



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

**City of Yes for Housing Opportunity**  
**Comments July 2024**

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The Historic Districts Council appreciates the opportunity to provide in-depth comment on the Department of City Planning's proposed zoning text amendments related to City of Yes for Housing Opportunity (COYHO). HDC appreciates that the City is interested in looking for new, novel, and expanded ways to provide more housing for New Yorkers across the city.

COYHO will be the most impactful of all three City of Yes proposals on New York's historic neighborhoods and historic districts. While HDC supports some specific pieces of the proposal, we have serious concerns that COYHO does not require any affordable housing, which the city sorely needs. We fear that COYHO proposals will create a glut of market-rate and luxury housing while also devastating the city's historic affordable housing stock, by incentivising the demolition of historic neighborhoods, and the replacement of existing affordable and rent regulated housing with denser, and less affordable housing.

First, some things we support:

**Historic housing typologies.** HDC appreciates that COYHO would re-legalize the creation of shared housing like the Barbizon Hotel, and supportive housing types like Single Room Occupancy. We also endorse COYHO's premise of "Town Center Zoning," where contextual infill could be built above single story commercial buildings in neighborhoods with a central business street.

We would consider this appropriate as long as it does not incentivize the loss of designated commercial structures or encroach upon historic residential neighborhoods beyond the commercial core. We support these historic typologies because they largely already exist in neighborhoods.

**Commercial to Residential Conversions.** HDC strongly supports commercial to residential conversion, and is broadly supportive of adaptive reuse across the city. We are advocates for additional incentives that will help convert historic commercial buildings into residential units. Many historic commercial buildings are already overbuilt in terms of FAR. We strongly support provisions in COYHO that expand the age, type and location of buildings which are eligible for conversion, and we support COYHO's proposals to expand the housing typologies those conversions can provide, including dorms or shared housing.

Incentivising conversion is also in full accordance with DCP's City of Yes for Carbon Neutrality goals: [New building construction and operation is the single largest source of greenhouse gas emission](#), but [conversion is less than half as carbon intensive as new construction, and commercial-to-residential conversion can increase a building's energy efficiency up to eighty per cent](#). Aligning COYHO with financial incentives such as historic tax credits will allow property owners to maximize funding sources to convert and restore these buildings.

Second, some things we support with caveats and concerns:

**Accessory Dwelling Units (ADUs).** HDC does not oppose the idea of ADUs but requests confirmation from the NYC Landmarks Preservation Commission that LPC will have jurisdiction over ADU design and placement within existing historic districts and on individual landmark sites. Further, we worry that ADUs could hamper efforts to designate historic districts in the future, and we seek confirmation from the Commission that it will not use the presence of new ADUs in currently-undesignated neighborhoods to deny or disregard those same neighborhoods should they seek historic district status in the future.

In all cases, and especially in cases of rear-yard and basement ADUs, HDC urges DCP to ensure that these dwellings are governed by regulations for light and air, which are essential for any housing.

In areas where the historic row house core exists, HDC would be cautious about supporting ADUs, even in cases of direct street access on the lot, if the ADUs impeded upon open space within the core, which is a key feature of many landmark designated blocks.

**Transferable Development Rights (TDRs).** HDC supports new and additional financial incentives for historic preservation. We support the expansion of Transferable Development Rights (TDRs) for individual landmarks. We believe the ability to transfer unused development rights further afield will provide new sources of revenue to some individual landmarks, such as struggling religious congregations. However, we believe DCP has incorrectly mapped its proposed expanded TDR radius. We believe DCP's TDR map should show the entire surrounding area where TDRs could potentially be transferred. We are concerned that through zoning lot mergers, TDRs could be transferred even further than the existing DCP TDR proposal details. We are not necessarily against this larger TDR radius, but request that it be more accurately explained.

In addition, HDC does not support removing this process from public input. DCP proposes that in TDR cases where a bulk waiver is needed, the project would go to the Community Board and then City Planning for certification. But, where there is no need for a waiver, the project would only come before City Planning. We believe that all TDRs should come to the community board, and ideally to the City Council, for consideration and public input. While this may slow down the timeline, we believe this is a necessary part of the process.

**Impact on Special Districts.** We understand that Special Districts will remain in the new zoning code, but we are concerned that many of these rules are being streamlined, in favor of uniform zoning, which puts Special Districts at risk of losing their character. For example, places like Parkchester, which was built as a planned

community with intentionally designed open space for residents, could be dramatically altered with infill under the new rules. Sometimes, these new rules may run counter to the stated goals of City of Yes for Housing Opportunity. For example, we are particularly concerned that in the Hudson Square Special District, new rules will incentivize demolition of existing buildings containing rent regulated housing.

**Campus Infill.** Relatedly, we are concerned that provisions for campus infill included in COYHO, including provisions that exempt such infill from rear-yard requirements, could have negative impacts on quality of life at NYCHA campuses. While we are not opposed in principle to infill on NYCHA campuses, because we know that tower-in-the-park construction has, in several cases, cut NYCHA residents off from commerce and services that all New Yorkers should have access to, but we fear that market-rate and luxury infill on NYCHA campuses will deprive NYCHA residents of light air and greenery without offering anything in return. We believe that any new housing built on public land MUST be 100% affordable.

Beyond mandating 100% affordability on NYCHA campus infill, we urge DCP to be thoughtful about the kinds of infill projects it approves on NYCHA campuses, and include and prioritize the needs of and voices of NYCHA residents in all campus infill discussions.

#### Things that HDC opposes:

**Lack of Affordable Housing.** While not fully in HDC's purview, the organization strongly objects to the fact that COYHO does not require the creation or retention of any units of new or existing affordable housing. The proposed text amendments offer only optional incentives for new affordable units through additional FAR bonuses. In the face of an affordable housing crisis, optional is not good enough.

HDC believes that without affordable housing mandates, COYHO will lead to extensive new market rate and luxury housing, but little or no affordable housing. Especially now that the FAR cap has been lifted, there are many ways for developers and property owners to maximize their FAR without including affordable housing. We do not believe that potential additional FAR will be sufficiently compelling under these circumstances to create the necessary volume of affordable housing the city needs. Instead, The city MUST put in place a plan that requires affordable housing, even by providing additional incentives. Luxury housing will not help solve the housing crisis and will only lead to the loss of more affordable units.

**Lack of Public Participation.** HDC remains seriously concerned about how COYHO's effort to streamline rules and regulations related to housing will remove these projects from public oversight at the municipal and residential levels. For example, if these projects are allowed to bypass the Uniform Land Use Review Process (ULURP), as COYHO proposes, input from council members, community boards, and the general public will be eliminated in many cases. Additionally, expert municipal agencies such as the Board of Standards and Appeals, and the NYC Landmarks Preservation Commission will either lose their expert role in these cases, or feel pressure for their decisions to conform to the priorities set by COYHO.

Items not addressed by COYHO:

**“Bigfooting.”** Related to the issue of optional affordable housing is the issue of “bigfooting,” a term coined by planning expert George Janes, to describe the trend of demolishing smaller buildings with rent regulated housing for much larger buildings with fewer units, all generally luxury. COYHO does not address this phenomenon, and HDC fears that we will continue to lose affordable housing this way unless there are specific policies in place to prevent it.

**Unit and Building Combination and Warehousing.** Speaking of losing affordable housing units, HDC is very concerned that COYHO does not address several ways in which the city is losing existing affordable housing, including through the combination of units, the conversion of buildings from multi-family to single family occupancy, and the warehousing of affordable units by building owners. It is unclear to us why DCP does not consider these losses to be significant enough for COYHO to acknowledge or address. HDC believes that any policy concerned with “Housing Opportunity” MUST address these issues. New Yorkers who are losing their homes to unit combination and warehousing need the power of city government to stop these trends in their tracks.

**Restored Housing.** Relatedly, the city has the opportunity to incentivize the restoration and retention of underutilized and abandoned units in every borough. The expansion of programs such as the Unlocking Doors Pilot, which uses municipal funds to renovate distressed rent-stabilized homes and connect those units to New Yorkers in need, offers an opportunity to invest in, safeguard and champion New York’s affordable housing stock. Given DCP’s carbon goals, incentivising the retention of these units safeguards their embodied carbon and their existing affordability.

**Preservation as a tool for the retention of historic affordable housing units.** [HDC’s 2016 report on affordable housing and historic districts](#) demonstrated that rent subsidized units remain within historic districts at a higher rate than outside them. Therefore, New York City is at risk of losing much of its low-rise rent regulated historic affordable housing stock simply because it is not yet designated. We urge DCP to include historic preservation as a tool for Housing Opportunity.