

Thank you to Paul Graziano for preparing the narrative and chart.
I thought it might be easier to view the narrative parts of the attached PDF here
-Corey Bearak
Chair, QCB13 Land Use Subcommittee on City of Yes

The *City of Yes for Housing Opportunity (CoYHO)* is a deregulatory program that was written by developers for developers, including those who were placed on the “BLAST” Committee by Mayor Adams and wrote the “Get Stuff Built” list for him – which was mostly transformed into all three parts of the City of Yes, including *Carbon Neutrality* and *Economic Opportunity*.

The ultimate goal of CoYHO is to allow developers the ability to build anywhere at anytime and to replace what’s left of the middle class – owner-occupied housing which makes up one-third of the units of the city – with market-rate rental units; in addition, virtually no affordable housing of any kind will be built under the CoYHO even though there are a few “voluntary incentives” to create it at unaffordable levels.

On November 21st, 2024, the City Council Zoning Subcommittee and Land Use Committee voted in favor of the CoYHO with “modifications” to the zoning text. These changes are, for the most part, insubstantial and merely provide minor tweaks to a scheme that will destabilize communities across the city for the sole benefit of developers. Our homes, streets, neighborhoods and the environment are all on the chopping block, placed there by the very people who are supposed to represent our communities. A final up or down vote of the modified zoning text by the City Council will occur on December 5th, 2024.

The following pages {SEE ATTACHMENT} show some of the differences – or lack thereof – between our present zoning regulations, the City Planning Commission’s approved zoning text and the City Council’s modifications, specifically in one and two-family zones. These include *Lot Width; Lot Size; Side Yards; Rear Yards; Front Yards; Lot Coverage; Floor Area Ratio (FAR); Streetwall and Perimeter Wall Height; Accessory Dwelling Units (ADUs); Transit-Oriented Development (TODs);* and *“Town Center” Zoning*.

Additional changes not covered by these charts are discussed at the end of this {Attached} document.

[Below relate to each of the charts]

*Changes in LOT WIDTH will be **catastrophic** for most detached single and two-family zoning districts. The only “modification” that the City Council made was to partially restore the R1-1 zone – which had been eliminated and folded into the new R1-2 zone – but at a 25% reduction of its original lot width.

*Changes in LOT SIZE will be **catastrophic** for most detached single and two-family zoning districts. The **only “modification”** that the City Council made was to restore the R1-1 zone – which had been eliminated and folded into the new R1-2 zone – but at a 25% reduction of its lot size.

*Changes in SIDE YARDS will be **catastrophic** for most detached single and two-family zoning districts. The **only**

“modification” that the City Council made was to slightly increase side yards for R1-1/R1-2/R1-2A zones – which had been made the same for all R1 and R2 zones – but at a 54% reduction in R1-1 and 20% reduction in R1-2 zones.

*Changes in REAR YARDS will be **catastrophic** for most detached single and two-family zoning districts. **No**

“modifications” were made by the City Council, which will result in decreased open/green space, permeability and quality of life while increasing impermeability and flooding/environmental hazards.

*Changes in FRONT YARDS, including corners, will **significantly damage the streetscape** for most one and two-family zoning districts. **No “modifications”** were made by the City Council, which will result in decreased open/green space, permeability and quality of life while increasing impermeability and flooding/environmental hazards.

*Changes in LOT COVERAGE will be **catastrophic** for most single and two-family zoning districts. The **only**

“modifications” that the City Council made deals with lot coverage in R1, R2 & R3 zones for midblocks. However, in R2X (40%), R3A and R3X (50%) zones, it is that amount PLUS whatever is remaining after all yards per property.

*Changes in FAR will be **catastrophic** for most single and two-family zoning districts. The **only “modification”** that the City Council made was that on a lot “that exceeds 4,000 square feet” the FAR will be 0.60 instead of 0.75 in the districts shown. This will primarily affect lots in R1-1/R1-2/R1-2A zones which are over 4,000 sf by code.

*Changes in HEIGHT will be **significant** for many single and two-family zoning districts.

No “modifications” were made by the City Council, which will result in a taller, bulkier streetscape out of context with existing development and increase already rampant illegal square footage and other abuses.

*Allowing ADUs on all one and two-family properties in R1 through R5 zones will be particularly **catastrophic** for all single and two-family zoning districts. The **only “modifications”** that were made by the City Council are for **Flood Zones, R1-2A/R2A/R3A zones** outside of the Transit Zone and **attached rowhouse development in R4B zones. Backyard coverage** was reduced from 50% to **33%** and an ADU more than 15’ tall **must have a parking space.**

*The biggest change that the Council made was **eliminating TODs in one-family zones.** However, they will continue to be **catastrophic** for two-family zoning districts. The **other “modifications”** include changing the Dwelling Unit Factor (DUF) for **all new development to 680 and 0 for Manhattan and downtown Brooklyn, require parking for 75+ units** outside of the Inner Transit Zone (ITZ), and **lower the TOD radius from ½ to ¼ mile for some LIRR/MN stations.**

*“Town Center” zoning will be **catastrophic** for all single and two-family zoning districts, where density and height will be exponentially greater than as-of-right today. This is particularly true for the Greater Transit Zone areas, where new buildings will be at the present R6B height and density. The **only “modifications”** that were made by the Council is a **modest affordability measure at 50+ units** and **minor parking requirements at 75+ units beyond the GTZ.**

Some other sections of CoYHO include:

- **Mass elimination of parking requirements, now defined by Zones 1, 2 & 3 by City Council modifications.**
- **Elimination of all parking requirements for Houses of Worship specifically within one and two-family zones,**

reversing the *Community Facilities Reform Text Amendments* passed by the City Council in 2004.

- All religious organizations who own property will be able to develop them for housing at very high densities (equivalent to TOD zones) regardless of the underlying residential zoning (R1, R2, R5, etc.).
- Along with the religious organizations, “*Campus Infill*” zoning will allow current “campuses” (which can also include undeveloped land) such as garden apartments or other apartment complexes to build on their green spaces. Modifications by the City Council include matching the heights of new buildings to existing ones and having a minimum amount of green space.
- Changes to the Dwelling Unit Factor (DUF) for all zones – which are currently different for each zoning category – to zero (0) for the Inner Transit Zone and 500 for all other areas; this was modified by the City Council to zero (0) for Manhattan and downtown Brooklyn and 680 for all other areas. 680 is currently the DUF for R6 zones.
- Removal of FAR requirements for attics over 5’ in height in R2A, R2X, R3A, R3X, R3-1 and R4A zones. This requirement is based on a perimeter wall of 21’ in height. The goal of the height and FAR requirements are to keep the buildings lower/more compact and curb rampant illegal attic usage/space.
- Permitted obstructions in yards – porches, stairwells, chimneys, etc. – have been increased to a maximum of 30% lot coverage. Combined with the 40%-80% lot coverage for building footprints, there will be no light/air/green space left.
- In tandem with permitted obstructions above, front yard planting requirements in R1 through R5 zones, which were put into place in 2008 to help curb flooding and other environmental degradation, have been minimized under CoYHO. This is a reversal of the *Yards Text Amendments* passed by the City Council in 2008.

Conclusion:

Contrary to the tagline “just a little more housing in every neighborhood” the *City of Yes for Housing Opportunity* will have a tremendously destructive effect across the city.

Whether for lot size, width, FAR, parking or other metrics, getting rid of meaningful and nuanced regulations that control basic development practices in favor of allowing for unbridled market-rate and luxury rental housing “in every neighborhood” is a recipe for disaster.

By definition and design, CoYHO destroys neighborhood character in lower density and contextual communities in particular, compromises homeownership, destabilizes tenants, increases land values / property taxes exponentially and creates no meaningful affordable housing for those who truly need it.

As for one and two-family zones, which are the focus of this document: CoYHO will simply commodify

these areas and increase displacement, dramatically lower the quality of life and create more environmental hazards in fragile places that are already 50+ years behind in infrastructure.

Neighborhoods that carefully contextually rezoned their communities 10 to 20 years ago to control allowable square footage in order to maintain homeownership affordability – including communities of color in southeast Queens, southeast Brooklyn and the north Bronx, will have all of that work reversed and beyond, bringing them back to the 1916 Zoning Ordinance that favors speculators and absentee landlords over owner-occupied stakeholders.

One group of people will thrive: developers, who will financially benefit at the expense of everyone else.

Corey B. Bearak, Esq.
Government & Public Affairs Counsel