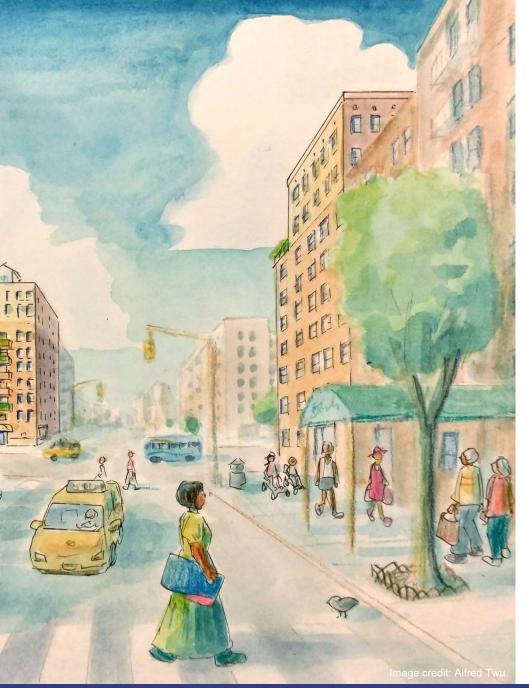
city of **yes** 

city of diversity city of affordability city of neighbors city of housing opportunity city of families





#### Overview

# **City of Yes for Housing Opportunity**

This **citywide text amendment** would make it possible to build **a little bit more housing** in every neighborhood

"A little more housing in every neighborhood" means we can make a big impact on the housing shortage without dramatic change in any one neighborhood







# Why do we need more housing in New York City?

New York City faces a severe housing shortage that makes homes scarce and expensive:

- The apartment vacancy rate is 1.41% the lowest since 1968. 2.33% of Manhattan rental apartments are vacant
- Over 50% of renters are "rent burdened," meaning they spend over 30% of income on rent
- 92,879 homeless New Yorkers, including 33,399 children, slept in the shelter system on a given night in December 2023







#### Overview

# New York City is not building enough housing to meet New Yorkers' needs

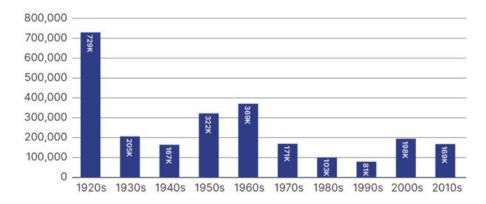
New York City is creating far less housing than it used to, and less than other major metropolitan areas

 At the same time, average household size is declining so we need more homes to house people

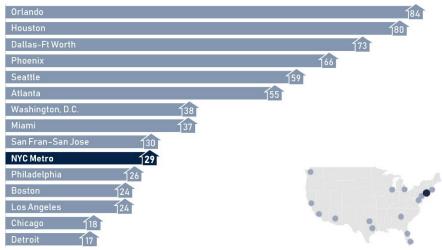
The housing shortage is due in part to restrictive zoning rules that limit the number and types of homes that can be built

#### New York City is producing less housing than it used to

New Housing Production by Decade



#### ... and less than other major metropolitan areas



#### Housing Units Permitted per 1,000 Residents (2022), 2013 to 2022 Source: U.S. Census Bureau BPS Annual Files: NYC DCP Housing Database v2204; U.S. Census Bureau Population Estimates Program (PEP) 2022 Vintage; U.S. Census Bureau Delineation Files





#### Overview

# Zoning is one tool to address NYC's housing shortage

# Zoning regulates the density and use of what is permitted to be built

- Zoning can include requirements for incomerestricted affordable housing
- Zoning does not directly build or fund new housing
- Zoning is within the city's control

#### Other tools to support housing include:

- Subsidies and tax incentives to create and preserve affordable housing
- Support for homeownership models
- Tenant protections



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#### Housing Opportunity

## **Proposal overview**

#### Low-density proposals

- Allow for "missing middle" housing, including town center zoning and transit-oriented apartment buildings
- Help homeowners by providing additional flexibility and allowing accessory dwelling units

#### Medium- and high-density proposals

Create a Universal Affordability Preference

#### **Parking proposals**

• Lift costly parking mandates for new housing

Other citywide actions to enable conversions, small and shared apartments, and infill

Low-density (R1-R5)



Medium- and high-density (R6-R10)











## **Overview**

Due to restrictive zoning, most low-density areas have stopped building new homes, contributing to our city's housing shortage

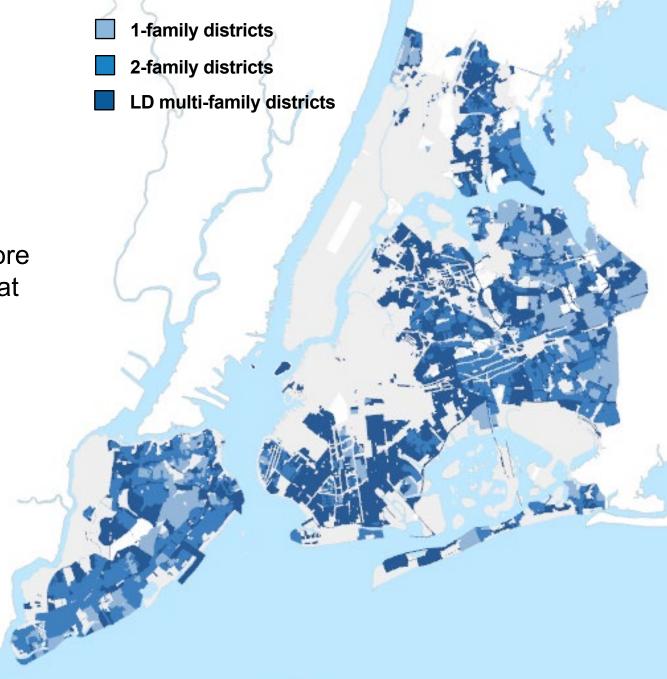
 We want to allow for the creation of a little more housing across low-density areas, in ways that won't impact neighborhood look and feel



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Modest apartment buildings exist across low-density neighborhoods but could not be built today







#### Low-density areas

## **Town center zoning**

# Relegalize housing above businesses on commercial streets in low-density areas

 New buildings would have 2-4 stories of residential above a commercial ground floor, mirroring existing buildings



 $\ensuremath{\mathbb{C}}$  New York City Economic Development Corporation, 2023







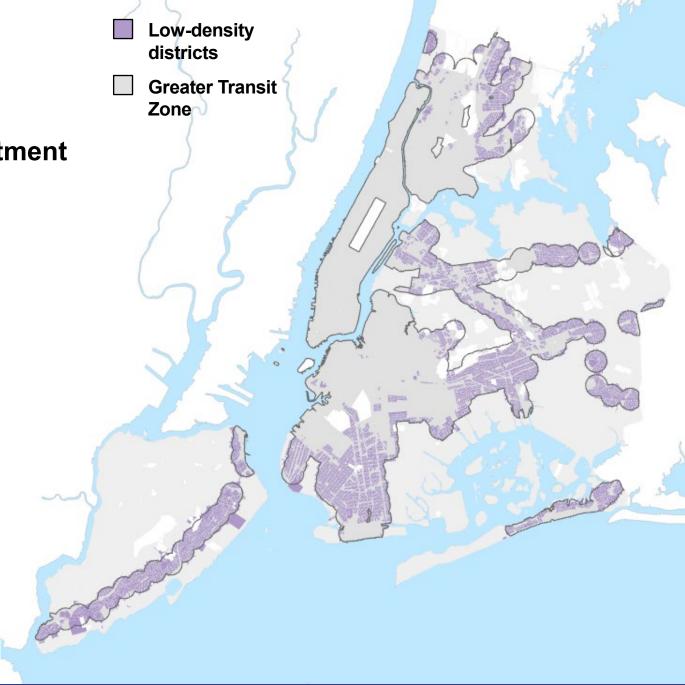
# **Transit-oriented development**

# Allow modestly-sized, transit-oriented apartment buildings in low-density residence districts

- Sites must be:
  - near transit,
  - over 5,000 square feet
  - on the short end of the block or facing a street over 75 feet wide
- Buildings will be 3-5 stories



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## **Help homeowners**

# Allow 1- or 2-family homes to add a small accessory dwelling unit (ADU)

- ADUs provide important housing options for small households in low-density areas
- ADUs give multi-generational families more space and help homeowners pay for household expenses
- Many other cities have already legalized ADUs and experienced these benefits

Legalizing existing basement ADUs is not only a matter of zoning and would require changes to other state and local laws



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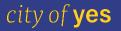
#### Low-density areas

## **Help homeowners**

#### Adjust FAR, perimeter heights, yards, and other rules to provide flexibility for homeowners

- Many older homes are out of compliance, blocking homeowners from adapting their homes to meet their family's needs
- These changes will enable 2-family and multi-family buildings in districts that already permit them





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# Medium-and High-density



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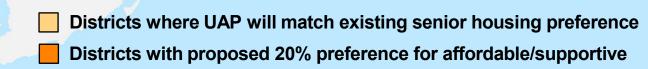


Today, most zoning districts allow affordable senior housing to be about 20% bigger than other buildings

 UAP would expand this framework to all forms of affordable and supportive housing, making it easier to build affordable housing in every medium- and high-density district

This proposal would also create a 20% bump for affordable and supportive housing in districts that don't have a senior housing preference today

 Some districts will also receive height increases so that it's feasible for UAP buildings to fit their allowed square footage





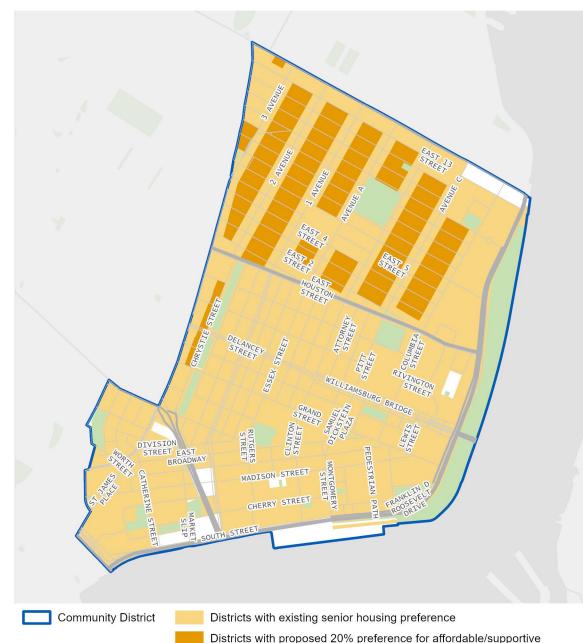


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 Some districts will also receive height increases so that it's feasible for UAP buildings to fit their allowed square footage Manhattan CD 03



city of **yes** 



UAP will have an affordability requirement of 60% AMI

 Area Median Income (AMI) is a measure of affordability established by the federal government

UAP will also allow income averaging, allowing a wider range and more deeply affordable homes





#### Without UAP



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With UAP

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PLANNING

#### HousingOpportunity@planning.nyc.gov



#### Example 1

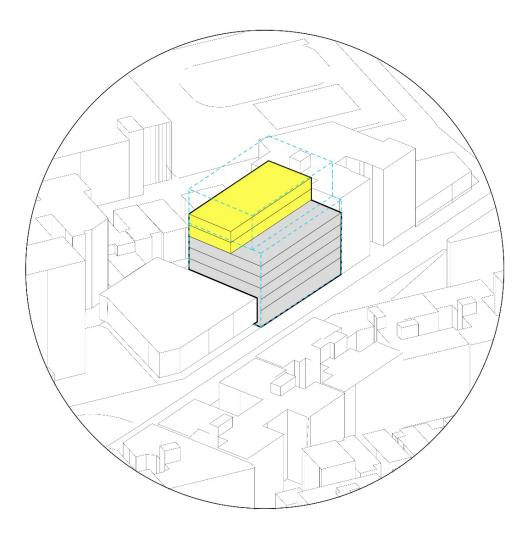
# **UAP** in new construction mixed-income housing

**Example:** A developer has a vacant site in an R6 district and wants to build a mixed-income building.

**Today:** The site is limited to **3.0 FAR**, which results in about **35 units**, regardless of how many units in the building are affordable.

#### **Proposal:**

- 3.9 FAR for affordable and supportive housing
- **10-12 more affordable homes** only if anything above 3.0 FAR is **permanently affordable**
- The building would be allowed to be 10 feet taller







#### Example 2

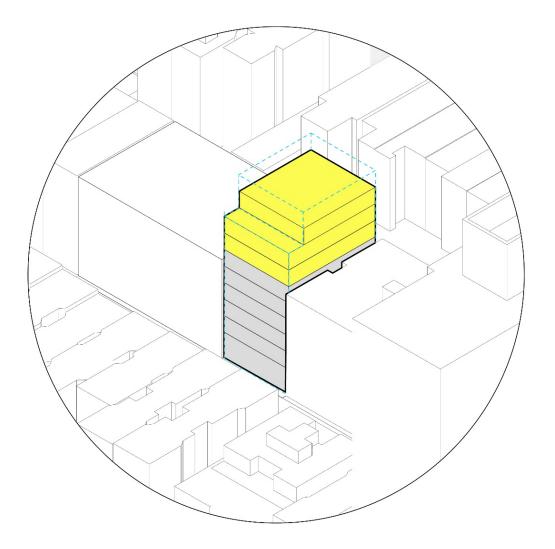
# **UAP in new construction 100% affordable housing**

**Example:** A city-owned site in an R8B district is going to be used for affordable housing.

**Today:** The site is limited to **4.0 FAR**, which results in about **47 units**. R8B districts don't have a senior housing FAR preference.

#### **Proposal:**

- **4.8 FAR** for affordable and supportive housing (**20% bump**)
- The site could get 9-10 more
  permanently affordable homes
- The building would also be allowed to be **30 feet taller** than it would be today.







#### Medium- and high-density areas

**UAP (R6-R8)** 

nsity areas		FAR		Base Height		Max Height	
		Basic*	Proposed	Current	Proposed	Current	Proposed
	R6B	2.00	2.40	40	45	50	65
	R6 Narrow	2.20	3.90	45	65	55	95
	R6 Wide Oustide MN Core	3.00	3.90	65	65	70	95
	R6A	3.00	3.90	60	65	70	95
	R6D	**n/a	3.00	**n/a	55	**n/a	75
	R7 Narrow or in MN Core	3.44	5.00	65	85	75	115
	R7 Wide Outside MN Core	4.00	5.00	75	85	80	115
	R7-3	5.00	6.00	**n/a	105	**n/a	145
	R7A	4.00	5.00	65	85	80	115
	R7B	3.00	3.90	65	65	75	95
	R7D	4.66	5.60	85	95	100	125
	R7X	5.00	6.00	85	105	120	145
	R8B	4.00	4.80	65	85	75	105
	R8 Wide Outside MN Core	7.20	8.64	95	125	130	175
	R8 Narrow or in MN Core	6.00	7.20	85	105	115	145
	R8A	6.00	7.20	85	105	120	145
	R8X	6.00	7.20	85	105	150	175

\*Basic FAR and heights represent existing Quality Housing building envelopes.

\*\* District does not have current FAR base or maximum building height due to it being a newly added district.





#### Medium- and high-density areas

	FAR		Base Height		Max Height		
UAP (R9-R12)		Basic*	Proposed	Current	Proposed	Current	Proposed
	R9 Narrow	7.50	9.00	95	135	135	185
	R9 Wide	7.50	9.00	105	135	145	185
	R9A Narrow	7.50	9.00	95	135	135	185
	R9A Wide	7.50	9.00	105	135	145	185
	R9X Narrow	9.00	10.80	120	155	160	215
	R9X Wide	9.00	10.80	120	155	170	215
	R9D	9.00	10.80	85	155		215
	R10 Narrow	10.00	12.00	125	155	185	235
	R10 Wide	10.00	12.00	155	155	210	235
	R10A Narrow	10.00	12.00	125	155	185	235
	R10A Wide	10.00	12.00	150	155	210	235
	R10X	10.00	12.00	85	155		235
	R11A, R11	**n/a	12.50	**n/a	155	**n/a	325
	R12	**n/a	15.00	**n/a	155	**n/a	395

\*Basic FAR and heights represent existing Quality Housing building envelopes.

\*\* District does not have current FAR base or maximum building height due to it being a newly added district.





# **UAP and Inclusionary Housing**

#### What is Voluntary Inclusionary Housing (VIH)?

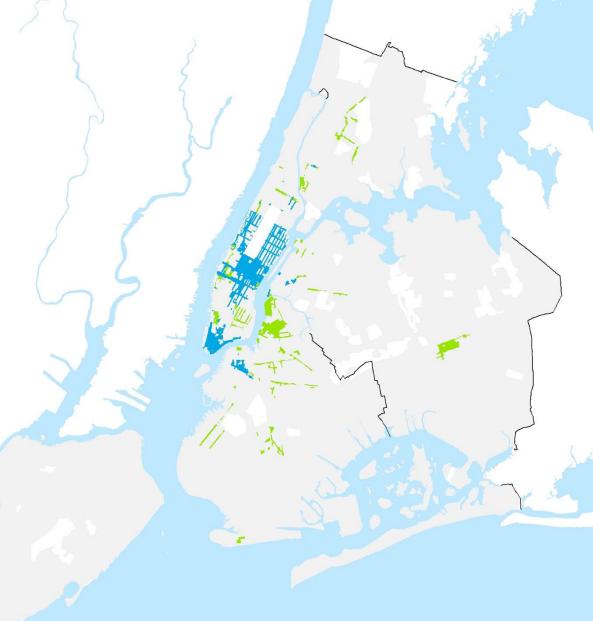
VIH is an optional affordable housing tool created in 1987. Today, VIH covers only 13% of medium- and high-density areas. VIH AMIs are at 80%, or \$101,686 for a family of 3.

#### What will happen to VIH?

city of **yes** 

UAP will replace VIH. Some advantages are:

- Expands inclusionary framework to <u>100%</u> of mediumand high-density areas
- Has an average AMI lower than VIH (60% vs. 80%)
- Allows income-averaging to create deeply affordable housing and to serve a wider range of families



Voluntary Inclusionary Housing

 IHDAs
 R10 districts and equivalents





UAP will replace Voluntary Inclusionary Housing (VIH), achieving deeper affordability and allowing for income averaging. Mandatory Inclusionary Housing will continue to be mapped and existing affordability requirements will remain in place.

Voluntary Inclusionary Housing (VIH) 80% AMI with no income averaging

What this meant for New Yorkers:

All income-restricted units in a VIH building were 80% AMI (\$101,686 for a family of 3 or \$2,796 for rent for a 2-bedroom home) Universal Affordability Preference (UAP) 60% AMI with income averaging

#### What this means for New Yorkers:

Homes at a mix of incomes to reach 60% AMI, including more deeply affordable units. For example, a UAP building could include:

	Income for a family of 3	Rent for a 2- bedroom
30% AMI	\$38,130	\$1,084
60% AMI	\$76,260	\$2,097
90% AMI	\$114,390	\$3,142

Estimates from HUD Guidelines 2024 and NYC HDC. Rents for specific projects may differ





# **Updates to Mandatory Inclusionary Housing**

#### Allow MIH Option 3 to be a standalone option

- MIH Option 3 requires a 20% set-aside at an average of 40% AMI
- Requested by the Speaker, members of City Council, and many housing advocates

# Equalize MIH FARs for districts where UAP FAR is higher

- Ex: R6A MIH will change from 3.6 to 3.9 FAR
- MIH Options will stay the same

#### **Streamline rules for 100% affordable projects**

- Reduces conflicts with term sheets and subsidy programs
- Facilitates affordable homeownership





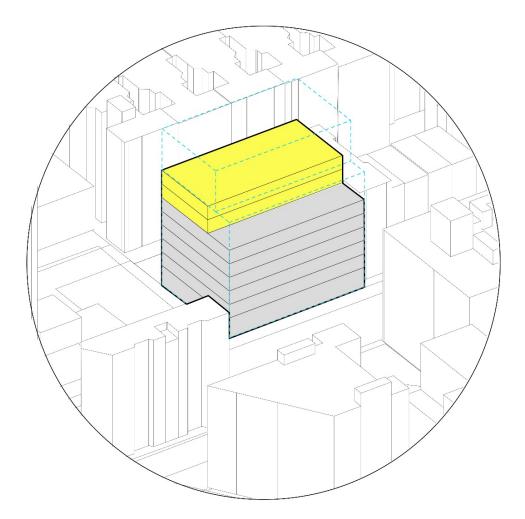
# Mixed-income building in an MIH area

**Example:** A developer wants to build a new building in an **R7A district**. This site was recently rezoned and is subject to **Mandatory Inclusionary Housing (MIH)** 

**Today:** The site is limited to **4.6 FAR**, This results in about **54 units**, **25-30%** of which MIH requires to be affordable

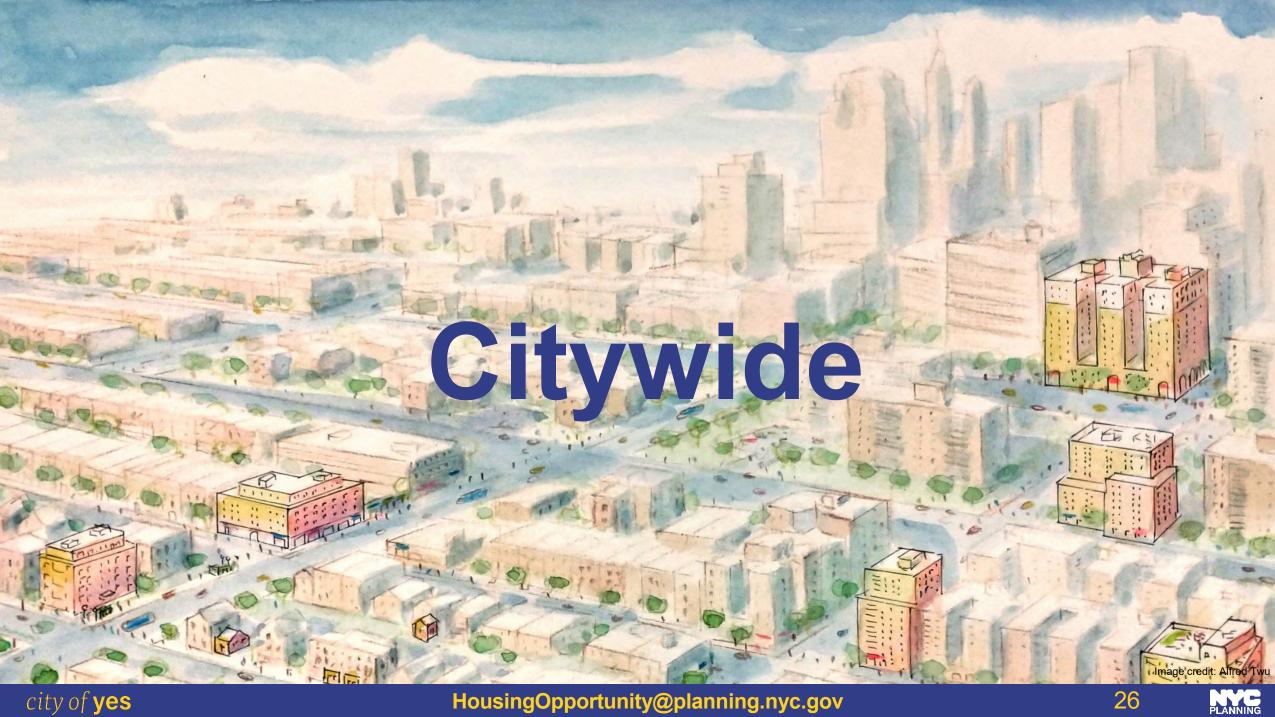
#### **Proposal:**

- Increase overall FAR to 5.0 and keep MIH affordability requirement in place
- 59 total units, 25-30% of which are permanently affordable









# **Create new zoning districts**

# Create new zoning districts with FARs above 12 FAR

 These zoning districts could only be mapped with Mandatory Inclusionary Housing

Create new medium-density zoning districts to fill gaps in the range of zoning districts

Mapping any of these districts would require a future action

New zoning district	Basic FAR	UAP/MIH FAR		
R6-2	2.5	3.0		
R6D	2.5	3.0		
R11		15.0		
R11A		15.0		
R12		18.0		





## Allow contextual infill on campuses and irregular sites

#### Allow new contextual housing on campuses

 Streamline complex rules so that campuses can use existing development rights to add heightlimited buildings

# Other changes to enable contextual infill on irregular or challenged sites

 Expand the applicability of flexible contextual envelopes



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#### Citywide

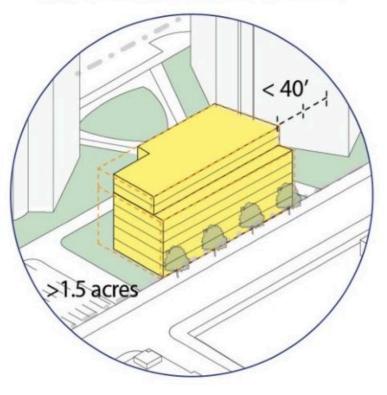
## **Campus infill rules**

Campuses are defined as sites 1.5 acres or larger or having full block control

# In medium- and high-density (R6-R10) areas, the proposal would:

- Replace "mixing rules" that prevent Height Factor zoning lots from adding height-limited buildings
- Align distance-between-buildings with MDL
  - 40-foot distance between buildings or an 80foot distance if the buildings are over 125'







#### Citywide

# **Replace the Sliver Law with heightlimited contextual envelopes**

The Sliver Law dates to the 1980s and imposed height limits on narrow lots (>45') before height limits existed in zoning

• Today, all districts either include height limits or allow a height-limited option

#### The proposal would allow these height limits to control the building's max height

• The Sliver Law would continue to apply when other height limits do not

Districts where Sliver Law is applicable

Noncontextual

Contextual







# **Small and shared apartments**

**Proposal:** Remove outdated rules preventing studio apartments and homes with private bedrooms but shared kitchens or common facilities

These kinds of homes have historically filled an important role in the housing market but have been made illegal in part due to prejudice and exclusion

Small and shared homes provide important housing options for young people and others who struggle to find low-cost housing options or wish to live alone

Enabling them in central locations can also help ease pressure on family-size homes elsewhere





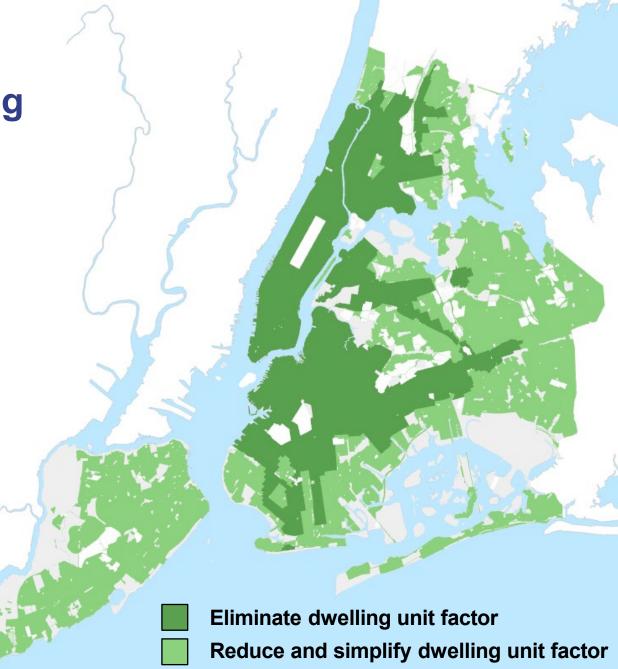
# **Zoning changes for shared housing**

# Zoning currently does not have a clear path for building shared housing

Creating clear definitions and rules would:

- Make it possible to build shared housing in any multi-family zoning district
- Enable a range of new shared housing projects, including affordable shared housing
- Help legalize existing, unregulated shared housing

This proposal would **remove the dwelling unit factor in central locations and reduce it elsewhere**, allowing for buildings with more studio and one-bedroom apartments



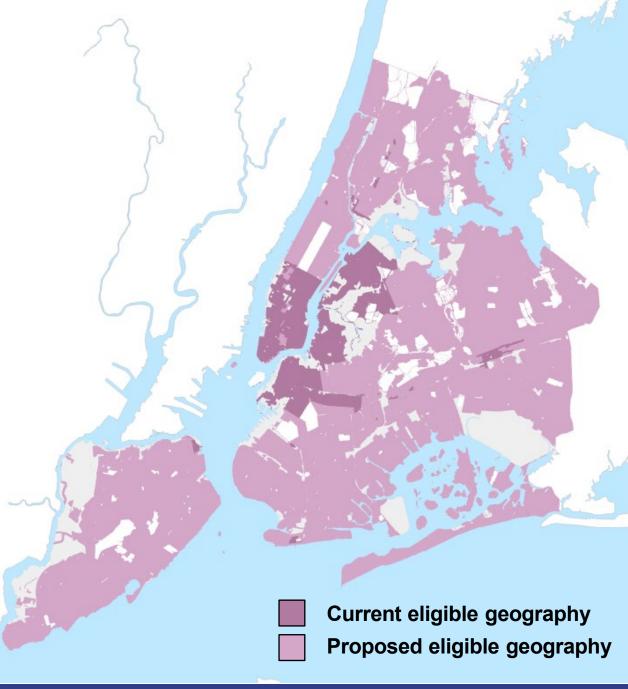




# **Zoning changes for conversions**

Enabling the conversion of non-residential buildings involves a few key changes to adaptive reuse regulations:

- Expanding the **eligible geography** from central office districts to the entire city, facilitating the conversion of former schools or religious buildings
- Moving the eligibility date up from 1961 or 1977 to 1990, allowing for more recent buildings to convert
- Allowing the conversion to all types of housing, including supportive housing, shared housing, and dorms

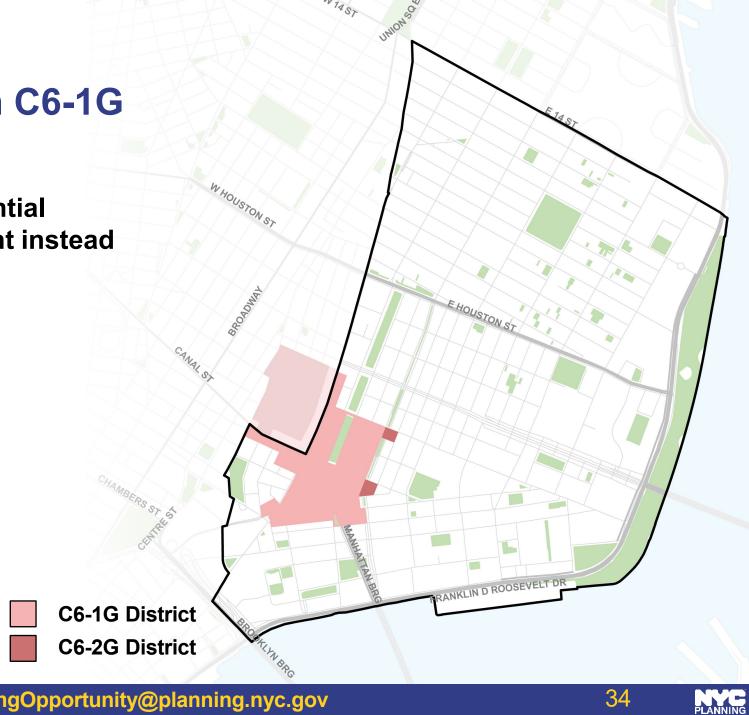


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# **Residential conversions in C6-1G** and C6-2G Districts

Enable the conversion of non-residential buildings to residential use as-of-right instead of through a special permit





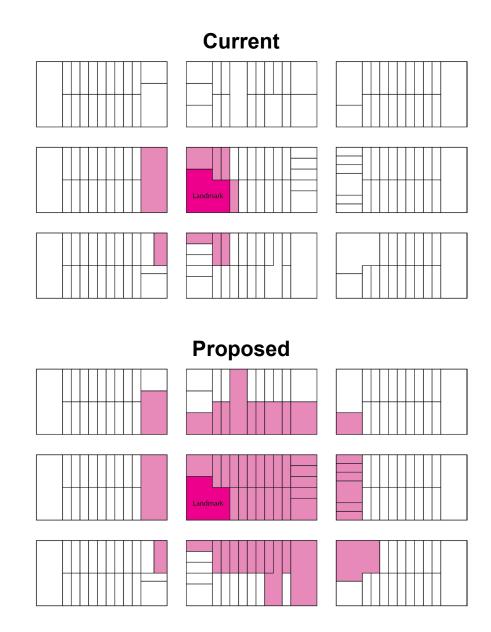
HousingOpportunity@planning.nyc.gov

# **Expand the Landmark TDR program**

Loosen restrictions on the ability of designated landmarks to transfer development rights to zoning lots in the immediate vicinity

- Extend existing transfer opportunities to zoning lots on the same zoning block as the landmark or across a street or intersection
- Streamline the approval process
- Expand the program to historic districts and lower density areas

This will help landmarks fund necessary maintenance requirements while also generating new housing opportunities









Citywide

## Waterfront zoning – changes to height and setback regulations

The proposals for waterfront zoning rules would rationalize what DCP has learned from Special Districts and underpin with best practices in urban design.

Address the needs of 100% affordable housing buildings



© S9 Architecture and Marvel

Examples: Bronx Point, North Cove (Inwood)

#### Create an as-of-right path for waterfront developments to use UAP



© Marvel

Examples: 1 Java St (BK), Hallett's Point (QNS)

#### Address the needs of constrained sites on the waterfront



© Brookfield Properties. Design by Hill West Architects.

Examples: 125 Edgewater (SI), 2401 Third Ave (BX)





## Waterfront zoning – changes to height and setback regulations

The proposals for waterfront zoning rules would rationalize what DCP has learned from Special Districts and underpin with best practices in urban design.

### Address the needs of 100% affordable housing buildings

- Increase maximum base heights
- Introduce a transition zone
- Modernize dormer allowance
- Protect the pedestrian experience along waterfront open spaces

## Create an as-of-right path for waterfront developments to use UAP

- Increase maximum tower height caps
- Increase tower footprint allowance, but require broad towers to taper
- Add a minimum base height requirement
- Require tower height variety for lots with multiple towers

### Address the needs of constrained sites on the waterfront

- Reduce tower setback
  distance on shallow lots
- Allow extra length for towers on shallow lots or those with multiple shorelines





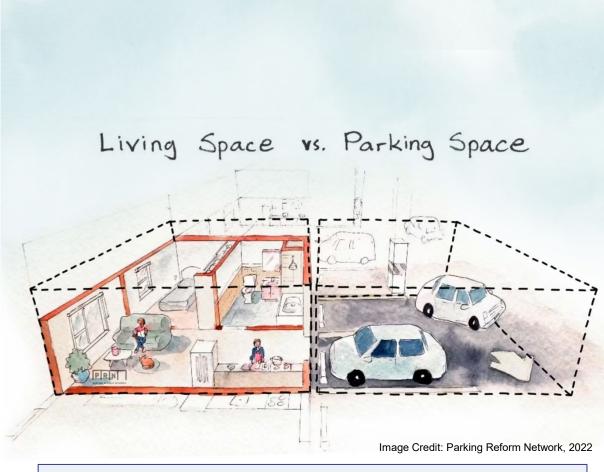
## **End parking mandates**

Make parking optional in new buildings, as many other cities have done

## Mandated parking is extremely expensive to provide

- These costly mandates drive up rents and prevent new housing from being built
- This is an obstacle to housing growth, especially affordable housing

**Parking will still be allowed,** and projects can add what is appropriate at their location



Two parking spaces take up nearly the same space as a studio apartment







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#### **Housing Opportunity**

# How will these changes address our housing needs?

- A little more housing in every neighborhood and more housing types for the full range of New Yorkers
- Significantly more affordable housing
- Less pressure on gentrifying neighborhoods and areas hit hardest by the housing shortage and exclusionary zoning
- Ending exclusionary zoning in low-density areas
- Accessory dwelling units will support homeowners and multigenerational families
- More **sustainable** transit-oriented development



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## Materials to understand the proposal



An illustrated guide



#### **Illustrated guide**

Provides detailed information about the proposals with technical illustrations



#### **Universal Affordability Preference**

City of Yes for Housing Opportunity is a plan to tackle our housing shortage by making it possible to build a little more housing in every neighborhood. Together, we can make our city more affordable without dramatic changes in any one community.

An important part of this plan is the Universal Affordability Preference, which would allow buildings to include at least 20% more housing if the additional homes are permanently affordable.

#### How it works:

Universal Affordability Preference (UAP) would apply in medium- and high-density neighborhoods across the city. Additional housing created through UAP would be permanently affordable to households earning 60% of the area median income. This means UAP reaches deeper affordability levels than the Voluntary Inclusionary Housing program it replaces. UAP would also use income averaging to serve a range of families, including those with very low incomes.

To see how the program works, take a proposal for a building in a highcost neighborhood like the Upper West Side:

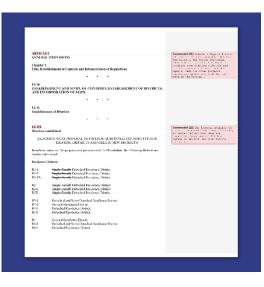


Under Universal Affordability Preference, the building can be at least 20% larger, so long as it uses that extra space for affordable housing. The result is more permanently affordable homes for working families in a high-cost neighborhood.

= Areas where LIAP applies

#### **One-pagers**

Succinct overviews of different proposals elements



#### Annotated zoning text

Explanatory notes and descriptions of proposed text





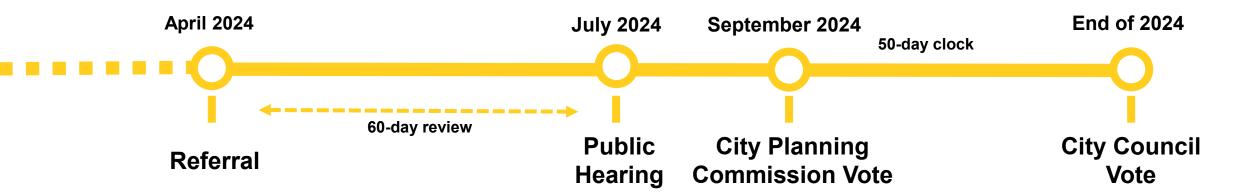




Image credit: Alfred Twu

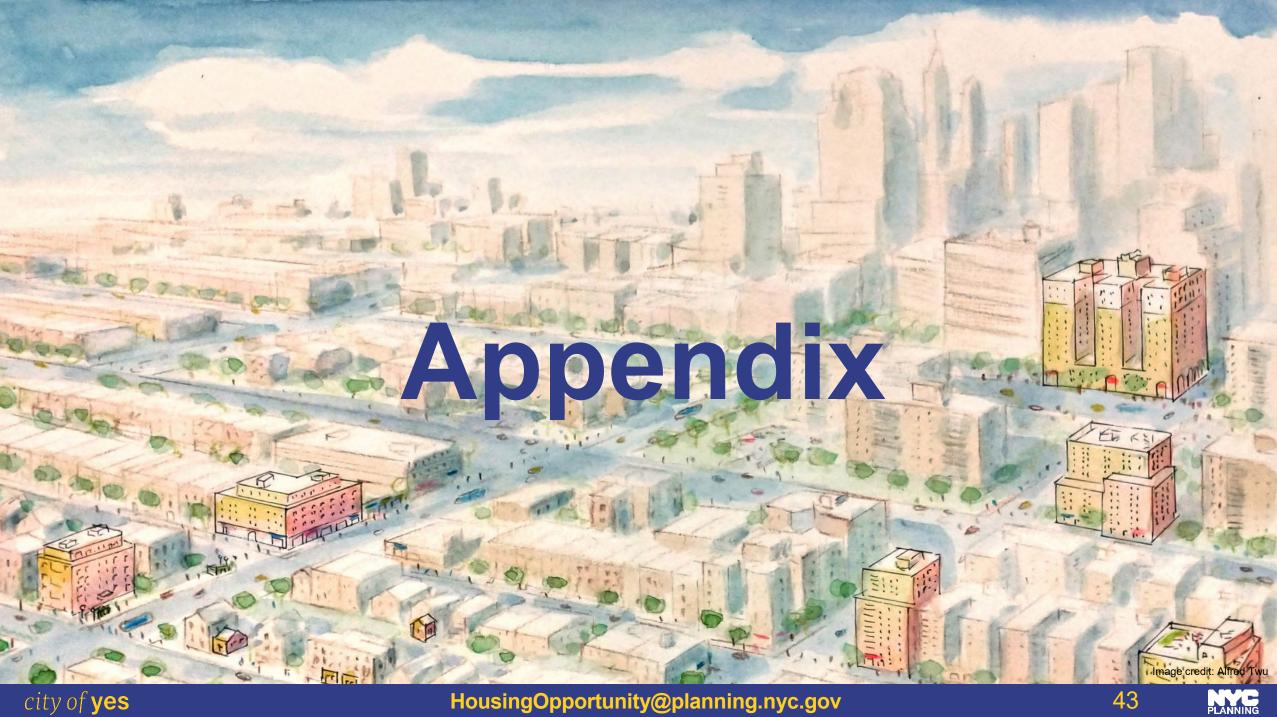
### Stay in touch!

Email the project team at HousingOpportunity@planning.nyc.gov with questions, concerns, and to be signed up for email alerts on this project.



Approximate schedule of public review, for illustrative purposes only





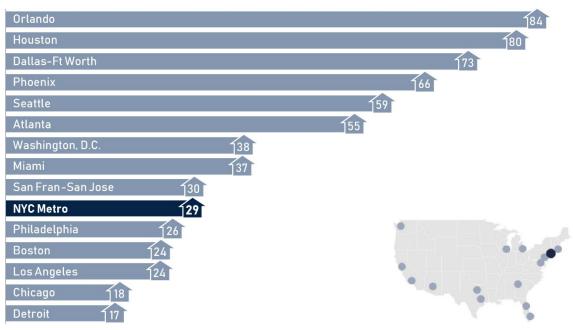
city of **yes** 

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## A lack of housing supply is the root cause of high housing costs

## Adding additional housing supply can help combat high housing costs

- UCLA <u>round-up of recent research</u> found five studies supporting that "market-rate housing makes nearby housing more affordable"
- <u>Supply Skepticism (2017)</u> and <u>Supply</u> <u>Skepticism Revisited (2023)</u>, found "increases in housing supply moderate housing prices and rents overall"
- These findings have also been written about by the <u>popular press</u> and <u>think tanks</u> <u>researching housing</u>



#### Housing Units Permitted per 1,000 Residents (2022), 2013 to 2022

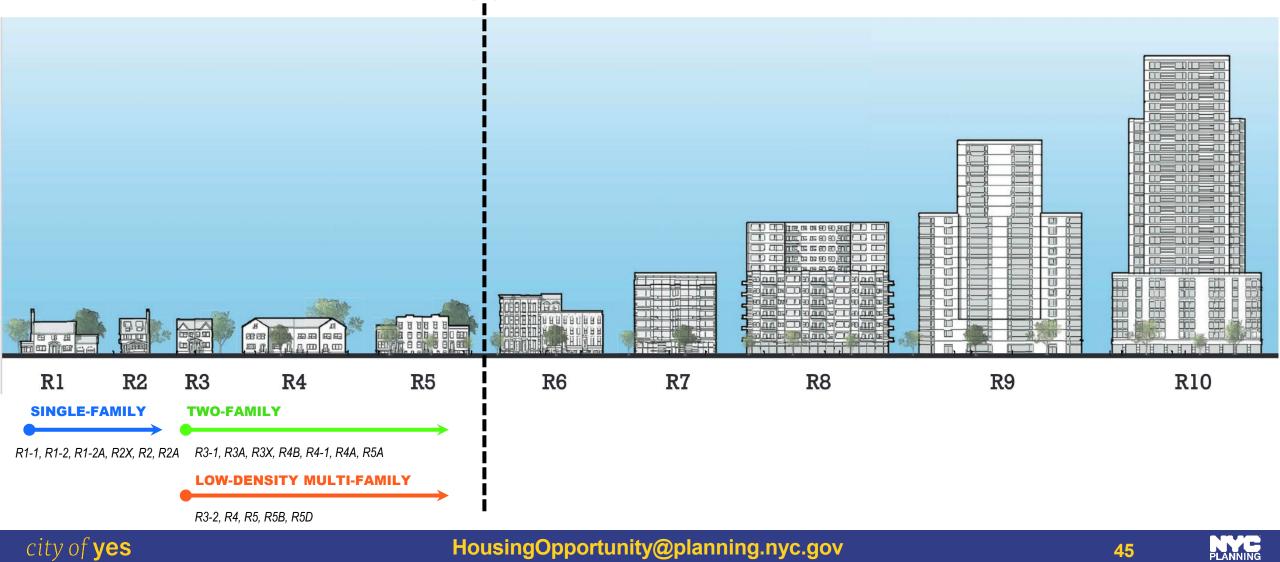
Source: U.S. Census Bureau BPS Annual Files; NYC DCP Housing Database v22Q4; U.S. Census Bureau Population Estimates Program (PEP) 2022 Vintage; U.S. Census Bureau Delineation Files

Cities that are adding more housing have seen slower rises in housing costs. This is part of the reason New Yorkers move to these lower-cost places.



#### **Overview**

## **New York City's existing residence districts**



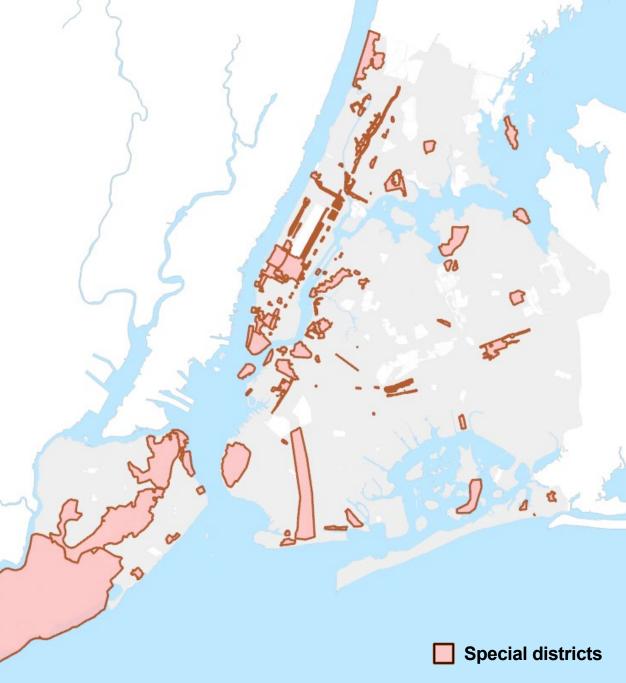
## **Special districts**

## Goal: Apply changes while respecting essential planning goals

- The city has a diverse array of special districts enacted over the last five decades
- In general, the proposal will seek to carry changes through to special districts

The proposal will accommodate special districts where this approach would result in conflicts with essential planning goals or drastic change

- **Ex:** In portions of the Special Clinton District, R8 gets a market-rate FAR of 4.2
- Rather than the full UAP FAR of 7.2, this area will get a 20% bump to 5.04 for affordable and supportive housing



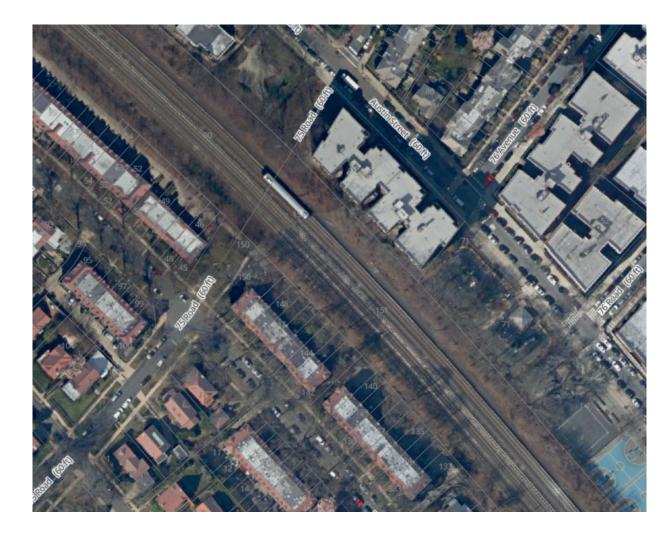




## **Clarify and simplify the Railroad Right-of-Way Special Permit**

The Railroad Right-of-Way Special Permit is confusing and involves extensive cost and process burdens

 This proposal would create clear definitions and reduce approval procedures to streamline process while protecting the original planning goals of the special permit



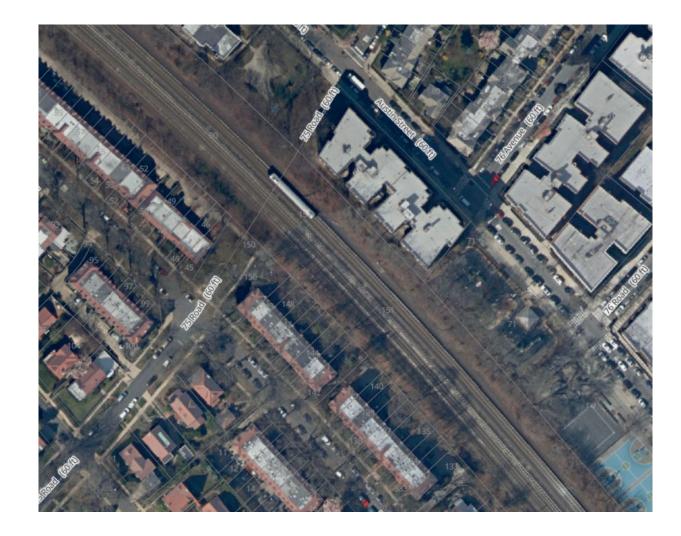




## **Clarify and simplify the Railroad Right-of-Way Special Permit**

This proposal would create clear definitions and reduce approval procedures to streamline process while protecting the original planning goals of the special permit

- Define "railroad right-of-way" and "former railroad right-of-way"
- Create authorization for lots over four acres with a railroad right-of-way or former railroad right-of-way
- Create Chairperson certification for development on or over railroad right-ofway





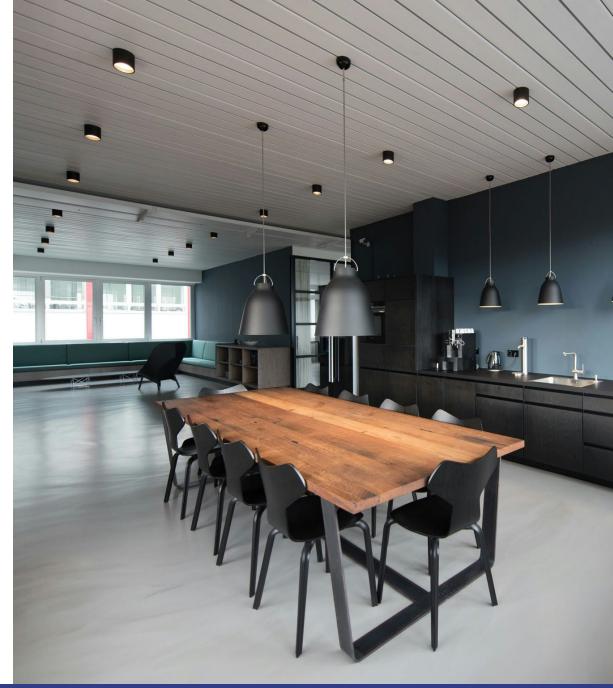




## Create incentives for better quality housing through rules for amenity space

## Expand amenity benefits in the "Quality Housing" program

- Extend floor area exemptions to all multi-family buildings
- Update rules to improve incentives for familysized apartments, trash storage and disposal, indoor recreational space, and shared facilities like laundry, mail rooms, and office space





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# Revise street wall regulations and other rules for better outcomes

Establish a new system of street wall regulation to provide more flexibility and greater sensitivity to neighborhood context

- Base street wall rules on building type rather than zoning district
- Provide additional flexibility to align with neighboring buildings

### **Increase flexibility for split lots**

• Enable development rights to be shifted to the higher-density of the two portions of the lot

**Clarify adjacency rules for MX districts** 



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Expanded street wall allowances will provide more flexibility and better design outcomes, like this site, which maintains a continuous street wall while incorporating architectural articulations.

city of **yes** 



## **Environmental Review**

An Environmental Impact Statement (EIS) for a generic action must provide an estimate of the **amount**, **type**, **approximate location**, **and overall massing/form** of future development and identify the **range of impacts** that may occur. The environmental review studied the effects of the proposal through 3 different methods:

- Prototypical Site Assessment: Show how the proposal may affect individual sites in order to typify conditions and effects of the proposal and demonstrate building form
- **Citywide Estimates:** Modeling of the proposal's potential effects citywide in order to discuss the amount and approximate location of future development
- Representative Neighborhoods: Selected as "prototypical" for a neighborhood-scale analysis to analyze collective effects of the proposal for density-related technical areas

This EIS represents our best effort to project a range of possible outcomes based on a variety of factors, including some that are beyond the control of the Department of City Planning and New York City.





#### Conclusion

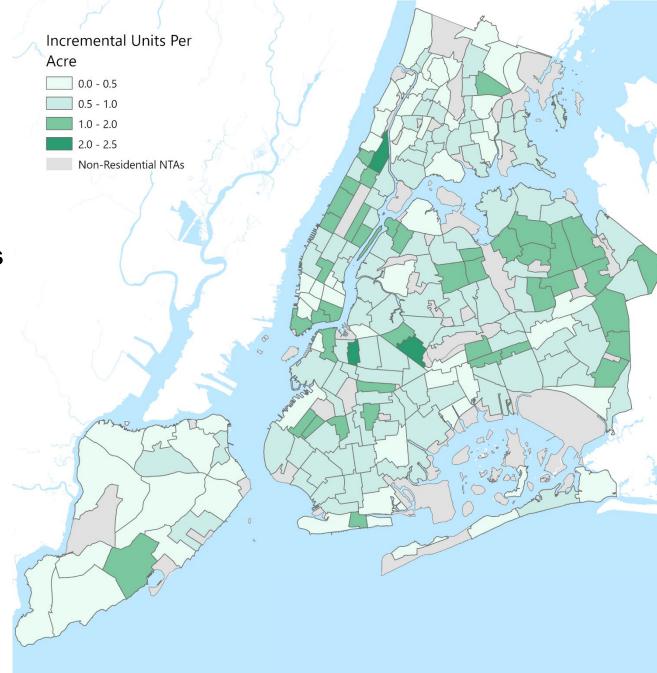
## **Environmental Review**

A little more housing in every neighborhood:

• The EIS estimates on average a little less than 1 unit per acre over 15 years

The results:

• The EIS estimates a citywide housing unit increment range of **58,200 to 108,900 units** 







## **Environmental Review**

A Notice of Completion of a Draft Environmental Impact Statement (DEIS) was issued on April 26, 2024

The DEIS identifies no impacts in these categories:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Water and Sewer Infrastructure
- Solid Waste and Sanitation
- Energy
- Greenhouse Gases and Climate Change
- Air Quality
- Public Health
- Neighborhood Character

The DEIS identifies potential for "significant adverse impacts" in these categories:

- Community Facilities and Services
  (early childhood programs, schools)
- Open Space
- Transportation (traffic, transit, pedestrian)

The DEIS could not preclude impacts in the following categories because their likelihood depends on specific site characteristics: Shadows; Historical & Cultural Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Noise; Construction.

No other significant adverse impacts were identified. Mitigation measures are identified in the DEIS and will be detailed in the Final Environmental Impact Statement (FEIS).





#### Conclusion

## **Racial Equity Report**

Since this zoning text amendment affects more than 5 community districts, it is subject to the racial equity reporting requirement.

## City of Yes for Housing Opportunity emerges directly from the City's fair housing plan, Where We Live NYC, and implements strategies identified in it:

- Increase housing opportunities, particularly for lowincome New Yorkers, in amenity-rich neighborhoods
- Improve quality and preserve affordability for existing residents
- Expand the number of homes available to New Yorkers who receive rental assistance benefits







