

CHAIRMAN INTRO – CC HEARING ON ZQA  
Feb. 10, 2016

## **INTRODUCTION**

Good morning, Chairman Richards, Chairman Greenfield, and councilmembers. I am Carl Weisbrod, Chairman of the City Planning Commission, and I welcome this opportunity to testify before you again.

Yesterday Commissioner Been and I, along with Deputy Mayor Glen, appeared before you to discuss the proposed Mandatory Inclusionary Housing program. Today we are here to speak to you about another important initiative under the Mayor's Housing New York plan, Zoning for Quality and Affordability, as we call it: ZQA.

As we discussed yesterday, the need for affordable housing is of critical importance to neighborhoods throughout the city. Housing New York outlines an ambitious and comprehensive set of initiatives to help our city create and preserve 200,000 units of affordable housing over 10 years, including affordable

housing for our rapidly growing and increasingly diverse population of senior citizens.

The City is beefing up its anti-displacement efforts to protect tenants in existing affordable housing. And central to the plan is the City's commitment of \$8.2 billion over 10 years to build and preserve affordable housing. We need to make sure that our precious tax dollars are spent as wisely and efficiently as possible, so they can go as far as possible to meet New Yorkers' needs.

Also central to Housing New York is an understanding of the importance of the quality of life in our communities. As we address our city's daunting affordability crisis, we also need to help our neighborhoods retain the economic diversity, opportunity, and livability that our residents demand and deserve. We want to reflect the values that New Yorkers have embraced and cherished for almost four centuries.

ZQA represents a targeted but essential update to our zoning regulations to support these core goals of the housing plan. As we know from the advocates, providers, builders, operators, and architects – from whom you will also be

hearing today – there are several ways in which today’s zoning rules hamper our ability to create affordable housing, make us pay more to get less, and make it difficult to build residential buildings that contribute to the fabric of our neighborhoods. **ZQA is about rationalizing zoning to reduce unnecessary costs to taxpayers and remove obstacles to the creation of affordable and senior housing, while improving housing quality.**

ZQA will help us meet the increasing and varied needs of our growing senior population, and enable them to stay in their communities. It will enable the City to more efficiently deploy its public resources to provide affordability. And in medium- and high-density areas, it will encourage buildings that enliven streets and neighborhoods with local retail and services, and with buildings whose design better reflects the traditional housing that exists throughout these neighborhoods.

In some districts, it permits an additional one or two stories, or in others, changes to parking requirements to make it practical to build the amount of affordable senior housing the zoning already seeks to allow. We have been listening carefully

to the thoughtful feedback we have received through the public review process, we have weighed the issues underlying certain tradeoffs, and have made adjustments to the proposal that we believe strike the right balance between them. And we look forward to working with the Council to address further concerns.

But ZQA is based on the premise that housing affordability does not need to be sacrificed to achieve design quality, nor vice versa. Instead, with smarter zoning, we can achieve both more affordable and higher-quality buildings.

First, Commissioner Been will present some of the zoning obstacles that limit our ability to provide affordable housing. Then I will go over some of the key elements of the proposal that address the issues raised by Commissioner Been, as well as to improve overall housing quality.

**(Commissioner Been Testimony)**

**Slide 7 - GOAL: HELP SENIORS REMAIN IN THEIR COMMUNITIES**

As mentioned by Commissioner Been, the city's population is aging and requiring a greater variety of housing, services and care. Unfortunately, our zoning regulations for uses like affordable senior housing and nursing homes haven't been updated in over 40 years and impede the construction of these needed and desired uses.

To do this, the proposal updates zoning regulations to allow the full spectrum of affordable senior housing and long-term care facilities that exist today. In addition to affordable senior housing and nursing homes, these includes assisted living facilities and continuing care retirement communities – CCRCs - which are common in the rest of the country, but not recognized by the city's zoning rules.

Zoning already allows a higher floor area to affordable senior housing. Our proposal would assign this same floor area to the range of long-term care facilities. We've heard concerns about the long-term affordability of this senior housing. I want to make clear that any additional floor area allowed for these could never be converted to market rate housing.

You will hear today from advocates and providers about the difficulties they face in constructing new facilities – limited available sites and loss of federal funding, but also the significant delays and costs associated with approvals to modify zoning. We want to eliminate that impediment to meeting the needs of our seniors.

**Slide 8 - LOW-DENSITY DISTRICTS THAT ALLOW MULTIFAMILY HOUSING**

Most provisions of this proposal apply only to medium- and high-density districts.

However, the proposal does include adjustments to the building envelope rules in low-density multi-family districts to make affordable senior housing practical to build. In these districts, affordable senior housing is required to comply with the rules for regular residences – which are based on walk-up buildings. This doesn't recognize the unique needs of senior housing, which is typically constructed as a

building of 4 stories or more, with elevators for residents to make them fully accessible.

Today, providers have to come to the City Planning Commission to modify the zoning for their projects, adding years and costs to the process of providing this needed use. The proposal would allow, as-of-right, a four- to six-story building, which is the typical form of this use in the city's lower density neighborhoods (as well as in the suburbs) and does meet the needs of seniors.

**Slide 9/10 - MEDIUM-AND HIGH-DENSITY DISTRICTS R7A CURRENT REGULATIONS**

**MEDIUM-AND HIGH-DENSITY DISTRICTS R7A WITH ZQA**

The proposal also includes changes to the building envelopes for affordable senior housing and long-term care facilities in medium and high-density contextual districts. In these neighborhoods, current zoning rules don't allow the full permitted floor area for this use to fit in a high-quality, practical building.

This is not only an issue for affordable senior housing and long-term care facilities, but also the Inclusionary Housing program, which also allows a higher FAR for buildings that provide permanently affordable housing.

We are proposing to fix this by permitting limited height increases for buildings that provide these uses— no more than one or two stories, in over 95% of areas. In addition, the proposal would allow these buildings to provide common areas on the ground floor in an area where today only parking, community facilities, or commercial uses are allowed.

This will enable us to avoid affordable housing from being left on the table, and help ensure that our contextually zoned neighborhoods can accommodate residents of all ages and incomes. For example in Williamsburg, if this had been in effect, we could have more than 300 additional affordable Inclusionary housing units – that's about a third more than was actually built.

**Slide 11 - GOAL: MAKE TAXPAYER DOLLARS GO FURTHER BY ENABLING COST-EFFECTIVE AFFORDABLE HOUSING**

Commissioner Been mentioned earlier the difficulties with the parking requirements for low-income housing and low-income senior housing. You'll hear

from advocates, providers and affordable housing builders that these rules add costs without benefiting residents or neighborhoods, making our investments in affordable housing less cost-effective.

ZQA proposes to modify parking requirements for affordable housing in areas that are served by a variety of public transportation options, and where car ownership rates are already lower. In these areas, labeled the “Transit Zone”, parking for new affordable housing and all affordable senior housing would become optional. Buildings could provide parking where needed and cost-effective, but would no longer be required to spend millions of dollars on parking spaces that go unused.

Existing low-income senior housing – to be clear, not ordinary housing that the city’s many seniors live in, but a very specific type of affordable housing where seniors own extremely few cars – could eliminate underused parking lots under the proposal. As documented in a study by the LiveOn Coalition, this would enable the construction of more senior housing or open space for residents. We have thousands of seniors on waiting lists for affordable senior housing, and no residents of existing affordable senior housing on a waiting list for parking.

Outside the Transit Zone, parking requirements for affordable senior housing would be changed to better reflect existing ownership patterns for residents of these facilities. Other changes for affordable senior housing or mixed-income buildings would be possible only on a case-by-case basis.

These changes are based on the way people own and use cars today, not on ideas about how people should behave in the future. And they would not affect the parking requirements for market-rate developments.

**Slide 12 - TODAY’S RULES PRODUCE DEAD GROUND FLOORS IN MEDIUM- AND HIGH-DENSITY DISTRICTS**

In addition to Housing New York’s focus on addressing the affordability of housing, there is also a deep commitment to improving the quality of the city’s neighborhoods.

We’ve often heard from neighborhoods that the residential buildings that are built under current zoning rules in medium- and high-density districts don’t contribute to the quality of their neighborhood or reflect their surrounding

context. These issues are raised about all residential buildings, not just those with affordable housing.

We therefore took the opportunity to try to understand these issues. We looked at the new buildings built in neighborhoods around the city, and found these issues were particularly acute at the ground floor – which is the main interface between the building and passersby on the sidewalk.

We talked to architects about why their buildings look this way. They told us that current zoning rules often make it difficult to provide high-quality ground floor neighborhood retail or community services, because the permitted building envelope doesn't have enough space to allow a ground floor of sufficient height. This either means the resulting ground floor will forgo retail or community uses, or lead to spaces that are difficult to rent and often sit empty.

In a fully residential building, zoning rules often force buildings to have ground-floor apartments directly at street level with no planting or setback, so that residents feel compelled to keep their shades drawn all the time, and often to have security grates on windows.

These two examples show these issues, but these are issues we have seen in countless buildings throughout the city built under current zoning rules. Residents recognize that these buildings don't fit in, and don't do all they could to make their neighborhoods better and more livable. It's not because the buildings are new – it's because the rules are actually encouraging this.

**Slide 13 - LOW-CEILINGED RETAIL SPACE IS OF LOWER QUALITY THAN SPACE IN OLDER BUILDINGS**

Here is another example of how the current zoning requirements for the building envelope impact the quality of ground floor spaces.

New buildings constructed under these zoning rules often are forced to construct ground floors that are lower than even existing neighborhood retail spaces in older buildings. This is because the zoning in 1987 assumed ground floors would be low. They are, and it's resulting in buildings that detract from the quality of commercial strips, and often fail to accommodate the range of services communities need.

You can see in this photo how the older building's ground floor ceiling height is approximately 11 feet and the total floor to floor height is 13 feet, while the new building on the right has a ceiling that is just 9 feet in height and a total floor to floor height of approximately 11.5 feet.

**Slide 14 - FLAT, DULL BUILDINGS DO NOT REFLECT THE TRADITIONAL CHARACTER OF NEIGHBORHOODS**

We've also heard concerns from communities that the buildings produced under current zoning rules are often flat or boxy.

While older buildings typically had a great variety of building articulation in including bay windows, court yards, ground level setbacks with planting and other architectural features, current regulations often make it difficult if not impossible to provide these traditional building features.

And you can see here what we are getting. Do you find this building here attractive, or emblematic of New York's architectural and design creativity and dynamism?

**Slide 15 / 16 - CURRENT RULES MAKE IT DIFFICULT TO PROVIDE ACTIVE GROUND FLOORS ON NEIGHBORHOOD COMMERCIAL STREETS**

**ZQA WOULD HELP ENLIVEN THE GROUND FLOOR STREETScape AND PROVIDE NEEDED COMMUNITY SERVICES**

I mentioned earlier the issue with the ground level of residential buildings in medium- and high-density areas of the city.

ZQA proposes changes to these zoning regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that the building envelope allows a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail or other uses on the ground floor, it would allow a usable, high-quality space for neighborhood retail or other community services.

To accomplish this, ZQA would allow the maximum height of buildings to be increased by five feet if the second level of the building begins at a height of at least 13 feet.

**Slide 17 / 18 - CURRENT RULES SOMETIMES LEAD TO NEW RES BUILDINGS THAT DON'T FIT INTO THEIR NEIGHBORHOOD**

**ZQA WOULD ALLOW RES BLDGS TO BE MORE IN KEEPING WITH THEIR SURROUNDINGS**

I also mentioned earlier the issue with the flat and boxy buildings being constructed under current zoning.

ZQA would update a number of zoning rules to further our commitment to contextual zoning. These changes would allow new residential buildings more in keeping with their neighborhood character, with façade articulation, courtyards, ground level setbacks with planting, and other traditional building elements that provide visual variety and enliven the pedestrian experience.

**Slide 19 - PUBLIC REVIEW**

For this proposal, we have conducted an unprecedented degree of outreach to communities across NYC's five boroughs, as well as affordable housing advocates, providers and other practitioners for the past year. In each and every neighborhood, the elements of ZQA were analyzed, discussed, debated. We held over 100 meetings in communities, and provided detailed and tailored information to each community board to help them understand how ZQA would affect their neighborhoods and make informed recommendations as part of the land use review process. Here's an example from your district, Chairman Richards.

**20 - WHAT CHANGES HAVE BEEN MADE SINCE THE PROPOSAL WAS FIRST ANNOUNCED?**

To address many of the concerns, we heard during this outreach, we refined the proposals both before and during the public review process.

Before public review began we:

- Reduced the additional height initially proposed for buildings in some medium-density districts

- Made the additional 5 feet of height available only to buildings that provided taller ground floors, to ensure that it achieves the benefits to the public we intend.

Throughout the process, we heard many concerns. But we did hear from community after community that they supported the overall goals of promoting affordable housing and better buildings. We heard concerns about certain specific provisions, and unease about how changes would affect previous neighborhood-specific zoning changes. This, after all, is the first time in many years that a major city-wide text amendment on issues of such breadth and importance has been proposed.

We also heard voluminous testimony from the affordable housing world about the importance of these provisions to achieving our affordable housing goals, and from architects about how these provisions would free them to design buildings that better serve their residents and neighborhoods.

In weighing all these issues, the Commission acknowledged the tensions between affordability and height limits. We made several changes to the proposals that we believe strike a sound balance to ensure that neighborhoods provide both the quality of life New Yorkers demand and deserve, and opportunities for a diverse range of residents to live there:

- Required a special permit for all long-term care facilities in single-family districts
- Limited the availability of provisions that would allow common areas within rear yards on narrow streets
- Maintained the traditional wide and narrow street height differentials in high-density contextual zones

**Slide 21 - WHAT WOULDN'T THE PROPOSAL DO?**

I also want to take the opportunity to clarify some of the misunderstandings and myths that have been circulating about ZQA.

ZQA does not create one additional square foot of market rate housing. Because of this, the proposal would not encourage the teardowns of existing buildings,

affect neighborhood infrastructure, or dramatically change development patterns in any neighborhood.

Buildings within historic districts or that are themselves landmarks would continue to be subject to oversight of the LPC. No additional height would be allowed without LPC approval, and the modest changes under this proposal would not result in a rash of new applications to LPC.

As I mentioned earlier, none of the additional space allowed for affordable senior housing could be converted to market-rate housing.

Lastly, parking requirements for market-rate housing throughout the city would be unchanged by the proposal.

#### **Slide 22 - AFFORDABILITY AND QUALITY SUMMARY**

Our ambition is to make all of New York a better place to live, to maintain what works and improve what doesn't.

If we are going to address our profound housing challenges and maintain the greatness of our city and its neighborhoods, we need our zoning to be more flexible and responsive. We also need to use every tool in our tool box.

We believe the proposal before you will support the creation of new affordable housing and senior care facilities, help deploy public resources devoted to affordable housing more efficiently, and encourage better residential buildings that are more in keeping with their surroundings and which help enliven the pedestrian environment.

We thank you for your patience and look forward to your questions.