

**CB9M**

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COMMUNITY BOARD #9, MANHATTAN

Mark D. Levine
President, Borough of Manhattan

Hon. Victor Edwards
Chair

July 1, 2024

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120 Broadway, 31st Floor

Hon. Solomon Prophete
Secretary

New York, New York 10271

Dear Chair Garodnick

Hon. Theodore Kovaleff
Assistant Secretary

At its regularly scheduled General Board Meeting held on Thursday, June 20, 2024, in hybrid (in person and remote); Manhattan Community Board No. 9 adopted the following reso re: **City of Yes Zoning for Housing Opportunity (COYHO) with detailed conditions** by a vote of: 25 in favor, 5 opposed, and 7 abstentions:

Eutha Prince
District Manager

WHEREAS New York is undergoing a citywide housing crisis characterized by prohibitively expensive rents, a failure to accommodate growing homeless and migrant populations, and widespread displacement of long-term neighbors; and

WHEREAS Manhattan Community Board 9 (MCB9) has formally and repeatedly drawn attention in its District Statement of Needs and its committee actions to the impact of the housing affordability crisis on West Harlem, where over 51% of MCB9 residents are rent-burdened (paying over 30% of their income on rent) and 30% are severely rent-burdened (paying over 50%); and

WHEREAS the city's housing stock has lagged behind its job and population growth for decades, with a 9% increase in residential units and a 21% increase in jobs since 2010, which has created the lowest apartment vacancy rate since 1968 and omnipresent housing instability for New Yorkers; and

WHEREAS city zoning policy (including the last major zoning text amendment of 1961) has exacerbated these problems by concentrating residential development in a small number of neighborhoods, restricting the development of small apartment buildings citywide, and incentivizing luxury development through the prohibition of new buildings with small units; and

WHEREAS 315,356 lots comprising 43% of the City's residential land (as of 2023) maintain suburban low-density zoning (under the categories of R1, R2, and R3 zoning groups and their variants) that has essentially frozen the boundaries of the core city to those neighborhoods that already comprised said core in the mid-twentieth century and a few upzoned former industrial neighborhoods; and

WHEREAS almost all new housing units added in the city since 2010 have been added via conversion of previous manufacturing and industrial land to residential land, with the rest being added as infill development in already-dense neighborhoods; and

WHEREAS MCB9 has formally called attention to the unequal burden of the housing crisis in a March 2023 resolution calling for an increase in the residential capacity of R1, R2, R3, and R4 residential zoning districts citywide; and

WHEREAS MCB9 believes that a return to the natural growth of the City from the expansion of the urban core through increased access to mass transit accompanied by the resulting increases in residential and commercial density enabled by such transit access is required in any long-term solution to our current housing crisis; and

WHEREAS the Department of City Planning (DCP) in its customized presentation for MCB9 displays maps that show that Manhattan Community District 9 currently has zero lots zoned for one-family, 2-family, or low-density multi-family residences, and instead has 100% of its lots already zoned for medium-density and high-density development, illustrating the limited number of incremental housing units that could be produced in Manhattan Community District 9 (MCD9) by increases in density without destroying existing dense housing stock; and

WHEREAS DCP has proposed the "City of Yes Zoning for Housing Opportunity (COYZHO)" zoning text amendment, which aims to reduce housing insecurity by modestly increasing the supply of housing units in all neighborhoods and includes proposals like the Universal Affordability Preference (UAP) for high-density districts; town-center zoning, transit-oriented development, and Accessory/Ancillary Dwelling Units (ADUs) for low-density districts; and removal of parking mandates, office-to-residential conversions, and relegalization of small-unit buildings citywide; and

WHEREAS the high-density UAP proposal, which legalizes as-of-right additional affordable units in residential construction for residents whose average incomes are 60% of the city's area median income (AMI), would help high-density residential districts like MCB9 with few Mandatory Inclusionary Housing (MIH) lots create a substantial number of affordable homes for residents; and

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WHEREAS the low-density town-center zoning, transit-oriented development, and ADU proposals would partially address MCB9's March 2023 resolution by increasing residential floor area in low-density neighborhoods, and the citywide office-to-residential conversion proposal would produce much needed housing units from underutilized office spaces; and

WHEREAS the application of R5 density and bulk regulations in 34-111 to "qualifying residential sites" generally over 5,000 square feet or having commercial or community facility uses within a half-mile of a mass-transit site as defined in proposed section 12-10 will restore property owners' ability to develop small (3-5 story) apartment buildings with ground-floor retail or community facility space, a flexible building type and source of housing previously common before the 1961 zoning code effectively forbade it; and

WHEREAS the removal of existing Section 33-04 of the zoning text in the proposed text amendment removes most of the "Lower Density Growth Management Areas" regulations that have helped create the housing crisis; and

WHEREAS COYZHO grants additional flexibility to existing buildings to add off-street parking spaces or to increase such parking spaces in section 13-07 of the proposed text amendment and by exempting certain parking spaces from floor area calculations in section 12-10, partially addressing MCB9's concerns about additional development and congestion pricing resulting in diminished parking availability for Harlem residents; and

WHEREAS the UAP provisions of the proposed text amendment would, according to DCP, require any units created by the additional floor area not be community facility uses like dormitories or homeless shelters and instead be affordable dwelling units that would be rented to the public via the housing lottery administered by the Department of Housing Preservation and Development (HPD), which would incentivize Columbia University and other large institutions in MCD9 to include affordable housing in any dormitory or other community facility developments going forward; and

WHEREAS MCB9 has concerns about the local impact of several components of COYZHO, including the implementation of its "rooming units" provisions (which include single-room occupancy (SRO) provisions), changes to community board review for landmarked districts, and provisions related to dormitories and institutional housing, as MCB9 faces continued growth of institutional housing limited to institutional affiliates (like Columbia University dormitories and faculty housing), especially in Morningside Heights and Manhattanville, which erode the supply of housing units available to non-affiliates and the general public, displacing many members of the community; and

WHEREAS MCB9 would like to see additional modifications made to COYZHO in order to legalize and incentivize the development of affordable residential hotels or apartment hotels considered "Class A multiple dwellings" under the New York State Multiple Dwelling Law

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(famous examples include the Hotel Chelsea and The Pierre, among many others), a key component of the “missing middle” housing that has more services than an SRO but does not have requirements for long-term leases typical of a standard apartment and that would be useful for situations ranging from newly-graduated college students to newly-arrived migrant families; and

WHEREAS MCB9 referred the review of COYZHO to its Housing, Land Use, and Zoning Committee, which held a public hearing on the zoning text amendment and attaches all submitted public comments to the text of this resolution and which voted unanimously to advance a resolution in support of COYZHO subject to conditions; and

WHEREAS while MCB9 identified key areas requiring improvement in provisions of COYZHO, its risks and shortcomings are outweighed by the likely positive impacts of the UAP provision on affordable housing supply in MCB9 and the low-density provisions on housing supply citywide;

THEREFORE BE IT RESOLVED that MCB9 supports the passage of COYZHO with the following modifications and caveats:

1. **Dormitories and other institutional affiliate housing:** that the UAP proposal as-written in section 27-111 of the proposed text amendment be modified to include language explicitly requiring any “affordable housing units” created with the UAP bonus floor area to be open to being leased by the general public (such as by the housing lottery on Housing Connect), as the current wording may allow the bonus floor area to be misused by higher education institutions or other institutional owners to take floor area bonuses for development of income-limited Class B rooming units as community facility space governed by a regulatory agreement with HPD without providing affordable housing to non-affiliated community members; and
2. **Expand low-density provisions:** that pursuant to the March 2023 MCB9 resolution, the town-center zoning and transit-oriented development provisions such as those contained in section 34-111 of the proposed text amendment be extended to provide increases in residential floor-area across all low-density residential neighborhoods, rather than the substantial but limited fraction of parcels identified; and
3. **Deepen low-density provisions:** that pursuant to the March 2023 MCB9 resolution, section 23-211 of the proposed text amendment increase the Maximum Floor Area Ratio for [R1-1 R1-2 R1-2A R2 R2A R3-1 R3-2 R3A R3X] groups to 1.0 and [R2X R4 R4-1 R4A R4B] groups to 1.25 from its current proposal of 0.75 and 1.0, respectively, the desired ADU’s

and other housing envisioned by the rest of the text amendment; and

4. Equal treatment for rooming units across districts: that section 22-122(b)(6) of the proposed text amendment remove the prohibition on rooming units on zoning lots that are limited to single- or two-family houses; and

5. Increased viability and flexibility for ADUs: increase the cap on Ancillary Dwelling Unit square footage from 800 square feet to 1,200 square feet to allow for more flexibility and maximize the likelihood of success for ADUs, including the possibility of 2 bedroom ADUs; and

6. Increased transit-access: That the City, in collaboration with the Metropolitan Transit Authority, work to plan new expansions of the mass transit system to eventually bring substantially all residentially-zoned land into the Greater Transit Zone as defined section 12-10 of the proposed text amendment; and

7. Community board landmark review of transfers of development rights: that section 75-442 of the proposed text amendment not allow transfer of development rights by landmarks by a certification process and instead be modified to allow such transfers by an approval process or other process in a way that allows Community Board input similar to the existing processes for landmark alteration applications that must appear before the local community board before consideration by the Landmarks Preservation Commission; and

8. Restoration of General Purposes of Chapter 5 Commercial-to-Residential Conversions: that the proposed text amendment section 15-00 restore prior items (b), (c), (d), and (f) so as to restore the previously-stated and still-important priorities of reducing the negative effects of such provisions on commercial and manufacturing businesses, protecting important job-producing industries, providing sufficient space for commercial and manufacturing uses integral to New York's economy, and provide new housing of a type and at a density appropriate to these Community Districts, respectively; and

9. Limiting the usage of UAP floor area for rooming units: that the UAP provisions including "rooming units" (commonly SROs) in the definition for "qualifying affordable housing" in section 12-10 of the proposed text amendment include a limitation that no more than 50% of the UAP bonus floor area (subject to certain limits or provisions for relatively small amounts of floor area) be used for "rooming units" instead of "dwelling units" or "supportive housing units," as MCB9 supports a diversity of housing options and is wary of allowing the private market to choose to potentially maximize revenue per square foot by building only UAP-qualifying rooming units at the expense of dwelling units; and

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10. Restore QHP requirements to R8 districts north of 125th Street in Manhattan Community District 9: certain portions of the former Quality Housing Program restrictions on developments in MCD9 should be restored; and

11. **Provisions relating to the Manhattanville Special District:** that the reference to “the Other Area east of Broadway” in Section 104-31 of the proposed text amendment which would increase the height limit on the old Claremont Theater at 3332 Broadway on the southeast corner of Broadway and West 135th Street from 120’ to 145’ be removed; and

THEREFORE BE IT FURTHER RESOLVED that the success of COYZHO, like previous City of Yes proposals, hinges not only on its zoning textual amendments but also on their adequate enforcement by relevant city agencies, and that in particular, MCB9 is aware of persistent safety issues in its currently illegal SRO stock and believes that their proposed relegalization by COYZHO must be accompanied by adequate health and fire-code enforcement; and

THEREFORE BE IT FURTHER RESOLVED that MCB9 has appreciated the proactive outreach of DCP and will continue to work with them to continue to further improve COYZHO.

If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,



Victor Edwards

Chair

Manhattan Community Board 9

cc: Hon. Eric Adams, Mayor

Hon. Brad Lander, NYC Comptroller

Hon. Mark Levine, Manhattan Borough President

Hon. Cordell Cleare, New York State Senate

Hon. Daniel J. O'Donnell, Assembly Member

Hon. Inez Dickens, Assembly Member

Hon. Al Taylor, Assembly Member

Hon. Shaun Abreu, City Council Member

Hon. Yusef Salaam, City Council Member

Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation



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Assistant Secretary

Eutha Prince
District Manager

Hon. Eric Adams

Mayor
City Hall
New York, NY 10007

Hon. Martin O'Malley

Commissioner
Social Security Administration
26 Federal Plaza
Room 40-120
New York, NY 10278

Dear Mayor Adams and Commissioner O'Malley,

At its regularly scheduled General Board Meeting held remotely on Thursday, June 20th, 2024, Manhattan Community Board No. 9 passed the following **Resolution re: Support and advocacy for NYC Municipal Retirees, urging the New York City Council to pass Int. 1099-2023**, by unanimous consent with 37 members present.

Manhattan Community Board 9 remains steadfast in its support and advocacy for NYC Municipal Retirees, urging the New York City Council to pass Int. 1099-2023. This critical legislation requires the city to offer Medicare-eligible city retirees and their dependents at least one Medigap plan with benefits equivalent to or superior to those available as of December 31, 2021.

Whereas the seniors of West Harlem have spent their careers building and nurturing our community, contributing significantly to its growth and prosperity;

Whereas these retirees have not only served the city but also formed the backbone of our local economy, volunteering in schools and participating in community organizations;

Whereas healthcare is not just a benefit but a fundamental human right, particularly for those who have spent their lives serving the public;

Whereas it is our moral and ethical duty to ensure that retirees receive the healthcare they have been promised and which they have earned through years of dedicated service;

Whereas the current healthcare policy changes threaten to disrupt the lives of 250,000 retirees, potentially decreasing their access to necessary medical services;

Whereas such disruption can lead to increased healthcare costs for retirees, many of whom are on fixed incomes and cannot afford additional financial burdens;

Whereas access to a familiar network of healthcare providers is crucial for the ongoing health and wellness of seniors, who often have complex medical histories;

Whereas forcing seniors into new healthcare plans could lead to decreased continuity of care, which is proven to result in poorer health outcomes;

Whereas the trust between retirees and the city needs to be upheld, as it forms the foundation of public service commitment;

Whereas any reduction in healthcare benefits could set a dangerous precedent for how we treat our senior and retired populations in other sectors and communities;

Whereas a diverse range of healthcare options allows retirees to tailor their medical care to fit their individual needs, thus promoting better health and well-being;

Whereas denying this choice undermines the city's commitment to its former employees and erodes the trust in future promises made to current employees;

Whereas the integrity of our city's commitments to its retired workers is a measure of our respect for their contributions and our values as a community;

Whereas a stable and predictable healthcare environment is essential for the mental and emotional well-being of our retirees, who should not have to face uncertainty in their twilight years;

Whereas preserving traditional Medicare benefits ensures a higher standard of care, unrestricted access to specialists, and no interference in the doctor-patient relationship;

Therefore, Be it resolved that Manhattan Community Board 9:

1. Insists that the New York City Council recognizes the vital importance of healthcare autonomy for retirees by ensuring that Intro 1099-2023 is passed without delay.
2. Demands transparent and inclusive policy-making that involves significant input from the retirees affected by changes to healthcare benefits, ensuring policies truly reflect their needs and preferences.

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3. Urges the Mayor and NYC Council to prioritize the health of our seniors by opposing any reduction in healthcare benefits or choices.
4. Calls for the city to establish a city-sponsored advisory committee, including retiree representatives, to provide ongoing oversight and input into healthcare policies affecting retirees.
5. Advocates for maintaining a robust selection of healthcare plans, allowing retirees to choose the options that best meet their health needs.

Manhattan Community Board 9 stands resolute in its commitment to our retirees, recognizing their lifelong contributions and championing their rights to secure, dignified healthcare in retirement. We call for immediate and decisive action to safeguard these rights.

If you have any questions and/or need further information, please do not hesitate to contact me or the District Manager, Eutha Prince, at the board office (212) 864-6200.

Sincerely,



Victor Edwards
Chair

cc: Hon. Brad Lander, NYC Comptroller
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Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Yusef Salaam, City Council Member
Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation
Marianne Pittitola, President of NYC Organization of Public Service Retirees & FDNY
EMS Retirees
Julie Schwartzberg, Member of Cross Union Retirees Organizing Committee (CROC)