

Queens Borough President Recommendation

APPLICATION: City of Yes: Zoning for Housing Opportunities
COMMUNITY BOARD: Citywide

DOCKET DESCRIPTION

ULURP #N240290 ZRY – IN THE MATTER OF an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to expand opportunities for housing within all zoning districts, and across all 59 of the City’s Community Districts. These changes to the City’s Zoning Resolution would enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President both at 120-55 Queens Boulevard, Kew Gardens NY 11424 and via Zoom webinar and livestreamed on www.queensbp.org on Thursday, August 8, 2024 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were eighty-seven (87) speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning (DCP) is proposing a zoning text amendment to add more housing stock in all residential zoning districts in New York City;
- The proposed amendment emphasizes updates for definitions and allowances through four major proposals: 1) Medium- and High-Density Districts; 2) Low-Density Districts; 3) Parking; and 4) Other Initiatives that are citywide in nature and overall align with housing goals. Proposal 1 effects R6 through R10 Districts and would allow increases in affordable and supportive housing Floor Area Ratios (FARs); expand eligibility for the City’s adaptive reuse regulations to a broader range of building; enable small and shared apartment models; and simplify infill regulations for campuses and other zoning lots with existing buildings. Proposal 2 effects R1 through R5 Districts, where one- and two-family homes are the predominant housing stock – the proposal seeks to reintroduce 3- to 5-story apartment buildings in low-density commercial areas and on large sites near transit; and enable certain homeowners to construct or remodel an Additional Dwelling Unit (ADU). Proposal 3 seeks to eliminate parking mandates citywide for new residential development. Proposal 4 is a catch-all for new zoning changes to increase housing opportunities, including but not limited to creating new zoning districts to fill in FAR gaps; street wall regulations; replacing qualifying ground floor regulations; increase flexibility for zoning list split by a district boundary; simplify and expand Landmark Transfer Development Rights (TDR) Program; and special permit renewal;
- The Department of City Planning made presentations to Queens Community Boards on various dates from May to July 2024. With regard to the zoning text amendments, Community Boards 1 and 2 voted in support with conditions, Community Board 6 voted in opposition with conditions, and Community Boards 3 through 5 and 7 through 14 voted in opposition. Reasons cited against the zoning text amendment included concerns with the City’s sewage, electrical, and sanitary infrastructure, especially in flood-prone areas in Southeast Queens; concerns with City resources such as school seats and public transportation due to a potential influx of new residents; the lack of community board discretion over residential land use matters; and lifting parking mandates may cause increased competition of street-parking. The two Community Boards that conditionally supported the text amendments recommended the following: districts should have increased setback to a depth of 10 feet to maintain street wall; maintain existing yard requirements with no reduction in size of rear or side yards; regarding the Universal Affordability Preference, the text should require that the 20% FAR bonus applicable in any building reserved for tenants with income no higher than 40% Area Median Income (AMI); any infill on NYCHA campuses must require ULURP review and should have low and medium income tiers in their tenancy; any increase in housing stock in Medium or High Density Districts should not be implemented unless or until City infrastructure and resources are addressed (as discussed in the oppositional vote); regarding Low-Density Town Center Zoning, omit the word “restrictive” from the summary text; regarding Transit Oriented Development (TOD), such development in Low-Density districts should prioritize housing for seniors and the disabled; regarding Accessory Dwelling Units (ADUs), such development should not be allowed below ground level in buildings where current code requirements for basement apartments are not met; remove the word “costly” from the “Lift Costly Parking Mandates” proposal; regarding Small Shared Housing, omit the proposed text which states that the limit on studios and one-bedroom apartments be removed; and lastly, to omit the campus infill development proposal entirely;

- At the Borough President's Land Use Public Hearing, the applicant made a presentation on the proposed text amendment. A total of eighty-seven (87) public members gave testimony at the Public Hearing, with sixty-two (62) against, twenty-three (23) in support and two who gave comments regarding the text amendments.
- The Borough President's Office has received two-hundred forty-two (242) letters of written testimony about Zoning for Economic Opportunity, two-hundred two (202) of which testified against and forty (40) testified in favor of the zoning text amendment.

RECOMMENDATION

Queens and New York City as a whole are facing housing and affordability crises the likes of which haven't been seen in generations. As the cost of living and the cost of housing rise, countless families across our city are living on the sharp edge of poverty and teetering on the brink of homelessness, all while our homeless shelter population has ballooned to nearly 90,000 individuals — more than 33,000 of whom are children. It is abundantly clear that the only realistic solution to these crises is to build more affordable housing as rapidly and strategically as possible.

The "City of Yes" Zoning Text Amendments seek to modernize the Zoning Resolution with regard to carbon neutrality, economic development and housing opportunities. With this last installment, it is important to recognize that all Community Boards highlighted significant concerns about potential impacts on Queens infrastructure and the need for deeper, affordable housing. Balancing these two critical issues will require thoughtful collaboration and robust commitments from the City and the State.

Based on the above consideration, I hereby recommend approval with the following conditions:

- DCP should continue working with other city agencies such as HPD, FDNY, DOB, and DEP to evaluate increased residential density and its impacts on borough infrastructure — such as school enrollment and classroom capacity, hospital bed availability, municipal service delivery and more — and publish their findings quarterly on their website;
- Parking creation tied to developments in major transit hubs such as downtown Jamaica, Flushing, Long Island City and other similar locations should remain optional, in order to increase housing opportunities there. However, parking mandates should still be required in Outer Transit-Oriented Development Areas (OTODAs) as described in the "Parking Mandates" proposal. The Long Island Railroad (LIRR) serves OTODAs like eastern and southeastern Queens, but service is infrequent and many commuters must drive to LIRR stations;
- DCP and HPD must collaborate to strengthen affordability options within the Town Center Zoning proposal. Creating new two- to four-story residential buildings in mixed-use lower-density areas is appropriate to increase housing stock, but there is a concern most new units would be market-rate. HPD should work with the City to establish and allocate funds to support subsidies and homeownership with these new development types;
- The Mayoral Administration should establish a minimum \$1-billion fund for the Basement Apartment Pilot Program through state, city, and federal sources, and the City Council should enact legislation such as a transparency bill to monitor the creation of new basement units and prevent unfair enforcement and targeting;
- The Mayoral Administration should establish an Amnesty Program for homeowners to legally convert or renovate their properties for basement apartments within a reasonable amount of time;
- DCP should exclude garage apartments or conversions from the ADU section in locations with existing infrastructure challenges, such as areas susceptible to inland flooding, or where garage conversions would exacerbate concerns around the capacity of the location's aging sewer and electrical infrastructure; and
- DCP should highlight all overlapping goals within their "City of Yes" text amendments such as sustainability, economic development and housing by showcasing examples on their website and within educational materials.



PRESIDENT, BOROUGH OF QUEENS

08/26/2024

DATE