement ADUs are not allowed in the coastal flood zone) 	<p>Concern: Ground floor and basement ADUs are at risk of flooding in coastal and inland flood zones</p> <p>Modification: Prohibit ground floor ADUs (detached or attached extensions) and basement ADUs in both the coastal flood zone and areas the City identifies as vulnerable to inland flooding from heavy rain</p> <p>Concern: Concern about the impact of ADUs (both detached and attached) which could be newly constructed in backyards</p> <p>Modifications:</p> <ul style="list-style-type: none"> ● Prohibit detached and attached backyard ADUs on zoning lots within R1A, R2A, R3A zoning districts, unless they are in the Greater Transit Zone ● Prohibit detached and attached backyard ADUs in Historic Districts ● ADUs can only be one-story, unless parking is provided on the first floor ● Prohibit ADUs in attached or row-houses ● Prohibit ADUs from covering more than 33% of a rear yard <p>Concern: Will the cost of building or legalizing ADUs be attainable for typical homeowners, or will it lead to speculation and corporate purchases of homes?</p> <p>Modifications: Require the homeowner to live on the property in order to have an ADU</p>

	<p>Response – Programs to assist homeowners are detailed in policy and investment commitment (see City for All commitments)</p>
<p>Low Density: “District Fixes” Citywide: Yard and Lot Coverage Requirements</p> <p>Increases in FAR in low-density districts to facilitate flexibility and additions, and bring more homes into compliance</p> <ul style="list-style-type: none"> • Small increases to FAR (e.g. .5 to .75) • Relax regulations on sizes of yards and lot coverage, including reducing required rear yards from 30’ to 20’ • Allows construction into the rear yard for amenity spaces in multi-family buildings • Adjust perimeter height limits and building envelopes • Relax regulations on minimum lot area and lot width • Increase flexibility to provide off-street parking • Removal of the “transition rule” which requires the height in high density districts to taper down when adjoining low-density districts 	<p>Concern: Too much reduction in yard and open space requirements could harm quality of life</p> <p>Modifications:</p> <ul style="list-style-type: none"> • Reduce permitted obstructions in rear yard from 50% to 33% • For lots less than 40ft. wide, maintain the required 30 ft rear yard for row-houses and semi-detached homes, i.e. the “donut hole” • Limit reductions to required side yards • Adjust lot coverage rules to protect open space <p>Concern: Lowering lot area and lot frontage requirements could encourage the teardowns of existing homes</p> <p>Modification: Limit decrease in frontage and lot area requirements</p> <p>Concern: Removal of the “transition rule” results in mismatched building forms where high-density and low-density areas meet</p> <p>Modification: Restore modified “transition rules” to provide appropriate step downs between large buildings and adjacent smaller scale buildings</p>
<p>Medium to High Density Districts: Universal Affordability Preference (UAP)</p> <p>Create a citywide zoning incentive for affordable housing in all high-density districts, updating older voluntary inclusionary housing programs and establishing bonuses for affordable housing in many areas where they do not exist today.</p> <ul style="list-style-type: none"> • Gives a 1:1 ratio of affordable units for extra FAR (all newly created FAR and height can only be used for affordable units) 	<p>Concern: UAP does not require any deep-affordability units</p> <p>Modification: Require 20% of UAP units in projects with at least 10,000 square feet of UAP floor area to be affordable for families earning 40% of the Area Median Income (AMI), targeting incomes between \$40,000 and \$70,000</p> <p>Concern: In some districts, the proposed height increase from UAP is significantly larger than 20%</p> <p>Modification: Reduce maximum allowable height for UAP by 10 ft in R8B and on narrow streets in R6 and R7-1 and districts</p>

<ul style="list-style-type: none"> • Affordability of units would be on average 60% AMI • Would increase FAR for most districts by 20% and increase height by 1 to 3 stories • Larger bonuses in R6 and R7 districts • Equalize FARs for MIH districts where FARs proposed for UAP are higher (MIH affordability levels continue to apply) 	
<p>Citywide Proposal:</p> <p>Remove Parking Mandates</p> <p>Currently, there are no parking requirements in zoning for residential buildings in the “Manhattan Core” (south of 96th Street) or in parts of Long Island City, but parking requirements remain in place throughout the rest of the city.</p> <p>The City of Yes proposal would:</p> <ul style="list-style-type: none"> • Remove all residential parking requirements on new housing, citywide • Continue to require parking built pursuant to current requirements but allow removal of this parking via CPC authorization 	<p>Concern: The importance of access to parking and car transportation varies across NYC – parking requirements should reflect community transit patterns</p> <p>Modification: Create three geographic zones to tailor parking requirements appropriately across the City to balance the need for parking in some areas.</p> <ul style="list-style-type: none"> • Zone 1 – No parking requirements <ul style="list-style-type: none"> ○ Location: Manhattan (except Inwood), Long Island City, parts of Western Queens and Brooklyn <ul style="list-style-type: none"> ▪ These are areas with very good access to transit, lower commute times, and higher shares of commuters to Manhattan ○ Parking requirements: Eliminate residential parking requirements entirely (for new developments). • Zone 2 – Reduced parking requirements <ul style="list-style-type: none"> ○ Location: Areas with access to transit, but longer commute times and greater reliance on cars ○ Parking requirements: Significant reduction in multi-family residential parking requirements • Zone 3 – Maintain most parking requirements; in these areas parking would likely be produced to meet the market demand regardless. <ul style="list-style-type: none"> ○ Location: Areas beyond the other geographies, with greater car dependency

	<ul style="list-style-type: none"> ○ Parking requirements: Keep most parking requirements ● Eliminating Mandates to Maximize Housing – The forms of housing development that parking would most interfere with will be largely exempt from mandates, regardless of zone: ADUs, conversions, affordable housing, transit-oriented development, and Town Center development. In Zone 3, affordable housing would have a reduced requirement and Town Center developments over 75 units would have a standard requirement.
<p>Citywide Proposal: Small Housing</p> <ul style="list-style-type: none"> ● Eliminate Dwelling Unit Factor in the Inner Transit Zone ● Deduce the Dwelling Unit Factor to 500 sf outside the Inner transit zone 	<p>Concern: Changes to the Dwelling Unit Factor (DUF) could lead to fewer family-sized units</p> <p>Modifications:</p> <ul style="list-style-type: none"> ● Maintain current DUF regulations for existing apartment buildings <p>For new apartment buildings:</p> <ul style="list-style-type: none"> ● Manhattan below 96th street and downtown Brooklyn: Eliminate DUF requirements ● All other areas: Apply a standardized DUF of 680 sf.
<p>Citywide Proposal: Shared Housing</p> <ul style="list-style-type: none"> ● Remove zoning restrictions to shared housing (restriction on shared housing would still exist elsewhere) 	<p>Concern: Shared housing regulations must prioritize housing quality, tenant rights and safety, and suitability of locations.</p> <p><i>Note: Enabling shared housing will require Council legislation to amend the administrative code and establish rules and regulations; this legislative process will occur after City of Yes, which only removes the zoning restriction.</i></p>

<p>Citywide Proposal: Campus Infill</p> <ul style="list-style-type: none"> • Removes existing “mixing rules” which prohibit the use of Quality Housing on sites with existing Height Factor buildings. • Requires 50% open space for campus sites of 1.5 acres or larger • In high-density districts, the distance between buildings is reduced to 40’ • In high-density districts, the height limit on sites located in non-contextual districts for sites larger than 20,000 sf is increased, with a 25% bump available in sites larger than 40,000 sf • In low-density districts, provide new height limits for select infill developments • In low-density districts, reduce the distance between buildings for infill development • NYCHA developments are excluded from this proposal 	<p>Concern: Increased building heights for infill development may not fit the surrounding context Modification: Restrict additional campus infill heights based on existing buildings</p> <p>Concern: Open Space on existing campus sites is an important community resource Modifications:</p> <ul style="list-style-type: none"> • Introduce lot coverage limits to campus sites smaller than 1.5 acres • Prohibit development on open space used today for recreation purposes, unless replaced in kind • Preserve the distance between buildings for 1-2 family homes
<p>Citywide Proposal: Landmark Transfers</p> <ul style="list-style-type: none"> • Expand the area that Floor Area from a landmark can be transferred • Convert all landmark transfer from a special permit to a certification and allow bulk modifications through an authorization • Floor area of a receiving site can only be increased by 20% 	<p>Concern: The proposal may allow the sites receiving additional floor area to be far larger than normally allowed by zoning. Special permit should be retained to allow for community input for substantive changes</p> <p>Modification:</p> <ul style="list-style-type: none"> • Require a special permit for height increases greater than 25%
<p>Citywide Proposal: Authorizations</p> <p>Authorizations were proposed in the following areas:</p> <ul style="list-style-type: none"> • Bulk modifications for irregular sites 	<p>Concern: Authorizations reduce community and City Council input on important land use decision</p> <p>Modifications:</p> <ul style="list-style-type: none"> • Remove proposed authorization for irregular sites and maintain special permit

<ul style="list-style-type: none"> • Bulk modifications for non-complying buildings • Allowing Community Facility FAR for Non-profit institutions with sleeping accommodations (NPISA) • Developments of a Railroad Right of Way 	<ul style="list-style-type: none"> • Remove proposed authorization and maintain special permit for providing access to additional Community Facility FAR by NPISA • For developments of Railroad Right of Way, revert authorization to a special permit for lots larger than 1.5 acres
<p>Special Districts</p> <p>Targeted changes were made throughout the zoning resolution impacting special districts to allow application of new provisions, including UAP in high density areas</p>	<p>Concern: Special zoning districts were designed to achieve specific planning and urban design goals in defined areas with unique characteristics, and changes that interfere with those distinctive qualities should be modified</p> <p>Modifications: Changes made to preserve the design intent of the special districts</p>

Parking requirement cheat sheet

	Zone 1 Inner Transit Zone / Manhattan Core / LIC	Zone 2 Outer Transit Zone	Zone 3 Beyond transit zones
ADUs + conversions + houses of worship	No requirement	No requirement	No requirement
Town Center	No requirement	No requirement	No requirement (if 75 units or less)
TOD	No requirement	No requirement (if 75 units or less)	N/A
Affordable units	No requirement	No requirement	Some parking requirements (lower than pre-CHO)
All other dwelling units	No requirement	Some parking requirements (lower than pre-CHO)	Parking requirements like pre- CHO