

Moving Towards Yes Amid Political Uncertainty: NYC Planning Commission Approves 'City of Yes' for Housing Opportunity. But Will City Council?

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By Jodi Stein and Eva Schneider

Will City Council put aside the power struggles and politics, and rise to the occasion to support this final piece of Eric Adams' land use agenda, or will COYHO be lost in the political tides?

On Sept. 25, 2024, the New York City Planning Commission voted to approve, with modifications, the City of Yes for Housing Opportunity (COYHO), a city-sponsored text amendment with the goal of providing a little more housing in every neighborhood, by a vote of 10-3. Not to be outdone, later that evening, federal prosecutors announced that Mayor Eric Adams had been indicted on federal criminal charges. So, where do we go from here?

COYHO is the final piece of Adams' City of Yes vision, a trio of legislative packages that seek to modernize and update the city's zoning regulations (the first being the City of Yes for Carbon Neutrality to promote sustainability, which passed in December 2023, and the second being the City of Yes for Economic Opportunity to support economic growth and resiliency, which passed in June 2024). Even before the mayor's indictment, COYHO appeared to be on shaky ground. Only one-third or so of the city's community boards voted yes (and mostly, with conditions), and several prominent members of the New York City Council have been publicly skeptical of the proposal. Now, given Adams' precarious political position, COYHO's fate is even more uncertain.

COYHO has 10 main components:

- **Universal Affordability Preference (UAP).** UAP would allow buildings in medium- and high-density areas to have an approximately 20% floor area ratio (FAR) bump, so long as there is an affordable or supportive housing component. UAP would replace the Inclusionary Housing program entirely, but would leave the Mandatory Inclusionary Housing program intact. Building envelopes would also be adjusted to account for the FAR bump.
- **Conversions.** Nonresidential buildings constructed prior to 1991 would be allowed to be converted into housing (including supportive housing and dormitories). Conversions would be allowed anywhere throughout the city that housing is allowed under zoning.
- **End Parking Mandates.** New residential developments would no longer have parking mandates; while parking would still be allowed, it would no longer be required. Parking requirements for existing housing will remain but there would be a City Planning discretionary action available to eliminate or reduce those requirements.

- **Small and Shared Housing.** Shared housing models that would allow for smaller unit sizes with shared kitchens and other common facilities would be permitted, and buildings with more studio and one-bedroom apartments would be allowed near transit. In a large portion of the city, the Dwelling Unit Factor (DUF) would be eliminated, and in other areas not as close to transit, the DUF would be simplified and reduced to 500.
- **Landmarks.** The existing landmarks special permit, which allows the transfer of development rights, would be amended and replaced with a less-onerous, certification. The landmarks program would also be expanded to historic districts and lower density areas. Transfer opportunities would be extended to other zoning lots on the same zoning block as the landmark, or across the street or an intersection from such block.
- **Accessory Dwelling Units (ADUs).** ADUs, such as backyard cottages, basement apartments, and garage conversions, would be allowed on lots with one- to two-family homes, which would allow homeowners the option to gain more space for multi-generational families, or provide an additional rental income stream.
- **Town Center Zoning.** Buildings with ground-floor commercial use, and two to four stories of residential use above, would once again be allowed in low-density commercial districts where this classic housing model is currently banned to encourage more "missing middle" housing production.
- **Transit-Oriented Development.** Modest three- to five-story apartment buildings would be allowed on large sites that are within half a mile of subway or rail stations and that are on wide streets or corners.
- **Campuses.** Large sites that have existing buildings but have space to add more (e.g., a church with a large parking lot) would be allowed to add infill housing—the existing mixing rules would be simplified and quality housing development would face fewer obstacles and have greater flexibility, among other changes (such as eliminating the "sliver law"). Importantly, however, City Planning modified this proposal to exclude public housing from utilizing this proposed amendment.
- **Vesting.** So long as a new residential project files by the date of COYHO's adoption and receives Department of Building's zoning approval within one year, and if applicable, receives Housing Preservation Approval within two years, it can vest under the current zoning.

While proponents of COYHO argue it has wide-spread support among New York voters (with 72% of voters approving and 22% opposing according to a recent survey), community board votes depict a different story. With approximately two-thirds of community boards voting no, their criticism appears to coalesce around the elimination of residential parking mandates, ADUs, the changes that would allow more housing to be built in low-density neighborhoods, and transit-oriented development.

It is worth mentioning that Community Boards wield influence on their City Council members, despite not always accurately representing their districts, demographically. Community boards tend to be made up of older individuals, and have higher percentage of homeowners, and car-owners, as compared to the districts they serve. One could posit that these differences could result in differing values or beliefs surrounding what is best for their neighborhood, and the city as a whole.

Even though City Planning overwhelmingly approved COYHO (by 10-3), the commissioners who voted no cited a variety of concerns, from fears that the proposal will negatively impact low-density districts, to how the elimination of parking mandates will impact outer borough neighborhoods, to believing that the proposal does not do enough to address affordable housing. Some of the commissioners who voted yes also urged City Council to make modifications to the proposal during their review.

A number of council members (mainly in Queens and Staten Island) have already voiced their critiques, claiming the proposal would destroy neighborhood character in lower density areas, and citing to its unpopularity among Community Boards. However, among the more progressive council members, the proposal seems to be more popular. Council Speaker Adrienne Adams has held her cards close to the chest, stating that COYHO "seeks to address one part" of the housing crisis, that the city "needs a comprehensive housing plan" and that as the City Council reviews the proposal, it will "prioritize solutions to the full range of housing challenges facing New Yorkers."

COYHO is not a panacea to the housing crisis, but we believe it has a very real potential to help make a dent. The conversions of pre-1991 buildings across the city can breathe new life into office buildings that are no longer needed due to changes in the ways we live and work post-Covid, while providing sorely needed housing in already existing buildings. Eliminating parking mandates significantly decreases the cost of construction of new residential buildings, which should help increase the production of residential development. UAP, which would require the provision of affordable housing in order to take advantage of the FAR bump, has the potential to create new affordable housing across the city in every neighborhood. Smaller and shared housing models provide more flexible and affordable housing opportunities for recent college graduates, older households downsizing, or anyone who wants to live alone but feel more connected to their immediate community.

So, will City Council put aside the power struggles and politics, and rise to the occasion to support this final piece of Adams' land use agenda, or will COYHO be lost in the political tides?

Without a doubt, we are in an unprecedented time: never have we had a sitting mayor be indicted. But before Adams, the city was in a housing crisis, and after Adams, the city will continue to be in a housing crisis unless City Council can figure out a way to get to Yes. We hope that they do.

Jodi Stein is a partner and **Eva Schneider** is an associate in Sheppard Mullin's real estate, energy, land use and environmental practice in New York.

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Attorneys

Eva C. Schneider

Jodi Stein

Practice Areas

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