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RE: City of Yes – Housing Opportunity Draft Scope of Work (EAS_24DCP033Y)

My name is Paul Graziano and I am an urban planning, land use and zoning consultant retained by the Queens Civic Congress, a non-profit umbrella organization representing the interests of dozens of civic and homeowner associations in Queens County. During the past three decades, I have authored, co-designed or advised upon several zoning designations (R2A, R1-2A and R5D); advised on the scope, design adoption of the Yards Text Amendment; and designed or co-designed most of the contextual rezonings that occurred in Queens from 2005 to 2013.

Based on my long experience of interaction with the Department of City Planning, it is clear that the City of Yes – Housing Opportunity Scoping document is built on a series of false premises as described in crystal clear rhetoric – not fact – in the document’s introduction (pp. 1-10) and then brought to a series of cataclysmic zoning proposals which have no basis in reality – nor, apparently will there be the required assessments necessary to take such a “transformational” approach, as admitted by DCP in their public scoping session (see “Representative Neighborhood Assessment”).

The central premises of this document are as follows:

- 1) Lower-density neighborhoods, broadly defined as R1-R5 zones, are the central reason for the “housing crisis” in New York City.
- 2) Zoning changes in these areas has brought housing production to a “near standstill.”
- 3) Contextual zoning and “Lower Density Growth Management Area” zones have “halted housing production across a wide swath of the city”; and
- 4) The adoption of the Zoning Resolution of 1961 was a mistake for many reasons, including the halting of construction of “missing middle” housing – three to six-storey apartment buildings – in one- and two-family zoned neighborhoods and the creation of mandatory onsite parking requirements.

While there are strategies in higher density zones that are incorporated into this scoping document, including the revival of SROs, increased density bonuses for affordable housing, increasing maximum heights and FAR and compromising hard-fought contextual zoning, the bulk of this exercise is geared towards the elimination of lower-density neighborhoods in their entirety.

These premises are dishonest at best and purposeful lies at worst, as are the cherry-picked data points used to justify these positions. For example, while we are in a “housing crisis” today, we have officially been in a defined “housing crisis” continuously since 1948 – defined as a vacancy rate of less than 5% - regardless of massive swings in population, as shown in Figure 1 on page 5.

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Similarly, Figure 2 showing housing starts in Major U.S. Cities throughout the United States from 2011-2020 leaves out the most important point: this graph shows only the number of building permits, not the type of housing that was built. The vast majority of the incredible growth in Houston, Dallas, Fort Worth, Orlando, Atlanta, Denver, Seattle and Austin during this time was due to the construction of...that's right, one-family housing units!

There are many reasons as to why New York City has very little affordable housing, but except for mentioning them in passing once or twice in this document, they are not given the honest scrutiny that they deserve. Lower density neighborhoods – mostly far from transit, mostly owner-occupied and mostly with fragile infrastructure unlikely to ever be upgraded to deal with the current zoning, much less an exponential increase in population – are not the cause. Some, but not all, of the reasons are:

- 1) The loss of nearly one million rent-stabilized apartments in New York City over the last 30+ years. (Sources: *N.Y.U. Review of Law & Social Change*, *The Theft of Affordable Housing: How Rent-Stabilized Apartments are Disappearing from Fraudulent Improvements and What Can be Done to Save Them*, July 2016; *The Real Deal*, *How did 116,000 rent-stabilized units vanish?*, 12/23/2022)
- 2) As of 2022, 43,000 rent-stabilized units were vacant in New York City. And between 2017 and 2021, the city lost 96,000 low-cost units but over 100,000 with monthly asking rents above \$2,300. (Source: *The Real Deal*, *In housing-starved NYC, tens of thousands of affordable apartments sit empty*, 7/5/2022)
- 3) The loss of 100,000 affordable units through the super-rich converting brownstones and townhouses from multiunit apartment buildings back to one-family homes since 1950. (Source: *New York Times*, *How 100,000 Apartments in New York City Disappeared*, 10/19/2023)
- 4) Tens of thousands of apartments constructed in the last 10+ years remain vacant and are purchased as investment properties, primarily by overseas investors. (Sources: *The Week*, *How foreign investors launder their money in New York real estate*, 10/13/2017; *Brick Underground*, *They're back: NYC buyers can expect more competition from foreign investors in 2023*, 1/3/2023)
- 5) Zoning for Quality and Affordability and Mandatory Inclusive Housing programs begun under the DeBlasio administration did not deliver and, in fact, created serious gentrification and inflated land valuation in areas where it was approved, like East New York. (Source: *Center for NYC Neighborhoods*, *East New York: Preserving Affordability in the Face of Uncertainty*, 10/23/2017)

For the most part, lower-density neighborhoods operate differently from high-density neighborhoods due to one thing in particular: owner-occupied units. The citywide average for owner-occupied units is approximately 33%; however, Staten Island is above 70%, Queens is nearly 50% and significant portions of southern Brooklyn and the northern/eastern Bronx are above the city average. Indeed, neighborhoods with R1 and R2 one-family zoning – two-thirds of which are in eastern Queens – are 98% owner-occupied, with two-family zoned areas above 90%. These areas – which total less than 25% of the entire residential area of the city – comprise what remains of the working- and middle-class within the city limits. If adopted, this proposal will be nothing less than an extinction event for those neighborhoods as well as other lower-density areas.

There is no question that this proposal is an undisguised attempt at deregulation of our land use laws, with very serious consequences should it occur. Taking into account the Scope of Work's outlook and methodology (or serious lack thereof), below is additional information needed for context which is not included or given in honest form in this document:

- 1) The present-day buildout for New York City can accommodate an additional 8 to 12 million residents. This is without any changes to existing zoning.
- 2) While many neighborhoods were contextually rezoned, particularly from 2003 to 2013, these were very serious negotiations between communities, elected officials and DCP which in turn supported significant upzonings in many other neighborhoods and development corridors, with an overall increase – not decrease as described by the current leadership and staff at DCP– in buildable unit count.

- 3) Unlike most cities around the United States where one-family zoning represents between 65% and 85% of land use, one-family zoning comprises just 15% of residential zoning, with two-family zoning less than 10%. These zones are mostly in areas with minimal transit, infrastructure and agency staffing, existing or proposed; at a bare minimum, to increase density beyond their current zoning designations would be environmentally, socially and financially irresponsible. And, the rhetoric from the DCP about “finally ending exclusionary zoning” rings hollow, as there’s hardly any of that in New York City presently.
- 4) There is absolutely nothing about infrastructure included in this proposal, either to maintain current levels or increase them as per increases in population and need. In a period of time when we are facing 15% budget cuts and have agencies that are barely operating, including the Department of Buildings, the main enforcer of Building and Zoning code.
- 5) This entire proposal is based upon building more market-rate housing. There’s nothing affordable about anything being proposed, period. We cannot – and never have been able to – build ourselves out of a crisis in New York City.

As for several specifics as to why these proposals will be catastrophic to lower-density communities and why they are cynical in nature and not for the public commonweal,

- 1) Unlike the DPC, who will apparently not be assessing how these proposals will affect every neighborhood and parcel in New York City in violation of the basic framework of an EAS review process, I have been undertaking studies of dozens of neighborhoods throughout the city to see how these proposed zoning changes – many of them overlapping (ADUs, TODs, Town Center) – will affect communities. The results are even more shocking than I anticipated. Numerous neighborhoods are seeing basic increases in potential unit count of 400%, 500% or more under the new as-of-right scenario if adopted. This is not just “a little more housing in every neighborhood” as Mayor Adams has stated publicly – this is the total destruction of neighborhoods that are, contrary to the belief of those proposing these changes, not just a blank canvass or farmland.
- 2) Accessory Dwelling Units (ADUs) are a non-starter. They are not affordable housing. They are just more market-rate units in places where they don’t belong: basements/cellars (dying from floods); attics (dying from fire); garages (dying from fire); and new buildings in the backyard, creating additional stress on scarce open space and permeable ground.
- 3) Transit-oriented development (TODs) can only work in targeted situations through a ULURP zoning change, not as a blanket change to zoning regulations across a large geographic area with multiple zoning designations. The density being considered in the TOD zones, including wide street allowances and corner lots everywhere for apartment construction is unsustainable and impossible for any block or neighborhood to absorb. In addition, many areas being included within the proposed TOD map are “railroad suburbs” and planned communities designed at the beginning of the 20th century. Many of them also have private deed restrictions allowing only one-family zoning. DCP has an *obligation* to keep the zoning as close as possible to match the deed restrictions as per lawsuits already won by homeowner and civic associations over the past 70 years. TODs will reverse this and set up the city for being in violation of those legally binding decisions.
- 4) “Town Center” proposed zoning is absolutely unnecessary and will be extremely harmful to neighborhoods around the city if adopted. The ULURP process works perfectly for upzoning commercial strips and “town centers” through community consultation and elected officials who decide where, when and how it will be appropriate on a case-by-case basis. Again, creating a blanket zoning change to address all commercial overlays without taking into account unique challenges and concerns in each neighborhood is a non-starter.
- 5) Proposing to change the basic framework of zoning regulations – as per a previous proposal known as Unified Bulk proposed and abandoned during the Giuliani administration – is outrageous. The only purpose to change lot sizes, widths, setbacks, heights, floor area ratios, mandatory planting areas and other basic forms is to increase bulk, density and profits for developers. There is nothing affordable about increasing bulk and decreasing light and air, period.

- 6) The elimination of parking requirements for all new residential construction takes no consideration in terms of density, geography, transit, income levels or other social and physical indicators. Large parts of the city have little to no transit. Cars are a lifeline for many seniors and working-class residents of the city who need transportation to get to far-flung locations – or simply supermarkets – not served by transit. Additionally, many areas that have good connections to transit and higher density residential development still have large numbers of car owners. By eliminating mandatory off-street parking and removing large amounts of on-street parking, the city is exacerbating an already serious problem – and it won't go away just because some policy makers think that cars (along with low-density housing, apparently) are the root cause of all of our problems.

In conclusion, the DCP and Adams administration need to immediately withdraw the City of Yes – Housing Opportunity in its entirety, as the Scope of Work is built upon false premises, faulty data and malicious intent against an extraordinary number of residents and property owners throughout the city.

Submitted by:



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