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# **Housing & the City of Yes**

## **Zoning Text Amendments**

4/18/2023

# New York City plans on proposing three major zoning text amendments

A text amendment is an edit of the ~4,000 pages of zoning text

This work is not easy and can come in chunks of hundreds of pages

23-22

## Maximum Number of Dwelling Units ~~or Rooming Units~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of ~~#dwelling units#~~ ~~or #rooming units#~~ shall equal the maximum ~~#residential floor area#~~ permitted on the ~~#zoning lot#~~ divided by the applicable factor in the following table. In R1 through R5 Districts, ~~no #rooming units# shall be permitted and~~ any ~~#dwelling unit#~~ shall be occupied by only one ~~#family#~~. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one ~~#dwelling unit#~~ ~~or #rooming unit#~~.

For the purposes of this Section, where a ~~#floor area ratio#~~ is determined pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) ~~Sections 23-142 or 23-143~~, notwithstanding the ~~#height factor#~~ of the ~~#zoning lot#~~, the maximum ~~#residential floor area ratio#~~ shall be 2.43 in an R6 District within 100 feet of a ~~#wide street#~~, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a ~~#wide street#~~, the maximum ~~#residential floor area ratio#~~ shall be as specified in Section 23-151 ~~Sections 23-142 or 23-143~~, or 2.2, whichever is greater.

For ~~#affordable independent residences for seniors#~~, there shall be no applicable ~~#dwelling unit#~~ factor.

For ~~#zoning lots#~~ with ~~#buildings#~~ containing multiple ~~#uses#~~ or multiple ~~#buildings#~~ with different ~~#uses#~~, special provisions are set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses) to determine the maximum number of ~~#dwelling units#~~ permitted.

# The text amendments are:

1. **Zoning for Carbon Neutrality** (expected to start ULURP next week!)
2. **Zoning for Economic Opportunity** (Fall 2023)
3. **Zoning for Housing Opportunity** (Spring 2024)

Two general info sessions were held in October 2022

More here: <https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-overview.page>

Zoning for Carbon Neutrality was discussed at the City Planning Commission on Jan. 30<sup>th</sup>

Video here: <https://www.youtube.com/watch?v=MFzomiXs11c>

And Zoning for Carbon Neutrality had a public information session on March 20

More here: <https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-carbon-neutrality.page>

# The first and third amendment will impact housing

1. **Zoning for Carbon Neutrality** (expected to start ULURP next week!)
2. **Zoning for Economic Opportunity** (Fall 2023)
3. **Zoning for Housing Opportunity** (Spring 2024)

The City has said it wants input early in the process, before ULURP starts



# Zoning for Carbon Neutrality deals only partially with housing

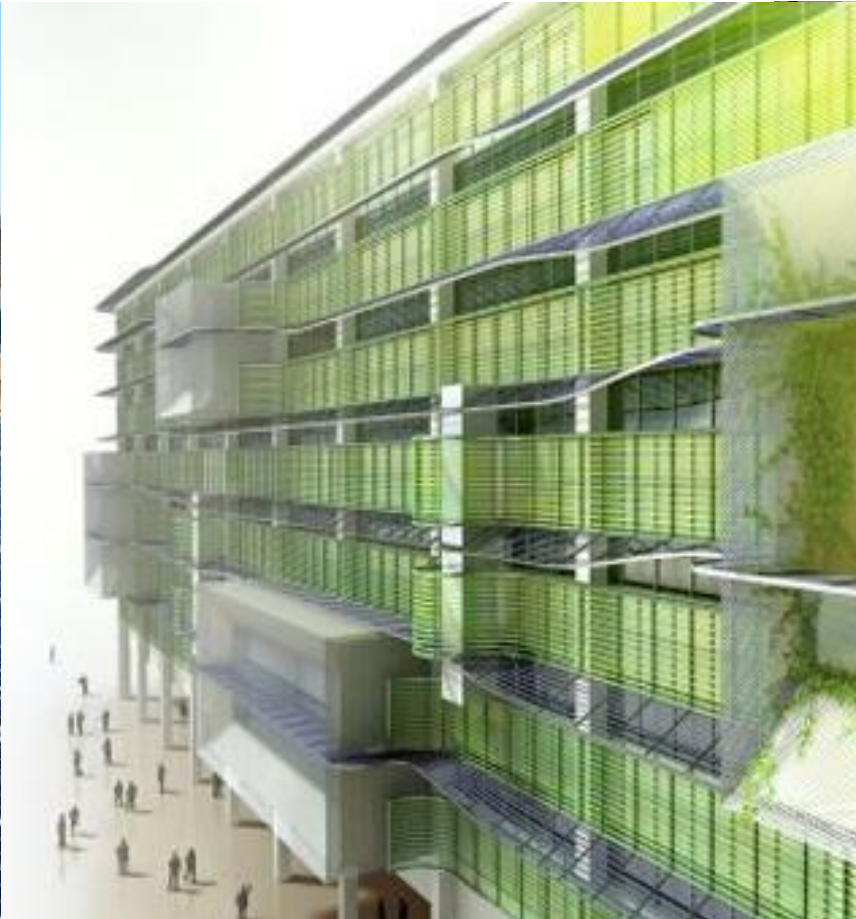
## Energy

- Maximize solar rooftop area
- Allow for energy storage systems



## Buildings

- Allow walls to get thicker
- Allow for changes of use



## Parking

- Ease restrictions on siting commercial charging stations

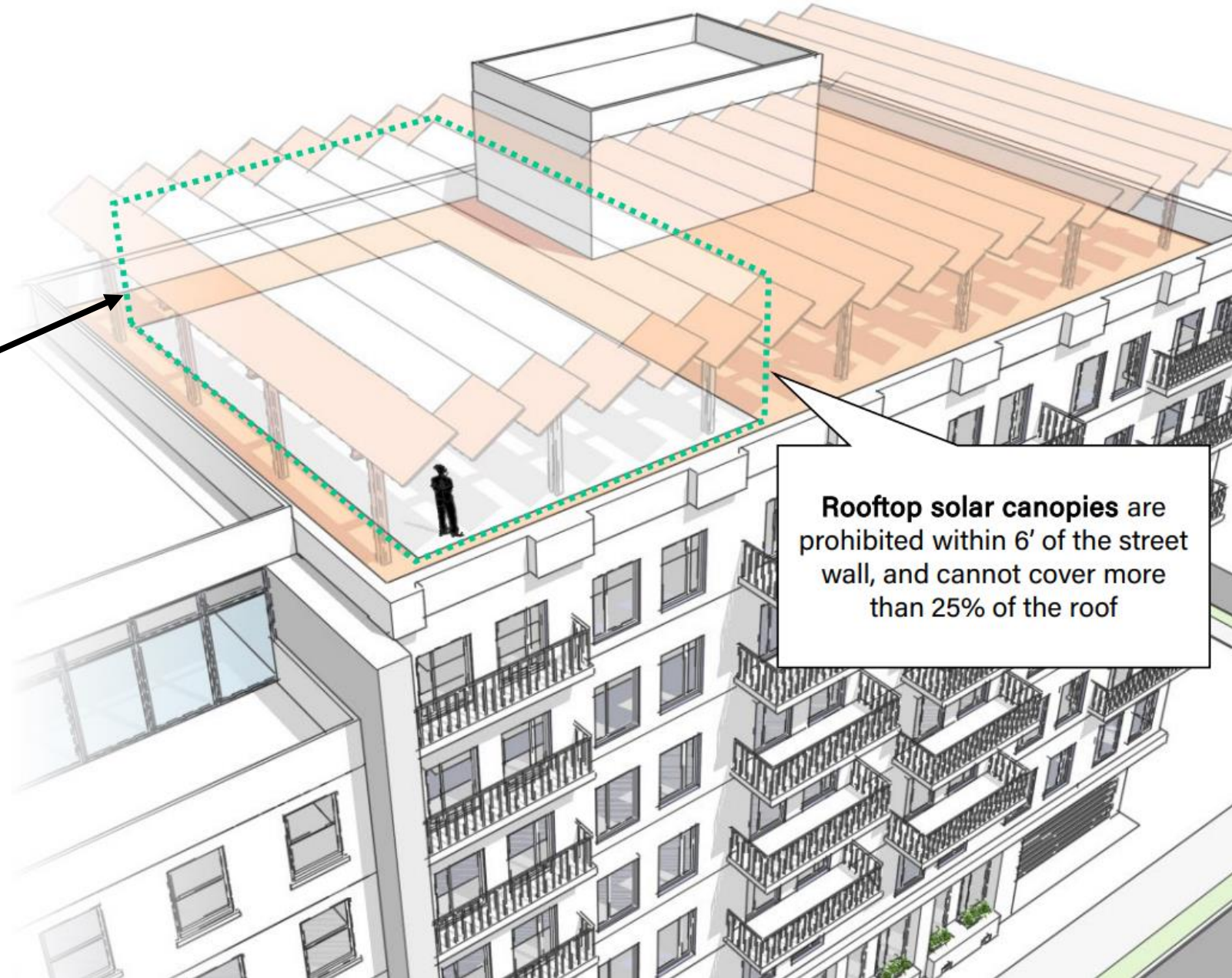




There will be MANY changes, but the biggest change we'll notice relates to solar panels

Currently, zoning limits solar canopies to the area outlined in green

**Rooftop solar canopies** are prohibited within 6' of the street wall, and cannot cover more than 25% of the roof



# The concept is to allow solar canopies to cover 100% of rooftops, with no coverage or setback limits

- So they can hang over the setback, like this →
- Most of this solar will be *accessory*, which means it MUST directly feed the zoning lot
- Accessory solar lowers utility costs and thus the cost of housing on the lot





**Another major change would be commercial solar (e.g. non-accessory solar) would be permitted everywhere as-of-right**





# Most solar we see in NYC is accessory



But accessory solar can lead to undersized systems designed only for the needs of the zoning lot



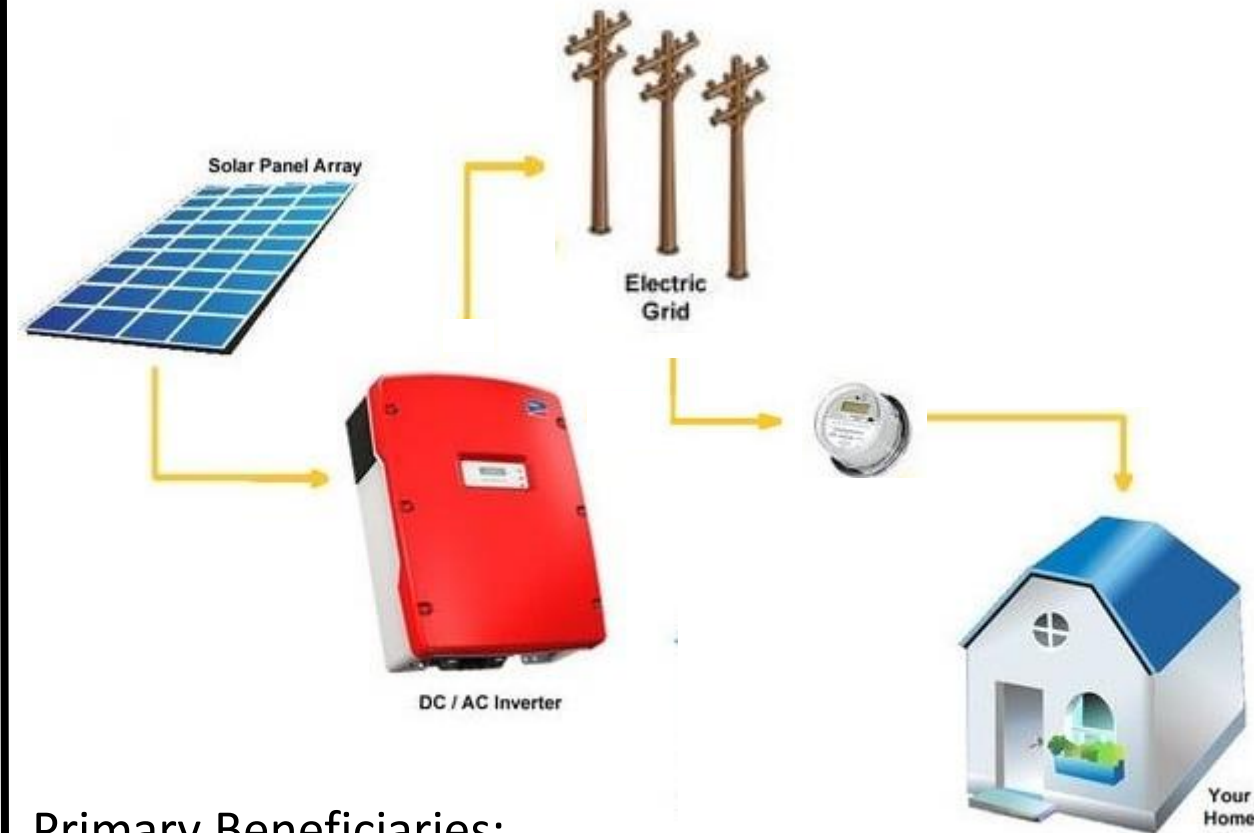
# A difference between commercial and accessory is mostly about who benefits

## Accessory system design



Primary Beneficiary:  
**Whoever pays for power (usually tenants)**

## Commercial system design



Primary Beneficiaries:  
**Landlord  
Power company**



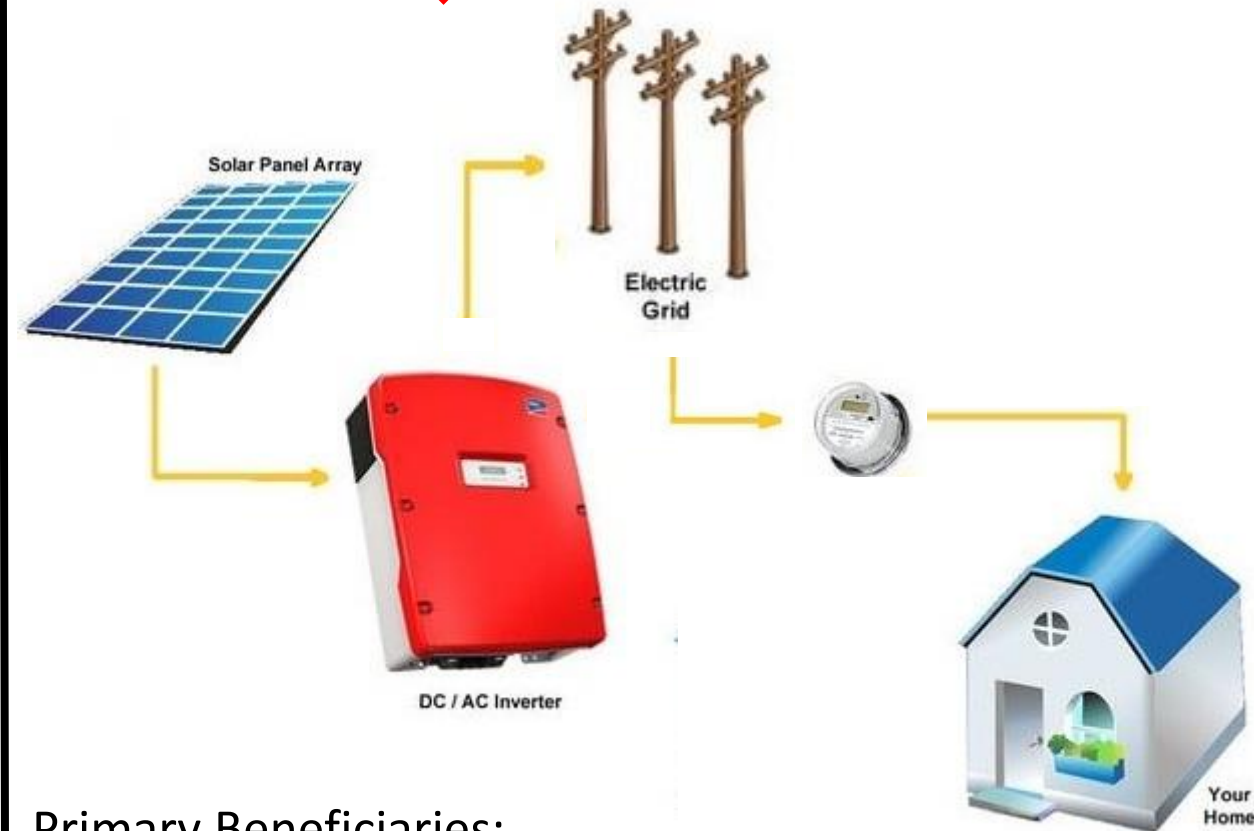
# Housing advocates want accessory systems, NOT commercial systems

## Accessory system design



Primary Beneficiary:  
**Whoever pays for power (usually tenants)**

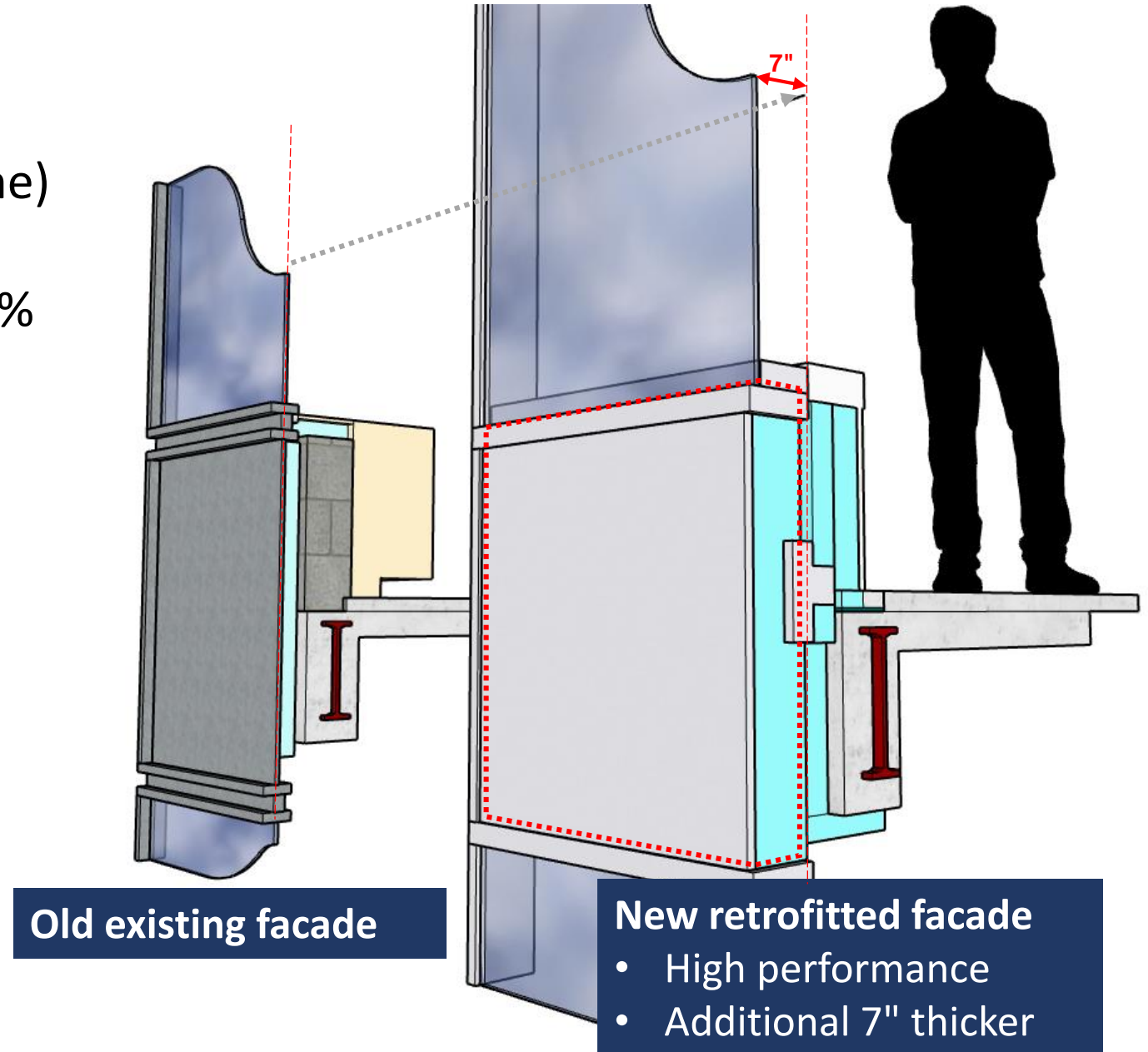
## ~~Commercial system design~~



Primary Beneficiaries:  
**Landlord**  
**Power company**

# The text will also allow extra building area to address energy efficiency

- Facade retrofits will be exempted from floor area (and can hang over the lot line)
- Passive House buildings will receive a 5% FAR bonus





## Zoning for Housing Opportunity will be the largest text amendment of the three and the last to come (in 2024)

- Increases density for buildings with affordable housing
- Reduces (or removes) minimum unit size
- Makes it easier to convert offices and hotels to housing units
- There will also be substantial changes to low density districts and parking regulations that won't impact CD8

## The biggest change for CD8 will be increased density for buildings with affordable housing

- Currently, there are three major zoning tools for affordable housing
  - **Mandatory inclusionary housing (MIH)**
  - **Inclusionary housing (IH)**
  - **Affordable Independent Residences for Seniors (AIRS)**
- The first two can only be used when there is a zoning change, which limits their use
- AIRS requires no rezoning
- AIRS allowed a larger building if a portion qualified as “Affordable Independent Residences for Seniors” at the developer’s option



# Zoning for Housing Opportunity would apply the AIRS concept to all buildings with a minimum amount of affordable housing, at the developer's option

MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN QUALITY HOUSING BUILDINGS

- The bonus would be available **without rezonings**, like the current AIRS program
- A revised AIRS could replace new large-scale MIH rezonings
- But most new AIRS applications were suspended in 2021 due to concerns over fair housing and high AMI levels (80%)
- Also, AIRS bonuses did not apply evenly across zoning districts. Some districts see FAR increases of more than 40%, others get nothing or single-digit increases

District	Maximum #Floor Area Ratio#
R6 R6A R7B	3.90
R6B	2.20
R7 R7A	5.01
R7D	5.60
R7X	6.00
R8 R8A R8X	7.20
R8B	4.00
R9	8.00
R9-1	9.00
R9A	8.50
R9X	9.70
R9D	10.00
R10 R10A R10X	12.00

# A modified AIRS would still be optional and would not necessarily be a great fit for CD8

- The R8B district currently gets no AIRS bonus
- CD8 special districts (Fifth, Madison, Park) get no AIRS bonus
- R10 equivalent districts CAN use AIRS, but they can also use the R10 optional inclusionary, which is often better for developers
- And affordable housing without rezonings will likely yield more affordable housing



511 East 86<sup>th</sup> Street uses the R10 bonus program, not AIRS

## Currently, new buildings must have an average unit size of at least 680 SF

- Today, if a developer wants to construct a building of studios, they can't
- Small units must be balanced with larger units so that the average is at least 680 SF
- Zoning for Housing Opportunity is looking to lower or remove this requirement
- Is this regulation still necessary? If so, what's the right size? We lowered the requirement in 2016. Did we see buildings with smaller units after that change was made? Where did we see them?
- CD11 (East Harlem) is getting new buildings that bump into the 680 SF limit, but CD8 does not. CD8 often gets mansions in the sky



# Currently, zoning allows some areas to easily convert non-residential buildings into residential buildings, but not others

- ZR 15-10 allows conversions even if units have substandard light and air
- Designed to prevent demolition of obsolete manufacturing and commercial buildings
- These regulations do NOT apply to CD8 and the change would extend them to CD8
- There aren't many of these in CD8, but this garage was converted to a medical facility, probably in part because ZR 15-10 does not apply in CD8



Near SW corner of Second Ave and 85<sup>th</sup> Street: Garage converted to medical offices, not housing

# There are a lot of things Zoning for Housing Opportunity will NOT impact

- **Maximum unit sizes** or the other side of the minimum unit size: to prevent mansions in the sky, and the conversion of tenements to single family homes

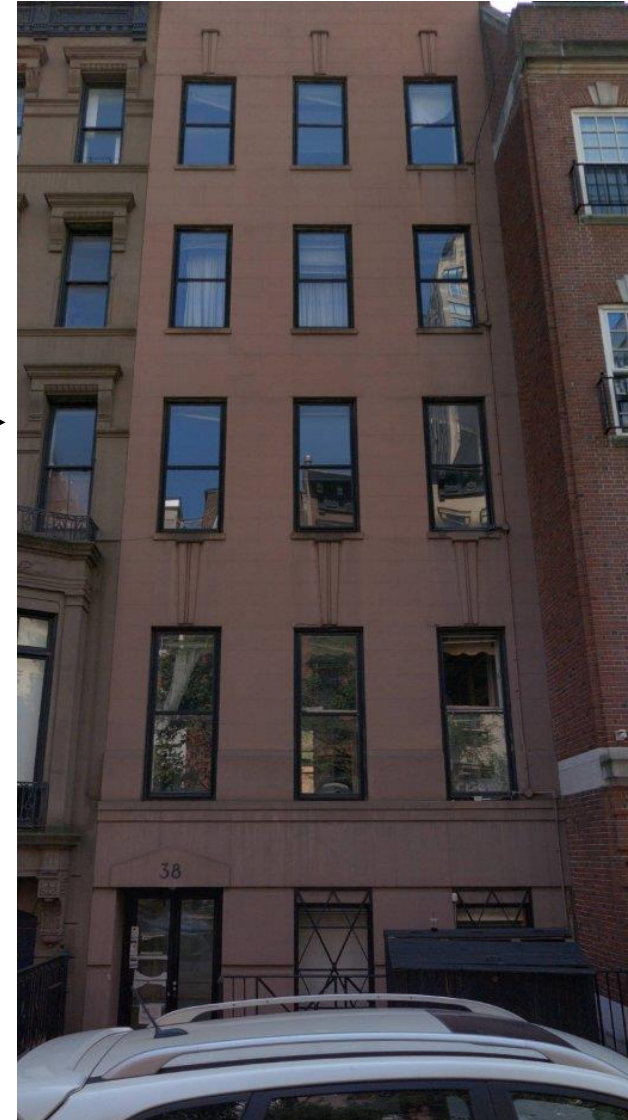
14 units – 3,750 SF  
average unit size



11 units – 5,300 SF  
average unit size

South side of 86<sup>th</sup> between Madison and Park

38 East 75th Street →  
converted from 9 units to 1



1 unit – 6,600 SF



# There is no interest at DCP in adding a maximum unit size

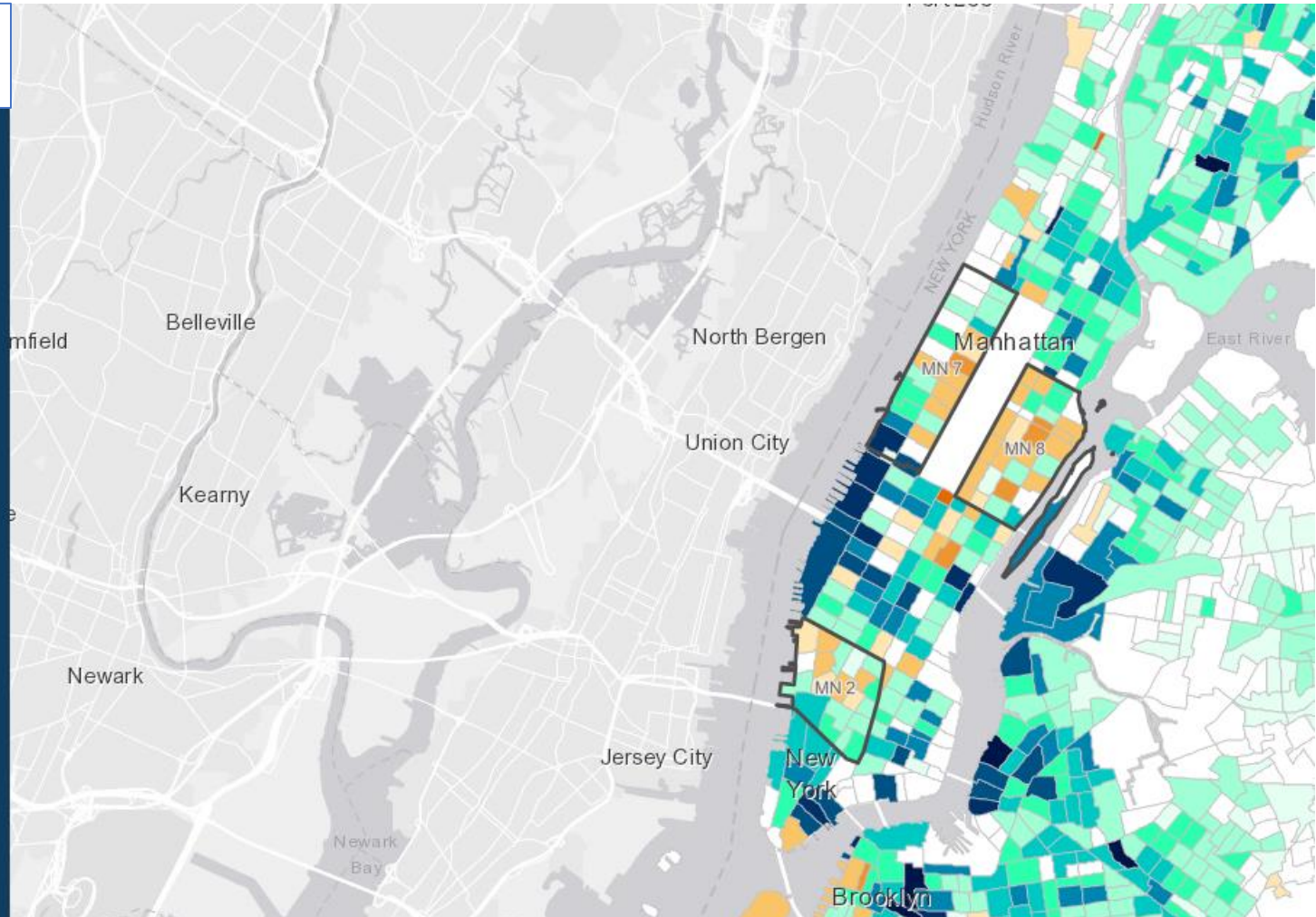
Even though they recognize housing loss is a problem



## Net Change in Housing Units, 2010-2020

In some affluent neighborhoods closest to job centers—particularly the Upper East Side (MN 8), the Upper West Side (MN 7), and Greenwich Village/ SoHo / NoHo (MN 2)—unit losses significantly offset additions, creating clusters of housing loss.

These community districts are outlined on the map. Census tracts that have experienced a net housing loss are shown in gold.





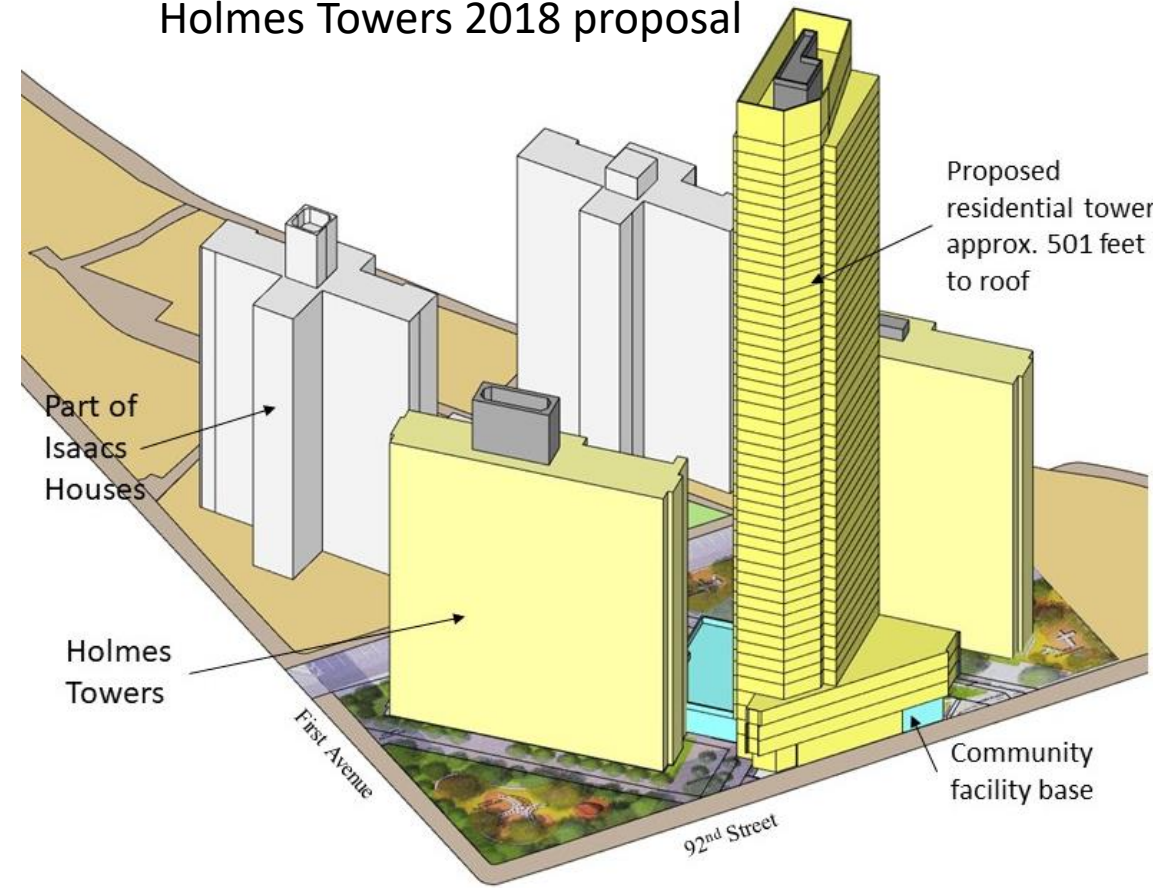
# There will likely be nothing that will address tower-in-the-park infill

- Current zoning regulations *encourage* the development of huge towers on underbuilt tower-in-the-park, or “height factor” sites
- Zoning for Housing Opportunity will likely do nothing to change that

Washington Houses 2013 proposal



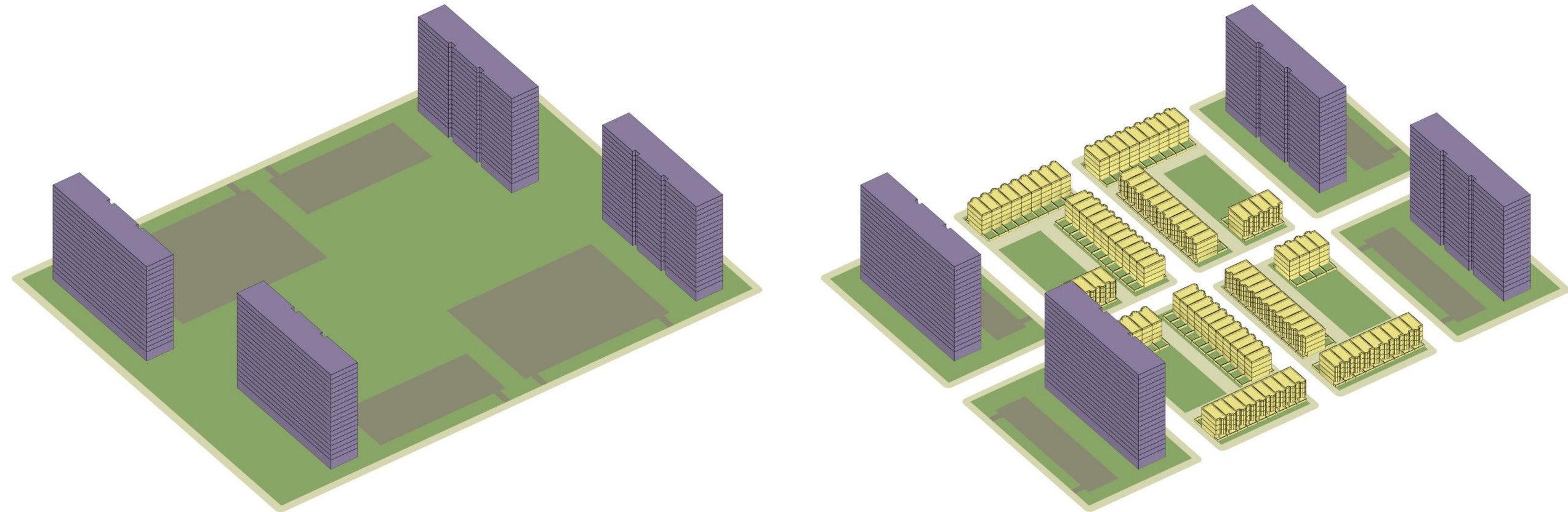
Holmes Towers 2018 proposal





# Zoning for Housing Opportunity could permit low-rise infill on height factor estates

- More cost-effective building forms are more reasonable for affordable housing
- But this is currently not legal and likely won't be addressed



# There will be nothing to address map rezonings

- The Borough President has called for CD8 to lose nearly all its industrial districts, in favor for housing

2023

## HOUSING MANHATTANITES

*A Report on Where and How to Build the Housing We Need*



OFFICE OF  
**MARK  
LEVINE**  
MANHATTAN BOROUGH PRESIDENT

### Updating Zoning to Create Housing East 90s Manufacturing Area



Image 5. Map of East 90s Manufacturing Area.



# There will be changes to parking, but probably nothing to re-examine CD8's parking maximums

- Accessory parking garages in CD8 are currently limited by zoning to no more than 35% of the units of the building they serve
- Is this still the right number? Should it be higher or lower?
- We're seeing more garages even in small buildings

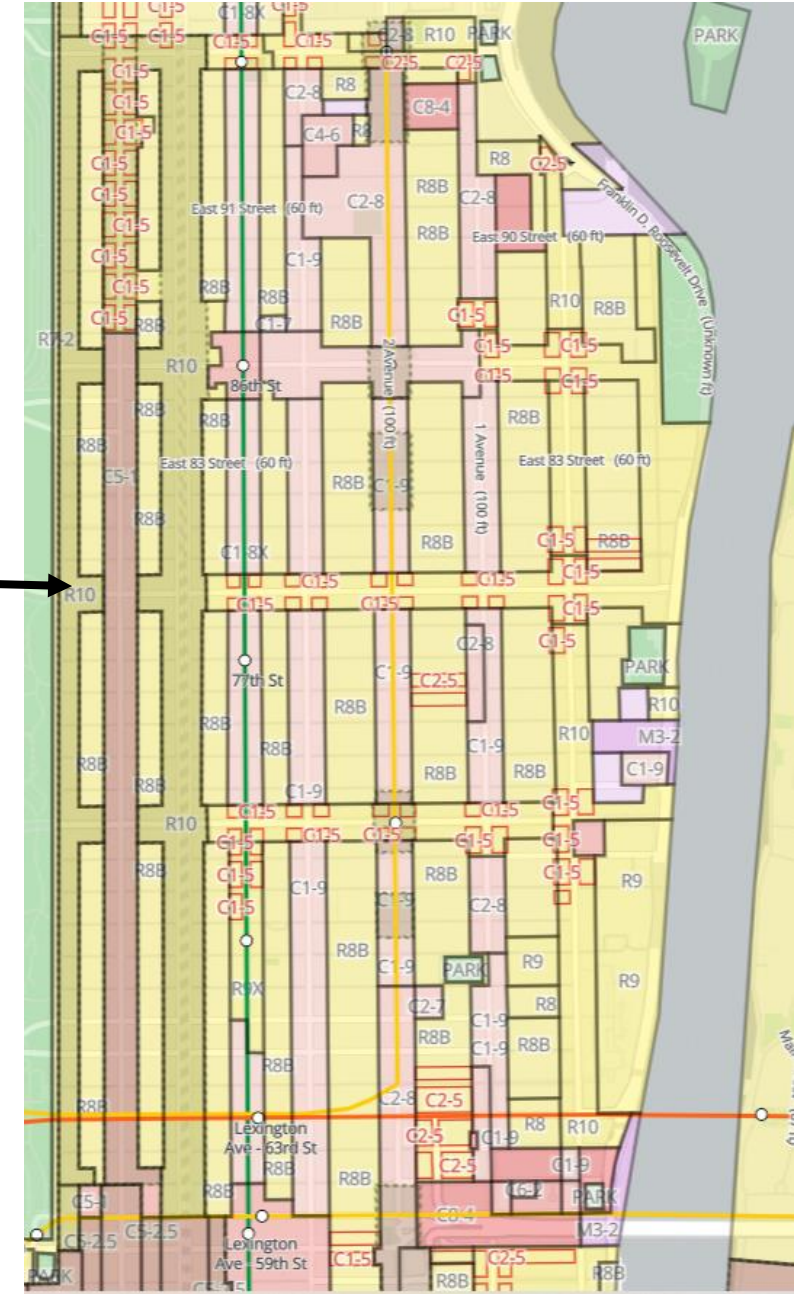


333 East 82<sup>nd</sup> Street has a parking garage for six cars

**Currently, the Fifth, Madison and Park Avenue special districts cannot use any zoning bonuses even for affordable housing**

- I have not heard that Zoning for Housing Opportunity will address this loophole

## All of Fifth, Madison and Park Avenues get no bonus for affordable housing



**If you have input to make on the proposals, you should make yourself heard, early and often!**

- Do not wait until ULURP!
- DCP has offered to come brief CB8 on these proposals
- If you have thoughts, develop them, and develop a dialogue with DCP
- They have said they want to hear from you early in the process. Take them at their word!



# Discussion



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