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**The City of New York**  
**Community Board 8 Manhattan**  
**Task Force on Residential Rezoning**  
**(previously Task Force on Converting Outdated Zones to Residential Use)**  
**Tuesday, December 12, 2023 - 6:30 PM**  
This meeting was conducted via Zoom

**MINUTES:**

**Board Members Present:** Adam Wald, Elizabeth Rose, Elizabeth Ashby, Michele Birnbaum, Ed Hartzog, Craig Lader, Judy Schneider,

Meeting was called to order at 6:32pm

1. Responses to Questions Posted at October Meeting:

Adam and Elizabeth presented responses from DCP to key questions posed at the October X Task Force Meeting. They had met with Azka Mohyuddin and Olivia Olmos from DCP in between meetings, who were also present at the meeting to listen. The questions were divided into two groups:

a. How MIH works:

- i. Affordable floor area is determined by the total **floor area** of the development, not the # of units; a minimum of 25% of the total floor area must be affordable; that said, DCP encourages a pro-rata share by unit type as well.
- ii. The total number of units built is determined by the developer; the specific # of units that make up the 25% (or more) dedicated to affordable housing is determined by the developer. The Community Board and/or DCP can influence, but cannot tell the developer specifically what to build.
- iii. Rents for affordable units are set by formula and tied to the Area Median Income (AMI). The presentation included a chart of the current rents for different unit sizes by bedroom count, for different percentages of AMI.

b. Rezoning Questions:

- i. Determining heights and densities: These are determined by the combination of available FAR, zoning rules, and developer choices. City of Yes proposes a maximum height of 355' for a UAP/MIH development in R10 districts. The purpose of this task force is to propose zoning densities for the subject blocks.
- ii. Success of other upzonings at generating the expected volume of affordable housing: To date most upzonings have been private applications, and thus have been very narrowly focused on individual developments; as a result, they have been very successful at generating the expected affordable housing. Larger scale rezonings have not yet developed the full potential volume envisioned, however any future development in these locations must comply with the MIH law.
- iii. DCP will investigate whether or not the MIH law applies to renovations of existing buildings. The intent of the law was to apply to any development of at least 12,500 residential sf and 10 or more units.
- iv. How does the private upzoning application for Block 1540 factor into the work of this task force? This application is in process and was conditionally approved by CB8 and subsequently approved by the Borough President.
- v. Individual proposals for upzoning cannot be paused while this task force pursues its work.

- c. Rezoning Process/Suggestions from DCP: The following represents key take-aways from the co-chairs' conversations with DCP about the rezoning process:
  - i. Identify the applicant – this can be CB8
  - ii. Determine the land use rationale and support
  - iii. DCP and MBP are looking at other M districts as rezoning options and agree they don't make sense on UES
  - iv. We should work with the community to identify needs and wants for rezoning, and should identify preliminary zoning options to meet those goals
  - v. Develop a pre-application statement and present to DCP, at which point DCP will provide input.
  - vi. Keep the focus narrow – don't try to do too much to increase chances of being successful
  - vii. Use "off the shelf" zonings rather than special district overlays
  - viii. The process typically takes 1-2 years.

## 2. Existing Conditions in the Yorkville Cluster

- a. The co-chairs presented a summary slide of the sizes of lots in the subject blocks in Yorkville, and identified the FAR needed for each lot size to achieve the minimum threshold for the lot to trigger the MIH law and require affordable units be built, either on-site (minimum of 25,000 sf) or require a contribution to an affordable fund or built elsewhere (minimum of 12,500 sf). We then compared these FARs to the FAR allowed in R8B, which is the typical mid-block zoning for most areas of the UES (all subject blocks in the Yorkville cluster are mid-block lots). For all lots narrower than 50 ft, R8B would NOT trigger mandatory ON SITE affordable housing. Zoning lot mergers or consolidations could result in on-site MIH, but to guarantee affordable housing on site, we would need a greater FAR than R8B for any lot narrower than 50 feet. The ultimate zoning proposal could be different for blocks that have different lot configurations.
  - A member of the public asked why these blocks would be zoned any differently than other UES mid-blocks. They want to avoid another 46-story tower.
  - A board member asked how we will prevent the loss of existing affordable housing (e.g., tenements) when we make it attractive to developers to tear down existing buildings in order to generate new affordable housing? We discussed the difference between affordable "little a" – meaning housing with either regulated rents or relatively lower market rate rents – and affordable "big a" – meaning income restricted housing. We also noted that many existing buildings are getting redeveloped without any action from the Community Board on rezoning. We need to be very mindful that a zoning action could impact existing residential units.
  - The co-chairs then presented data on the number of residential units and lot sizes on each individual block in the subject area.
  - A board member asked why these blocks were not zoned to R8B when that rezoning was done for most of the UES. We will need to research this as part of the land use rationale for a potential rezoning proposal.
  - There were questions about the Block 1540 rezoning that the Full Board considered at the November Land Use Committee.
  - Michelle Birnbaum suggested that, given the current climate and the apparent belief of City Planning that the only way to get affordable housing is to build tall buildings, the R10A zone might be an option we could live with, because it has a 210' height limit, while still providing an FAR bonus for affordable housing. We would know exactly what we are getting. Adam noted that under R10A, the height limit including the affordable bump is 235'. We agreed that a next step for the task force is to identify specifically what would be allowed under R10A in an MIH zone. Michelle also asked whether there was a minimum number of apartments per floor or other requirements for the number of apartments/how square footage

is allotted in an R10A building. A zone that provides some strong guidelines with height limits would limit the unintended consequences and would be “the next best thing” to being able to maintain the lower heights of R8B and/or existing buildings.

- A member of the public commented on the profound effect this task force’s actions would have on the subject neighborhood, and urged the task force to do more outreach to make local residents aware of the goals of the task force, as well as the lack of control we have over the ultimate outcomes.
- For the next meeting, the co-chairs will see if there are other residential zones available that have height limits as well as research on R10A.
- Elizabeth Ashby suggested that all contextual zones have height limits, and also noted the building on the NE corner of 86<sup>th</sup> and Lexington that is an R10A building that utilized a 20% inclusionary housing bonus and managed a large FAR and square footage at a height of 209’, so this is a great example of what can be achieved within the R10A and 210’ envelope.
- Another question for the task force to consider: should there be retail/commercial space at the base of the subject blocks, perhaps utilizing a commercial overlay, to create retail that would serve the community (e.g., small services, not big box). Current typical UES mid-block zoning does not allow for retail. The existing retail on side streets is mostly grandfathered. If these blocks are developed for greater residents, there may be a need for more retail, and more retail may make living in the area more affordable.

3. Name for the Committee

The chairs solicited suggestions for a better name for the Task Force that would be more compact and memorable. Comments included:

- “Outdated” is too judgmental and subjective.
- “Rezoning Task Force” – “Task Force” implies temporary, which is good.
- There was a suggestion that this task force become a sub-committee of the Zoning & Development committee and simply be an agenda item on their committee meeting.
- Another Board Member reminded the group that the resolution that created this Task Force specifically requested a separate Task Force.
- Name should talk about rezoning for affordable housing; the goal is larger than simply rezoning.
- “Zoning Innovation Committee” or “Modern Zoning Innovation”
- Whatever you choose is okay. Should be a separate committee from Zoning & Development. Any one item on their agenda could be a few hours. But meet on their day if they are not meeting.
- Task Force for Responsible Redevelopment

There being no further business the meeting was adjourned at 7:58 pm

**Respectfully submitted, Elizabeth Rose and Adam Wald, Co-Chairs.**