

August 16, 2024

Testimony of The Collective for Community, Culture and Environment, LLC

Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

Members

- Eve Baron
- Leslie Boden
- Meta Brunzema
- Paula Luria Caplan
- Jocelyne Chait
- Devyani Guha
- Jill Hamberg
- Eva Hanhardt
- Zehra Kuz
- Mercedes Narciso
- Jina Porter
- Yvette Shiffman
- Evren Uzer
- Laura Wolf-Powers
- Ayse Yonder

City of Yes for Housing Opportunity DEIS

The Collective for Community, Culture, and Environment (CCCE) is pleased to submit testimony on the City Of Yes for Housing Opportunity (COYHO) for NYC DCP’s proposed zoning text amendment.

CCCE is an all-women urban planning and architecture consultancy based in New York City.

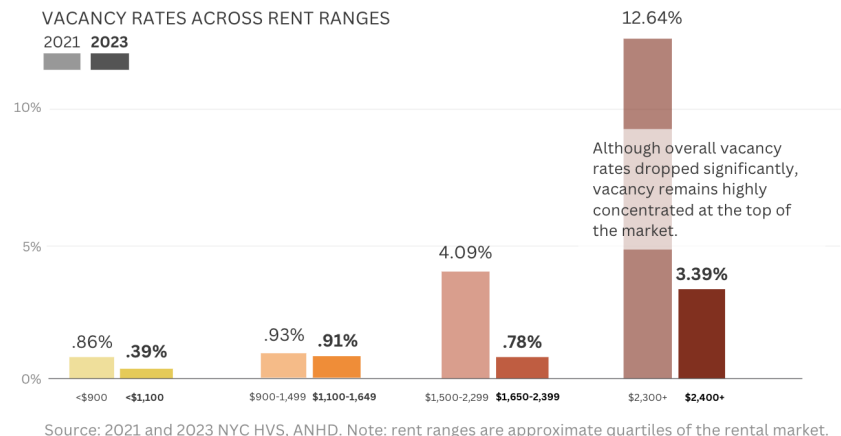
The following comments enhance and underscore oral testimony provided at the June 11 public hearing.

While we appreciate the goal of having neighborhoods citywide contribute to the provision of truly affordable housing, we urge the CPC to reject the current proposal without significant modifications.

POINTS OF CONCERN

1. AFFORDABILITY

There are few affordability requirements. The city needs an Increased supply of affordable housing, NOT luxury housing. If supply alone were adequate, the higher vacancy rate of luxury housing would have already “trickled down” (see chart below). Many other factors affect affordable housing supply, including costs and finance issues, nimbyism, land values, gentrification pressures, etc.





Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

Universal Affordability Preference is voluntary and unpredictable. In many neighborhoods, developers may elect not to take advantage of the increased FAR.

- We challenge DCPs assertion that “restrictive zoning is by far the leading cause of the dire housing shortages...”. According to the Greenwich Village Society for Historic Preservation, if all unused FAR were developed as zoned, it could provide housing for several million additional New Yorkers¹.
- Furthermore, there is no single definition of affordable housing nor does metropolitan rather than local AMI accurately define housing needs. For example, Mandatory Inclusionary Housing allows incomes up to 135 percent of AMI, which in 2024 is 188,730 for a family of 3 –hardly affordable to many New York City residents.
- There are few affordability requirements, and no affordability guarantees where the demand is greatest. If supply alone were an adequate indicator, the current higher vacancy rate of luxury housing (3.9%) would have already started to trickle down to address the minuscule vacancy rate of deeply affordable housing (0.39%). The increased supply need is for affordable lower-income/low rent housing, NOT for luxury housing.
- The additional density proposed for the new R11 and R12 districts should include only affordable units.
- The Department of City Planning has not provided any analogous examples where increased supply has successfully addressed affordable housing shortages.

According to the University of British Columbia’s Professor Patrick Condon, the city of Vancouver, Canada increased the housing supply twice as fast as population growth. Land values soared, leading to higher prices, with the benefits going to landowners, especially speculators. Reduced affordability and displacement ensued².

2. ELIMINATION OF FUTURE PUBLIC REVIEW

COYHO proposes to replace CPC Special Permits with Authorizations and Certifications in three of the major topics. Eliminating Special Permits and thus the ULURP process is an issue of concern, as decisions that can drastically change neighborhoods will not always be subject to public review.

The three affected topics in the COYHO proposal are:

Topic 6: Lift Costly Parking Mandates: While reducing parking requirements is commendable, the use of a CPC authorization to reduce the number of required

¹ Greenwich Village Society for Historic Preservation. *Is a Housing ‘Shortage Really the Cause of Unaffordability?* May 2024

² Condon, Patrick, *Broken City: Land Speculation, Inequality, and Urban Crisis*, University of British Columbia Press 2024/



Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

existing parking spaces is questionable, as it may impact the area's residents and businesses without their input. Thus, this provision should require a CPC Special Permit.

Topic 14: Landmark Transferable Development Rights: COYHO introduces flexibility to landmark development rights transfer by allowing this transfer to a surrounding area and allowing receiving sites to modify bulk regulations to accommodate additional floorspace.

While currently, landmark transfer of development rights requires a CPC Special Permit, the proposal only requires CPC Certification or Authorization, thus eliminating full public review. Although the proposal limits the amount of transferable floor area to 20% (except in 15 FAR districts where there is no limit), if the landmark transfer were combined with other development types, such as as-of-right zoning lot mergers and/or UAP, and/or AIRS, the receiving site or sites could produce very large developments that would alter the built fabric and the character of neighborhoods. Therefore, the CPC Special Permit, and thus ULURP should be required.

Topic 15: Railroad Right-of-Way: Replacing the CPC Special Permit with CPC Certifications and Authorizations is problematic. Any type of development of any size on a railroad-right-of-way or former railroad-right-of-way should involve review by stakeholders and elected officials. Accordingly, a CPC Special Permit, which involves the ULURP process should be required.

In addition, the new **Campus Infill** as-of-right proposal raises serious issues concerning major changes without public review (see following). Therefore, a CPC Special Permit (ULURP process) and an Environmental Impact Statement should be required for development on housing campuses to allow stakeholders, elected officials and experts to evaluate such proposals.

3. CAMPUS DEVELOPMENT

The proposal for “campus” development including NYCHA, Houses of Faith, and others are similarly objectionable as they would reduce open space, tree cover, permeable surfaces and surface parking (which could be reduced or replaced with sub-surface or permeable parking). Furthermore, without a requirement for truly affordable housing, they risk gentrification and secondary displacement.

Many of NYCHA campuses are in the floodplain³; additional developments would increase the population vulnerable to climate change impacts.

COYHO proposes major as-of-right changes to these locations that could impact the campuses, surrounding neighborhoods and beyond. Issues of concern include not only the lack of provision for affordable housing, but also environmental impacts and quality of life. COYHO's proposal to reduce the size of windows may

³ See NYCHA developments in 2015 PFIRM Flood Zones map in Annals of the New York Academy of Science: https://www.researchgate.net/figure/NYCHA-developments-and-selected-flood-zone-locations-Source-NYCHA-with-FEMA-2015_fig4_331796136



Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

result in new developments with less light and air. Decreased distance between buildings and increased lot coverage can greatly reduce open space with the potential to considerably increase the heat island effect⁴ and the heat vulnerability index⁵, especially on housing campuses which currently enjoy cooler temperatures or lower temperature deviations from the mean, as illustrated in the New York City council Mapping Heat Inequality in NYC portal⁶.

4. FAILURE TO CONSIDER LOCAL IMPACTS

This is a very complex package, difficult for the general public to understand or evaluate given the generalized descriptions provided by DCP through its website and presentations. The zoning text contains many detailed changes that are not presented but are significant, particularly at the local level.

COYHO is a citywide action tied to zoning districts and not communities, triggering a generic EIS.

The representative samples presented in the DEIS do not allow for appreciation of impacts on local neighborhoods, with different conditions and needs.

- One of New York City's greatest assets is that it has a diversity of built form and neighborhood types.
- The zoning "one size fits all" amendments neglect local context and conditions other than density. The zoning modifications need to consider specific situations where they affect population growth, income, infrastructure capacity, services, neighborhood character, climate risk, and potential for displacement and gentrification.
- Prototypical sites have not been identified or shown to reflect all potentially relevant contexts.
- It is impossible to predict development impacts because developer decisions based on the zoning are essentially voluntary.
- Many of the textual changes to yard, open space, and height regulations, for example, will result in changes that have not been allowed or have been subject to DCP or BSA permits and will now become "as -of-right." Without a contextual analysis, it is unclear if the potential reduction, for example of the yard and open space requirements, will impact the amount of permeable surface needed in many neighborhoods to mitigate impacts of climate change flooding (apparently in conflict with the COY Carbon Neutrality provisions).

⁴ See Mapping NYC's urban heat islands: <https://felt.com/map/Mapping-NYCs-urban-heat-islands-fWxaE1jxS9AGEEtLnEI5kA?loc=40.8061,-74.1248,10.41z>

⁵ See Environment & Health Data Portal's Interactive Heat Vulnerability Index: <https://a816-dohbesp.nyc.gov/IndicatorPublic/data-features/hvi/>

⁶ Mapping Heat Inequality in NYC: <https://council.nyc.gov/data/heat/>



Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

5. POTENTIAL IMPACTS OF SPECIFIC ZONING TEXT LANGUAGE CHANGES

As-of-right changes in low-density districts (R1-R5), such as reduced rear and side yards, lot coverage, and FAR increases raise objections in many neighborhoods. In medium to high-density districts, reduced rear and side yards, legal window size, and inner courts, and increased tower coverage, may lead to loss of trees and permeability.

The proposed changes speculate that these measures will be accompanied by City and State Law and Code changes that allow for buildings with multiple exposures. Yet it is unclear whether this trade-off is necessary, to accommodate the proposed courtyard and side yard building types, as shown in DCP's illustrated guide. A clear explanation of the implications is required.

6. LACK OF CONSIDERATION OF OTHER COY ACTIONS

COYHO's text ignores other COY amendments – Carbon Neutrality and Economic Opportunity. A cumulative impact analysis is missing.

For example, the yard and open space requirements, might impact the amount of permeable surface needed in many neighborhoods to mitigate the effects of climate change flooding (this seems to contradict COY Carbon Neutrality provisions).

POINTS OF GENERAL AGREEMENT AND RELATED CONCERNS

7. INCREASED HOUSING DENSITY IN TOWN CENTER AND TRANSIT-ORIENTED DISTRICTS.

CCCE agrees with increasing housing density in Town Center and Transit Oriented Districts.

There are benefits to incentivizing housing and increasing density where appropriate in certain neighborhoods with good transportation access and/or commercial corridors.

- However, there are no commitments to the provision of adequate infrastructure and services, if necessary.
- TOD areas eliminate the dwelling unit factor (minimum average size) to allow smaller units. Again, affordability requirements are needed.
- Multifamily dwellings up to R5 levels, even in R1 and R2 districts, in transit zones, should not be allowed as-of-right.



Collective for
Community, Culture
and Environment

info@collectiveforcce.com
collectiveforcce.com

8. ACCESSORY DWELLING UNITS.

There are benefits to allowing Accessory Dwelling Units (ADU), where appropriate. However, for new construction, there are concerns about the size of lot coverage, and loss of open space and trees, especially for smaller lots.

9. TRANSFER OF DEVELOPMENT RIGHTS

TDR provisions could increase density without protecting the character of landmark surroundings or historic districts.

The expanded transfer of FAR from Landmarked buildings, including Houses of Faith, could be a positive opportunity for residential development, however, any resulting housing must be affordable. Discretionary approvals, which should be special permits rather than authorizations, should include findings regarding population growth, infrastructure capacity, services, neighborhood character, climate risk, and potential for displacement or gentrification.

10. ADAPTIVE REUSE

While adaptive reuse changes that enable conversions to a wider range of housing types like supportive housing, dorms, and rooming units are potentially positive, they should include affordability requirements.

11. LIFT COSTLY PARKING MANDATES

While reducing parking is commendable, eliminating parking mandates must accommodate the limitations of on-street parking.

- Blanket elimination of parking mandates without consideration of on-street parking limitations, particularly in highly congested parts of the city, where bike lanes, outdoor dining, truck deliveries, and sanitation services have restricted parking or removed parking lanes altogether is too drastic.
- The reduction of required parking does not account for neighborhood differences in mass transit availability. As on-site parking is voluntary, this may result in parking provided in neighborhoods with market-rate development, but the elimination of parking in lower-income neighborhoods and affordable housing without a clear analysis of mass transit availability or a commitment to additional mass transit alternatives. For many families being limited to car services for all travel may be prohibitively expensive.

Thank you for considering these comments.