

Insights

## NEW YORK CITY COUNCIL ADOPTS SIGNIFICANT ZONING CHANGES UNDER CITY OF YES FOR HOUSING OPPORTUNITY

Dec 09, 2024

New York City's zoning regulations have undergone sweeping changes with a tripartite initiative known as City of Yes. City of Yes for Carbon Neutrality and City of Yes for Economic Opportunity were approved in late 2023 and earlier this year. The third and final set of changes, known as City of Yes for Housing Opportunity, was approved by the New York City Council on December 5, 2024. While the Zoning Resolution has been modified thousands of times since its original passage in 1961, the City of Yes zoning text amendments are the most substantial zoning changes since then.

The City of Yes for Housing Opportunity text changes are intended to facilitate the development of more housing by creating floor area incentives and breaking down development barriers. Significant initiatives include:

- **Citywide Floor Area Bonus for Affordable Housing.** The Universal Affordability Preference (UAP) provides a 20% increase in the maximum permitted floor area, as well as height increases, in medium and high-density zoning districts (R6-R10) throughout the City for developments that dedicate the additional floor area to permanently affordable housing. Historically, floor area increases associated with developments that included affordable housing were limited to mandatory inclusionary housing areas and voluntary inclusionary housing areas. By contrast, UAP applies citywide in R6-R10 districts and replaces the voluntary inclusionary housing program.
- **Residential Districts Exceeding 12 FAR.** Until recently, the New York State Multiple Dwelling Law imposed a 12.0 FAR maximum for residential use. The State Legislature removed that cap earlier this year, and the City of Yes Housing Opportunity text amendment establishes two new zoning districts that can be mapped through subsequent rezonings that can increase the maximum residential FAR to 15.0 (new zoning district R11), and 18.0 FAR (new zoning district R12).
- **Parking Requirements Eliminated or Relaxed.** In response to the high cost of providing parking in new developments, the Council adopted a multi-zone system that will (i) eliminate parking

requirements for new developments in Manhattan (except Inwood), Long Island City, and parts of Western Queens and Brooklyn, (ii) reduce parking requirements in areas with transit access, and (iii) maintain parking requirements in areas where market demand would likely produce parking regardless of a parking mandate.

- **Landmark Floor Area Transfers Broadened.** The area to which floor area can be transferred from a landmark has been expanded to all the lots on the same block as the landmark building, as well as the lots facing the landmark building's block on adjacent blocks. These transfers can take place by utilizing a new non-discretionary Chair certification. The certification imposes a 20% limit on increased FAR for the receiving site. Certain bulk modifications to the receiving site, including height and FAR, will be allowed under a new CPC authorization and a modified CPC special permit.
- **Conversion of Office Buildings.** Existing provisions have been broadened to allow non-residential buildings located anywhere in the City and constructed before 1991 to be converted to residential use (including supportive housing and dormitories), provided that residential use is a permitted use in the zoning district in which the building is located.
- **Zoning Lot Split by Zoning Districts.** Changes to the zoning text will allow floor area to move "uphill" within a split lot from the zoning district with a lower FAR to the portion with a higher FAR, allowing the higher FAR to be exceeded by up to 20%, provided that the receiving portion is within 100 feet of a wide street.
- Other notable changes (i) allow for the development of accessory dwelling units in certain low density zoning districts, (ii) permit increased development density in low density zoning districts that are near transit or commercial centers, and (iii) allow existing residential buildings to be altered for extension, conversion or change of use in a manner that increases existing non-compliances or creates new non-compliances, subject to certain limiting conditions.

The City of Yes amendments are too numerous to discuss in this brief summary. Please reach out to our team if you would like to discuss how City of Yes may impact development of your property.

## **RELATED PRACTICE AREAS**

- Planning & Zoning
- Real Estate Sector
- Commercial Real Estate

## MEET THE TEAM



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