

Manhattan Community Board Five

Bradley Sherburne, Chair

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Marisa Maack, District

July 17, 2024

Daniel Garodnick
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: City of Yes for Housing Opportunity

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, July 11, 2024, the following resolution passed with a vote of 34 in favor; 1 opposed; 1 abstaining:

WHEREAS, The City of Yes for Housing Opportunity (COYHO) proposed citywide zoning text amendment is the Department of City Planning's third and final proposal under the City of Yes initiative; and

WHEREAS, The COYHO proposal is a significant amendment to the zoning regulations in the City of New York, impacting all five boroughs, including a range of neighborhoods from low-density homeowner neighborhoods to medium- and high-density neighborhoods; and

WHEREAS, Manhattan Community Board 5 (MCB5) supports citywide zoning reforms to enable the construction of more housing in general and affordable housing in particular with a wider range of housing types in neighborhoods throughout the city; and

WHEREAS, CB5 has consistently advocated for affordable housing in the past, and it has been repeatedly part of our top three needs in our district needs statements; and

WHEREAS, MCB5 believes comprehensive planning "dedicated to socio-economic equality and environmental justice"¹ to protect vulnerable residents and neighborhoods should come before citywide zoning resolutions are enacted; and

WHEREAS, NYC suffers from severe inequity, with some neighborhoods having life expectancies nearly 10 years lower than their adjacent communities²; and

¹ [Opinion: Top-Down Comprehensive Planning Will Further Empower Those on Top \(citylimits.org\)](https://citylimits.org/opinion/top-down-comprehensive-planning-will-further-empower-those-on-top/)

² [Same City, but Very Different Life Spans - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/07/14/us/inequality-life-expectancy.html)

WHEREAS, Previous NYC administrations focused on rezoning underrepresented and marginalized neighborhoods while, in some cases, downzoning or otherwise erecting barriers to new housing supply in wealthier neighborhoods; and

WHEREAS, The previous rezonings, some of which generated a large supply of housing, have not alleviated the housing crisis, and NYC is in an even worse situation with a current vacancy rate of only 1.7%; and

WHEREAS, The cost of housing has continued to climb and the vacancy rate has continue to fall even though “More than 180,000 new units of housing were built”³ under Bloomberg and “200,000 affordable homes were produced and preserved”⁴ under de Blasio; and

WHEREAS, Key moments in the history of NYC zoning amendments enacted to create more affordable housing sheds light on today’s affordable housing crisis; and

WHEREAS, Results from the rezonings under the Bloomberg Administration include the following:

- Bloomberg rezoned 37% of the city and “claimed credit for creating opportunities for high-density growth along subway corridors while preserving low-density neighborhoods”⁵
- The 2005 Greenpoint/Williamsburg rezoning, after 10 years in 2015 “added nearly 10,000 housing units, lost nearly 8 million sq ft of manufacturing uses while adding over 12 million sq ft of residential uses”⁶
- “Real median gross rent in Greenpoint/Williamsburg increased from \$1,200 in 2006 to \$2,330 in 2022. This represents a 94.2% increase over the same period. The overall rental vacancy rate in Greenpoint/Williamsburg was 2.3% in 2022”⁶
- “A decade later, the waterfront area’s white population increased by 45% compared to 2% decline citywide, while the area’s Latinx population declined by 27% compared to a 10% increase citywide”⁷
- “The large-scale upzoning in 2005 put in place affordable housing incentives that developers could opt into voluntarily and receive a density bonus in exchange”
- “These numbers point to the most explosive growth and most rapid displacement in New York City”⁸

³ [The quiet, massive rezoning of New York - POLITICO](#)

⁴ [The Truth About Neighborhood Rezonings, Housing, and Demographic Change \(gothamgazette.com\)](#) ⁵ [Reshaping New York - Interactive Feature - NYTimes.com](#)

⁵ [Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg’s New York City](#)

⁶ [Greenpoint/Williamsburg Neighborhood Profile – NYU Furman Center](#)

⁷ [Criticizing De Blasio Rezonings, Williams Introduces 'Racial Impact Study' Requirement \(gothamgazette.com\)](#)

⁸ [Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg’s New York City](#)

WHEREAS, Results from the rezonings under the de Blasio Administration include the following:

- During the de Blasio Administration, six low-income neighborhoods out of the proposed 15 were rezoned including East New York, Downtown Far Rockaway, East Harlem, Jerome Avenue and Inwood⁹
- “Most of the rezonings pursued by the administration have been in low-income communities of color and advocates say that has exacerbated gentrification while also refusing to ask more affluent and white communities to allow more housing in their neighborhoods”¹⁰
- “Not a single one of the 9,902 apartments built in 21 MIH [Mandatory Inclusionary Housing] projects in neighborhoods with average incomes under 40% of AMI [Area Median Income] would be affordable to the typical local resident—let alone anyone making less than the neighborhood average—without an additional subsidy”¹¹
- For MIH units since 2021, “In only 23 percent of projects were a majority of “affordable” units affordable to average local residents”¹²“The median sale price for a home in East New York’s predominant ZIP code, 11207, rose by \$25,500 from 2014 to 2015, to \$275,000”¹³
- “A report from the Center for NYC Neighborhoods ranked East New York [No. 1 in house flipping](#) based on [246 flips](#) of one- to four-family homes in 2017, up from 94 in 2015”¹⁵
- “Community Board 11 voted against the East Harlem rezoning but said they would be able to accept a more modest rezoning under certain conditions, including that 20 percent of new residential units are made available to households making less than \$25,770 for a family of three and 30 percent are for families making between \$25,770 and \$103,080”
- As of 2020 “East Harlem has seen no affordable housing units produced under the mandatory inclusionary housing mechanism in the rezoning area”¹⁶
- In the final deal reached in the 2017 rezoning, “East Harlem will be one of the focus areas for the pilot “certificate of no harassment” pilot, which will require landlords seeking to renovate or develop their properties to prove they have not harassed tenants”¹⁷
- “East Harlem is also one of the areas targeted for the city’s new Landlord Ambassador pilot, which funds community organization to reach out to small landlords and provide them with information about HPD’s affordability programs”¹⁸

⁹ [A New Year's Update on the de Blasio Rezonings \(citylimits.org\)](#)

¹⁰ [Criticizing De Blasio Rezonings, Williams Introduces 'Racial Impact Study' Requirement \(gothamgazette.com\)](#)

¹¹ [De Blasio’s Housing Legacy In 9 Graphics | Community Service Society of New York \(cssny.org\)](#)

¹² [De Blasio’s Housing Legacy In 9 Graphics | Community Service Society of New York \(cssny.org\)](#)

¹³ [East New York's transformation has started after Mayor Bill de Blasio's call for rezoning. Who owns the blocks that are benefiting? | Crain's New York Business \(crainsnewyork.com\)](#)

WHEREAS, Displacement occurred in previous rezonings and may happen again when the Area Median

Income (AMI) does not align with the local neighborhood resident's AMI; and

WHEREAS, The proposed average income AMI of 60% across the city does not create stable housing for individuals and family in neighborhoods like Midtown that has a higher average AMI than the rest of the city and low-income neighborhoods like East Harlem and the South Bronx that have a significantly lower AMI; and

WHEREAS, MCB5 is concerned that market rate developers may not utilize UAP even with the floor area boost and the new 485-x Affordable Neighborhoods for New Yorkers Tax Incentive program; and

WHEREAS, Between 2014 and 2021, MCB5 created a total of 332 new affordable housing units and preserved 1,074 affordable housing units and created a total of 3,280 affordable and market-rate housing units¹⁹; and

WHEREAS, The 332 affordable housing units represent only 3% of Manhattan's total affordable housing share during that time²⁰; and

WHEREAS, MCB5 is concerned about housing being treated as a commodity and the highly speculative nature of land values in NYC's globalized real estate market; and

WHEREAS, MCB5 states that relying on the market and government-funded affordable housing alone as seen in previous rezonings may not create the necessary affordability for over half of New Yorkers, including middle-income New Yorkers who are more predominant in our district; and

WHEREAS, individuals with disabilities in New York City face significant housing challenges, particularly those relying on SSI, SSDI, or public assistance, which often do not cover the costs of market-rate housing in the city; and

15 [Seven Years In, East New York Rezoning Hasn't Panned Out \(therealdeal.com\)](https://therealdeal.com)

16 [4 Months After Rezoning, East Harlem Stakeholders Remain Vigilant \(citylimits.org\)](https://citylimits.org)

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18 [4 Months After Rezoning, East Harlem Stakeholders Remain Vigilant \(citylimits.org\)](https://citylimits.org)

19 [Manhattan CB2 May 15, 2024 Land Use 2 Committee \(youtube.com\)](https://youtube.com)

20 [Manhattan CB2 June 24, 2024 Land Use 2 Committee \(youtube.com\)](https://youtube.com)

WHEREAS, the lack of accessible housing further compounds this issue, with much of the existing housing stock not meeting accessibility standards, and new accessible apartments built with government subsidies often having income requirements beyond what is provided by SSI; and

WHEREAS, the need for independent housing options, such as ordinary apartments, is crucial for individuals with disabilities, yet the available affordable options like supportive housing may not fully meet this need; and

WHEREAS, a 2001 HUD report highlighted the ongoing challenge of poverty-level incomes for individuals on SSI, with incomes remaining below 20% of the Area Median Income (AMI); and

WHEREAS, MCB5 believes that “soaring real estate markets have created a worldwide housing crisis”¹⁴ and will continue to plague NYC unless substantial changes and innovative solutions are implemented to solve this urgent issue; and

WHEREAS, While zoning is only one tool to alleviate the housing crisis, it must go hand in hand with other mechanisms including solutions such as tax reform, streamlined permitting processes, investment in the development of affordable housing, incentives for market-rate developers to build low-income and affordable housing, and policies to address rent stabilization, rent control, and tenant protections; and

WHEREAS, Due to lessons learned from previous neighborhood rezonings during the de Blasio and Bloomberg administrations, MCB5 is asking that any citywide rezoning proposals must include stronger affordability mandates, strong anti-displacement measures, mechanisms to promote diverse property ownership, guaranteed infrastructure improvements, meaningful community input processes, annual and comprehensive data collection and analysis of rezoning results reported and reviewed at regular meetings with community boards; and

WHEREAS, In regards to championing affordability mandates, MCB5 has consistently supported increasing opportunities for affordable housing, recognizing that 52% of NYC’s residents are rent burdened, spending more than 30% of their income on rent, and 30% of residents are severely rent burdened, spending more than 50% of their income on rent¹⁵; and

WHEREAS, The COYHO solution to affordable housing is focused on incentives with no mandates except for Mandatory Inclusionary Housing, which has not proven successful, as “Only 2,065 MIH affordable housing units have been approved since 2020”¹⁶; and

¹⁴ [Lessons From a Renters’ Utopia - The New York Times \(nytimes.com\)](https://www.nytimes.com/2019/03/14/nyregion/renters-utopia.html)

¹⁵ [Spotlight: New York City’s Rental Housing Market : Office of the New York City Comptroller Brad Lander \(nyc.gov\)](https://www.nyc.gov/site/office-of-the-comptroller/spotlight-new-york-citys-rental-housing-market)

¹⁶ [How Has de Blasio's Inclusionary Zoning Program \(MIH\) Fared? | Manhattan Institute](https://www.manhattaninstitute.org/has-de-blasios-inclusionary-zoning-program-mih-fared)

WHEREAS, MCB5 asserts that the COYHO plan does not go far enough to solve the housing affordability crisis that burdens a majority of New Yorkers; and

WHEREAS, MCB5 acknowledges that alleviating the housing crisis is critical for protecting against workforce displacement and ensuring stable housing for residents to remain in their communities; and

WHEREAS, MCB5 acknowledges that while addressing the housing crisis necessitates the substantial construction of new units as a critical strategy, it is only one component of the comprehensive solution required; and

WHEREAS, for stronger affordability mandates, there are precedents in other cities where a certain percentage of units are required to be affordable, and this would be the board's preference for larger projects that would allow a new affordability mandate to pencil out but we understand there might be financial challenges to that; and

WHEREAS, Because condominiums are now the prevalent housing type constructed in CD5 and other high density districts in Manhattan, UAP should be expanded to be eligible for affordable housing production in condominium projects; and

WHEREAS, MCB5 has consistently advocated for open space as a vital amenity throughout the district and has requested that redeveloped sites in the East Midtown Rezoning include either outdoor plaza space or covered pedestrian space¹⁷; and

WHEREAS, Districts like Queens Community Board 2 (QCB2) and “Long Island City have experienced massive new housing construction over the past 20 years, significantly exceeding their "fair share" of city-wide housing development”, and
“To date the city has not implemented sufficient infrastructure improvements in [...] additional park space to support this population growth”¹⁸; and

WHEREAS, with the recent public health crisis and the mental health issue that the city is facing, access to public open space and nature is more important than ever; and

WHEREAS, CB5 has 0.4 acre of open space per 1,000 residents compared to the citywide average of 1.8 acres¹⁹; and

WHEREAS, Amenities that complement public spaces, such as public bathrooms, are crucial for ensuring accessibility for everyone; and

WHEREAS, Councilmember Brewer noted in last month’s full board meeting that recent Parks Department public bathrooms cost \$13 million and \$10 million; and

¹⁷ [CB5 East Midtown Rezoning Resolution](#)

¹⁸ [QCB2 Land Use Committee COYHO resolution](#)

¹⁹ [NY4P-Profiles_MN5.pdf](#)

WHEREAS, Last year, MCB5, along with MCB1 and MCB4, passed resolutions and a letter of support to require public bathroom access for Privately Owned Public Spaces (POPS) over 10,000 square feet, as food amenities are required for spaces of this size²⁰; and

WHEREAS, Public-private partnerships are essential to ensure our district receives the diverse infrastructure needed with this upzoning; and

WHEREAS, in taking away community assessment, this plan fails to assess or even account for the impact of new housing on communities, including the need for additional infrastructure like hospital beds, school seats, and other essential services. This oversight can lead to strained resources and diminished quality of life.

WHEREAS, MCB5 will be transitioning from commercial to residential zoning with the COYHO rezoning and the upcoming Midtown South rezoning, making access to schools and community facilities essential to support this neighborhood; and

WHEREAS, The elimination of parking requirements proposed in COYHO allows the option of providing parking in future projects and aligns with the city's sustainability initiatives; and

WHEREAS, the zoning resolution withholds relief from existing buildings to remove excess parking which could be put to better use as affordable housing; and

WHEREAS, COYHO also proposes that existing buildings can apply for a permit to add parking, which expands the ability to permit additional parking compared to current "as of right" permits that can only be requested by new buildings; and

WHEREAS, This allowance could be useful for residential conversions but creates the potential for the Manhattan Core to have net additional parking in both new and existing buildings, which could undermine the purpose of lifting parking mandates; and

WHEREAS, Curb cuts and garage doors will change the streetscape of Midtown and the effect on ground floor street activity will be impacted; and

WHEREAS, The New York City Charter establishes Community Boards and outlines their critical role in land use decisions, particularly through Section 197-c which mandates the Uniform Land Use Review Procedure (ULURP) for many land use actions, and the COYHO proposal's reduction of ULURP reviews, granting of as-of-right powers to developers, expansion of landmark air-rights transfers, and removal of special permits may reduce community oversight; and

WHEREAS, The proposed changes in COYHO represent a shift in the role of Community Boards and local oversight in the development process, potentially reducing crucial community input and local knowledge in shaping our neighborhood's future; and

²⁰ [CB5 Resolution - Proposed Text Amendment to Provide Access to Public Bathrooms in POPS \(airtableusercontent.com\)](https://airtableusercontent.com/s/CB5-Resolution-Proposed-Text-Amendment-to-Provide-Access-to-Public-Bathrooms-in-POPS)

WHEREAS, MCB5 chose not to fill it out the form provided by DCP, as it does not provide us the opportunity to state our concerns in a nuanced manner with this massive zoning text amendment; and

WHEREAS, MCB5 did not discuss all of the issues contained in the massive zoning text amendment given we had only 60 days to provide our comments; and

WHEREAS, MCB5 is in favor of the general goal of providing more housing and in particular more affordable housing in CB5; and therefore be it

RESOLVED, MCB5 approves the proposed City of Yes for Housing Opportunity zoning text amendments with the following stipulations:

1. Address the needs of rent-burdened residents, which constitutes more than half of all city households, by the creation and enforcement of stronger affordability mandates, beyond current and future MIH zoned areas by, for example, requiring a meaningful percentage of units (similar to UAP's percentage) in projects that utilize proposal's text amendment 75-25 (as-of-right increases in height and bulk for existing buildings) and establish a minimum amount of affordable units for all projects over a certain size (very large conversions).
2. Implement comprehensive tenant protection programs and more ownership opportunities in all neighborhoods to prevent displacement, drawing from past pilot programs and incorporating lessons learned and neighborhood-specific needs.
3. Adjust Area Median Incomes (AMIs) for affordable housing to reflect local neighborhood levels, preventing displacement and ensuring stable housing for existing residents.
4. Extend the proposed 10-year sunseting of the Voluntary Inclusionary Housing for condominium developments until the Department of City Planning (DCP) develops a comparable program for the Comprehensive Housing Opportunity (CHO) zoning mechanism. This should allow newly constructed condominium projects in R-10 Districts, IH Designated Areas, and Special Districts to receive a density bonus in return for the new construction, substantial rehabilitation, or preservation of permanently affordable housing.
5. Condition the proposal's expanded radius of possible landing sites for the transfer of unused development rights by individual landmark to be limited to only residential and community facility uses (and not for commercial or manufacturing uses).
6. Condition the proposal's as-of-right mechanism for Landmark transfer of development rights on housing developments that would include affordable housing that would be comparable to the UAP minimum.
7. In alignment with the City's goals of carbon neutrality and prioritizing housing over parking, condition the proposal's text amendments for 13-431, 13-442, and 13-45 (new and expanded parking) to not allow the elimination of dwelling unit space and we ask that both the

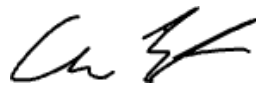
As of Right parking space formula and the As of Right 15 parking space maximum be lowered to a significantly smaller percentage of dwelling units.

8. Require Very High-density Developments (VHD) utilizing the 12.0 Floor Area Ratio (FAR) to provide 10,000 square feet of Privately Owned Public Space (POPS).
9. Mandate that POPS over 10,000 square feet and serving food provide access to public bathrooms.
10. Ensure the zoning text includes provisions for new schools, additional healthcare facilities, and other community facilities in our district.
11. Establish a publicly accessible transfer of development rights database.
12. Annual and comprehensive data collection and analysis of rezoning results.
13. An amendment is necessary to address the urgent housing needs of individuals with disabilities in New York City. This amendment calls for increased efforts to develop affordable, accessible housing options tailored to the specific needs of individuals with disabilities, ensuring access to safe, inclusive housing options that promote independence and autonomy. Additionally, policy changes are advocated to bridge the income disparities faced by individuals on SSI, SSDI, or public assistance, aiming to provide suitable housing options that align with their financial resources. By incorporating these additional measures, we aim to enhance the existing resolution and create a more equitable housing landscape that meets the diverse needs of all residents, including those living with disabilities.

Sincerely,



Bradley Sherburne
Chair, CB5



Aaron Ford
Chair, Land Use, Housing and Zoning Committee

Cc:

Hon. Mark Levine, Manhattan Borough President
Hon. Carlina Rivera, NYC Council Member, 2nd District
Hon. Erik Bottcher, NYC Council Member, 3rd District
Hon. Keith Powers, NYC Council Member, 4th District
Hon. Gale Brewer, NYC Council Member, 6th District