



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 7

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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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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

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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.

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.

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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