

New York City Releases Proposed Text for City of Yes for Housing Opportunity

On April 11, 2024, the New York City Department of City Planning (DCP) released the draft zoning text for the City of Yes for Housing Opportunity proposal, the third of the Adams administration's City of Yes zoning initiatives.

In line with Mayor Adams' moonshot goal of providing 500,000 new homes to New Yorkers over the next decade, the proposal aims to add "a little more housing in every neighborhood" to address the city's severe housing affordability crisis. The proposal seeks to create opportunities and incentives for new and affordable housing, allow increased density in all neighborhoods, relax and streamline current regulations to accommodate new units and remove zoning barriers to housing production.

"City of Yes for Housing Opportunity would help alleviate this crisis by providing New Yorkers with more housing choice, and the release of the draft zoning text is an important step toward making that happen," said Dan Garodnick, DCP director and chair of the City Planning Commission, in a press release. "These materials will help the public understand how our proposal will create housing opportunity in every neighborhood and reflect our commitment to transparency and public engagement."

The draft zoning text and Illustrated guide were released in advance of city's formal public review process, which is anticipated to commence on April 29.

The 790-page annotated draft text includes the following proposals:

New High-Density Residential Districts

The proposal would establish two new high-density zoning districts, R11 and R12, which would permit a residential floor area ratio (or FAR) of 15 and 18, respectively. Developments constructed in the new zoning districts would be subject to the city's Mandatory Inclusionary Housing program, requiring 20% to 30% of residential floor area to be permanently affordable units. The state would need to eliminate the 12 FAR cap in order to map these districts.

Lifting Parking Mandates

The proposal would remove parking requirements for residential developments in all neighborhoods and for mixed-use developments in certain instances. Parking would continue to be permitted in accordance with underlying regulations allowing property owners to determine parking needs that reflect the market.

Conversion of Office Buildings to Housing

The proposal would expand existing provisions that facilitate conversion of offices and other non-residential buildings to a range of housing types including residential use, supportive housing, dormitories, and shared housing with common facilities. This includes allowing buildings constructed before 1991 in the majority of the city to be converted, whereas current provisions generally apply only to buildings constructed prior to 1961 in certain parts of Brooklyn, Manhattan, and Queens.

Floor Area Bonus for Affordable Housing

The proposal would establish Universal Affordability Preference (or UAP), a new affordable housing program that would allow a 20% floor area increase for residential developments in medium- and high-density zoning districts if the additional floor area is used for on-site permanently affordable or supportive housing at an average affordability of 60% of Area Median Income (AMI). UAP, which would

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replace the city's existing Voluntary Inclusionary Housing Program, would significantly expand the geographic area where floor area incentives are available for provision of affordable housing.

Campus Infill

The proposal would facilitate infill development on large sites or campuses with multiple buildings by streamlining current zoning regulations that currently hinder new construction.

Transit Oriented Development and Town Centers

The proposal would provide opportunities for transit-oriented development and town centers by facilitating three-to-five-story apartment buildings in low-density (R1 to R5) zoning districts. These apartment buildings would be permitted on large lots located on wide streets and within a half-mile radius of a subway or rail station and along commercial corridors.

Ancillary Dwelling Units (ADUs)

In low-density neighborhoods, the proposal would create greater flexibility for homeowners to add ancillary dwellings on lots with single- or two- family homes. ADUs may include backyard cottages, garage conversions, or basement apartments.

Small Units and Shared Housing

The proposal would permit a wider range of affordable housing options that are prohibited under current regulations, including smaller apartments and shared housing with common kitchens and other facilities.

The proposal also includes:

- related changes to bulk regulations including floor area, yards, lot coverage, density, building envelopes, and heights to accommodate proposed increases in density;
- zoning fixes to facilitate development of two-family and small apartment buildings in districts where permitted;
- eliminating the "sliver law," which restricts building heights on certain narrow properties, for quality housing buildings; and
- simpler, more ministerial processes for developments above railroad rights-of-way and the transfer of development rights from landmark buildings to support on-going preservation of historic buildings.

We will continue to monitor the details of the City of Yes for Housing Opportunity and provide updates.