



# **CITY OF YES FOR HOUSING OPPORTUNITY**

## **PROPOSED MODIFICATIONS TO THE ZONING RESOLUTION**

### **PROPOSAL #1 – MEDIUM AND HIGH DENSITY (R6-R10)**

**Community Board 8M**  
**Zoning and Development Committee**  
27 February 2024







The Proposed Action ... represents the initiatives and tools relating to zoning, land use regulation, and related laws...

The pervasive nature of the housing crisis calls for a citywide approach, with every neighborhood—from the lowest-density areas to the highest—doing its part to provide a broader range of housing opportunities for the people who call New York City home. Incremental changes across a wide geography can create a significant amount of housing and affordable housing without resulting in dramatic change that can tax infrastructure and that neighborhoods sometimes fear and resist. This is what the Proposed Action aims to accomplish.

While all neighborhoods must do their part, different neighborhoods call for different approaches.

Densities, building forms, and other regulations appropriate for central locations with the best access to jobs and transit may not work in neighborhoods farther from the core. With that in mind, the Proposed Action comprises a range of proposals designed to encourage more housing and affordable housing in the range of New York City neighborhoods. Among others, the Proposed Action includes proposals to provide more space for affordable and supportive housing in medium and high-density districts to bring back modest, contextual three- to five-story apartment buildings in transitional areas, and to allow homeowners in NYC's lowest density areas to add a small accessory dwelling unit (ADU), if they choose.

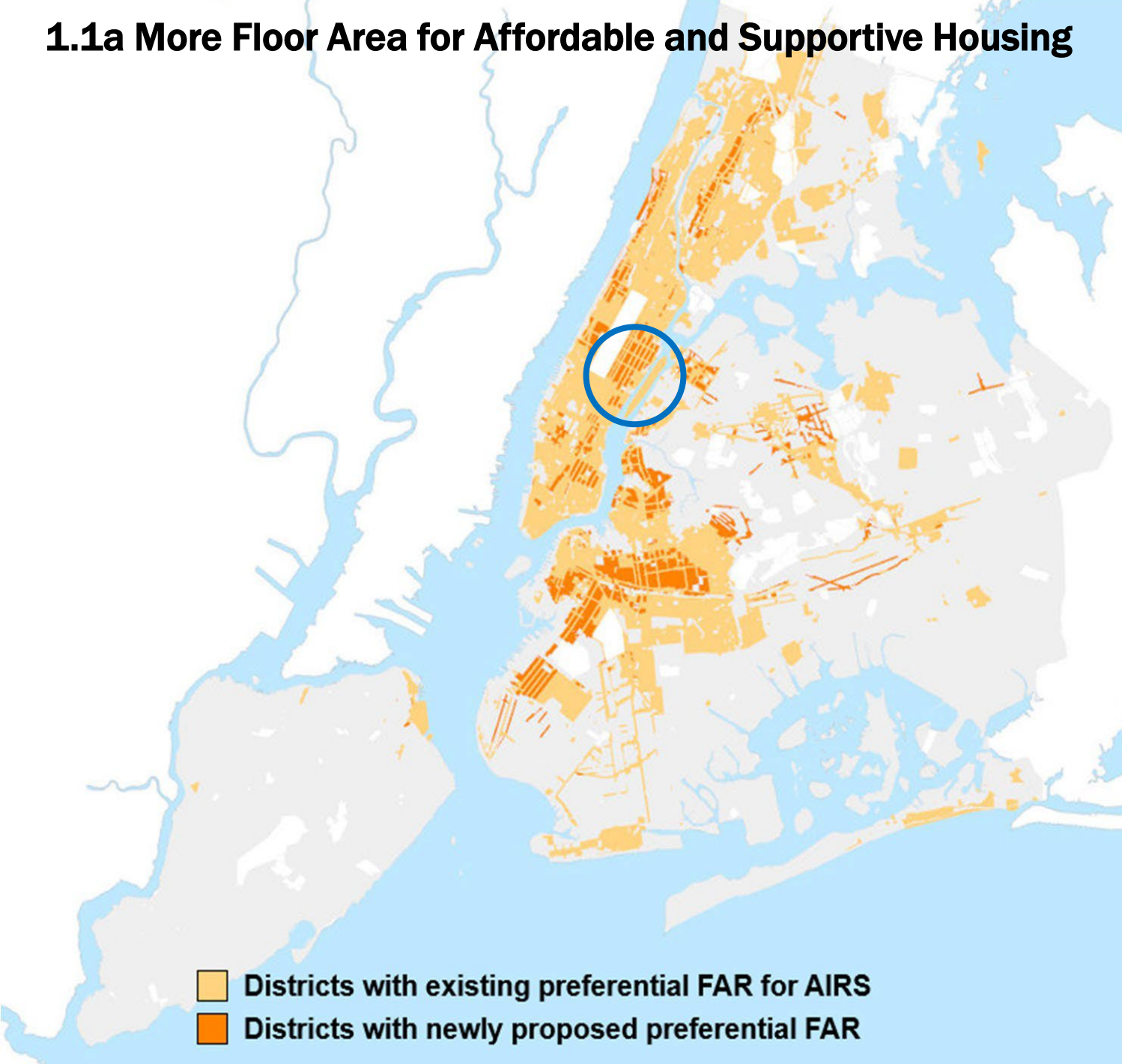
## 1: Medium and High-Density (R6-R10) Proposals

Medium- and high-density districts (R6 through R10) are typically mapped in areas where transit access, job access, infrastructure, and other factors make such densities appropriate... The Proposed Action would increase housing opportunities in these areas by increasing affordable and supportive floor area ratios (FARs) in all medium- and high-density districts; expanding eligibility for the City's adaptive reuse regulations to a broader range of buildings, such as in struggling office districts; enabling small and shared apartment models to take pressure off family-sized units; and simplifying infill regulations for campuses and other zoning lots with existing buildings.

- › 1.1b: For districts without an existing preferential FAR for AIRS or where the AIRS preference is small, provide a new preferential FAR for AIRS and other affordable and supportive housing types that is 20 percent above the FAR for market-rate residential;
- › 1.1c: Replace IHDA and R10 IH with the preferential FAR framework and harmonize with;
- › 1.1d: Where necessary, adjust building envelopes to accommodate permitted FAR;
- › 1.1e: Allow supportive housing to be classified as either Use Group (UG) 2 or UG 3; and
- › 1.1f: Modify the ZR 74-903 Special Permit to an Authorization for supportive housing.

Overall, this component of the Proposed Action seeks to simplify and rationalize the approach to FARs for AIRS and other forms of affordable and supportive housing and provide a consistent preference for these critical uses for each zoning district across the current patchwork of zoning geographies.

## 1.1a More Floor Area for Affordable and Supportive Housing



### 1.1a:

For districts with an existing preferential FAR for AIRS, hold market-rate FAR constant while increasing FARs for all forms of affordable and supportive housing to the higher AIRS FAR—this is referred to as the “Universal Affordability Preference” (UAP) framework.

In most medium- and high-density districts throughout New York City, affordable independent residents for seniors (AIRS) get a higher FAR than other residential uses and supportive housing, which is classified as a community facility use. At its core, this proposal seeks to increase FARs for affordable and supportive housing to the higher FAR allocated to AIRS while holding maximum FARs for market-rate housing constant.

1.1b Provide New Preferential FAR for AIRS

In medium- and high-density districts that that do not allocate a higher FAR to AIRS (such as R8B) or that allocate only a small preference (such as R6B), the proposal will provide a new preferential FAR

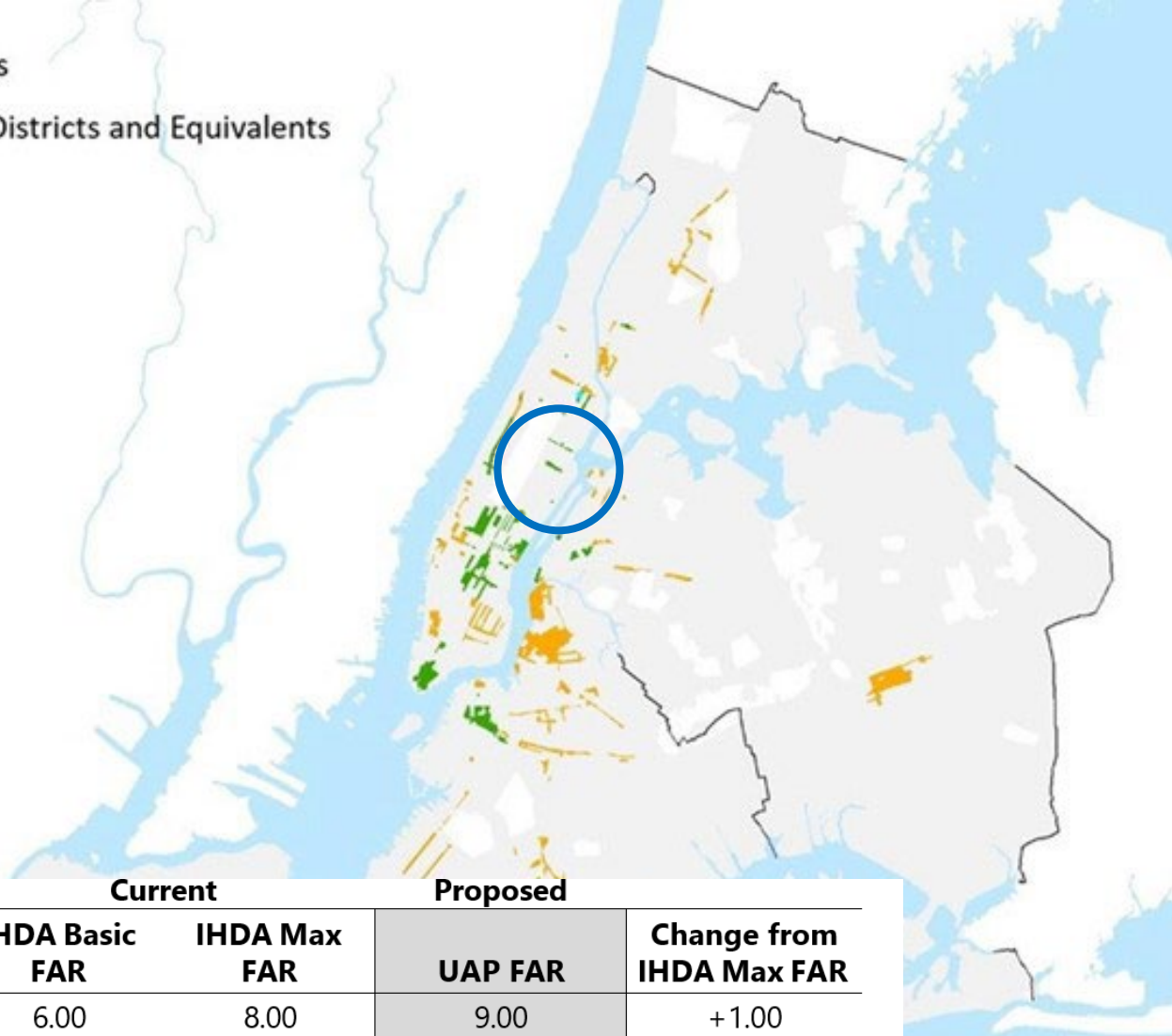
for AIRS and other forms of affordable and supportive housing of 20 percent above the FAR for market-rate residential uses. This 20 percent preference is consistent with the preference that inclusionary housing and various other zoning bonuses provide above standard residential FARs in medium- and high-density districts under the existing zoning framework.

	Current		Proposed		
	Basic FAR	AIRS FAR	UAP FAR	Change from AIRS FAR	Affordable increment
R6B	2.00	2.20	2.40	+0.20	0.40
R6 narrow	2.20	3.90	3.90	0.00	1.70
R6 wide outside of MN Core	3.00	3.90	3.90	0.00	0.90
R6A	3.00	3.90	3.90	0.00	0.90
R7 narrow or in MN Core	3.44	5.00	5.00	0.00	1.56
R7 wide outside MN Core	4.00	5.00	5.00	0.00	1.00
R7A	4.00	5.00	5.00	0.00	1.00
R7B	3.00	3.90	3.90	0.00	0.90
R7D	4.20	5.60	5.60	0.00	1.40
R7X	5.00	6.00	6.00	0.00	1.00
R8B	4.00	4.00	4.80	+0.80	0.80
R8 wide outside MN Core	7.20	7.20	8.70	+1.50	1.50
R8 narrow or in MN Core	6.00	7.20	7.20	0.00	1.20
R8A	6.00	7.20	7.20	0.00	1.20
R8X	6.00	7.20	7.20	0.00	1.20
R9	7.50	7.50	9.00	+1.50	1.50
R9A	7.50	7.50	9.00	+1.50	1.50
R9X	9.00	9.70	10.80	+1.10	1.80
R9D	9.00	10.00	10.80	+0.80	1.80
R10	10.00	12.00	12.00	0.00	2.00
R10A	10.00	12.00	12.00	0.00	2.00
R10X	10.00	12.00	12.00	0.00	2.00



 IHDA's

 R10 Districts and Equivalents



**1.1c:**

To streamline New York City’s residential zoning and significantly expand opportunities for affordable housing at a wider variety of lower incomes, the Proposed Action would replace the Inclusionary Housing Designated Areas (IHDA) and R10 Inclusionary Housing (R10 IH) programs with the preferential zoning framework described above. The current IHDA and R10 programs require affordable housing at 80% AMI and do not permit income-averaging, meaning that all affordable units must be at 80% AMI. Replacing IHDA and R10 IH with this framework will increase FARs for affordable and supportive housing while enabling income averaging and lower AMIs than the current IHDA and R10 IH programs.

The Proposed Action would also extend this preferential FAR framework to Special Districts and other geographies with medium- and high-density residential zoning... Where necessary, the Proposed Action would adjust this framework to accommodate essential planning goals embedded in those Special Districts.

	Current		Proposed	
	IHDA Basic FAR	IHDA Max FAR	UAP FAR	Change from IHDA Max FAR
R9	6.00	8.00	9.00	+1.00
R9A	6.50	8.50	9.00	+0.50
R9X	7.30	9.70	10.80	+1.10
R9D	7.50	10.00	10.80	+0.80
R10	9.00	12.00	12.00	+0.00
R10A	9.00	12.00	12.00	+0.00
R10X	9.00	12.00	12.00	+0.00

## 1: Medium and High-Density (R6-R10) Proposals

The Proposed Action would increase housing opportunities in these areas by increasing affordable and supportive floor area ratios (FARs) in all medium- and high-density districts; expanding eligibility for the City's adaptive City of Yes for Housing Opportunity ... to a broader range of buildings...

The Medium- and High-Density proposals consist of project components that primarily affect housing capacity and housing types in R6 through R10 districts and their Commercial District equivalents.

**1.1: More Floor Area for Affordable and Supportive Housing...**, the **Proposed Action would increase FAR for all forms of affordable and supportive housing in all medium and high-density districts.** This would be achieved through the following components:

**1.1a:** For districts with an existing preferential FAR, hold market-rate FAR constant while increasing FARs for all forms of affordable and supportive housing to the higher AIRS FAR—this is referred to as the “Universal Affordability Preference” (UAP) framework;

**1.1b:** For districts without an existing preferential FAR ..., provide a new preferential FAR for ...affordable and supportive housing types that is **20 percent above the FAR for market-rate residential;**

**1.1c:** ...

**1.1d:** Where necessary, **adjust building envelopes to accommodate permitted FAR;**

**1.1e:** **Allow supportive housing to be classified as either Use Group (UG) 2 or UG 3;** and

**1.1f:** Modify the ZR 74-903 Special Permit to an Authorization for supportive housing... Together, these aspects of the Proposed Action would facilitate more housing and affordable or supportive housing on development sites throughout medium- and high-density districts, helping to address the housing shortage and creating additional affordable housing in neighborhoods throughout New York City.

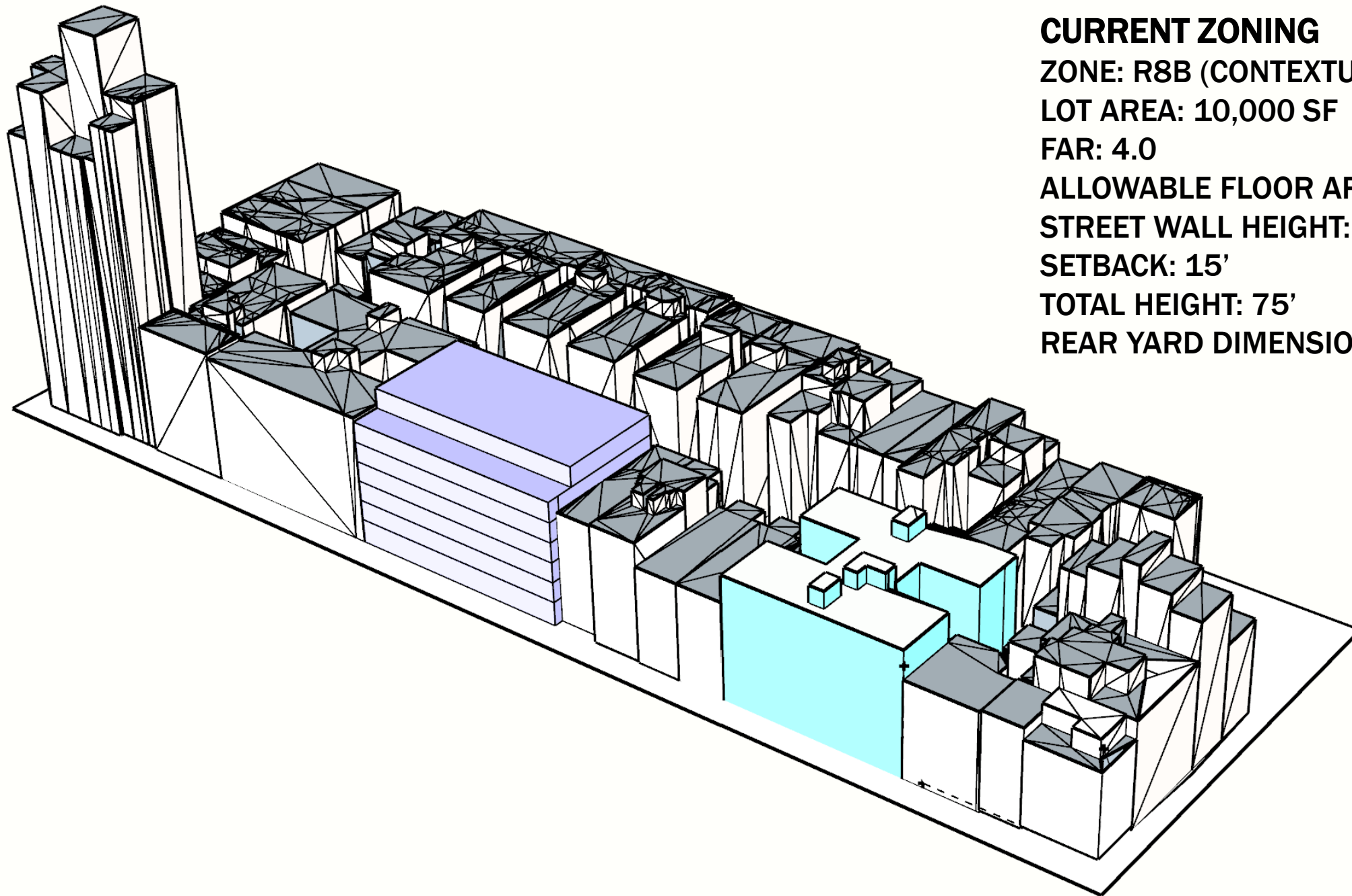


## 1.1d Adjust Building Envelopes

Continuing the work of the 2016 Zoning for Quality and Affordability (ZQA) text amendment, the Proposed Action would provide building envelopes sufficient to accommodate the FAR permitted for developments with AIRS and other forms of affordable and supportive housing in all zoning districts.

Developments would need to provide a minimum percentage of UAP affordability to qualify for the larger building envelopes. The proposed envelopes include a measure of flexibility to ensure that they remain sufficient for a range of non-standard sites and to allow for architectural expression and avoid the flat buildings that result from overly restrictive envelopes. In many instances, these envelopes must also account for existing deficiencies in building envelopes that resulted from inconsistent approaches in the past.

	Current		Proposed			
	Base Height	Max Height	Base Height	Additional Height	Max Height	Additional Height
R6B	45	55	45	0	65	+10
R6 narrow	65	85	65	0	95	+10
R6 wide outside of MN Core	65	85	65	0	95	+10
R6A	65	85	65	0	95	+10
R7 narrow or in MN Core	75	95	85	+10	115	+20
R7 wide outside MN Core	75	105	85	+10	115	+10
R7A	75	95	85	+10	115	+20
R7B	65	75	65	0	95	+20
R7D	95	115	95	0	125	+10
R7X	105	145	105	0	145	0
R8B	65	75	85	+20	105	+30
R8 wide outside MN Core	105	145	125	+20	175	+30
R8 narrow or in MN Core	105	145	105	0	145	0
R8A	105	145	105	0	145	0
R8X	105	175	105	0	175	0
R9 narrow	125	165	135	+10	185	+20
R9 wide	125	175	135	+10	185	+10
R9A narrow	125	165	135	+10	185	+20
R9A wide	125	175	135	+10	185	+10
R9X narrow	145	195	155	+10	215	+20
R9X wide	145	205	155	+10	215	+10
R10 narrow	155	215	155	0	235	+20
R10 wide	155	235	155	0	235	0
R10A narrow	155	215	155	0	235	+20
R10A wide	155	235	155	0	235	0



## **CURRENT ZONING**

**ZONE: R8B (CONTEXTUAL ZONING)**

**LOT AREA: 10,000 SF**

**FAR: 4.0**

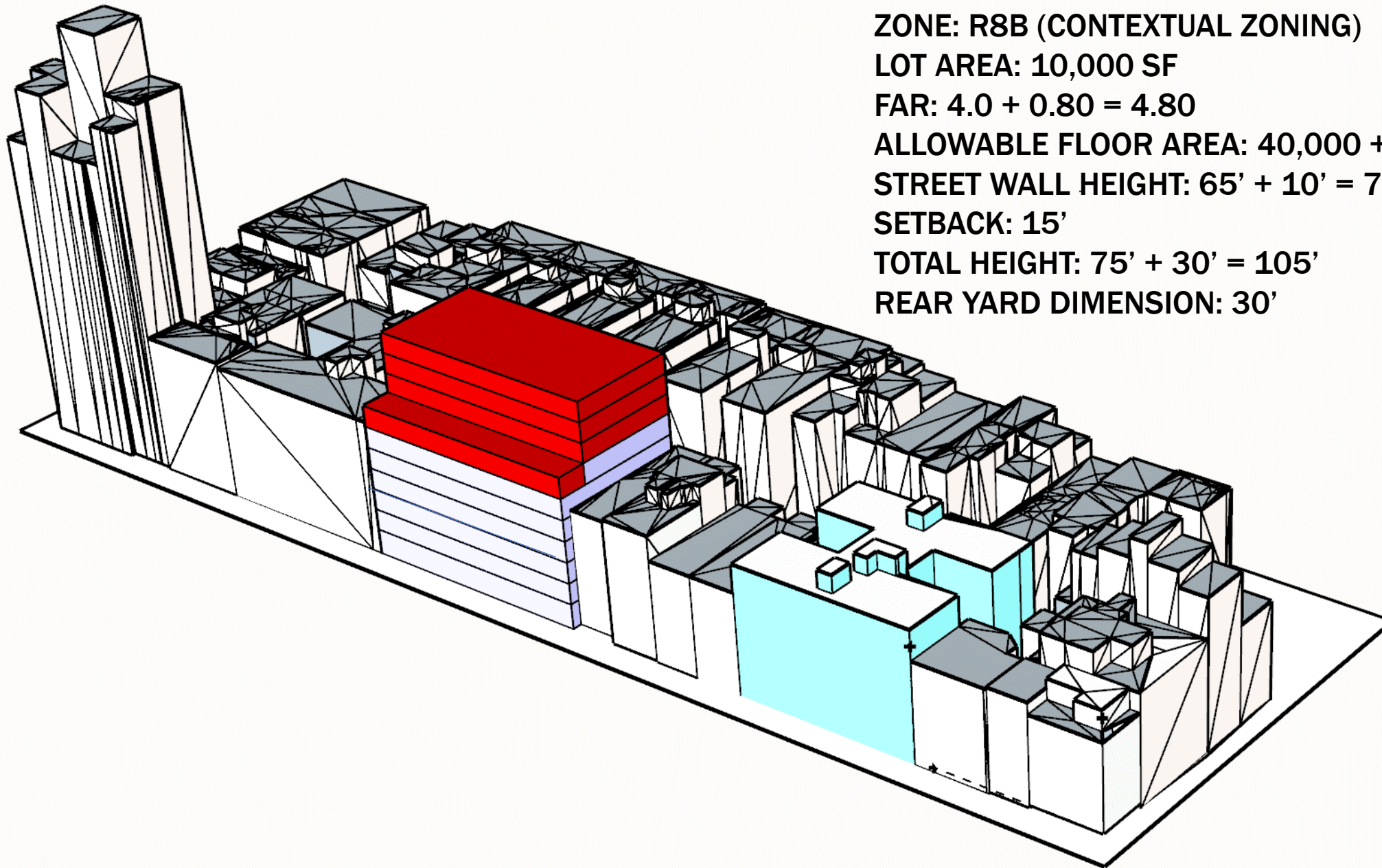
**ALLOWABLE FLOOR AREA: 40,000 SF**

**STREET WALL HEIGHT: 65'**

**SETBACK: 15'**

**TOTAL HEIGHT: 75'**

**REAR YARD DIMENSION: 30'**



## **PROPOSED ZONING**

**ZONE: R8B (CONTEXTUAL ZONING)**

**LOT AREA: 10,000 SF**

**FAR:  $4.0 + 0.80 = 4.80$**

**ALLOWABLE FLOOR AREA:  $40,000 + 8,000 = 48,000$  SF**

**STREET WALL HEIGHT:  $65' + 10' = 75'$**

**SETBACK: 15'**

**TOTAL HEIGHT:  $75' + 30' = 105'$**

**REAR YARD DIMENSION: 30'**



### 1.1e: Allow supportive housing to be classified as either UG 2 or UG 3

Today, AIRS and other forms of affordable housing are classified as Use Group 2 Residential while supportive housing is typically classified as a Use Group 3 Community Facility use, known as philanthropic or non-profit institutions with sleeping accommodations (NPISA). To provide additional flexibility to supportive housing, the Proposed Action would enable this critical use to be classified as either Use Group 2 Residential or NPISA. This would ensure that supportive housing can retain the advantages provided to NPISAs in some districts today while also accessing the advantages afforded to residential uses in other districts.

### 1.1f: Modify the ZR 74-903 Special Permit to an Authorization for supportive housing.

Today in certain non-contextual districts—specifically, R6, R7-2, and R9—NPISAs can achieve a higher FAR than AIRS via a ZR 74-903 special permit. The Proposed Action would retain the higher FARs in these districts while reducing the required action from a special permit, which requires the full, seven-month Uniform Land Use Review Procedure (ULURP), to an authorization, which gets referred to the affected Community Board and then voted on by the CPC, typically within three months. This change would make it easier for supportive housing projects to access a higher FAR where available while retaining the discretionary review that ensures a higher FAR and the resulting bulk are appropriate.

	Basic FAR	UAP FAR	Community Facility FAR	Additional FAR Available Through Authorization
R6 narrow	2.20	3.90	4.80	0.90
R6 wide	3.00	3.90	4.80	0.90
R7-2 narrow or in MN Core	3.44	5.00	6.50	1.50
R7-2 wide outside MN <u>core</u>	4.00	5.00	6.50	1.50
R9	7.50	9.00	10.00	1.00

- › **1.2a: Eliminate DUF within the Inner Transit-Oriented Development Area (including the Manhattan core);**
- › **1.2b: Reduce and simplify DUF outside the Inner Transit-Oriented Development Area;**
- › **1.2c: Eliminate DUF within one- and two-family buildings; and**
- › **1.2d: Remove zoning obstacles to small and shared housing models for affordable, supportive, and privately financed projects.**

**These initiatives can help to fill gaps in the current housing market by returning to housing types that have served New Yorkers well in the past.**

**Dwelling Unit Factor (DUF) limits the number of dwelling units on a zoning lot. For developments that use all available floor area, DUF functions as a minimum average unit size that effectively mandates the addition of two-, three-, or more bedroom apartments in new developments. If a development provides smaller units, such as studios, it must also provide larger units, such as two- or three-bedroom units, to meet the minimum average unit size.**

 Eliminate Dwelling Unit Factor  
 Reduce and Simplify Dwelling Unit Factor



### **1.2a: Eliminate Dwelling Unit Factor Within the Inner Transit-Oriented Development Area (Including the Manhattan Core)**

Within the Inner Transit-Oriented Development Area, the Proposed Action would eliminate DUF, thereby removing from the Zoning Resolution controls on the maximum number of dwelling units. Unit size would be determined by the combination of other relevant regulations, such as room size limits, in the Building Code, Housing Maintenance Code, and Multiple Dwelling Law, as well as market demand. In these areas with excellent access to transit, developers who wish to may develop projects consisting entirely of smaller units that accommodate the pronounced trend in New York City toward smaller household sizes.



**1.2b: Reduce and Simplify Dwelling Unit Factor Outside the Inner Transit-Oriented Development Area**

Outside the Inner Transit-Oriented Development Area, the Proposed Action would reduce and simplify DUF, equalizing the DUF in all districts to 500 (see [Table 5](#)). Developments would remain subject to use regulations that limit developments to one and two dwelling units, respectively, in one- and two-family districts.

In low-density districts, DUF is a main obstacle to development of two-family houses in two-family districts and small apartment buildings in districts that allow multiple dwellings. Reducing these obstacles is key to enabling these districts to produce the building types nominally allowed today.

**1.2c: [Low Density] Eliminate Dwelling Unit Factor within One- and Two-Family Buildings**

In one- or two- family buildings, DUF is redundant with other controls on density, including maximum number of units in one- or two-family districts. The Proposed Action would eliminate the applicability of DUF for these building types.

**1.2d: Remove Zoning Obstacles to Rooming Units and Shared Housing Models**

In conjunction with adjustments to the regulation of rooming units in the Building Code and Housing Maintenance Code, among other provisions, the Proposed Action would remove obstacles to rooming units and shared housing models in the zoning resolution. The Proposed Action would remove the ban on rooming units in low-density districts and in the adaptive reuse regulations in Article I, Chapter 5.

	Current DUF	Proposed DUF	Change
R1, R2, R3-1, R3A, R3X, R4-1, R4B, R4A, R5A	--	500	--
R3-2, R4	870	500	-370
R4 <sup>1</sup> , R5 <sup>1</sup> , R5B	900	500	-400
R5, R5D	760	500	-260
R5B <sup>2</sup>	1,350	500	-850
R6, R7, R8, R9, R10	680	500	-180

<sup>1</sup> For residences in a predominantly built-up area

<sup>2</sup> For zoning lots with less than 40 feet of street frontage and existing on the effective date of establishing such districts on the zoning maps

### **1.3: Eliminate Obstacles to Quality Housing Development**

The Proposed Action would make changes to height and setback regulations to encourage greater predictability in non-contextual districts and reduce the unnecessary complexity produced by outdated height factor regulations.

Height factor regulations are a complicated legacy of the 1961 Zoning Resolution that have been largely but not entirely supplanted by the introduction of Quality Housing and contextual zoning districts beginning in the 1980s...Incompatibility between height factor regulations and contextual districts can render sites with significant remaining floor area and open space undevelopable.

Height factor regulations were created to facilitate superblock-scale redevelopment projects like Stuyvesant Town, an “Urban Renewal” approach that fell out of favor... Since 2000, almost all housing development in non-contextual districts has followed the Quality Housing regulations, which are an option within all non-contextual districts. Nonetheless, existing zoning poses ongoing challenges to Quality Housing development in certain circumstances that the Proposed Action would address.

The Proposed Action would:

- › **1.3a: Remove obstacles to Quality Housing development on sites with existing buildings (campus);**
- › **1.3b: Remove obstacles to Quality Housing development on irregular lots and lots where development is challenged by nearby infrastructure and other obstructions (additional height in non-contextual zones);**
- › **1.3c: Provide more flexible envelopes in Waterfront Areas to enable a broader range of development, including affordable housing;**
- › **1.3d: Eliminate the “sliver law” for developments that utilize Quality Housing regulations, regardless of district; and**
- › **1.3e: Create a discretionary action for sites in non-contextual districts where obstacles to Quality Housing development remain.**

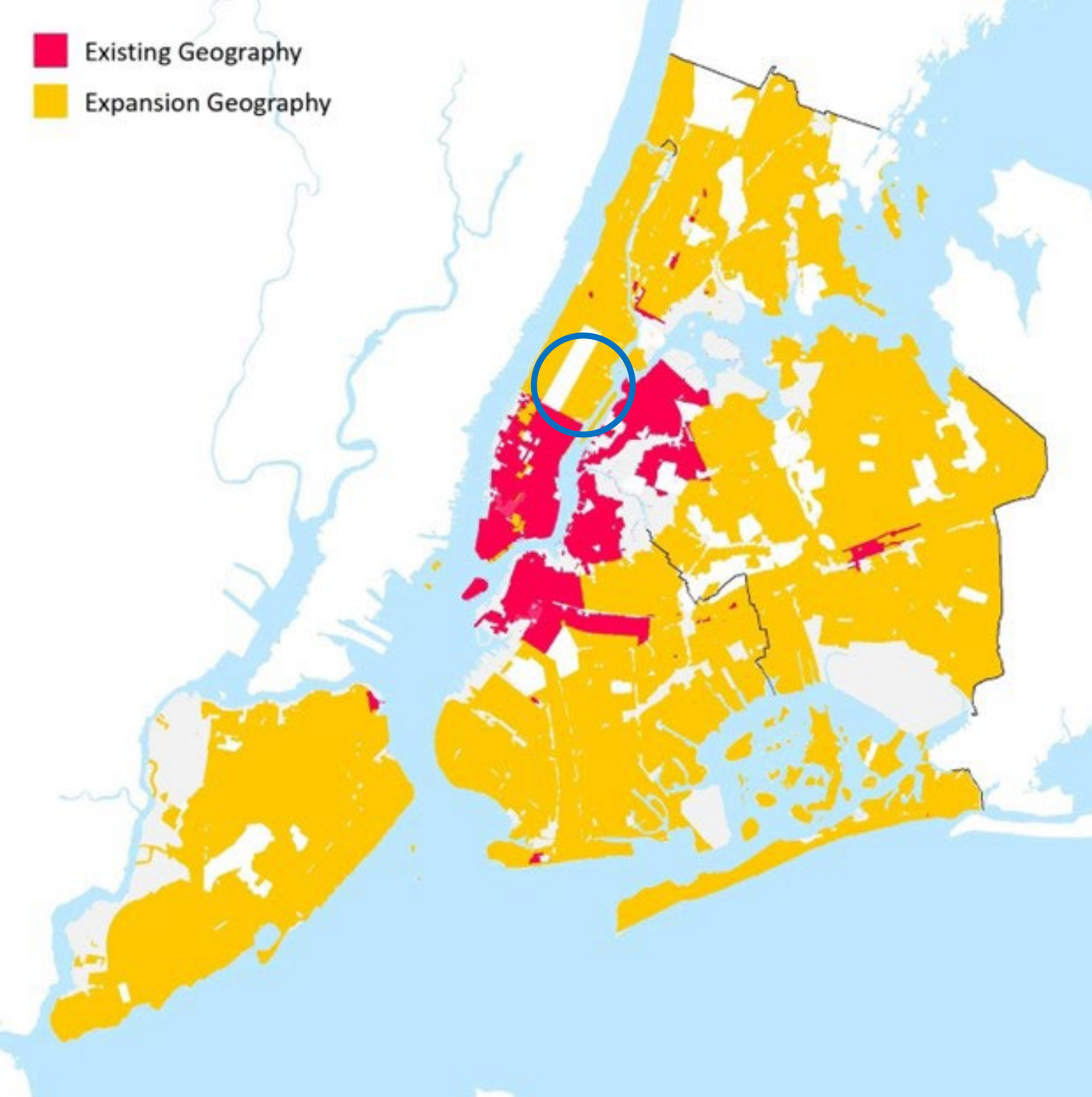
### **1.3d: Eliminate the “Sliver Law” for Quality Housing Developments, Regardless of District**

The ‘sliver law’ was established in 1983 to limit tall, narrow buildings in neighborhoods with strong street wall continuity. For zoning lots in R7-2, R7D, R7X, R8, R9, and R10 Residence Districts and equivalents with a width of less than 45 feet, this provision limits the height of the building to the width of the street or 100 feet, whichever is less. These provisions, which are set forth in Section 23- 692, Height limitations for narrow buildings or enlargements, represented attempts to ensure predictable development in areas with strong neighborhood character in the era prior to contextual zoning.

The establishment of Quality Housing and contextual zoning districts in 1987, and their widespread mapping since, have largely rendered sliver law provisions outdated, redundant, and irrelevant in many areas. Historically, it has prevented sites from participating in the city’s Inclusionary Housing programs; going forward, it would prevent sites from participating in the UAP framework, resulting in entirely market-rate developments on sites that could otherwise provide affordable housing.

The Proposed Action would eliminate the sliver law in contextual districts and for developments utilizing the Quality Housing option in non-contextual districts to enable these sites to accommodate the amount of housing and affordable housing allowed by allotted FARs. Eliminating the sliver law would give zoning lots access to the underlying Quality Housing regulations.





### **1.4b: Expand Geographic Applicability of the Adaptive Reuse Regulations Citywide**

Currently, the City's adaptive reuse regulations apply primarily in the city's largest and most central business districts. The Proposed Action would expand the applicability of these regulations citywide.

Beyond commercial districts, this would enable Community Facility buildings, such as former schools, churches, convents or monasteries, and the like, to convert to residential use.

### **1.4c: Enable Conversions to a Wider Variety of Housing Types**

The existing adaptive reuse framework allows conversion to “dwelling units” only—that is, units that are classified as Use Group 2 and have full cooking and sanitary facilities. Conversion to Use Group 2 “rooming units,” which lack full cooking and/or sanitary facilities, or to Community Facility uses with sleeping accommodations, such as supportive housing and dormitories, is explicitly prohibited.

As part of an effort to encourage a wider variety of housing types to serve the diverse needs of families and households, the Proposed Action would enable conversion to rooming units and Community Facilities with sleeping for the first time, as permitted by other relevant bodies of law such as the Housing Maintenance Code.

### **1.4d: Eliminate Outdated Restrictions on Conversions in C6-1G, C6-2G, C6-2M and C6-4M Districts**

Currently, a small subset of commercial districts prohibits residential uses not because of any inherent use conflicts, as in C8 districts, but rather as an attempt in the 1980s to preserve certain commercial and light industrial uses in the face of a changing economy. These uses are largely gone. The effort to restrict conversions in these areas is outdated and has led to the rise of informal and unlawful residential uses that should be legalized and formally regulated.

The Proposed Action would remove these restrictions in C6-1G, C6-2G, C6-2M and C6-4M districts, **none of which are in CD8M**. The Department of City Planning will work with the Department of Housing Preservation and Development and other sister agencies to minimize disruption to existing residents of informal housing in these areas.