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City of Yes for Housing Opportunity CEQR Scope

Since 1892, The City Club has been a civic organization advocating for sound urban policies for all New Yorkers. The City Club of New York promotes good governance and urban planning responsive to the needs of our communities.

In that spirit we offer the following recommendations to improve the scope of work for the environmental review of the proposed City of Yes for Housing Opportunity:

Open Space (task 5): The importance of open space is emphasized by the Covid pandemic and by climate change. Covid showed the need for quality outdoor space as a public health issue. Climate change shows the usefulness of porous surfaces to mitigate flooding and landscaping to reduce heat and humidity. The analysis of open space needs to go beyond the amount of space related to the number of users and examine the usefulness of the space.

During Covid the City's parks and public spaces were intensely used. Private space (interior and exterior) should have sunlight, if at all possible, and landscaping should be addressed, inclusive of passive and active recreation for adults, teens, and children. Neighborhoods like Jackson Heights and Sunnyside are excellent examples of housing with quality open space that could be used as a standard. In addition, the shadowing of public space, such as parks and playgrounds, by new buildings should be addressed by permitting envelope flexibility when configuring the development.

The analysis should consider how open space, including streets as well as front and rear yards, can be designed to absorb flooding and planted to mitigate the heat island effect.

Energy (task 13): The analysis of energy in CEQR is currently limited to the energy used to operate buildings. This provides an incomplete picture of the energy impacts of developing a new building. The energy analysis should be expanded to include the embodied energy that is lost when structures are demolished to make a site available as well as the energy used in the demolition, transport, and disposal of debris from the old building. It should also include the energy to create, transport and assemble the materials for



the new building. Such a life cycle analysis would provide a more complete picture of the energy impacts of the proposed action.

Addressing only the energy used to operate the building prejudices the analysis in favor of new construction designed to be energy efficient. Including the energy used to prepare the site, including the embodied energy of structures removed, and the energy used to create the new building and to maintain and repair it would favor reuse and modification of existing buildings.

Alternatives (task 22): The proposed 20% increase of FAR in medium and high density districts to compensate developers for providing affordable housing and the relaxation of envelope controls to accommodate the additional floor area may result in buildings that are not in keeping with their built context. Existing contextual districts were selected to reflect the building and street wall heights where they are mapped. Changing the allowed zoning envelope abandons this consistency and makes it likely that new buildings will negatively impact neighborhood character and urban design. This is illustrated in Appendix A of the draft scope.

An alternative to the proposed action would be to mandate a percentage of affordable housing without granting additional FAR to pay for it. This is done in other jurisdictions and should be examined here.

There are other matters that seem problematic. For example:

- How will the environmental review evaluate the impact of reduced minimum lot sizes and lot widths, especially in the lowest density areas?
- What would be the process for adjusting the areas covered by Transit-Oriented Development Areas when a new rail station is established or a bus line is relocated?
- The draft scope says the environmental review will assume renewal of some version of 421a tax abatement. Will it also examine the impacts of different or no tax abatements?

We also offer the following comments which probably have more to do with the proposal than with CEQR.

The proposed revisions do not seem to address the structure of the current, complex, Zoning Resolution. It is part of the problem. Assuming the structure of the resolution stays the same, the proposal appears to be missing any mention of an online code that would be queryable to show all zoning and other regulations governing a zoning



lot. Also graphics should be used for a better understanding of the Zoning Resolution and what can be done on a zoning lot. While the Zoning Handbook provides a good illustrated overview, many, if not most developments are on sites which are more complicated than the handbook addresses. A more illustrated zoning text would be better.

It is unclear how the proposal deals with mismatches between the existing built context and their zoning districts. For example, much of Harlem, is zoned R7-2. The context on the midblocks is 3-4 story row houses (see the Environmental Simulation Center (ESC) website for a study, done for the MAS in 2000, "Comparative Zoning Analysis" comparing the original and then proposed modifications to the contextual height and setback regulations).

This mismatch between the existing physical context and the underlying zoning is problematic and not unusual. Notwithstanding, the proposal's use of wide and narrow streets to determine the height and setback regulations, it is in most cases a crude match to existing context.

If the intent is to match the zoning lot's context while allowing for change over time, as each new building both adds to and changes the context for the next new building, there are other approaches that deserve to be considered. Housing Quality Zoning (HQZ), the precursor to Contextual Zoning, is a performance-based system that self-adapts to any site. HQZ's Neighborhood Impact section is essentially an urban design analysis of the development's built context, inclusive of each new building. In 1973, before the IT revolution, this was a demanding task for architects, but with computers, not difficult at all. HQZ can be found on the ESC website.

A study done by the ESC and Phillips Preiss and Shapiro for the Public Advocate in 2005 identified C8 districts as potential redevelopment zoning districts. The study is available on the ESC website. C8 districts allow automobile related uses but not residential use. Why this exclusion now when residential and commercial uses are compatible and automobile related uses diminished? Coney Island Avenue in Brooklyn is a good example of a wide street with auto related and other uses fronting Coney Island Avenue but with residential use on the other half of the block fronting the narrow parallel street. The proposal and the scope of the environmental analysis should be expanded to add residential use in C8 districts. Separate from the residential FAR 1 FAR of commercial use should be included to subsidize affordable housing and to encourage commercial continuity along the street.

The City Club appreciates this opportunity to offer comments.