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**The City of New York  
Community Board 8 Manhattan**

August 12, 2024

Daniel R. Garodnick, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: City of Yes for Housing Opportunity**

Dear Chair Garodnick,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the Board approved, approved with conditions, and disapproved, as indicated below, the following resolutions with respect to application No.240290ZRY for a set of text amendments to the Zoning Resolution, which, collectively, are known as the City of Yes for Housing Opportunity proposal (“COYHO”):

**WHEREAS**, the proposals contained in COYHO, put forth by the Department of City Planning, represent the third of three sets of proposals designed to promote sustainability, support economic development and create affordable housing throughout the City of New York; and

**WHEREAS**, the primary aim of COYHO, as set forth by the Department of City of Planning is to promote a “little bit” of housing in every neighborhood; and

**WHEREAS**, the housing market study provided in COYHO’s DEIS showed that Community District 8 is unfortunately *first* among all New York City Community Districts in housing units *lost* during the period 2010-2024 but during the same period the District had substantial construction activity with developers often choosing to develop sites with large units rather than additional housing for our District; and

**WHEREAS**, the combination of (a) construction of such massive buildings with almost no additional housing, (b) the conversion of small tenements to single family homes, and (c) the combination of units in condos and coops, has left our district with substantial construction activity but destruction of housing, often affordable housing, and replacing it with some of the largest most expensive housing units in the world; and

**WHEREAS**, it has long been a primary goal of Community Board 8 Manhattan to help in the facilitation and creation of affordable housing in our district and elsewhere in the City of New York; and

**WHEREAS**, Community Board 8 Manhattan has conducted a comprehensive review and engaged in discussions with relevant city agencies regarding the COYHO zoning text amendment and engaged a land use and zoning expert to assist us in our review of COYHO; and

**WHEREAS**, COYHO comprises 15 components of varying impact levels and clarity, necessitating careful consideration; and

**WHEREAS**, Community Board 8 Manhattan noted that due to the limited review period, and the complexity of COYHO changes, many questions about different components of COYHO remain, causing reluctance and a hesitation on the part of many of our Board Members as to how best to express our views on the individual proposals, the overall proposal and the review process itself (e.g., although not called out in the proposals explicitly, COYHO proposes to reduce many long standing standards for residential development including, reduction of the rear yard from 30 feet to 20 feet, reduction of courtyard sizes, reduction of side yards and distances between buildings, an increase in maximum lot coverage, a closer placement of legal windows to the lot line, and the removal of height factor zoning, with none of the foregoing linked to the creation of affordable housing); and

**WHEREAS**, Community Board 8 Manhattan is concerned about the potential loss of Charter mandated community input and City Council review that the as of right nature of these COYHO proposals will establish; and

**WHEREAS**, Community Board 8 Manhattan reserves our right to continue to evaluate COYHO as it moves forward and to provide additional comment on the proposals as more information becomes available and the proposals evolve through the legislative process;

## **THE RESOLUTION FOR THIS APPLICATION IS DIVIDED INTO FIFTEEN PARTS:**

### **Part A – Proposal 1: Town Center Zoning**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part A** of this resolution by a vote of 25 in favor, 14 opposed, 3 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 1 would re-introduce buildings with ground floor commercial and two to four stories of housing above, in areas where this classic building form is banned under today's zoning resolution.

**THEREFORE, BE IT RESOLVED** that Part A of this application is **APPROVED** as presented.

### **Part B – Proposal 2: Transit-Oriented Development**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part B** of this resolution by a vote of 24 in favor, 16 opposed, 3 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 2 would allow modest, three-to-five story apartment buildings where they fit best: large lots within half a mile of subway or Rail stations that are on wide streets or corners.

**THEREFORE, BE IT RESOLVED** that Part B of this application is **APPROVED** as presented.

### **Part C – Proposal 3: Accessory Dwelling Units**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part C** of this resolution by a vote of 26 in favor (i.e., a disapproval), 16 opposed, 1 abstention, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 3 would permit accessory dwelling units such as backyard cottages, garage conversions, and basement apartments;

**WHEREAS**, the Proposal may result in a strain on infrastructure, with no proposed limitations on the number of ADUs per block or size of ADUs, and the unknown impact to surrounding properties,

**WHEREAS**, though this Proposal was primarily aimed at districts located other than in Manhattan it would enable substantial infill within the “donuts” with blocks in our district and elsewhere in Manhattan which are lined by low rise buildings, townhouses and brownstones, a unique and valued feature of many of our city blocks;

**THEREFORE, BE IT RESOLVED** that Part C of this application is **DISAPPROVED** as presented.

#### **Part D – Proposal 4: District Fixes**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part D** of this resolution by a vote of 26 in favor, (i.e., a disapproval), 15 opposed, 2 abstentions, and 0 not voting for cause.

**WHEREAS**, CPC stated this COYHO Proposal 4 would give homeowners additional flexibility to adapt their homes to meet their families’ needs; and

**WHEREAS**, “district fixes” increase the allowable densities in nearly all of the currently low density districts, and the Board was reluctant to tell other districts what allowable densities should be in their neighborhoods.

**THEREFORE, BE IT RESOLVED** that Part D of this application is **DISAPPROVED** as presented.

#### **Part E – Proposal 5: Universal Affordability Preference**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part E** of this resolution by a vote of 23 in favor, 16 opposed, 4 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 5 would allow buildings to add at least 20% more housing if the additional homes are permanently affordable, and

**WHEREAS**, this Proposal extends an existing rule for affordable senior housing to all forms of affordable and supportive housing.

**THEREFORE, BE IT RESOLVED** that Part E of this application is **APPROVED** as presented.

#### **Part F – Proposal 6: Lift Costly Parking Mandates**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part F** of this resolution by a vote of 26 in favor (i.e., a disapproval), 15 opposed, 1 abstention, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 6 would eliminate mandatory parking requirements for new buildings in boroughs other than Manhattan as well as Manhattan Community Districts 9 through 12,

**THEREFORE, BE IT RESOLVED** that Part F of this application is **DISAPPROVED** as presented.

## **Part G – Proposal 7: Convert Non-Residential Buildings to Housing**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part G** of this resolution by a vote of 31 in favor, 11 opposed, 1 abstention, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 7 would make it easier for underused, non-residential buildings, such as offices, to be converted into housing.

**THEREFORE, BE IT RESOLVED** that Part G of this application is **APPROVED** subject to the following conditions: (1) that a minimum of 20% of the square footage be reserved for affordable housing; and (2) set the eligibility date for conversions to a rolling date of 35 years from the date of the building's construction.

## **Part H – Proposal 8: Small and Shared Housing**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part H** of this resolution by a vote of 29 in favor, 14 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 8 would re-introduce housing with shared kitchens or other common facilities, and

**WHEREAS**, COYHO would eliminate strict limits on studios and one-bedroom apartments.

**THEREFORE, BE IT RESOLVED** that Part H of this application is **APPROVED** subject to the following conditions: that such housing only be permitted (1) as part of new construction or (2) in office-to-residential conversion projects, in each of the foregoing cases, which are designed to have 100% of the unit mix be small or shared units, as to prevent the unintended consequence of incentivizing conversion of existing multi-bedroom units to micro units.

## **Part I – Proposal 9: Campus Infill**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part I** of this resolution by a vote of 24 in favor (i.e., a disapproval), 19 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 9 would make it easier to add new housing on large sites that have existing buildings on them and already have ample space to add more (e.g., a church with an oversized parking lot); and

**WHEREAS**, the Board is concerned about the loss of community approval and the effect of such new housing on existing housing, loss of existing light and air and loss of quality of life for existing residents such as loss of park space, other community uses, and parking spaces;

**THEREFORE, BE IT RESOLVED** that Part I of this application is **DISAPPROVED** as presented.

## **Part J – Proposal 10: New Zoning Districts**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part J** of this resolution by a vote of 26 in favor (i.e., a disapproval), 11 opposed, 5 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 10 would create new Residence Districts requiring Mandatory Inclusionary Housing that can be mapped in central areas in compliance with state requirements and

**WHEREAS**, the Board is concerned about community approval.

**THEREFORE, BE IT RESOLVED** that Part J of this application is **DISAPPROVED** as presented.

#### **Part K – Proposal 11: Update to Mandatory Inclusionary Housing**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved with conditions **Part K** of this resolution by a vote of 32 in favor, 5 opposed, 4 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 11 would update the Mandatory Inclusionary Housing Program to allow the deep affordability option to be used on its own.

**THEREFORE, BE IT RESOLVED** that Part K of this application is **APPROVED** subject to the following conditions: (1) apply stronger affordability requirements to this Proposal; (2) change the way in which AMI bands are applied to MIH; and (3) require affordable housing be distributed through 100% of floors.

#### **Part L – Proposal 12: Sliver Law**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board disapproved **Part L** of this resolution by a vote of 22 in favor (i.e., a disapproval), 17 opposed, 1 abstention, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 12 would repeal the Sliver Law and allow narrow lots to achieve underlying Quality Housing heights in R7-R10 districts.

**THEREFORE, BE IT RESOLVED** that Part L of this application is **DISAPPROVED** as presented.

#### **Part M – Proposal 13: Quality Housing Amenity Changes**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part M** of this resolution by a vote of 22 in favor, 16 opposed, 2 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 13 would extend amenity benefits in the “Quality Housing” program to all multifamily buildings, and update to improve incentives for family-sized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space.

**THEREFORE, BE IT RESOLVED** that Part M of this application is **APPROVED** subject to the following conditions: Require new buildings to have trash rooms, mail rooms, delivery areas, laundry, and other infrastructure inside, and include these spaces in the 5% deduction, as the Proposal should not be used as a floor area bonus to provide elements that should be provided in any event.

## **Part N – Proposal 14: Landmark Transferable Development Rights**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved, with conditions, **Part N** of this resolution by a vote of 23 in favor, 16 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 14 would make it easier for owners of landmarks to sell unused development rights by expanding transfer radius and simplifying procedure.

**THEREFORE, BE IT RESOLVED** that Part N of this application is **APPROVED** subject to the following conditions: (1) require that only residential or community facility uses be eligible land uses for properties taking advantage of the expanded landmark development rights transfer radius; (2) require the inclusion of a mechanism for affordable housing for developments using the as-of-right landmark TDR; and (3) limit the amount of increase an eligible site can receive to 20% of their existing FAR.

## **Part O – Proposal 15: Railroad Right-of-Way**

At the Full Board meeting of Community Board 8 Manhattan held on July 17, 2024, the Board approved **Part O** of this resolution by a vote of 25 in favor, 14 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS**, COYHO Proposal 15 would simplify and streamline permissions for development involving former railroad rights of way.

**THEREFORE, BE IT RESOLVED** that Part O of this application is **APPROVED** as presented.

Please advise our office of any action taken on this matter, and we would be happy to answer any questions you may have.

Sincerely,

*Valerie S. Mason*

Valerie S. Mason  
Chair

cc: Honorable Kathy Hochul, Governor of New York  
Honorable Eric Adams, Mayor of the City of New York  
Honorable Mark Levine, Manhattan Borough President  
Honorable Jerry Nadler, 12th Congressional District Representative  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District  
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Keith Powers, NYC Council Member, 4th Council District  
Honorable Julie Menin, NYC Council Member, 5th Council District  
Honorable Diana Ayala, NYC Council Member, 8th Council District