

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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October 21, 2024
Start: 10:41 a.m.
Recess: 4:40 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Kevin C. Riley
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Kamillah Hanks
Francisco P. Moya
Yusef Salaam
Lynn C. Schulman

A P P E A R A N C E S (CONTINUED)

Dan Garodnick
Director of Department of City Planning

Adolfo Carrión
Commissioner of Housing and Preservation
Department

SERGEANT AT ARMS: Good morning and welcome to today's New York City Council Subcommittee hearing for the Subcommittee on Zoning and Franchises. As this time, please silence all cellphones and electronic devices to minimize disruptions throughout the hearing. If you have testimony you wish to submit for the record, you may do so via email at landusetestimony@council.nyc.gov. Once again, that is landusetestimony@council.nyc.gov. At any time throughout the hearing, do not approach the dais. We thank you for your cooperation.

UNIDENTIFIED: [translating]

UNIDENTIFIED: [translating]

UNIDENTIFIED: [translating]

UNIDENTIFIED: [translating]

SERGEANT AT ARMS: Chair, we're ready to begin.

CHAIRPERSON RILEY: Good morning and welcome to a meeting of the Subcommittee on Zoning and Franchises. I'm Council Member Kevin Riley, Chair of the Subcommittee. This morning I am joined by Speaker Adrienne Adams, Chair Salamanca, remotely by Council Member Moya, in-person by Council Member Schulman, Salaam, Carr, Hanks, Sanchez, Brewer,

1
2 Marte, Hanif, Avilés, Public Advocate Jumaane
3 Williams, Minority Leader Borelli, Council Member
4 Narcisse, Dinowitz, Restler, Lee, and Holden. Today,
5 we are holding hearing on the third of the three
6 major initiatives that the Administration has called
7 the City of Yes. The first initiative was zoning for
8 carbon neutrality which we passed last year. The
9 second initiative was zoning for economic
10 opportunity, which Council modified based on
11 community concerns and passed earlier this year.
12 This third and last initiative of the City of Yes is
13 zoning for housing opportunity, also known as CHO.
14 Before we start discussing CHO, I want to explain how
15 the Subcommittee will receive and listen to my
16 colleague's and public's input, because I know this
17 third proposal has attracted a lot of attention.
18 Today's a public meeting that serves two purposes.
19 First, for the Council and the public to hear
20 directly from the Administration about this proposal.
21 Second, to provide my colleagues here in the City
22 Council an opportunity to ask the Administration
23 questions about CHO and raise their concerns.
24 Today's meeting is being live-streamed and broadcast
25 is available through the Council's website. If you

2 are here in person or viewing the broadcast, live
3 translation in multiple languages is available:
4 American Sign Language, Spanish, Mandarin, Cantonese,
5 and Haitian-Creole. If you are here in person,
6 please see one of the Sergeant at Arms to request a
7 headset. If you are online, please select the
8 appropriate language channel. Tomorrow, October
9 22nd, beginning at 9:30 a.m. here in the Council's
10 Chambers, we will hold a public hearing that will be
11 entirely focused on giving our constituents an
12 opportunity to share their thoughts and concerns with
13 this proposal. Tomorrow's hearing will similarly be
14 accessible in-person and online through Zoom. Please
15 see the Land Use page on the Council's website for
16 more information on how to sign up to speak tomorrow
17 at council.nyc.gov/landuse. To make sure there's no
18 confusion, if you are a member of the public and wish
19 to testify either in-person or online, we will hear
20 your testimony tomorrow, October 22nd, not today.
21 Today, we will hear from Department of City Planning
22 about the details of the proposed Zoning for Housing
23 Opportunity Text Amendment. Council Members will
24 then have the opportunity to ask questions about the
25 text amendment to the Department. Because we have a

1 lot of Council Members in attendance, the first round
2 of questions will be limited to five minutes per
3 Council Member. Once every Council Member present
4 has spoken, we will do a second round of questioning.
5 I would ask the Administration to give sufficient
6 answers. Tomorrow, to the substance of CHO, I want
7 to make a few points before hearing DCP's
8 presentation. I would then provide Speaker Adams and
9 Chair Salamanca an opportunity to also provide
10 opening remarks. To start with, it is important that
11 we recognize that the City and our communities are
12 facing a housing crisis. For the vast majority of
13 our constituents, finding an apartment or a house
14 that is both large enough for their families and that
15 they can afford is a real struggle. Because of the
16 housing shortage and ever-increasing rents and sale
17 prices, many of our constituents have no option but
18 to move out of the City. This is disproportionately
19 affecting Black and Brown families. There are two
20 root causes to this housing crisis. First, New York
21 City simply has not been building enough housing to
22 keep up with demand. To put it simple, more people
23 want to live here than the number of available homes.
24 The statistics are clear, and over the last decade
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1 between 2010 and 2020, almost one million more people
2 are working in New York City. During the same
3 period, the City only produced housing for
4 approximately half a million people. As a result,
5 the City has the lowest vacancy rates in decades.
6 What happens when vacancy rates drop, prices
7 increase. Too many people are looking for too few
8 apartments and houses. The second major cause of the
9 housing crisis is that the income of most New Yorkers
10 has not kept up with inflation and rent increases.
11 As a result, many of our constituents cannot afford
12 to live in the City. To make matters worse, the
13 number of available apartments for less than 1,500 is
14 steadily decreasing. Even those with existing homes
15 face challenges. For example, their needs might
16 change over time, but a tight housing market makes it
17 difficult to meet those changes. The children of
18 some households have not moved out, and the parents
19 now need physical assistance or help paying for the
20 cost of their house, because they are on fixed
21 income. Other households need more spaces because of
22 the growing families or adult children returning to
23 live in the home. When you put this together, it is
24 clear that the City needs to build more housing, fund
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1 more affordable housing, and streamline the City's
2 regulations governing housing production. The
3 questions we are here to discuss today is how the
4 City should allow more housing to get built. The
5 Administration put forward a complicated set of
6 reforms that will affect every community in the City.
7 Some of these reforms make a lot of sense. The
8 problem is that the proposal does not identify the
9 specific housing needs that different types of
10 neighborhoods have. Such an expansive proposal
11 should have been thought out and crafted in
12 partnership with communities before it was presented
13 as a final proposal. Instead, our communities were
14 just given a few months to understand these
15 complicated proposals and to propose modifications
16 that address their specific housing needs. As a
17 result, many of our communities are understandably
18 upset. I want to emphasize how critical it is that
19 communities be viewed as equal partners and not
20 obstacles. Second, zoning changes cannot be made in
21 a vacuum. Existing community's needs and the
22 improvements needed to accommodate the additional
23 density must be considered. For example, in my
24 district we have significant infrastructure problems
25

1 with flooding. To successfully build more housing in
2 northeast Bronx, major investments must be made in
3 the sewer infrastructure. The City of Yes cannot just
4 focus on new housing, but must address needs of
5 current residents. Moreover, zoning alone cannot
6 create affordability. This proposal must also do
7 more to increase affordable home ownership
8 opportunities. Home ownership in my district has
9 been a great source of stability for Black and Brown
10 families, because prices were reasonable and families
11 could buy a home. Now, very few people can afford to
12 buy a home, and ultimately, this pushes families out
13 of the city. Families in my district deserve secure,
14 stable housing and to own a piece of their
15 neighborhood. I look forward to hearing from the
16 Administration, how we can address the infrastructure
17 needs of existing residents, and create more
18 affordable home ownership opportunities. I will now
19 turn it over to Speaker, followed by Chair Salamanca
20 to give their opening statements. Speaker Adams?

22 SPEAKER ADAMS: Thank you very much Chair
23 Riley, and good morning everyone. I thank our Chair
24 for leading today's public meeting of the Council's
25 Subcommittee on Zoning and Franchises on the

1 Department of City Planning City of Yes for housing
2 opportunities citywide zoning reform proposal. And
3 thank you, Director Garodnick, it's great to see you.
4 It's great to see you also, Commissioner Carrion
5 [sp?] and everyone who's joined us today. New
6 Yorkers in every neighborhood need access to safe,
7 stable and affordable homes. Housing is key to
8 building a stronger and healthier city, economically
9 stable communities, and expanding opportunities for
10 all New Yorkers, but our city is currently in the
11 midst of a severe housing crisis that is squeezing
12 out working and middle-class families who are already
13 on the brink. New Yorkers are struggling to afford
14 to stay in their neighborhoods due to increasing
15 costs, and they lack the necessary support to remain
16 in the city they love. New Yorkers are facing
17 confluence of pressures that are undermining the
18 stability of our communities. With a citywide
19 housing vacancy rate of just 1.4 percent, that is
20 even lower for the most affordable homes and the
21 median home value in New York City near \$700,000, it
22 is clear that there is an overall lack of housing,
23 affordable homes, housing security and homeownership
24 opportunities. All these and various other issues
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1 must be addressed to help get us out of this crisis.
2 Homelessness in our city has soared to record levels
3 in recent years with an estimated 350,000 people
4 without homes. Evictions have risen and there is
5 widespread housing insecurity among residents as
6 rents remain high with more and more rent burdened
7 neighbors emerging. All of these factors are
8 contributing to New York's housing crisis, and they
9 will only worsen unless we advance holistic housing
10 solutions. Today, we are examining the Department of
11 City Planning's City of Yes for Housing Opportunities
12 Zoning Reform Proposal which was put forward with the
13 intention of allowing for the creation of more homes.
14 We recognize the importance of updating the City's
15 zoning from the last major change decades ago to help
16 contribute towards addressing the current housing
17 needs in our city. We look forward to discussing
18 these proposed changes during this meeting and
19 tomorrow's hearing. At the same time, this council
20 knows that zoning reform alone cannot fully address
21 the wide-ranging housing needs of New Yorkers.
22 Zoning reform is one important component, but New
23 Yorkers also need deeper affordability, expanded
24 pathways to affordable home ownership, strengthened
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1 tenant protections, the removal of barriers to
2 housing vouchers, investments in their neighborhoods,
3 and more. To truly confront this housing crisis and
4 meet the diverse needs of our constituents, we must
5 advance holistic solutions at the scale of the
6 challenges facing New Yorkers. As the Council
7 reviews this zoning reform proposal, we will also
8 prioritize a thorough housing plan with concrete
9 actions and investments needed by people and
10 neighborhoods across our entire city. We desperately
11 need the creation of new housing, but also a focus on
12 the pillars that serve the housing needs of New
13 Yorkers, and we must do this in partnership with
14 members of our community and all stakeholders. At
15 today's public meeting, I look forward to hearing
16 more from the Administration regarding its zoning
17 proposal and how we can work towards securing
18 holistic solutions for our diverse communities and
19 city. Thank you very much, Chair, once again. And
20 now I turn it over to our Land Use Chair, Council
21 Member Rafael Salamanca.

22 COUNCIL MEMBER SALAMANCA: Thank you,
23 Madam Speaker and Chair Riley. Good morning. Thank
24 you Chair Riley for chairing this extremely important
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1 hearing today. To put it simply, yes, we are in a
2 housing crisis. Yes, we need more housing, but how
3 we build more housing must be responsive to the needs
4 of our diverse neighborhoods. Just because two
5 neighborhoods share the same zoning, it does not mean
6 they are the same. Let's take the proposed parking
7 reform, for example. Public transit, mobility, and
8 access to services are simply not the same in the
9 South Bronx compared to many parts of Brooklyn and
10 Manhattan. These neighborhoods share much of the
11 same zoning as well as accessibility to the subway
12 system, but getting around the South Bronx without a
13 car is difficult unless you are commuting into
14 Manhattan. That is a reality of my constituents. I
15 also want to emphasize two points that Chair Riley
16 made about the needs of our existing residents. The
17 City, like the market, has consistently underinvested
18 in the Bronx. As a result, our streets flood
19 regularly and many of our playgrounds are rusting
20 away. If you're going to build in the Bronx, you
21 need to invest in the Bronx. That means that the
22 Administration's fixing our sewers, increasing the
23 funds available for our parks, and fixing our
24 streets. The Bronx also needs more affordable home
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1 ownership opportunities. Increasing the amount of ne
2 market-rate rental housing will not solve on its own
3 the problems that my constituents are facing. The
4 Bronx has been a place for families with modest
5 incomes to buy a house or an apartment and create a
6 secure home for generations to come. That is no
7 longer the case, because my constituents cannot
8 afford to buy and oftentimes rent in the Bronx. We
9 have to change this. We must increase affordable
10 homeownership opportunities for existing residents.
11 Lastly, I want to address a common misconception that
12 this proposal will change the zoning of commercial
13 and manufacturing districts. We will confirm today
14 that is not the case, except for the conversions of
15 vacant office spaces for residential use. To sum up,
16 yes, let's build more housing throughout the city,
17 but let's make sure we are building housing that
18 addresses the actual needs of our neighborhoods.
19 Thank you.

20
21 CHAIRPERSON RILEY: Thank you Madam
22 Speaker and Chair Salamanca. We've been joined by
23 Council Member Ariola, Majority Leader Farías,
24 Council Member Cabán, Council Member Paladino,
25 Council Member Bottcher, Majority Whip Brooks-Powers,

1 and Council Member Abreu. We'll now turn to the
2 Administration's testimony. Testifying on behalf of
3 the Administration is the Director of City Planning,
4 Commissioner Dan Garodnick and Commissioner Adolfo
5 Carrión. Counsel, can you please administer that
6 information?
7

8 COMMITTEE COUNSEL: Please raise your
9 right hand and state your name for the record.

10 DIRECTOR GARODNICK: Dan Garodnick.

11 COMMISSIONER CARRIÓN: Adolfo Carrión.

12 COMMITTEE COUNSEL: Do you swear to tell
13 the truth and nothing but the truth in today's
14 testimony and in response to Council Member
15 questions?

16 DIRECTOR GARODNICK: I do.

17 COMMISSIONER CARRIÓN: I do.

18 CHAIRPERSON RILEY: Thank you, Counsel.

19 For the viewing public, if you need an accessible
20 version of this presentation, please send an email
21 request to landusetestimony@council.nyc.gov. The
22 materials are also available through Council's Land
23 Use webpage. I will now turn it over to Director
24 Garodnick. I'll just ask that you please restate
25 your name and organization for the record.

2 DIRECTOR GARODNICK: Thank you very much,
3 Mr. Chairman. My name is Dan Garodnick. I want to
4 thank you, Speaker Adams, Chair Salamanca, Council
5 Members. Very happy to be here with you today
6 alongside HPD Commissioner Adolfo Carrión to discuss
7 this important proposal with you, and of course, it
8 has special meaning for both of us, as we both used
9 to sit on your side of the table for many years. As
10 you know, New York City is gripped by a severe
11 housing crisis that is decades in the making. In
12 fact, this crisis has been going on so long that it
13 is easy to take it as a fact of life, and this crisis
14 affects every single one of us, families that want to
15 grow, but are in over-crowded apartments, seniors who
16 want to stay in their communities, and low-income New
17 Yorkers struggling to pay rent. But we don't have to
18 live this way. We can create a city that New Yorkers
19 can afford where there are options for housing in
20 every neighborhood. So you can rent or buy, stay in
21 your own community, or move closer to your family or
22 your job. That's what the modest, common sense City
23 of Yes for Housing Opportunity will do, allow for a
24 little more housing in every neighborhood to take a
25 big bite out of our housing crisis citywide. So, now

1 let's get into how we're going to do that. Can we
2 have the next slide, please? As you heard from the
3 Speaker and both Chairs, our housing shortage is
4 particularly acute. Apartment vacancy rate is 1.41
5 percent. That's the lowest since 1968. Over 50
6 percent of our renters are rent-burdened, meaning
7 that they spent more than 30 percent of their income
8 on rent. I will note, that is their gross income.
9 Still have to pay taxes. There were 92,879 homeless
10 New Yorkers measured at the end of the last year,
11 about a third of them were kids, and I will note that
12 the average stay in the City's shelter system is 520
13 days, about a year and a half. Next slide. Why is
14 this happening? Well, New York City has not built
15 enough housing for decades. We're creating far less
16 housing than we used to and less than other major
17 metropolitan areas. At the same time, our average
18 household size is declining. So we actually need
19 more homes to house even the same number of people,
20 and at least in significant part, this shortage is
21 due to restrictive zoning rules that limit the number
22 and types of homes that can be built. Next slide?
23 Of note, new housing in recent years has been
24 concentrated primarily in just a few neighborhoods.
25

1
2 Some neighborhoods have created virtually zero new
3 housing. This puts additional pressure on just a few
4 parts of the City to produce almost all new housing.
5 You know, we have 59 community districts. Last year,
6 10 of them produced as much housing as the other 49
7 combined. Next slide. The human consequences here
8 are real. What does that mean? Well, the price of
9 rent, displacement and gentrification pressures,
10 particularly in those areas that are producing
11 housing, segregation, homelessness-- we saw the
12 numbers two slides ago-- poor housing quality, and of
13 course, the imbalance of power between landlords and
14 tenants in New York City. If you're trying to
15 negotiate the price of your rent, you're trying to
16 get a basic repair done in your apartment, if you
17 have no leverage as a tenant, it is very difficult
18 for you to present that you have alternatives,
19 because you likely do not. Next slide. Families
20 spend a huge portion of their income on rent.
21 Average household of three making \$70,000 a year
22 needs to spend 47 percent of their income on rent to
23 afford an average two-bedroom apartment. That 53
24 percent left for everything. I just noted again,
25 that also includes the taxes on the income. Next.

1 This housing crisis hurts businesses and job growth.
2 When people are spending their money on rent, they
3 have less to spend on other things, harming local
4 businesses. Less new housing, fewer jobs-- results
5 in fewer jobs in construction and residential
6 maintenance. We estimate here that this proposal
7 would add about \$58.2 billion to New York City's
8 economy and create more than 260,000 jobs in the
9 construction and service sectors alone. Next slide.
10 Okay, let's talk about the details. City of Yes for
11 Housing Opportunity, it is a citywide text amendment,
12 so a change to our zoning text that would make it
13 possible to build a little more housing in every
14 neighborhood. By building a little more in every
15 neighborhood means we can have a big impact in the
16 aggregate on our housing shortage without dramatic
17 changes in any one neighborhood, and that's
18 important. Next. How do we do this in zoning?
19 Well, City of Yes aims to update our zoning rules to
20 create more housing and more types of housing across
21 all New York City neighborhoods. Again, this means a
22 lot more in the aggregate, but without dramatic
23 change or over taxed infrastructure in our
24 neighborhoods. This approach can address the root
25

1 causes of our housing cost for job growth in the
2 City's economy, and of course, support our climate
3 goals by creating more housing opportunity in one of
4 America's least carbon-intensive cities. Next slide.
5 Zoning's one tool. It's one tool, as the Speaker
6 noted. This is one tool we can use to address our
7 housing shortage, not the only tool, but it's an
8 important one. Zoning regulates density and use. It
9 can include requirements for income-restricted
10 affordable housing, but of course, zoning itself does
11 not directly build or fund new housing. It is a
12 regulatory set of rules that defines what can be
13 built where. It's entirely within the control of the
14 City of New York in contrast to some proposals that
15 we have seen over time. But this is not the only
16 thing that can help us solve our housing crisis. We
17 need subsidies and tax incentives to create
18 affordable housing. We need support for
19 homeownership models. We need tenant protections.
20 These are all important. Next slide. And I will
21 note that that is the approach is we are taking. Of
22 course, look forward to continuing this conversation
23 with the Council. We have constructed and preserved
24 over 28,000 affordable homes in fiscal year 2024.
25

1 We've invested \$2 billion. We're investing \$2
2 billion in HPD and NYCHA for the next two years.
3 We're cutting red tape, accelerating housing
4 production with initiatives like our Green Fast-track
5 and our office conversion accelerator, unlocking
6 billions for repairs in NYCHA developments through
7 the Preservation Trust and PACT. And there's a new
8 tenant protection cabinet working to better connect
9 tenants to resources to develop long-term strategies
10 to support them. So, zoning is an important piece,
11 but certainly not the only piece. Next slide. Okay,
12 here's the overview of the proposal. I'm not going to
13 dwell on this, except just point out that we have on
14 this map divided the City into our lower density
15 neighborhoods defined in zoning as R1 to R5, and our
16 medium and high-density neighborhoods here in orange,
17 R6 to R10. We're going to come back to this, but
18 just remember those are the way that we have divided
19 out R1 to R5 and R6 to R10. Next slide. Okay, let's
20 start with low-density. Next slide. When people
21 think of low-density neighborhoods, they tend to
22 think of single-family homes on large lots with white
23 picket fences. Next slide. But actually our low-
24 density areas are quite diverse. We have a range of
25

1 building types, including two- and three-family homes
2 and also small apartment buildings. These modest
3 apartment buildings are an important source of
4 housing for many New Yorkers. Next slide.

5 Unfortunately, restrictive zoning makes it impossible
6 to build. Since the 1960s, our increasingly
7 restrictive zoning has made it virtually impossible
8 to build in many areas of the City. As a result,
9 most low-density areas have stopped building new
10 homes, worsening our city's housing shortage. Next
11 slide. City of Yes would allow for the creation of a

12 little more housing across low-density areas in ways
13 that are consistent with the scale and character of
14 existing buildings that offer lower cost housing
15 compared to other types of construction and also
16 support homeowners. Let's talk about that. Next
17 slide. The first piece here is town Center zoning.

18 We want to re-legalize housing above businesses on
19 commercial streets in low-density areas. So, you
20 take those areas in zoning that are commercial
21 overlays. They're defined as commercial overlays,
22 places where you can do commerce in residential
23 areas. They're sprinkled here on the map. You can
24 see them in red. This is where we have commercial
25

1
2 overlays in zoning, and we would say as part of this
3 proposal that we would like to enable two to four
4 stories of housing above a commercial ground floor,
5 mirroring existing buildings that are frequently out
6 there. You can see in the bottom left of the slide,
7 you can see a three-story above a commercial ground
8 floor. That exists, and I will note in New York City
9 we have 14,693 of these buildings in our one- and
10 two-family districts today. They are well-known.
11 They are well-recognized, but they are non-conforming
12 because you cannot build them today. We want to
13 relegalize those two, three, or four stories of
14 addition on top of a commercial ground floor. So that
15 would give you a maximum of a five-story building on
16 the first ground floor. That's town center zoning.
17 Next. Transit-oriented development, very similar
18 here, except this one is defined not by being above a
19 commercial ground floor, but it's being defined by
20 proximity to transit. So, we would enable here
21 three-, four- or five-story apartment buildings on
22 certain qualifying blocks. So, if you're within a
23 half mile of transit out on a site that is over 5,000
24 square feet and on a wide street or on the short end
25 of a block, you would have an eligible site to be

1 able to do a three-story apartment building, a four-
2 story apartment building, and a five-story apartment
3 building. I would note it's not your choice as to
4 whether it's three, four or five. The Zoning defines
5 whether it is three, four, or five. Three would be
6 in your lowest density, low-density neighborhoods.
7 Four, the next step up, and five at the absolute
8 maximum. So, that is transit-oriented development.
9 Next slide. This modest missing middle type of
10 apartment building that we're talking about here
11 would match the scale and character of existing
12 buildings that can no longer be built. You see here
13 examples in Murray Hill, Queens, Bath Beach in
14 Brooklyn, City Island in the Bronx. Next.
15 Sheepshead Bay, Helen Bay, Middle Village in Queens,
16 they are there. They were legal before 1961. Now
17 they are nonconforming and cannot be built. Next.
18 St. George, Staten Island, Bay Ridge, Woodhaven--
19 next slide. Now you have the missing middle type
20 apartment buildings, three, four, five stories on
21 sites that are eligible near transit, also above
22 commercial strips in our commercial overlays
23 throughout low-density district. Accessory dwelling
24 units-- so we will also propose to allow one or two-

1 family homeowners to add accessory dwelling units or
2 granny flats, or in-law units, or whatever you want
3 to call them in backyard cottages, garage
4 conversions, basement apartments, because these are
5 really important. They provide space for
6 multigenerational families. They help homeowners who
7 want to pay for their family's household expenses.
8 They offer housing options, importantly in low-
9 density areas that lack them. It has worked to be a
10 real benefit for middle income homeowners around the
11 country. New York City's homeowners should have this
12 option as well. Next slide. This just gives you a
13 sense of what they could be. They would be allowed
14 in detached, attached, basement, and attic typologies
15 with a maximum of 800 square feet. Some ADUs like a
16 basement apartment would require other changes to
17 state and city law, as you all know, to be fully
18 legalized, but we propose to take the zoning piece of
19 out of the equation here. ADUs would not be allowed
20 in special coastal risk districts. They would not be
21 allowed in coastal flood areas. Next slide. ADUs
22 have been great for older New Yorkers around the
23 country. They'd be great for older New Yorkers right
24 here in New York City. It makes them easier for them
25

1 to downsize, to age in place, to bring in extra
2 income, to provide living space for a loved one or a
3 caregiver. That's why ADUs are supported by the AARP
4 and other groups that work on issues affecting aging
5 New Yorkers like the Center for New York City
6 Neighborhood and Asian Americans for Equality. We're
7 very appreciative to all of them for their advocacy
8 here. Next slide. New Yorkers support ADUs. Recent
9 survey found that 68 percent of New Yorkers support
10 the ADU proposal and, of course, 72 percent support
11 City of Yes overall, and I will note, and I'm sure
12 Commissioner Carrión would be delighted to speak on
13 this, when applications open for HPDs Plus One ADU
14 program, more than 2,800 homeowners applied for just
15 15 opportunities. So, that gives you a real sense of
16 the interest and the demand for this and an
17 opportunity that we would like to offer New York
18 City's homeowners. Next slide. As I noted before,
19 cities across the country are successfully doing
20 this. You have a number of states and cities that
21 have already legalized ADUs, cities like Atlanta,
22 Austin, Buffalo, Durham, Gainesville, Los Angeles.
23 The list goes on-- States, entire states like
24 California, Connecticut, Main, etcetera. We have seen
25

1 in the experience from these states and cities that
2 legalizing ADUs does not noticeably impact
3 neighborhoods. Less than five percent of eligible
4 homeowners have chosen to build them. That is
5 exactly what we would expect to happen here in New
6 York City, too. Next slide. District fixes. We have
7 low-density districts in New York City that allow
8 two-family homes and small-scale apartment buildings,
9 but zoning has become very complex and it has become
10 practically impossible to build them. So you can't
11 really build a two-family home in a two-family
12 district or a multi-family home in a multi-family
13 district. We want to deal with some of these issues
14 and, you know, since 2010 half of new buildings
15 created in these districts have included fewer homes
16 than actually allowed. So we want to enable multi-
17 family homes in multi-family districts and two-family
18 homes in two-family districts and not crunch
19 everybody to lower outcomes. So, that's what
20 district fixes are about. They're about things like
21 perimeter heights, yards, the overall density. In
22 some cases, we try to match what was actually build
23 on the ground already. Next slide. Here we would
24 streamline zoning rules so that it's once again
25

1 possible to build those sorts of homes, and I was
2 just describing where they're supposed to be allowed.
3 This includes adjusting required heights, rear and
4 side yard sizes, and zoning envelopes. This helps
5 when you're trying to get insurance, when you're
6 trying to deal with the City's Department of
7 Buildings. If you're nonconforming because we have
8 put so many rules in place, it makes it difficult for
9 you as a homeowner. We want to deal with that here
10 next. Also, of note here, and I guess I really
11 alluded to this a moment ago, but many older one or
12 two-family homes in small apartment buildings just
13 out of compliance with our current zoning rules. Big
14 headaches for homeowners to borrow money from a bank,
15 make modest changes. So, we want to bring these
16 homeowners back into compliance and give them a
17 little bit more flexibility. Next slide. Okay,
18 modest growth or extinction events, you might ask.
19 We've heard a lot of concern about what this might
20 mean in low-density areas. Some claim that City of
21 Yes will change low-density areas beyond recognition
22 and lead to neighborhood extinction events. In fact,
23 I think you will find that the change will be very
24 modest. Here we took this as an example of a couple
25

1 of blocks in eastern Queens. What you might see over
2 15 years here, you can see-- you know, this would
3 take advantage potentially of our town center zoning.
4 So, that green highlighted area at the bottom of the
5 screen could be the site of a town center apartment
6 building, height limited, again, reminding you that's
7 a three-story building, a four-story building,
8 absolute maximum five-story building. We'll note
9 that right across the way you have nonconforming
10 existing multi-family building there that is not
11 legal to be put in the green highlight right across
12 the way. So, we're proposing to enable that there.
13 As for accessory dwelling units, we would project
14 three to four of them in this area which is about
15 eight acres here. These new homes would make a huge
16 difference in New Yorker's lives without disrupting
17 neighborhood character, and I submit to you this does
18 not disrupt neighborhood character, not and
19 extinction event. Next slide. Medium and high-
20 density-- next slide. So now we're going to walk
21 about the other part of the map where we started. So
22 we've just now covered the lower density proposals.
23 Now, let's go to medium and high-density. Our
24 universal affordability preference would allow
25

1 buildings to add approximately 20 percent more
2 housing if those additional homes are permanently
3 affordable. So it's a bonus for affordable homes.
4 This would allow incremental housing growth
5 throughout our medium and high density district. It
6 would encourage affordable housing throughout the
7 City, rather than just concentrating it in just a few
8 areas. So every area where you see on this map coded
9 in amber orange, you would be able to take advantage
10 of 20 percent bonus for affordable housing only and
11 permanently. Next slide. Today, we have a program
12 called AIRS [sic] where we allow for a bonus for a
13 certain type of affordable housing, but it's for
14 senior affordable housing only, and it exists in the
15 lighter orange areas in the map. This plan would
16 expand that framework. So what we give today for
17 senior affordable housing would expand it to all
18 types of affordable housing across all medium and
19 high density area, so throughout all of our R6 to
20 R10. Next slide. We also propose to include an
21 affordability requirement at 60 percent of the area
22 median income here. This is lower than what our
23 existing voluntary inclusionary housing programs have
24 at 80 percent. This lowers that down to 60 percent.
25

1 Also, importantly 80 percent is a requirement. You
2 need to hit 80 percent today. This would allow for
3 income averages. You'd actually go below 60 percent
4 and be eligible for the universal affordability
5 preference. Next. Here's an example. Some of you
6 have seen this. A church in an R6 district that
7 wants to partner with a developer to rebuild the
8 church sanctuary and do some housing on top. Today,
9 the site is limited to 3FAR which of course is their
10 maximum amount of development rights as defined by
11 the floor area ratio. That would get you about 35
12 units on this site. If affordable and supportive
13 housing got 3.9 FAR, which is what you get under the
14 senior affordable program today-- this I could 10 to
15 12 more units as long as anything above that three--
16 so between 3-3.9 must be permanently affordable, and
17 again at 60 percent AMI with an average. Next slide.
18 This will be the largest affordable housing zoning
19 program in American history. This has never been
20 attempted and has never been delivered. If this had
21 been in place since 2014, an additional 20,000 income
22 restricted affordable homes could have been created,
23 enough to house 50,000 New Yorkers if you had this
24 over the last 10 years. We think this is a very,

1 very important part of the proposal. Next slide.
2
3 Okay, other pieces of City of Yes for Housing
4 Opportunity-- we are proposing to update our MIH
5 options. As you all know very well, MIH includes
6 different affordability options, but one of those
7 options, the lowest income option, option three, at
8 40 percent of AMI, can only be used in partnership
9 with one of the other two options, option one or two.
10 That's how the program was designed. You get-- you
11 can do option three, but only as long as it is
12 partnered with option one or two. We are proposing
13 to make option three available as a standalone
14 option. So the Council will have this as a standalone
15 opportunity in MIH projects, helping to create more
16 housing for low income households. I will note, this
17 change, Madam Speaker, we noted your request for this
18 as well as from many Council Members and housing
19 advocates. We are happy to try to deliver this to
20 you in this proposal. Next slide. We also would
21 equalizes the FARs for MIH where it's mapped and for
22 the UAP district wherever the UAP FAR is higher. Just
23 example, and example of this in a R6A district, you
24 currently have an FAR for an MIH development of 3.6.
25 That would be raised to 3.9 so as to accommodate

1 universal affordability preference. The MIH
2 affordability rules remain unchanged except for what
3 I just described in the last slide, creating
4 additional option for the Council to choose the
5 lowest level AMI as a path. Same percentage of
6 affordable income-restricted housing would be
7 required under MIH, but we would adjust/align the
8 universal affordability with MIH FARs where MIH
9 exists. Next slide. Okay, we also want to clear
10 some hurdles for affordable homeownership programs.
11 Today, the rules that we have baked into zoning favor
12 rentals over homeownership. We know this is an
13 important point for Council Members. In fact, I got
14 a letter from many of you on this subject recently.
15 But there are administrative rules in zoning that are
16 inconsistent with HPD's own affordable homeownership
17 programs. So, what we propose to do here is to
18 remove the conflict in zoning so that if there is an
19 opportunity to do an affordable homeownership
20 project, that zoning is not in the way. So 100
21 percent affordable homeownership projects would be
22 exempt from conflicting rules in zoning. We know
23 that this will help more affordable homeownership
24 projects to be built. We share this goal with you.
25

1
2 Next slide. We also want to support better quality
3 housing. Since our 1961 zoning resolution, our
4 zoning has functionally squeezed buildings into bar
5 shapes. You can see on the bottom of this slide where
6 you only have one exposure on each side of the
7 building. It's long and narrow. You have one
8 apartment on one end of the highway, one apartment on
9 the other end of the hallway. Lights only in one
10 room, potentially. City of Yes would allow buildings
11 to use pre-1961 designs with larger, brighter, and
12 better ventilated apartments and importantly more
13 family-sized units. How do we propose to do that?
14 Well, we want to address the required distance from
15 the lot line to the rear yard court and window. We
16 want to actually make it easier to develop buildings
17 that have more flexibility for windows, light and
18 air. This is good for family-sized units. It's good
19 for having windows in kitchens and bathrooms. You can
20 see in the top left-hand corner of that image, you
21 can see a pre-1961 building, although the text is
22 slightly hidden by some of the technology here. The
23 point of it all is that building is very difficult,
24 if not impossible, to build today because of our rear
25 yard rules and our interior court rules, and we want

1 to make it possible to adjust our corridor
2 requirements to allow more family-sized units. We
3 think by making adjustments here and allowing more
4 lot coverage and more flexibility we get better
5 designed buildings for New Yorkers, more windows,
6 more light and air. Next slide. We also want to
7 replace the Sliver Law with height limited contextual
8 envelopes. The Sliver Law sets strict limits on
9 narrow lots, so less than 45 feet. It was created in
10 the 80s before height limits even existed in zoning.
11 Since then, we have height limits or height-limited
12 options to all of our contextual and non-contextual
13 zoning districts today. So we would in this proposal
14 allow for these newer, more reasonable height limits
15 to control the height of buildings on narrow lots.
16 This would help to create new housing, especially in
17 Manhattan, and this of course would-- Sliver Law
18 would continue to apply where any other height limits
19 do not. So we think this is a smart way for us to
20 create a little flexibility, but also making sure
21 that we have height limits in place. Next slide.
22 Okay, some citywide initiatives-- next slide. Sorry,
23 I forgot to do that. Okay, next, lifting parking
24 mandates. Today, as you all know, New York City
25

1 requires new housing to include parking, even when
2 it's not needed. So our zoning resolution defines
3 precisely the minimum amount of parking that you must
4 deliver in every zoning district and every building,
5 every community around the City. And what we have
6 found is that is not only expensive, but it is
7 directly competing with housing productions and is
8 preventing new housing from being built in many
9 circumstances. So what we propose to do here is to
10 lift the mandates to lower our housing cost and also
11 to increase housing production. We're not saying put
12 a cap on the potential amount of parking. We're just
13 saying let's eliminate the costly mandate. We know
14 that architects and developers when they're looking
15 at doing a lot or building in New York City, they
16 first start with, what do I have to deliver on
17 parking, and they design an entire building around
18 it. I can tell you as now having served as Chair of
19 the City Planning Commission for three years, we
20 routinely see applications with a waiver request to
21 opt out of parking mandates in places that are right
22 above a subway station or a block or two away from a
23 subway station, and we grant those because we think
24 that that is okay, particularly when you're in such
25

1 proximity to transit. And we also see, routinely we
2 see developers who are developing in all areas of the
3 city who provide much more than the mandatory
4 minimum. It happens every Commission meeting, almost
5 in-- I can even give you some examples in one of the
6 coming slides. We see this routinely. We expect
7 that parking will continue to be built in places
8 where it is needed, but we would not here continue to
9 require it where it is clearly not needed. Next
10 slide. Here's an example of this. A developer wants
11 to build a 16-unit apartment building, four-minute
12 walk from the subway on this site. Today, you all
13 know, that you waive outer parking, no parking
14 requirements under 10 units. So there's no
15 requirement up to 10. When you hit the 11th unit
16 here in this district, it triggers a six parking
17 space requirement. Now, that six parking space
18 requirement would have this developer stop at 10.
19 It's not rational to build the 11th unit here and
20 provide six parking spaces at 11 or to go up to 16
21 and provide eight parking spaces for those 16 units.
22 It's not cost-effective. It won't make sense. You
23 get 10 units of housing, and we would lose those six
24 more urgently needed homes near transit. We do not
25

1 want to force those sorts of calculations to happen
2 anymore. Next slide. Again, we preserve the option
3 to add parking in new buildings here. It's not a
4 cap. We expect parking will continue to be built
5 where demand calls for it. I noted a moment ago that
6 developers choose to create more parking than is even
7 mandated. Some examples here-- it's going to text my
8 eyesight, but we I think have 60 92nd Street in
9 Brooklyn, zero required, 19 provided. That building
10 is up. There's a building here on 84th Drive in
11 Queens, required 11, provided 32, also constructed.
12 More recently we approved a building on Victory
13 Boulevard in Staten Island, 25 parking spaces
14 required, 67 were provided. And of course, this
15 council approved a site on Boston Road in the Bronx.
16 Zero parking space required, 117 spaces were
17 provided. It happens rather routinely that developers
18 go above the minimum. We expect that will continue
19 to be the case. Next slide. Where needed, where
20 needed-- lifting park mandates is a proven strategy
21 nationwide. Many cities-- I like to think that New
22 York City is always the first in all things in this
23 situation. We are not. Many cities have lifted
24 parking mandates including Buffalo, Minneapolis,
25

1
2 Seattle, many others. Data shows that this is
3 boosting housing production while still allowing for
4 parking as needed. You know, the closet to home
5 example here is Buffalo. Since the parking mandates
6 in Buffalo were lifted in 2017, 70 percent of the
7 newly constructed homes would have been impossible to
8 build before, 70 percent. And at the same time, 83
9 percent of new buildings chose to continue to offer
10 parking. Next slide. Onto conversions. Many
11 vacant, non-residential buildings can't convert
12 today. We have outdated rules that prevent many
13 under-used, non-residential buildings like offices
14 from converting to housing. For example, many
15 buildings that were constructed after 1961 or outside
16 of the city's largest office centers they're not
17 allowed to convert. Next slide. The City Council
18 created a taskforce on converting offices to housing.
19 2021, the Council passed a bill sponsored by Council
20 Member Brannan which created a multi-agency taskforce
21 to study how vacant and under-used office buildings
22 could be converted into housing. That included the
23 Department of City Planning. I had the privilege of
24 chairing this taskforce and the findings of that
25 taskforce directly inform what we are proposing here.

1 I will note, with a 19 percent vacancy rate in our
2 commercial office buildings and a 1.41 percent
3 vacancy rate in our rental housing, this feels like
4 an opportunity to match both of those needs. Next
5 slide. So we would allow more buildings to convert
6 to housing by expanding the geography for eligibility
7 to make it citywide, make it easier to convert former
8 schools, religious buildings, so not just offices.
9 If residential is allowed in the place where this
10 building sits, we would allow for it to be converted
11 to housing. We would move the eligibility date from
12 1961 to 1990-- I'm sorry, to 1977. Let me start that
13 sentence again. 1961 or 1977, right here in lower
14 Manhattan, the date of eligibility is 1977. We would
15 move that date to 1991, allowing more recent
16 buildings to convert, and we would allow buildings to
17 convert to more types of housing as well. You can see
18 here on this slide the current eligible geography,
19 and then the proposed eligible geography. Next
20 slide. Okay, we also want to allow height-limited
21 contextual infill. You'll look at this slide, and
22 it's intended to be a little scary here, because of
23 our outdated 1960s era height factor zoning. New
24 buildings that are constructed on irregular lots and
25

1 lots with existing buildings like campuses. They're
2 required to be tall, skinny, and out of context like
3 what you see here. This is not an outcome that
4 anyone wants. Next slide. It results from our own
5 bad zoning text. So we create a new opportunity
6 here. We correct this so new buildings can be
7 contextual and height-limited on campuses. I will
8 note that we modified this proposal at the planning
9 commission to not apply to NYCHA as they have their
10 own tenant engagement regulations, their own
11 ambitious agenda to pursue, but for the buildings and
12 sites that do not have their own pathways, we
13 propose to keep it in place. Next. Importantly,
14 City of Yes supports faith-based organizations, both
15 the conversions and height-limited infill proposals
16 would help faith-based organizations here to convert
17 under-utilized space on their buildings and on their
18 campuses and to housing that serves their
19 communities. Next slide. We also want to re-
20 legalize buildings with small apartments and shared
21 housing. New York City banned shared housing in the
22 1950s and buildings full of studio apartments in the
23 1960s. This has contributed to our homelessness
24 crisis in the decade since. It's forced people who
25

1 would prefer to live alone into living with
2 roommates. Next slide. I will note that the way
3 that it was functionally banned in zoning was for
4 something called the dwelling unit factor which is a
5 mathematical equation which tells you the maximum
6 number of homes that a building can have, and it'd
7 determined by this complex equation that you may or
8 may not be able to see from where you're sitting but
9 on this slide. We removed the dwelling unit factor in
10 central locations and reduce it elsewhere, allowing
11 for buildings with small apartments. We have a lot
12 of protections in place for health and safety of New
13 Yorkers, the building code, the fire code. Zoning
14 does not need to define how many smaller units you
15 might want to include in a building. We'll note that
16 the requirement or, you know, the opportunity to
17 create smaller units frequently alleviates the burden
18 on family-sized units because we have so many
19 singles, doubles, triples, quadruples living in
20 family-sized units, people who might rather live
21 alone. Next slide. Here's the illustration of this.
22 small apartments help a lot of people, young adults
23 starting out, older households that are down-sizing
24 and everyone within the sound of my voice who lives
25

1 with roommates but would prefer to live alone, we
2 believe and feel rather certain that allowing more
3 small and shared apartments will also open up those
4 large family-sized apartments that otherwise would be
5 occupied by roommates. This is an important point,
6 because some people assume that by creating an
7 opportunity for small units you actually are doing
8 harm to the larger sized units. In reality, the
9 opposite is true. We are alleviating the burden on
10 the family-size units by enabling smaller units to
11 exist. Next slide. And of course, we need more of
12 all of it. We need more of all of it which is the
13 animating point behind this entire proposal. We also
14 want to create a path for shared housing. Shared
15 housing offers homes with private bedrooms and shared
16 kitchens, bathrooms or other facilities. This has
17 historically provided a crucial source of housing for
18 many New Yorkers, but current zoning makes it very,
19 very difficult to build. We would help clear a path
20 here for the return of shared housing by allowing
21 shared housing in multi-family districts and allow
22 non-residential buildings to convert to shared
23 housing. Other changes to Local Law also would be
24 needed to be able to fully effectuate this, but we
25

1
2 are doing what we believe we should be doing in
3 zoning. Next slide. We also want to create new
4 zoning districts to spur housing in high-demand
5 areas. You all know that the cap on residential FAR
6 which created the 1960s to restrict how housing could
7 be built in high-density areas. It was capped at 12.
8 For decades, this restricted our housing growth
9 especially in the high-demand job and transit rich
10 neighborhoods where housing is urgently needed.
11 Earlier this year, thanks to the advocacy of many of
12 you and of course by the Administration, Albany
13 repealed the FAR cap, and so we are very, very
14 encouraged to have this as a tool. Next slide. So
15 what we would like to do in this proposal is to
16 create new zoning district with FARs above 12. We
17 don't map them anywhere. We don't put them anywhere
18 in this proposal. We just create the opportunity for
19 us and you to map them at a later date. These
20 district would, of course, require permanent income-
21 restricted affordable housing through MIH, and this
22 would be a powerful new tool to create housing,
23 including affordable housing in high-demand areas.
24 So you see here new districts which take you up to 15
25 or 18. Again, not mapped. Just a tool for future

1 use, and we want to make sure that we have that tool
2 for future use. Next slide. We also want to simplify
3 a few areas which have impeded housing production
4 over time. One of them is a railroad right-of-way
5 special permit. This was created in the 1960s to
6 support new housing while protecting railroad
7 operations. The process is a full special permit via
8 ULURP which has become confusing, inefficient and
9 costly. We would streamline this process while
10 protecting our planning goals. I will note that it is
11 a special permit on top of whatever other land use
12 changes you might need. This is an additional
13 special permit. So we propose for larger sites you
14 get an authorization requiring environmental review,
15 review by Community Boards and the Planning
16 Commission. Smaller sites would just get a
17 certification via Chair of City Planning. We think
18 that this deals with the issue of is there a railroad
19 use present here in a way that protects the City's
20 interest and also deals with a special permit that
21 has gotten very inefficient and cumbersome. Next
22 slide. Similarly, we want to make it easier for
23 landmark buildings to sell their development rights.
24 As you all know, we have a lot of landmarked
25

1 buildings out there that financially struggle due to
2 their high maintenance cost, but the process for them
3 to sell the development rights that they are stuck
4 with through land marking is very complicated, and
5 it's not at all allowed in lower density and historic
6 districts. As a result, we've seen 15 landmarks that
7 have sold their development rights in the last 50
8 years. So we have stranded everybody else, and
9 almost all of the 15 were in central areas of
10 Manhattan. Next slide. So, we want to update and
11 simplify the transfer process so landmark buildings
12 can raise money that they need and also for us to
13 enable a little more housing to be built. So we
14 would allow for landmarks to transfer their
15 development rights to any lots on the same block, or
16 across the street, or at the next intersection.
17 Okay. You can see right now the dark green is where
18 you can transfer if you're a landmark building.
19 We're on that-- let's call it the northeast corner of
20 that block with the star. You could transfer today
21 only within the green. We propose now to allow you
22 to transfer by way of illustration anywhere in the
23 light green. So, same block across the street or
24 next intersection. We would permit transfers in
25

1 lower density neighborhoods and historic districts.

2 We would simply the transfer approval process. If

3 you require bulk modifications on the receiving side,

4 we would have an authorization certification if there

5 is no bulk modification. We would cap the increased

6 amount of density on the receiving site to 20

7 percent. So, we'd made sure that it is reasonably

8 scaled, with one exception here in commercial

9 districts which already have 15+ FAR. We would not

10 create that 20 percent cap. We would maintain all

11 landmark and historic district protections. So,

12 Landmarks Commission would still have their critical

13 role in evaluating anything touching a historic

14 district. Next slide. And the third area where we

15 propose some process changes is to make it easier to

16 create supportive housing. Today, supportive housing

17 developments-- there we go-- that wanted to access

18 higher community facility FARs in our R6 and R7

19 districts, they have to apply for a full special

20 permit. We simplify that and we make it only an

21 authorization. We want to make this less burdensome

22 and costly. We want to help spark the creation of

23 these urgently-needed supportive homes. So this is

24 take a special permit to access the higher densities

1 for R6 and R7 district, make it into a cert-- an
2 authorization, make it a little easier. Next slide.
3 Okay, we also-- and I know this is important, Mr.
4 Chairman, I know this is important to you so I put
5 you on this slide. This is important to the Council
6 to protect council prerogatives and also Community
7 Board prerogatives. As I noted, Commissioner Carrión
8 and I sat in your seats once upon a time and we know
9 that it is important to protect the interest of the
10 council here. We reviewed what kinds of projects
11 actually go through ULURP, and of note, the kinds of
12 large-scale projects that go through public review
13 today would continue to go through public review,
14 even if City of Yes is passed without a single line
15 edit. In fact, we looked at this over the last 10
16 year and found that 99 percent of projects that went
17 through ULURP in the last decade would still have to
18 go through ULURP here. This is an important point,
19 because I think there's been concerns from Community
20 Boards and from Council Members about whether we're
21 somehow taking power away from the Council, 99
22 percent would continue to have to go through ULURP.
23 Why is that? Well, it's because we're only slightly
24 expanding any development rights, and they're beyond
25

1 what any developer would ever request through the
2 formality, complexity and cost of ULURP. Next slide.
3 Okay, environmental review-- Seeker [sic], our city's
4 environmental quality review requires us to do an
5 environmental impact statement here for a generic
6 action. We have to estimate amount type, approximate
7 location, and the overall massing and forms for
8 future developments. So, to do that here we use
9 three methods: a prototypical site assessment to
10 assess individual sites to exemplify the local
11 effects of the proposal. Citywide estimates we
12 modeled to estimate scale and the location of future
13 developments citywide, and we created representative
14 neighborhoods to analyze the proposal's collective
15 development effects on the neighborhood scale. Okay,
16 next. The housing estimate resulting from our EIS is
17 that we would get a citywide increment range of
18 58,200 to 108,900 housing units over 15 years.
19 Noting again that's incremental increase above what
20 we otherwise would have gotten. Next slide. We
21 issued our completion of a final environmental impact
22 statement on September 13. We identified no impact
23 in a variety of categories, land use, socioeconomic,
24 water, sewer, solid waste, energy, etcetera. We did
25

1 identify a potential for impacts in three categories,
2 community facilities and services, specifically early
3 childhood programs and schools, open space, and
4 transportation. We could not preclude impacts in
5 some categories because the likelihood depends on
6 specific site characteristics, but of course, as
7 we'll discuss in a moment, the city has processes to
8 deal with development as it happens, particularly
9 where you're dealing with small increments of
10 development over wide geographies. Next slide. So
11 our environmental impact statement importantly is not
12 designed to identify all future infrastructure needs.
13 There are many of those, as some of the speakers
14 noted at the top. What we are required to study here
15 is the incremental impact, the incremental impact of
16 adding a little more housing across the City through
17 City of Yes, and that is why it found no significant
18 impact in most categories. We're talking about
19 incremental impact. Next slide. As I noted a moment
20 ago, city agencies continually invest in
21 infrastructure through capital planning processes
22 that respond to needs. For example, the Parks
23 Department has a 10-year capital strategy with \$4.6
24 billion for capital construction and reconstruction
25

1 projects that is based on their evaluation and need
2 of impacts on open spaces. DOT has a 10-year capital
3 plan with \$31.6 billion for streets, sidewalks,
4 highways, bridges, and parking facilities. The
5 School Construction Authority, of course, has a five-
6 year capital plan with \$19 billion allocated for
7 schools, for leases of schools, capital upgrades, and
8 more. I will note that the City over the last two
9 years invested over \$1.2 billion in storm water
10 flooding protection prevention as part of the \$20.1
11 billion capital plan that it has, and of course, this
12 September New York City opened 24 brand new schools.
13 These are things that happen as a matter of course
14 based on what our city agencies, our capital
15 agencies, are seeing there on the ground, and that is
16 why, you know, incremental impacts here are small. A
17 little more housing in every neighborhood does not
18 create significant amounts of impacts. Next slide.
19 IN 2022, as you all know, the Council required a
20 racial equity report for applicants for select
21 rezonings and land use actions to describe how their
22 projects affirmatively further fair housing and
23 promote equitable access to opportunity. So, this
24 proposal affects more than five community districts,
25

1 so it is subject to this requirement. Next slide.
2
3 And if you ask how it furthers our fair housing
4 requirement, well, it was born out of our own fair
5 housing report. It emerges from the City's fair
6 housing plan, Where We Live NYC. It implements many
7 of its strategies. I will note, Mr. Chairman, as it
8 relates to community engagement on this proposal, HPD
9 did its own community engagement as it related to
10 this report which was developed and issued in 2020.
11 Of course, we did our own formal engagement as it
12 related to City of Yes for Housing Opportunity,
13 including additional briefings, additional time,
14 additional opportunities for Community Boards than
15 the Charter requires. But this plan comes directly
16 out of chapter six of our fair housing report to
17 increase housing opportunities, particularly for low
18 income New Yorkers in amenity-rich neighborhoods,
19 improving the quality and preserving affordability
20 for existing residents, expanding the number of homes
21 available to New Yorkers who receive rental assistant
22 benefits, all in that report, all in our proposal
23 today. Next slide. Here's the trajectory of our
24 Where We Live New York City Housing Plan. We began
25 work on it in 2018. It was released in 2020. As I

1 noted a moment ago, it included strategies that are
2 implemented here in City of Yes for Housing
3 Opportunity. We released our overarching plan to
4 modernize zoning back in May of 2022. So we didn't
5 really spring this on anybody. We've been talking
6 about this for the better part of two, almost two and
7 a half years. We announced City of Yes for Housing
8 Opportunity September of 2023. Of course, in
9 December of 2023, the City Council's own fair housing
10 framework was signed into law. Congratulations and
11 thanks to all of you for recognizing that every
12 neighborhood needs to be part of the solution to our
13 housing crisis, and in this calendar year, we,
14 Department of City Planning, began our public
15 information sessions while we continued to shape our
16 proposal and response to direct feedback. April,
17 public review began. We brought the proposal to over
18 175 Community Board meetings. I will remind everybody
19 there are 59 Community Boards. So we were at 175
20 Community Board meetings. We held our own 15-hour
21 public hearing. When I say our own, Mr. Chairman, I
22 don't mean to prescribe that that's what you'll
23 expect tomorrow, but perhaps, and we had over 200
24 speakers, majority of whom spoke in favor, and four
25

1 of the five Borough Presidents offered their support
2 for this proposal. In September, the City Planning
3 Commission approved the proposal with some limited
4 modifications. We issued our final environmental
5 impact statement, and of course, here we are at the
6 Council level for final hearing and vote. Next
7 slide. Okay, conclusion, the grand finale here. Let
8 me just move to the next slide. So, it's notable
9 that the question about housing supply housing
10 production, housing need has become a defining
11 national issue. It is part of the presidential
12 campaign and an important one. Next slide. And the
13 City Council, to your great credit, created a fair
14 housing framework calling for building more homes
15 across New York City. Madam Speaker, despite the
16 look on my face there, I'm very happy to be there
17 with you. And this was important because it was
18 recognition. It was a recognition of where we are
19 and where we need to be as a city, so we really
20 appreciate the Council's leadership on this. Next
21 slide. How will City of Yes get there? Well, we'll
22 allow for a little more housing in every
23 neighborhood. More housing types for the full range
24 of New Yorkers creates significantly more affordable
25

1 housing through our universal affordability
2 preference. The 20 percent bonus in medium and high-
3 density areas reduce pressure on gentrifying
4 neighborhoods. Again, reminding you that 10
5 community district produce as much housing as the
6 other 49 combined which creates real gentrification
7 displacement pressures in those 10. Ending
8 exclusionary zoning in low-density areas while
9 opening the door a little bit to what we regard as
10 very modest sorts of multi-family opportunities on
11 specific sites. Providing accessory dwelling units
12 that support homeowners and multigenerational
13 families-- it's worked in other parts of the country.
14 It should work for New York City homeowners. We want
15 them to have the opportunity to do that, and support
16 sustainable transit-oriented development. Of course,
17 transit-oriented development is important, but
18 housing density itself is an environmental principle
19 that we want to embrace, and so we're very happy that
20 this is pro-sustainability. Next slide. That's it.
21 That's all I got, Madam Speaker, Mr. Chair. Thank
22 you very much, and we obviously welcome your
23 questions.
24
25

2 CHAIRPERSON RILEY: Thank you so much,
3 Chair, for this helpful overview of what is a
4 complicated and far-reaching proposal. As you can
5 imagine, my colleagues and myself have many
6 questions, so I'm going to jump right into it.
7 Before we discuss the specific reforms you are
8 proposing, I would like to take a step back and
9 better understand how this proposal was put together.
10 To me and many community members that have been
11 contacted, my office and my colleague's office, this
12 proposal seems to be putting together many of the
13 best practices that other cities in the country have
14 undertaken. Looking at what other cities have
15 accomplished is very important and is always a great
16 start, but we must understand that New York City is
17 also a different city from other cities and more
18 complex. To name just a couple of differences, lot
19 sizes are not nearly as large in New York City.
20 Single-family districts represent only 14 percent of
21 the city's overall land area. Land values and
22 construction costs are much higher. On-street
23 parking is also far more difficult and limited than
24 anywhere else. So with all that being stated, can
25 you tell me-- tell us how the reforms you are

1
2 proposing specifically in relation to parking in low-
3 density areas were crafted to account for New York
4 City's unique characteristics.

5 DIRECTOR GARODNICK: Thank you very much
6 for that question. And I think it's really important
7 to note that some things are unique to New York City
8 and some things are not. As it relates to the need
9 for us to create housing supply, we have precedents
10 from around the country, Portland and Seattle,
11 Houston, Austin, other cities, and all of the
12 research shows that by creating more housing, more
13 opportunities for housing, it has the direct effect
14 of lowering cost. That principle applies in New York
15 City, applies to every neighborhood of New York City.
16 Nobody, you know, is exempt from that reality. As it
17 relates to parking specifically, again, we have seen
18 what has happened in other places that have
19 eliminated a parking mandate, and we've also seen
20 what's happened tony; City. With its own proposals
21 for land use changes in low-density areas where
22 parking is routinely provided well above the minimum
23 that we require in Zoning. So, those factors
24 together lead us to conclude that we are right down
25 the fairway as it relates to what you would expect in

1
2 New York City in relation to what you see in other
3 parts of the country. So we believe that it's going
4 to work.

5 CHAIRPERSON RILEY: To my understanding,
6 so it's strictly just the context of understanding
7 that building more houses would limit the cost of
8 living in New York City. It's really why you utilize
9 other city's practices for this reform or proposal,
10 correct?

11 DIRECTOR GARODNICK: Well, decades of
12 research have shown that housing shortages drive high
13 housing costs citywide. Cities that build housing in
14 response to that need see lower housing costs than
15 the cities that don't. That basic point is not in
16 serious dispute anymore. We can see it in the
17 National Bureau of Economic Research, the Furman
18 Center. Academics have backed that up from the
19 Brookings Institution, the Center for American
20 Progress, and it holds at the neighborhood level,
21 too. New housing in neighborhood where rents are
22 rising results in lower rents. So we have lots of
23 evidence to support this, and of course, it is
24 consistent with the City's own fair housing goals to
25

1
2 be able to deliver a little more housing in every
3 neighborhood of the City.

4 CHAIRPERSON RILEY: Thank you, Chair.

5 Before I continue, we've been joined by Council
6 Member Joseph and Council Member Marmorato. We can
7 all agree that the City is facing the housing crisis
8 as we stated here with many of my colleagues. Like I
9 said in my opening remarks, it is a crisis fueled by
10 a lack of supply, but also a lack of affordability.
11 Can you explain in simple terms how zoning affects
12 the housing market, and why should we care about
13 zoning when it comes to affordability?

14 DIRECTOR GARODNICK: Thank you for that
15 question. I think it's really important, because
16 this is the most pro-housing policy in the history of
17 New York City zoning. We've never attempted to do
18 something like this. It's the first time that a
19 mayoral administration is taking action to create new
20 housing in every neighborhood from the lowest density
21 to the highest density, and I think it's worth
22 recognizing that for a moment. In contrast, you know,
23 one of the last citywide text amendments when I sat
24 among you all in the Council, Zoning for Equality and
25 Affordability, ZQA, it largely left low-density areas

1 unchanged and opted to focus on medium and high
2 density areas only. It lifted some parking mandates.
3 It created the AIRS [sic] density bonus, but this is
4 directly related to the cost of housing for New
5 Yorkers and with a 1.41 percent vacancy rate, it is a
6 result of our failure to delivery not just in the
7 last two or five or ten years, but over many, many
8 decades. So opening the door in zoning, creating a
9 little more housing in every neighborhood, it will
10 meaningfully reduce the cost for New Yorkers, but
11 we'll note that we have not-- we have not done this
12 before. Our affordability programs within City of
13 Yes, or affordability preference, it'll be the
14 largest income restricted affordable housing program
15 in New York City zoning history, and with the deepest
16 affordability for the changes that we're making here.
17 So, this is directly related to zoning. We want to
18 do the things that we can do in zoning while
19 recognizing that there are other things that we
20 cannot do in zoning that we should continue to
21 document.

22
23 CHAIRPERSON RILEY: Beyond seeking to
24 address the need for more housing supply overall,
25 what provisions of proposal directly impact

1
2 affordability or the development of affordable
3 housing?

4 DIRECTOR GARODNICK: It's important to
5 note that by creating opportunity you're creating
6 opportunity for HPD, you're creating opportunity for
7 not-for-profit developers. We are creating the sorts
8 of apartment buildings that tend to be less expensive
9 to build and will therefore be more affordable for
10 more people, and so-- and by driving down the AMI
11 levels for our universal affordability preference
12 from 80 percent to 60 percent we are creating more
13 affordability-- I'm sorry, from-- yeah, we're
14 creating more affordability opportunities by allowing
15 MIH at 40 percent to be its own standalone option.
16 We're creating more affordability for New Yorkers,
17 but the big point here is that creating supply,
18 opening the door, enabling an option for New Yorkers
19 to be able to have some leverage when negotiating
20 with a landlord on the price of their own rent supply
21 is mission critical.

22 CHAIRPERSON RILEY: This proposal by
23 itself is clearly not a full solution to our housing
24 affordability crisis. In your view, Chair, what are
25 the most effective additional non-zoning policy

1 changes or investments we can make to quickly deliver
2 real help of housing affordability for our fellow New
3 Yorkers?
4

5 DIRECTOR GARODNICK: Thank you. I think
6 that's a really important point, and I hope that it
7 was clear in my presentation that while zoning is
8 critical here to open the door, it is not the entire
9 puzzle to solving our housing crisis, but it is a
10 critical piece. I'm going to give Commissioner
11 Carrión an opportunity to talk about some of the
12 other component parts that we think about as an
13 administration as to way-- ways to add affordability,
14 add opportunities here that are outside of zoning,
15 but it is I think a very important point that zoning
16 is key, but it is not everything.

17 COMMISSIONER CARRIÓN: Thank you, and
18 thank you Chairman Riley, Speaker, Chair, and all the
19 members. This is a special and unique opportunity
20 for us as a city, as sitting members of the City
21 Council, and as an Administration. I think it was
22 stated by a number of speakers before that zoning is
23 not a panacea. It doesn't solve everything, but what
24 it does is it moves the needle forward in creating
25 the environment that we need to ensure that we're

1
2 able to deliver on the promise of opportunity of
3 economic justice, and you know, it's important to
4 note that-- I think the Chair-- Chairman Garodnick
5 spoke about it in his presentation. This is a march.
6 We have been addressing the issue of discrimination,
7 housing and other types of segregation and lack of
8 access to fair housing and opportunity for a long
9 time, and we've made small steps along the way, small
10 and important steps, but this goes back to the
11 chapter in our history where-- in the fight and the
12 march for civil rights. This zoning amendment lives
13 within that conversation and the work that we do
14 lives within that conversation. The work that we did
15 to advance a fair housing plan lives in that space.
16 So what this does when we change the zoning envelope
17 and allow for the development of housing in many more
18 places that historically have resisted development,
19 naturally that's going to produce more affordable
20 housing, and as the Chair mentioned, will create
21 depth of affordability with a universal affordability
22 preference, will create that option three which gives
23 deeper affordability and mandated inclusionary
24 housing mapped areas of the City. that adds to the
25 toolkit that we already have that we work with you on

1 a constant basis, and with our partners at the state
2 legislature and at the federal government where we
3 apply tools whether it's the low income housing tax
4 credit projects that we are able to finance, whether
5 it's the as-of-right projects that we're able to
6 advance like the tax incentive driven new
7 construction projects, and in fact, you know, we
8 have, and I think history can testify to this, we
9 have the most productive public/private partnership
10 for the production of affordable housing anywhere in
11 the country. With securing the extension of the
12 421A16, the old 421A, we added 71,000 potential
13 units, 21,000 of them guaranteed to be affordable.
14 With 485X, with the commercial conversion, we're
15 basically raising the ceiling and allowing to fill
16 that space with guaranteed 100 percent affordable
17 housing. So we will continue to do what we do which
18 is come to you on a regular basis to get the tools
19 that we need to continue to build affordable housing
20 in New York City.

22 CHAIRPERSON RILEY: Thank you so much,
23 Commissioner. Before this proposal was certified and
24 sent to the Community Boards, were communities
25 engaged in the development of this proposal?

1
2 Specifically, did the Administration engage with
3 community groups and Community Boards to discuss the
4 pros and cons of the potential reforms before
5 certification?

6 DIRECTOR GARODNICK: We did, yes, and in
7 fact, we started the conversation publicly in the
8 summer of 2022 to give a sense as to where we were
9 heading, and nothing that the engagement on the
10 substance of this proposal, you know, went even years
11 before. It wasn't called City of Yes for Housing
12 Opportunity at the time, but it was really the
13 principles that gave rise to our own city fair
14 housing report. But yes, we spent a good year and a
15 half talking to community groups, stakeholders,
16 interested parties, Council Members as we shaped the
17 proposal. Then we continued to do that once we put
18 it out live into the world, even before
19 certification. So yes, the short answer is yes.

20 CHAIRPERSON RILEY: Well, a lot of
21 Community Boards feel like they did not have a say-so
22 within this proposal, so I would love to hear which
23 Community Boards you guys did engage with.

24 DIRECTOR GARODNICK: We engaged all of
25 them. By the way, Mr. Chairman, I think it's

1 important to note that, you know, we went to 175
2 Community Board meetings of the 59 Community Boards.
3 If a Community Board felt that we did not engage with
4 them, I can assure you it was not for a lack of
5 effort on the part of the Department of City
6 Planning. We really took that role very seriously,
7 and as you can see from the way that we have, and I
8 hope you see, from the way that we presented the
9 materials here, from creating an illustrated guide,
10 to annotating the zoning text, to doing 10 town hall,
11 public town hall meetings, to having that number of
12 Community Board engagements with the 59 Community
13 Boards to sending the text to them early, earlier
14 than is required by the Charter. We know it's a big
15 and complicated proposal. The Charter defines how
16 we're supposed to do it within the four corners, but
17 we went so far and above one-pager explanations for
18 every component part that was meaningful of this
19 proposal. We went and did-- if we could think of it,
20 we did it as a way to try to engage Community Boards.
21 So, I-- you know, I don't really know what to say
22 about that.
23

24 CHAIRPERSON RILEY: Thank you, Chair. It
25 seems to me that resolving the housing crisis our

1
2 constituents are facing is a real hard challenge and
3 one that requires input from a broad base of
4 residents and experts. Did the Administration form
5 working groups of residents, local electeds, and
6 local and national experts to brainstorm ideas as
7 well?

8 DIRECTOR GARODNICK: This proposal has
9 been in formation for so long and really being born
10 out of our Where We Live report. The short answer is
11 there has been an extraordinary amount of time,
12 energy, community engagement to shape this proposal.
13 The specific answer to your question as to working
14 group, I will have to go back and ask what was done
15 prior to our launch. It's very possible, but we did
16 years of engagement to help put this thing together.

17 CHAIRPERSON RILEY: Thank you. Some
18 communities have raised concerns that this proposal
19 will undermine carefully crafted neighborhood-based
20 zoning that represents the product of years of close
21 community engagement during prior Administrations.
22 Can you discuss how this proposal would affect
23 special districts and how DCP approached neighborhood
24 contacts.

2 DIRECTOR GARODNICK: Yes, thank you. It's
3 a really important question about neighborhood
4 context. Special districts are easier to answer in
5 that special districts stay in place. Only marginal
6 changes that would adjust an FAR here or there to be
7 in alignment with the universal affordability
8 preference is the primary change there. But as it
9 relates to community character, it's-- it was central
10 to the way that we approach this challenge, the
11 City's housing crisis and a 1.41 percent vacancy
12 rate, and a need to have a citywide solution to
13 respect neighborhood character. And that's why we
14 defined so specifically the sites that would be
15 eligible for new development, whether that is on a
16 5,000 square foot lot on a wide street or on the
17 short end of the block within a half mile of transit,
18 or specifically in an area which is zoned for
19 commercial character-- with a commercial overlay
20 already or in a family's own lot at their own choice.
21 Obviously, not a mandate, but an opportunity for
22 them, adjusting the size of those buildings based on
23 existing community existing zoning districts. By way
24 of example, a three-story apartment building which is
25 what you might get in the lower density areas near

1 transit is a 35-foot height gap, 35 feet. Many
2 single family homes are 30 feet in height. So we
3 tried to match the character of our existing
4 neighborhoods as a way to be respectful to
5 neighborhoods around the City.
6

7 CHAIRPERSON RILEY: Does DCP still
8 continue to see an important role for neighborhood
9 planning in NYC?

10 DIRECTOR GARODNICK: Absolutely. In
11 fact, I should have made the point earlier that this
12 proposal, while creating less than one unit per acre
13 in this plan, contrast with our neighborhood plan
14 where we deliver a lot more housing, right?
15 Neighborhood plans are critical for our ability to
16 deliver housing to New Yorkers. Just to contrast,
17 less than one unit per acre. You all recently passed
18 the Bronx Metro North Plan, 47 units per acre. So
19 less than one unit versus 47 units. That's the sort
20 of thing that a neighborhood plan enables, and why
21 does it enable it? Well, because we're focusing on
22 all of the nuts and bolts of a specific area thinking
23 about the infrastructure improvements. We're
24 thinking about the specific amount of housing to be
25 created. We're thinking about the existing context

1 in a way that we know with a great deal of certainty
2 that we are changing rules in a material way in that
3 area, and so that's key. And I will note that we are
4 enjoying great processes right now with Council
5 Member Hudson on the Atlantic Avenue mixed-use plan.
6 We're working with the speaker, Council Member
7 Williams and other on Jamaica, Council Member Won on
8 Long Island City, and of course Council Member
9 Bottcher and Powers in our Midtown South mixed-use
10 plan, all underway, all really important for our
11 ability to create housing, and all will continue.
12 This is in contrast to our neighborhood plans by
13 doing this in a way that is diffuse and less than one
14 unit per acre. That is a little bit more housing in
15 every neighborhood. Neighborhood plans, our specific
16 desire to focus and change rules to enable something
17 to happen right there.

18
19 CHAIRPERSON RILEY: In addition to
20 providing housing, ADUs have the intended benefit of
21 bringing an extra income for existing homeowners.
22 However, we all know that the cost of building out an
23 ADU or bringing an existing ADU into compliance is
24 very expensive and possibly cost-prohibitive. What
25 programs does the Administration have in mind to help

1
2 homeowners afford these expenses and also to help
3 navigate the building and compliance process?

4 DIRECTOR GARODNICK: So, let's-- first
5 things first here. I think we need to create the
6 opportunity. There is no opportunity today in
7 zoning, and you are correct to say that it is
8 expensive. In many cases it will not work for a
9 homeowner. They may have absolutely no interest in
10 it. In fact, 95 percent of single or two-family
11 homeowners are not going to take advantage of this.
12 So that's the overwhelming majority. So for the five
13 percent that do take advantage, it will be meaningful
14 to them. It will be meaningful to them to generate
15 some income off of their own property to help them
16 pay for their own mortgage, pay for some college
17 tuition bills, build family wealth. These are good
18 things. New York City homeowners should have this
19 opportunity. We want them to have the opportunity,
20 and I'll turn to Commissioner Carrión about programs
21 that might be associated with making it easier, but
22 the first thing we need to do here is make it
23 possible.

24 COMMISSIONER CARRIÓN: Thank you, Chair.
25 you know, we're committed to supporting existing

1 homeowners and expanding homeownership opportunities,
2 particularly in lower income communities and
3 communities of color that have historically been
4 excluded from opportunities to build and maintain
5 wealth. We have a three-pronged strategy that
6 focuses on retaining and stabilizing existing
7 homeowners, increasing access to homeownership
8 opportunities with one of my favorites, down payment
9 assistance that we increased from \$40,000 to \$100,000
10 per household, and creating new homeownership
11 opportunities. We have a suite of programs as an
12 agency, and many of you have worked with us to
13 bolster and fund these programs, but they include the
14 home fix program where we relaunched in September,
15 just September. We're taking applications. It
16 provides low-cost funding to one to four family
17 homeowners earning up to 165 percent of AMI. We
18 received funding in fiscal year 24 in the January
19 Plan to expand the home fix program and continue-- we
20 continue to expand the staffing around it. We have a
21 new home fix contract of \$10.3 million. We have
22 Project Help which helps provide forgivable loans to--
23 - of up to \$20,000 to eligible homeowners with loan
24 terms of 15 years. We have-- we've established
25

1 working with you, the homeowner help desk. We have
2 legislation that came out of this body to create the
3 homeowner advocate which is in place and it happened
4 last year. So, you know, we have an extensive suite
5 of programs. We're also working with the State
6 Attorney General on deed theft and all the important
7 work around that, preventing deed theft and helping
8 folks know their rights. So there is a lot of work
9 being done around supporting homeowners. The key
10 here is to ensure that we expand the footprint of
11 opportunity around the City, and one of the ways that
12 the accessory dwelling unit program helps, and you
13 heard about the response that we got. In two months
14 we had 2,800 responses on the pilot alone. We expect
15 that while it will be huge, it will be of little
16 material impact in neighborhoods across the city, and
17 like the Chair said, you know, you have folks who are
18 aging, the kids are gone. They're having a hard time
19 maintaining their homes and the cost of living in New
20 York City. That extra income in a well-designed safe
21 space will work for them. It will also work for
22 young families. You have starter folks who, you
23 know, have a couple of children, they're trying to
24 make it, and extra income would be very helpful for
25

1
2 them as well. It keeps families together. It helps
3 seniors. So, this is important work and we look
4 forward to the continued partnership with this body.
5 We appreciate the Speaker's focus on homeownership
6 and the bill that you presented that we're in
7 discussions about. We look forward to those
8 continued discussions.

9 CHAIRPERSON RILEY: If ADUs are going to
10 be realistic, I think it would be very beneficial for
11 our homeowners if there's any subsidies that would be
12 provided for them. So that should be a conversation
13 that the Administration thinks about as well. During
14 your presentation, Chair, you stated that you are
15 proposing to replace the Sliver Law, but I wanted to
16 confirm it will still apply to non-contextual
17 districts, correct?

18 DIRECTOR GARODNICK: It'll apply to non-
19 contextual districts, yes.

20 CHAIRPERSON RILEY: Okay.

21 DIRECTOR GARODNICK: Particularly if you
22 go with a non-height-limited option, yes.

23 CHAIRPERSON RILEY: Alright, thank you.
24 Although I have other questions, I'm going to ask
25 this last one to give my colleagues an opportunity to

1 ask their questions, starting with Madam Speaker.
2 But I would like to focus on my district for a
3 moment. We clearly have a infrastructure issue when
4 it comes to storm water. Our streets regularly flood
5 and sometimes the homes as well. Addressing the
6 housing crisis cannot just be about crating housing
7 for new residents, but must also address the needs of
8 existing residents, especially our homeowners. For
9 my constituents that means addressing the flooding
10 and providing more affordable homeownership
11 opportunities. I know Madam Speaker, who cares
12 deeply about home ownership just like I do, will go
13 deeper into this concern. But focusing on the
14 infrastructure issue, can you please specify how the
15 Administration will address the flooding that has
16 been a real impact on my residents within my
17 community?

18
19 DIRECTOR GARODNICK: Thank you. Well,
20 first and most important point is that we studied
21 potential impacts of this proposal, and found a
22 narrow set of areas where we believe there would be
23 an impact. Questions about water, sewer
24 infrastructure were not among them. Now, this does
25 not mean to say that problems that exist in

1 neighborhoods are either fixed or hurt by this
2 proposal. It just means that the City needs to
3 continue to focus to address known problems and that
4 this proposal with its diffuse nature and modest
5 impacts neighborhood by neighborhood would not
6 actually significantly impact the current
7 circumstances. So your point is very well taken--

9 CHAIRPERSON RILEY: But Chair, if I may
10 interrupt, because I'm hearing this from my
11 constituents. Kevin, we're talking about building
12 more density that's more toilets being flushed.
13 That's more people taking showers. That's more
14 people washing, you know, dishes. This is going to
15 really impact the sewer system. So I don't
16 understand how the study that you guys did with
17 adding more density within communities, you feel like
18 it does not impact the sewer.

19 DIRECTOR GARODNICK: It's so little
20 density that it does not have a significant adverse
21 impact is the short answer. The Department of
22 Environmental Protection-- you have a letter in front
23 of you from the Department of Environmental
24 Protection. I've confirmed that with my team-- which
25 actually says that they have looked at this, and they

1
2 have considered this very question because it is a
3 point of concern. You're properly raising it. I
4 certainly am concerned about it. I know Commissioner
5 Carrión is concerned about it. We want to make sure
6 that, you know, the impacts here are not actually
7 making things worse as it relates to storm water, as
8 it relates to flushing toilets and things like that.
9 Because it is so modest, you know, there's just not a
10 significant adverse impact. That's the short answer.

11 CHAIRPERSON RILEY: Thank you, Chair.
12 Madam Speaker.

13 SPEAKER ADAMS: Thank you very much,
14 Chair Riley. I'm just going to continue along that
15 line of questioning to start off with. With
16 infrastructure that Chair Riley was just describing,
17 and you know, where I live in southeast Queens, that
18 is an immense concern around infrastructure,
19 particularly flooding and sewer back-ups. So what
20 specific steps are the Administration taking to
21 identify those areas in need of infrastructure
22 upgrades and to fund those needs specifically?

23 DIRECTOR GARODNICK: Yes, thank you Madam
24 Speaker. Well, DEP is constantly assessing needs
25 through its own 10-year capital plan which includes a

1 \$20.1 amount, maintaining state of good repair and
2 improving the system in terms of water pollution
3 control, water mains, sources, treatments, sewers,
4 water supply, the works. They were a close partner
5 with us on this plan, and if this is approved, we'll
6 incorporate our own environmental impact statement
7 analysis into their ongoing capital planning work,
8 and I will note that by looking at changes in a
9 citywide fashion, we do enable our capital agencies
10 to think more globally about potential impacts and
11 opportunities for investments. So, the short answer
12 is DEP's capital planning process is the way for us
13 to address existing known problems like the one that
14 you just described in your neck of the woods, as well
15 as other problems that exist elsewhere.
16

17 SPEAKER ADAMS: Alright, so you just
18 addressed my what if around DEP, and they're not the
19 end-all be-all as far as studies are concerned. So
20 thank you for addressing my what if before I got
21 there. Let's talk about homeownership a little bit.
22 The City of Yes is about removing zoning barriers to
23 new construction. However, in recent years, new
24 housing construction citywide has been overwhelmingly
25 rental housing with very few opportunities for

1 working and middle class homeownership. This
2 conversation has become very extensive, because it's
3 very noticeable that we don't talk enough about
4 homeownership in the overall discussion when it comes
5 to affordable housing and other things. But you
6 indicated that this proposal would make homeownership
7 units easier to provide, but zoning alone as we all
8 know is not going to create more affordable
9 homeownership. So, what exactly is the
10 Administration doing beyond the zoning resolution to
11 better balance rental housing and homeownership
12 opportunities and new construction? We just spoke
13 about this in my bill proposal around homeownership
14 and building homeownership with HPD, and in my
15 estimation there wasn't really too much of a balance
16 established so what can you offer?

18 DIRECTOR GARODNICK: thank you, Madam
19 Speaker. I will start about how it's affected by the
20 zoning proposal itself and then I'm going to turn to
21 Commissioner Carrión to talk about what else is under
22 way or possible. The first point I would make here
23 is that down zonings that took place in New York City
24 under the Bloomberg Administration significantly
25 decreased opportunities for homeownership. This

1 reverses that. This is a citywide text amendment
2 that will enable homeownership in a variety of ways.
3 One way is through our missing middle housing. When
4 we're talking about transient-oriented development.
5 We're talking about town center opportunities, we're
6 looking at three or a four or a five-story apartment
7 building, those are the sorts of buildings which are
8 really quite appropriate for homeownership. Again,
9 zoning doesn't define the difference between
10 homeownership or rental in zoning, but those re very
11 appropriate for homeownership. We also are dealing
12 with the conflicts that exist between HPD's own term
13 sheets and our zoning which is made affordable
14 housing homeownership very difficult to effectuate.
15 We also are re-legalizing two-family homes in two-
16 family districts. Because so many of our rules today
17 have made it functionally impossible to even get a
18 two-family home in a two-family district. That's
19 another homeownership opportunity if we actually can
20 allow for that two-family home to exist. And the
21 last thing I would say is ADUs, the income, the
22 perspective income from an ADU can help make
23 homeownership more accessible to more people, because
24 if they have the opportunity to generate some income
25

1 from their own property, it creates more
2 opportunities for them. That's in the four corners
3 of the zoning. Now I'm going to have Commissioner
4 Carrión talk to you about the rest.
5

6 COMMISSIONER CARRIÓN: Thank you, Dan.
7 Madam Speaker, you know, I mentioned our three-prong
8 strategy about retaining and stabilizing existing
9 homeowners which I think is absolutely critical
10 because, you know, we saw over a 10 to 15 year period
11 the flight of many moderate income and middle income
12 Black families that left New York, at least 200,000,
13 because they couldn't hold onto their homes, they
14 were homeowners that left to other parts of the
15 country. We don't want to see that continue, so a
16 lot of work has to do with ensuring that we support
17 exiting homeowners. ADU fits in-- hits the sweet spot
18 there. In addition to that I mentioned creating new
19 opportunities for homeownership. Our down payment
20 assistance program is the door to homeownership of
21 many, many families where it's out of reach. They
22 simply don't have the savings. The closing costs
23 necessary. They do have the family income once they
24 get in, and so we open that door. The other things
25 that this does is create new opportunities to finance

1 the models that we have like Open Door, like we've
2 done up in the Bronx, to finance cooperative and
3 condominium opportunities for families. These are
4 starter homes. That can leverage, and again, you
5 know, the Chair talked about generational and inter-
6 generational wealth that can be transferred. That
7 tool, that opportunity within the context of this
8 zoning proposal-- and you know, like I said earlier,
9 our work lives inside this, and so if we expand and
10 we streamline and we simplify and we make it so that
11 it's more efficient for us to finance these deals,
12 we're interested in doing that. We're committed to
13 homeownership as you are. The overwhelming need
14 continues to be renters and rentals and affordable
15 rentals in the City, and you know, everybody has
16 talked about the 1.4 percent vacancy rate, and
17 working and low income and moderate income families
18 not being able to find an affordable home. But that
19 commitment lives side by side with our commitment to
20 create new homeownership opportunities and support
21 homeowners.
22

23 SPEAKER ADAMS: Okay. Thank you for that.
24 We're going to try to connect the dots with this
25 proposal, with the City of Yes Zoning Proposal along

1 with the fair housing framework that, you know, we
2 passed. Last year, the Council passed legislation to
3 require a citywide fair housing framework plan to
4 equitably and comprehensively address the housing
5 crisis. The legislation requires city agencies to
6 identify housing production targets for total housing
7 units, affordable housing units, housing serving
8 formerly homeless households, and affordable housing
9 preservation based on a detailed analysis of the
10 City's needs and planning criteria including
11 displacement risk, access to transit and
12 infrastructure, and climate change vulnerability.
13 The fair housing framework will be released in two
14 parts. In 2025 and 2026. How do the City of Yes
15 zoning reform proposals fit into the fair housing
16 framework approach of planning for housing growth and
17 equity? And we know because when we put this
18 together, again, my thought was every district be
19 responsible for something. So how does the City of
20 Yes-- how do those proposals fit into the FHF
21 approach?
22

23 DIRECTOR GARODNICK: Thank you for the
24 question. I think it fits perfectly in with this
25 approach, because the Council has said that we need

1 to enable a little bit more housing in every
2 neighborhood. And we are proposing to do just that.
3 We've never before as a city embarked upon a proposal
4 that opens the door citywide to allow for a little
5 bit of housing everywhere. But we also know that
6 this is hard. It's complicated. It's challenging
7 for communities that have seen no housing production
8 over many years to even consider saying yes where it
9 means some amount, even if it is modest or
10 incremental amount of change. So we propose to do
11 this in a way that we think is extremely respectful
12 of communities around the city. Modest multi-family
13 apartment buildings, opportunities for homeowners, we
14 think that this is a way for us to pen that door
15 respectfully. So we appreciate very much your
16 leadership, the council's leadership on the fair
17 housing framework where we will be setting targets,
18 numbers, ascribing specific details district by
19 district, and my hope is that by passing City of Yes
20 for Housing Opportunity if the Council sees fit to do
21 that, that we will enable some opportunities to
22 actually exist in all neighborhoods around the City.
23 Today, many neighborhoods are functionally closed
24 off. It's creating really pressures in certain areas
25

1 of the city, and they're struggling. We need to open
2 the door here, and we think it's totally consistent.

3
4 SPEAKER ADAMS: Thank you. I just have
5 one more question. I know my colleagues are really
6 anxious to get into this. And speaking about
7 preservation, you've conveyed that this citywide
8 zoning proposal is intended to spur the creation of
9 new housing which is important. Yet, the city has
10 also lost approximately half a million affordable
11 apartments over more than a decade. What far-
12 reaching preservation efforts to you believe are
13 needed to save existing affordable housing?

14 DIRECTOR GARODNICK: Well, I'm going to
15 have Commissioner Carrión address the direct
16 question, but I will say that the displacement
17 pressures that people feel in New York City are
18 directly related to our housing scarcity problem.
19 When we do not have sufficient opportunities for
20 rental, for homeownership, for market, for
21 affordable, for low-income, we are creating-- and
22 where we do not have the door open in many areas of
23 the city, we're creating real displacement pressure
24 in neighborhoods of the city that are feeling market
25 pressures today. You know we have found that in

1 areas where you have people with resources competing
2 for the same housing as people without resources.
3 The people with resources tend to win, and we need to
4 create more opportunities here to lighten the load,
5 lighten that conflict, because it is not working out
6 for low income communities around the city. They're
7 facing gentrification pressures. They're facing
8 displacement pressures, and by adding supply, opening
9 the door, we believe that we will smooth that out,
10 enable more opportunities, reduce costs, and also
11 reduce those displacement pressures.
12

13 COMMISSIONER CARRIÓN: Thank you,
14 Speaker. Thank you, Chair. So, historically, our
15 preservation work has been the lion share of our
16 work, because that's where most New Yorkers live, and
17 in any given year you look back 10, 15, 20 years its
18 average 60 to 70 percent of the financing that we do
19 is for preservation work and about 25 to 30 percent
20 new construction. That has changed a bit. Our new
21 construction numbers have exploded. As we recovered
22 from COVID and its impact and the staffing shortages,
23 our preservation numbers also have bounced back and
24 we've been here in this hall with other committees
25 and members talking about the work we've done in

1 preservation and the historic work. We've hit record
2 numbers in preservation and new construction in the
3 last couple of years. We set records. We've
4 restored some of the legislative support that we
5 needed and some of the authorizations that we needed,
6 and the cost of maintaining existing housing in New
7 York City has gone through the roof. We've got about
8 450 preservation projects in our pipeline and we
9 continue committed to financing those projects and
10 moving them forward. I will take advantage of this
11 opportunity, Madam Speaker, and ask that we advance
12 the J51 program that has been such an effective tax
13 abatement program for us that allows owners of
14 existing property to improve and modernize their
15 properties without necessarily, according to the new
16 legislation, not passing those increased costs to
17 their tenants. So, our commitment is there. We have
18 a suite of programs that this body knows about. We
19 will continue those investments.

21 SPEAKER ADAMS: Thank you very much for
22 your testimony. Thank you, Commissioner. Thank you
23 very much, Chair.

24 CHAIRPERSON RILEY: Thank you, Madam
25 Speaker. Alright, before we go into Chair Salamanca,

1 we know Public Advocate Williams has to leave, so I'm
2 just going to make him go into his questioning real
3 quick and then we're going to go back into Chair
4 Salamanca.

5 PUBLIC ADVOCATE WILLIAMS: Thank you.

6 CHAIRPERSON RILEY: I'm just-- I'm sorry,
7 Public Advocate. There's a lot questions. I'm just
8 going to ask if we could be brief with the answers.
9 Thank you.

10 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr.
11 Chair. I am just going to probably just make some
12 statements and not questions. So thank you so much
13 for that. I really appreciate it. As mentioned, my
14 name is Jumaane Williams, Public Advocate City of New
15 York. And I did want to start off just some
16 statements. Questions that I normally ask people all
17 across the city which is one, how many people thing
18 that homelessness and housing is the number one--
19 number two issue for some, everybody raising their
20 hand. How many people think that the answer is
21 housing at a price point that people can afford?
22 Everybody raising their hand. And how many people
23 would like to live next to a taller building? No one
24 raises their hand. And those questions are answered
25

1
2 the same anywhere I go in the city, socioeconomic,
3 race, religion, political affiliation which I always
4 use to show that we sometimes know what the answer
5 is, but it's difficult to still get it done, and I
6 think it's up to us to walk people through it, and
7 it's not lost on me that downstairs we're talking
8 about zoning really prevented certain communities to
9 not be succeeding the way they are in housing. So
10 it's also not lost on me that we're talking about
11 zoning as a way to try to fix it. It was zoning that
12 caused a lot of the issues to begin with. And
13 although the City of Yes, I think-- the City of Yes
14 for Housing Opportunity is the right lens to try to
15 build a particular framing and it's well-intentioned,
16 in the current form of this now, I think there's some
17 challenges and potential negative impacts that
18 include possible gentrification. The risk of this
19 proposal not producing a lot of affordable housing
20 units. So, you did address some of it in the deck
21 [sic] which I appreciate it. We are going to
22 actually as well put a fuller comment in the record.
23 But just some things I wanted to highlight is the
24 gentrification risk. When market-rate housing units
25 are built they rent at higher rates than residents

1 pay. Property values can sometimes rise causing
2 displacement. We definitely know we need some
3 market-rate housing, but we also need some
4 affordability as well. You did address that City of
5 Yes will comply with Local Law 78. We're also
6 concerned about the lack of affordable units. You
7 did mention that the UAP will be considered. I just
8 want to make more of it mandatory and not voluntary.
9 That was one of the major problems I had with
10 mandatory inclusionary housing. A lot of it wasn't
11 mandatory, particularly the lower income. As for
12 some recommendations, we have a fuller one in the--
13 that's going to be put on the record, but I did want
14 to mention a few. I'm sorry, before that-- community
15 engagement, want to make sure that communities are
16 engaged early and often and giving them a chance to
17 really be heard, even though some of it-- some of it
18 is a display of individual Council Members
19 understanding individual leaders protecting their own
20 districts sometimes at the cost of the entire city,
21 but we do want to make sure folks that are heard. We
22 want to make sure there's sustainable design. We
23 want to make sure that faith-based development is
24 able to occur. We want to-- as I mentioned, the
25

1 SUBCOMMITTEE ON ZONING & FRANCHISES 91
2 affordability guarantee. Tenant protections,
3 infrastructure investments that I heard the Chair
4 speak about-- it does-- I'm still trying to figure
5 out even though it's modest, why that means there
6 won't be more people flushing or more showers in
7 certain areas. It still seems to me that might be a
8 thing we want to speak about. You did talk about
9 removing the parking mandates, which I'm glad you
10 explained here, but I want to hear more about,
11 because I know there's some areas that definitely
12 need the parking. We may want to talk about some
13 municipal parking in places or something, because
14 every place doesn't have the type of access to
15 parking that folks would have. And lastly, I really
16 want to make sure that the public sees the City
17 Council, what they're doing here which is really
18 important, really taking the feedback that folks have
19 been hearing. Really having an opportunity to
20 hopefully adjust the City of Yes plan right now to
21 address as many as the concerns that we've heard on
22 the trial and will continue to hear. People are
23 really, really concerned. I know if we looked the way
24 we did 100 years ago, we would not be here now. We
25 were able to look this way because of building up and

1
2 our subway system. And if we look the same we do in
3 100 years, we would have failed our children's
4 children. This just no way around it, so we have to
5 do this. We have to do it correctly, but I like the
6 way you put it there. We don't need to have
7 neighborhood extinction events for this to occur. We
8 just want to make sure we're answering all these
9 questions and moving forward as much as possible with
10 addressing concerns of the individuals. The way I
11 put it, if we can maybe preserve some of the fabric
12 of the neighborhood we can actually put in other
13 places to give up some density, but we do want to
14 make sure that they're giving it up, they're actually
15 getting back the housing that the city needs. And so
16 that's it for me, Mr. Chair. I really appreciate it.
17 Thank you so much, and let's do what we need to do
18 for the people who need the most assistance. Thank
19 you.

20 CHAIRPERSON RILEY: Thank you, Public
21 Advocate. You want to respond, Chair, or?

22 DIRECTOR GARODNICK: There were a lot of
23 points in there. I could-- I think I'll probably--
24 why don't we let it--

1 CHAIRPERSON RILEY: [interposing] Just
2 say--

3
4 DIRECTOR GARODNICK: To your point from
5 before, I'll let somebody--

6 CHAIRPERSON RILEY: [interposing] You
7 could follow up with him.

8 DIRECTOR GARODNICK: have the last word
9 on that, and I'm sure we'll cover all of those
10 topics.

11 CHAIRPERSON RILEY: No problem. I
12 appreciate it.

13 PUBLIC ADVOCATE WILLIAMS: Works for me.
14 Thank you. And congratulations Liberty [sic].

15 CHAIRPERSON RILEY: Yes, congratulations
16 to Liberty. Thank you. Chair Salamanca?

17 COUNCIL MEMBER SALAMANCA: Thank you.
18 Thank you, Mr. Chair. Mr. Chair, thank you, and
19 Commissioner. So, my first line of questioning has
20 to do with the fair share of affordability throughout
21 the city. you know, my district and neighboring
22 districts in the Bronx such as Council Member
23 Stevens, Ayala, Feliz, and Fariás and more are
24 delivering huge percentages of the City's affordable
25 housing and supportive housing development over the

1
2 past decade, while other neighborhoods are not doing
3 their fair share, are not doing anything at all. Is
4 it fair for the Bronx to supply most of the
5 affordable and supportive housing development in the
6 City, and will the City of Yes affect status quo?

7 DIRECTOR GARODNICK: The short answer is
8 no. It is not fair for one borough to bear the
9 burden of any one thing, and the answer to the second
10 question is yes, it will help, because we are opening
11 the door to neighborhoods that have historically not
12 provided any housing, at least in the last 20 years.
13 We have seen doors closed, and even historically as
14 the Public Advocate noted, there are lots of doors
15 that have been closed to a lot of people in this city
16 for a very longtime. We need to open some of those
17 doors, even modestly. The idea that 10 community
18 districts are providing as much housing as the other
19 49 combined is a prescription for a concentration of
20 housing in certain areas with the absence of housing
21 everywhere else. We want to distribute this
22 opportunity more widely. It is really the only way
23 that we will take a bite of our housing crisis, and
24 that's why we have proposed it this way.

2 COUNCIL MEMBER SALAMANCA: Alright. How
3 can we achieve a better balance of homeownership
4 development alongside affordable housing in
5 communities that are doing their fair share? Now,
6 many of my colleagues, we're having our conversations
7 as to how to better improve the City of Yes, and
8 there's an idea in terms of your universal
9 affordability program, the 20 percent bonus that
10 you're adding. How can we incorporate where
11 communities that are doing their fair share, that 20
12 percent bonus should actually be homeownership
13 opportunities for residents in the borough?

14 DIRECTOR GARODNICK: Thank you, Mr.
15 Chairman. We appreciate that and I noted the
16 interest from the Council about a potential bonus for
17 affordable homeownership. I will note that this
18 proposal itself does a lot to create the environment
19 for homeownership in a way that has been declining
20 over the last 20, 25 years. But the letter that you
21 are referring to and this concept raises some legal
22 and policy issues that we need to take a look at
23 here, but we appreciate that what the Council at
24 least to me is saying is we want more affordable
25 homeownership, we want more opportunities, we want to

1 do more for the people that we represent. This
2 proposal is designed to create those opportunities.
3 So the short answer is we would have to take a look
4 at that because it presents certain legal and policy
5 issues about whether zoning can make the sorts of
6 distinctions between homeownership versus rentals.
7 Zoning generally is neutral on that point, but the
8 point is very clear to me that this council wants to
9 see more homeownership opportunities and we share
10 that goal with you.

12 COUNCIL MEMBER SALAMANCA: Alright. In
13 terms of agency capacity, this is more towards HPD,
14 there are sights in my district and in my colleague's
15 districts as well that were approved for rezoning for
16 an HPD term [sic] sheet [sic] development four, five,
17 even six years ago that are still waiting for HPD
18 financing to close. Why is HPD years after-- why is
19 HPD delayed in this closing of these ULURPs that we
20 approved here in the Council?

21 COMMISSIONER CARRIÓN: Thank you for your
22 question. Let me just go back one half step and say
23 that this proposal creates that opportunity that I
24 think those 10 districts are looking for where you
25 spread the development of affordable rentals around

1 the city in a more fair way. It lives within this
2 fair housing concept that people should have
3 opportunity to move around and it also creates an
4 opportunity for homeownership to take the place of
5 those rental units that might be moving to other
6 parts of the City. The question about the delays in
7 projects, you all heard me before say we have 750
8 projects in the pipeline, 300 of them are new
9 construction. A lot of those projects, or a good
10 number of them are the result of rezonings that
11 occurred. We were able to apply the mandatory
12 inclusionary housing text in those mappings. Those
13 are great opportunities. These are complicated
14 projects in a crowded field of projects supported by
15 a huge mix of financing mechanisms that include all
16 of the things that you are all familiar with, low
17 income housing tax credits and city subsidy.
18 Obviously, this Administration has invested nearly
19 \$20 billion over the next 10 years to try to move
20 that process along. What this does, it helps us to
21 accelerate our work by simplifying the work that we
22 do, by streamlining some of the problems that exists
23 currently in our system. So, it'll make for more
24 efficient use of our staff time. You know, we've
25

1
2 struggled through the last few years. Obviously,
3 we've bounced back. We were held exempt in our
4 development office and in some of our, you know,
5 legal-- the attorneys to not have to live by the PEG
6 that was imposed on us. So we were able to keep
7 hiring, and we've hired a core of project managers.
8 We've gone outside to hire temporary workers working
9 with vendors to help us close the deals and those
10 deals have set record numbers. It's still obviously
11 not fast enough. We need the help from our federal
12 partners. We need to lower the 50 percent test that
13 you all are familiar with that would unleash more low
14 income housing tax credits. So it's a mix of effort.
15 We're committed to moving these projects along, but
16 inside the City of Yes context, this only helps.

17 COUNCIL MEMBER SALAMANCA: Alright.

18 Well, Commissioner, you know, I'm going to go onto my
19 next line of questioning, but just want to point out,
20 when we in the Council approve a ULURP and we
21 negotiate a project, an affordable housing project
22 with HPD-- I'm going to use a year, 20-- let's say
23 2017. And we set the AMI structure depending on your
24 income, that's how it determines your rent. Well,
25 there are projects that still have not closed and

1
2 it's 2024. Every year, the AMI changes, and meaning
3 that your rent is much higher. And so a project that
4 I negotiated and I went to my Community Board in
5 2017, and I'm saying, hey, your rent's going to be
6 \$800. Years later, that \$800 rent could be 12, 13,
7 \$1,600. And so you know, it's important that HPD
8 expedite these closing of these projects, because
9 what we're actually negotiating is not really the
10 outcome of that project when we're talking about
11 rents that New Yorkers are paying.

12 COMMISSIONER CARRIÓN: And just to
13 address the adjustments that are made over time, you
14 know, these are live projects, and the financing is
15 revisited many, many times to ensure that we reach
16 the affordability price point that makes-- that's
17 necessary for that immediate area. So, it is
18 iterative in a sense that we're always going back and
19 forth with the developers and with local elected
20 officials to ensure that it works for the whole
21 community.

22 COUNCIL MEMBER SALAMANCA: Alright.
23 Going back to Mr. Chair there in terms of single
24 family zonings-- so in many cities where ADUs and
25 multifamily development have been newly allowed such

1 as Seattle, Minneapolis, most of the cities consist
2 of single-family zonings. Yet, in New York City only
3 14 percent of the City is currently zoned for a
4 single-family home. Many residents in these areas
5 moved their specifically because they wanted to live
6 in a low-density area with gardens, yards, and trees.
7 Now, did City Planning consider how relatively few
8 and small New York City single-family zoning areas
9 are when designing this proposal?
10

11 DIRECTOR GARODNICK: yes.

12 COUNCIL MEMBER SALAMANCA: And does City
13 Planning, DCP, have a breakdown of how many of the
14 projected units from the proposal would be in single
15 family R1 and R2 areas versus two-family or low-
16 density multi-family zones?

17 DIRECTOR GARODNICK: Likely, yes. I do
18 not have it front of me. the short answer is we
19 expect about five percent of one and two-family
20 homeowners-- home lots to take advantage of it, but
21 if you're looking for a breakdown of one versus two,
22 I'll ask my team if they have it immediately
23 accessible and I'll give it to you within minutes.
24 If not, I'll follow up.
25

1
2 COUNCIL MEMBER SALAMANCA: That's fair.
3 Thank you. How does DCP respond to residents who
4 feel that adding ADUs changes their neighborhood by
5 making parking more difficult and reducing the
6 privacy of neighboring yards?

7 DIRECTOR GARODNICK: Well, I would point
8 them to one, the fact that we only expect five
9 percent of homeowners to take advantage of this.
10 That is what we saw in our own study. It is also
11 consistent with what has happened in other parts of
12 the country. So, if you consider the 560,000
13 eligible sites, 530,000 of them will not take
14 advantage of this. ADUs tend to blend into their
15 surrounding streetscape since they would be limited
16 to 800 square feet. They take the form of sorts of
17 structures that are already there frequently like
18 backyard cottages or attached in-law suites, basement
19 apartments, added conversions. Many of that stuff is
20 buildings that already exist. As it relates to
21 parking, you know, many would-be residents of ADUs
22 are either already living in the primary residence,
23 in which case their cars are already there in the
24 neighborhood if they have one, or as we have seen

1 with ADUs and other places, they're less likely to
2 drive at all.

3
4 COUNCIL MEMBER SALAMANCA: Alright, thank
5 you. Let's talk a little bit about the misconception
6 of the City of Yes that we can. This proposal is
7 highly technical and complicated and many important
8 details are being lost or misunderstood by the
9 public. Will the City of Yes allow huge apartment
10 buildings to be built next to single-family homes?
11 And can you-- can you very simplify-- can you
12 simplify it and recap once more what conditions of
13 multi-family development will be allowed in a one- to
14 two-family neighborhood?

15 DIRECTOR GARODNICK: Thank you for the
16 question. I think it's really important here to note
17 that, you know, the existence of a tall multi-family
18 to me doesn't exist in this proposal. The absolute
19 maximum building height that could be enabled in a
20 low-density district in the highest density of low-
21 density districts is 55 feet. That's the max. In
22 other places, it would be 45 feet. In other places
23 would be 35 feet. So, 55 feet as the-- let's just
24 accept the absolute maximum. That would be only
25 eligible in transit-oriented development where you

1 are a half-mile from transit and you're on a specific
2 lot size, 5,000 square feet, and on either a large--
3 sorry, on a wide street or the short end of a block,
4 so you have to very specifically qualify for that
5 there or you're on a commercial strip. So, to me, it
6 is very important to note that this is a limited
7 opportunity which opens the door and fits very well
8 into existing neighborhoods, and the big point here,
9 14,693 buildings, multi-family buildings exist in our
10 one- and two-family districts today in New York City,
11 14,693. They are in all neighborhoods. On my slides
12 you saw they're well-recognized and well-embraced.
13 They are just functionally not possible today because
14 of all of our existing zoning rules. So I very much
15 appreciate the opportunity to clarify the distinction
16 here. It's modest multi-family and at the very, very
17 biggest 55 feet in height.

18
19 COUNCIL MEMBER SALAMANCA: Does the City
20 of Yes for Housing Opportunities allow residential
21 development in manufacturing zones or anywhere else
22 where residential is not allowed to be built today?

23 DIRECTOR GARODNICK: No, it does not.

24 COUNCIL MEMBER SALAMANCA: Okay, good,
25 thank you. Alright, and my last line of questioning

1 has to do with parking. I know that's-- it's been
2 asked. But DCP says that the City of Yes is not a
3 one-size-fits-all, but that's exactly what the
4 parking proposal is, removing all parking
5 requirements across the City regardless of access to
6 transit or other factors. Why is DCP proposing a
7 full elimination of parking requirements?
8

9 DIRECTOR GARODNICK: Well, what we have
10 today is a functional one-size-fits-all for districts
11 of the same type in completely different
12 neighborhoods. So, we think that by eliminating the
13 mandate, you allow this to be a neighborhood by
14 neighborhood consideration, recognizing that parking
15 is expected to be built and created in areas where it
16 is really needed, and also to create the flexibility
17 in place where it is also obviously not. This is
18 what other cities have shown to us. We have seen it
19 with our own eyes in New York City as it relates to
20 waivers from parking requirements and opportunities
21 to go well above and beyond existing minimums. So the
22 one-size-fits-all really is what we have in our
23 current zoning, because we're treating all zoning
24 districts exactly the same. So if you have 50 percent
25 requirement in one R6 area, you have the 50 percent

1 requirement in a totally different borough in an R6
2 area, but the needs may be completely different as it
3 relates to parking.
4

5 COUNCIL MEMBER SALAMANCA: Did DCP
6 consider removing parking requirements only in
7 neighborhoods with good transit access, or isn't it
8 important to keep provisions of parking in
9 neighborhoods where transit is poor and residents
10 depend on cars to travel?

11 DIRECTOR GARODNICK: We considered it and
12 concluded that the option, the opportunity to create
13 parking well protects the need for parking in New
14 York City and we fully expect that in transit deserts
15 or places where a new development absolutely must
16 provide parking or else that development is out of
17 luck, unmarketable. It will continue to be provided.
18 We see that all around the City today, even above the
19 minimums.

20 COUNCIL MEMBER SALAMANCA: Alright, that
21 concludes my line of questioning. I want to thank
22 you both for presenting today. Thank you, Mr. Chair.

23 DIRECTOR GARODNICK: Thank you, Mr.
24 Chair.

CHAIRPERSON RILEY: Thank you, Chair

Salamanca. Thank you, Madam Speaker. Because we

have many Council Members present here today, we will

limit questions inclusive of answers to five minutes

per Council Members for the first round of questions.

If Council Members have further questions, please let

me know and we will hold further rounds of

questioning. A reminder to my colleagues to please

ask one question at a time and not ask multiple

questions at a time. I will also ask that the

Administration to keep their answers as succinct as

possible. To the members of the public here in

person today or viewing this meeting online, a quick

reminder that we are not hearing public testimony

today. We will hear public testimony tomorrow

starting at 9:30 a.m. For more information, please

go to the Council's Land Use web page at

council.nyc.gov. we will now hear from this members

of this Zoning and Franchises Subcommittee, followed

by the Housing Chair, Chair Pierina Sanchez. So I'm

going to begin first with Chair Hanks followed by

Council Member Schulman, followed by Abreu and then

Carr. Chair Hanks?

2 COUNCIL MEMBER HANKS: Thank you, Chair
3 Riley. Thank you so much, Commissioner Garodnick.
4 The one thing I will say is that the City of Yes has
5 been extremely challenging. As a Council Member who
6 is representing the 49th District of Staten Island, a
7 lot of my questions and the things that I want to
8 address today are very specific to heavily
9 residential areas such as the 49th. But the City of
10 Yes has, you know, started a very important dialogue
11 in how we are living, how we are looking at zoning as
12 a tool, how we are discussing the fact that we do
13 need housing. So, one of the things that I was able
14 to do was start a taskforce which involved two sides
15 which one side is the actual stick builders who are
16 building a lot of these developments in Staten
17 Island. They're not what we could call developers.
18 They're stick builders. And we have about eight
19 civic associations that represent different parts of
20 the 49th District and dare I say there are sovereign
21 nations. You know, each of these neighborhoods are
22 as different, and I'm sure that my colleague, Council
23 Member Carr, will have his line of questioning is the
24 same vein. So, Staten Island in particular is very
25 different even in your presentation. You had two

1 slides that really looked at Staten Island in a very
2 different way. Slide 19 and slide 46, I believe
3 which were both kind of incorrect, but we'll get
4 there. So my first line of questioning is how has
5 the Department of City Planning and the
6 Administration focused on districts that are heavily
7 residential. So, I represent almost 43 percent of
8 the Black and Brown homeowners, okay. So, the
9 homeowners, we do not have the same transit situation
10 that everyone else does which you will clearly see in
11 slide 19. So, when we look at transit-- my first
12 question is when we look at transit-oriented
13 development which is great-- in my district it only
14 covers three neighborhoods, but it leaves out 75
15 percent of the borough. And so my first question is
16 how are we really delving into not only borough by
17 borough or district by district, but neighborhood by
18 neighborhood to make sure that we're actually getting
19 it done, that we are creating the housing that we
20 want that each borough, each district is doing their
21 part.
22

23 DIRECTOR GARODNICK: Thank you for the
24 question, and I think that slide 19 really tells the
25 story as it relates to--

COUNCIL MEMBER HANKS: [interposing] Yes.

DIRECTOR GARODNICK: what we were intending and how we shape the proposal as it relates to Staten Island and also to other low-density areas within the greater transit zone. Specifically, you see on the Staten Island slide, you see a couple of areas which are eligible for this opportunity based on their proximity to Staten Island rail, and it is an important part of this proposal for us to make it an opportunity where you're close, but where you're not we don't do it. so you can see a lot of the borough is not included in transit-oriented development because there's a lot of the borough that is not within a half mile of that rail, and I think that it really tells the story very clearly on slide 19 as to what we were attempting to do and how it would directly affect and create opportunities in Staten Island.

COUNCIL MEMBER HANKS: Thank you so much. It leads me to my second questions which is don't you think that the blanket approach doesn't really work here because many of the communities of color, many of the communities that absolutely need-- well, let me go back. The fact that Staten Island is one of

1 the only boroughs that is giving I would say a
2 fraction of affordable housing, we are not doing our
3 part. So I think where my line of questioning is
4 leading is that maybe we need to kind of look at this
5 again, and focus and use a scalpel as opposed to a
6 hammer when it comes to trying to get done the things
7 that the City of Yes is stating that it wants to do.
8 It does not do this here in Staten Island. How do we,
9 before we vote on this, make that change?

11 DIRECTOR GARODNICK: Well, I appreciate
12 the point that you believe that Staten Island is not
13 doing its part as it relates to affordable housing
14 creation. I would only respond by saying that we
15 would like to enable some amount of housing creation
16 on affordable on Staten Island. We do it through our
17 transient-oriented development proposal we just
18 cited. Also through our town center zoning,
19 obviously there are commercial overlays on Staten
20 Island where it would be appropriate for us to allow
21 for a modest multi-family apartment building, and
22 yes, the flavor of every neighborhood should be part
23 of the solution to our housing crisis. We think that
24 your points are good one here-- good ones. I would
25 just note that rather than it being a blanket

1
2 approach, we actually think that we've gotten the
3 scalpel here which is why you see the maps the way
4 they are and why you see certain areas of Staten
5 Island affected in different ways because of their
6 access to transit, but we really do appreciate your
7 point about production.

8 CHAIRPERSON RILEY: Chair Hanks, if I
9 could call you for the second round if you have more
10 questions. Thank you. Next, I'm going to mix it up
11 a little, I'm sorry. Council Member Brewer, you
12 could go and then followed by Council Member
13 Schulman.

14 COUNCIL MEMBER BREWER: Thank you very
15 much. I have to be Kamala Harris and debate a Trump
16 person in a few minutes, so that's why I have to go
17 fast. Transit-oriented development, that-- very
18 supportive. When you have that, you want to have
19 less parking. You want to have taller buildings. But
20 wouldn't that mean that there could be some
21 incentivizing of tearing buildings down in high-
22 density areas?

23 DIRECTOR GARODNICK: Transit-oriented
24 development would not apply in the medium and high-
25 density areas. It only applies to R1 to R5.

2 COUNCIL MEMBER BREWER: Okay. Number
3 two, this is a funny question. But when you have
4 driveways with fancy buildings, I don't like
5 driveways with fancy buildings. I think that the
6 driveways should not be there. Can we eliminate
7 them? Because we are also focused on having less
8 cars.

9 DIRECTOR GARODNICK: I appreciate this
10 point very much, Council Member, and we should talk
11 about it further. It is not something that is, you
12 know, in this proposal.

13 COUNCIL MEMBER BREWER: I know that.

14 DIRECTOR GARODNICK: But we should talk
15 to you about this further. The port-cochere I know
16 is a favorite of yours.

17 COUNCIL MEMBER BREWER: Thank you very
18 much. On financing, because this is a great plan. I
19 know how much work has gone into it zoning-wise, but
20 in terms of building housing, where are the sticky
21 vouchers? Where are the fact that it could be more
22 larger apartments, not fewer studios, not-- we don't
23 fewer-- we don't want so many studios and one-
24 bedrooms. We want family-size apartments. How does
25 this plan help us get there?

2 DIRECTOR GARODNICK: well, the most
3 important piece is number one, by allowing some
4 number of studios and smaller apartments we are
5 reducing the pressure on family-size units, because
6 what's happening is you have single people who are
7 doubling, quadrupling and tripling up in family-sized
8 units, and we also are allowing for the existence of
9 more buildings that are more suitable for family-
10 sized units by reducing some of the limitations on
11 lots themselves to be able to do just that.

12 COUNCIL MEMBER BREWER: Okay. I don't
13 agree with that, but I appreciate your answer because
14 I know time is of the essence. I call them SROs.
15 You got some kind of other name for these buildings
16 that you're calling congregate housing or something?
17 I don't know.

18 DIRECTOR GARODNICK: Shared housing.

19 COUNCIL MEMBER BREWER: There, SROs. So
20 my question is, will the bathroom be in the room or
21 will the bathroom be shared? People will go to a
22 place where there's a shared kitchen, but not a
23 shared bathroom.

24 DIRECTOR GARODNICK: So, there are a lot
25 of components to this that would still need to be

1 written through the Housing Maintenance Code. We're
2 just looking to create the opportunity through zoning
3 with further conversations with you all to come.
4

5 COUNCIL MEMBER BREWER: Okay, and then
6 the other issue is, when you are open spacing, if
7 that's a verb-- so Lincoln Towers, Park West Village,
8 they don't want that. Is that a place where this
9 open space could involve building buildings?

10 DIRECTOR GARODNICK: If you're asking
11 about campus--

12 COUNCIL MEMBER BREWER: [interposing] I
13 am.

14 DIRECTOR GARODNICK: infill--

15 COUNCIL MEMBER BREWER: [interposing] How
16 does one define campus? I got the-- I got no
17 churches with no space. I got no schools with no
18 space.

19 DIRECTOR GARODNICK: So, the short answer
20 is there are campuses that exist today which are
21 forced into terrible outcomes as a result of our own
22 zoning, including some results that we have even seen
23 in the Sixth Council District where you have height
24 factor buildings which go way up and beyond what the
25 neighborhood wants to do and also even what

1
2 developers want to do. This would allow for in
3 campuses that have development rights more contextual
4 buildings and not ones that go up into the sky. That
5 was deliberate in the zoning. Today, you force
6 developers to do things that neighborhoods frequently
7 do not like.

8 COUNCIL MEMBER BREWER: Okay, so I'm not
9 clear if it would apply to those, but we can discuss
10 that later. The ADUs, would they be in the donut of
11 the brownstones, or would they be eliminated from the
12 donuts of the brownstones.

13 DIRECTOR GARODNICK: R1 to R5. So if
14 you're talking about the-- your council district, the
15 answer is no.

16 COUNCIL MEMBER BREWER: Okay. I could
17 go, but thank you very much, Mr. Chair. I know others
18 have questions. Don't forget about my driveway.
19 Thank you.

20 DIRECTOR GARODNICK: Okay, yeah. Thank
21 you.

22 CHAIRPERSON RILEY: Thank you, Council
23 Member Brewer. Council Member Schulman followed by
24 Council Member-- Council Member Schulman followed by
25

1 Council Member Abreu, followed by Council Member
2 Carr.

3
4 COUNCIL MEMBER SCHULMAN: Hi, Chair
5 Garodnick--

6 DIRECTOR GARODNICK: [interposing] Hello.

7 COUNCIL MEMBER SCHULMAN: and
8 Commissioner Carrión. So, one thing that I want to
9 say is that I echo what Chair Riley, Speaker Adams,
10 Chair Salamanca said about affordable housing and we
11 are facing an affordability crisis. I don't think
12 anybody disagrees with any of that. That said, so we
13 had-- so the text-- so what we're trying to change in
14 the text amendments that were made in the 19-- early
15 1960s of zoning and that's very important to do. The
16 concern I have is that we're doing this one-- not
17 every neighborhood is the same. Second is that I
18 want to go back to Chair Riley's questions about the
19 community engagement, not on the Community Board
20 side. So I'm going to put that aside for a minute.
21 But going into-- like has anybody from the staff or
22 yourself, Chair Garodnick, gone into the
23 neighborhoods that we're talking about and actually
24 talking to the homeowners, talking to people? I know
25 you said you had to go back and check that. We want

1 to get a list of that. So for the committee, I'm a
2 member of the subcommittee, so I would like to know
3 that. My constituents tell me that the first they
4 heard about it was when it came in front of either a
5 civic group or a Community Board, and so that's not
6 the entire basis of my constituency. So, and I also
7 want to say that in planning this, you know, be the
8 devil is in the details-- by the way, I want to tell
9 you that I realize how much work went into this and
10 how many years and everything else. But we're also--
11 I'm talking to you from the basis of my constituents
12 and I know we need to-- I know there are a lot of
13 things that we need to do. So, I also want to say
14 that not only am I a proponent of affordable housing,
15 but I actually brought in the first affordable--
16 deeply affordable housing development in my district,
17 District 29 in Queens, when I got elected. So, and
18 that was very important to me. That said, you know,
19 I'm going to quote-- so Deputy Mayor Meera Joshi had
20 an op-ed a few days ago about the Crest Bronx
21 Expressway, because as we know, Robert Moses when he
22 was in his hay day everybody thought it was a panacea
23 and he did a lot of good things, but there were a lot
24 of consequences to it. When we changed this text
25

1 amendment, this is going to be a text amendment
2 that's going to go for another 50 maybe 100 years.
3 It's going to be a long time before it gets changed,
4 so we have to do it right. And her quote in the op-
5 ed is that, "Our work starts with the pivotal step
6 he-- meaning Robert Moses-- never took." Which is
7 listening to the constituents and working directly
8 with them. So, that's something I that I think is
9 very important, and I think that has been a little
10 lacking, and I also-- so I have some questions. One
11 is have you spoken to the emergency services, like
12 FDNY, the Fire Department, Sanitation-- I'm sorry,
13 FDNY, the Police Department, Sanitation, DEP about
14 the effects of the proposed zoning text amendment?
15 And I'm asking because FDNY had an open house this
16 past weekend and I asked if- they didn't even know
17 what the City of Yes was in these firehouses. So,
18 and this is something that's going to affect them.
19 So, that's one. So I just wanted to ask that
20 question, first.

22 DIRECTOR GARODNICK: Yeah, so the short
23 answer is yes, we have, and we'll note that the
24 shadow market of housing in New York City that we
25 have where people are living in conditions where they

1 should not be living, whether it's an illegal
2 basement or a garage that is something that is
3 totally off the grid and unrecognized by emergency
4 services. It is extremely dangerous for our first
5 responders. So creating opportunities for safe,
6 legal housing here is important for them. And yes,
7 we have been in direct contact with our partner
8 agencies about this.

10 COUNCIL MEMBER BREWER: okay, so that
11 needs to go down to the line personnel, the
12 [inaudible] because I did mention what this was to
13 one of the captains, and he said, well, we need to
14 know exactly what's involved because if we're going
15 to add additional people to a community, all of that--
16 - because response time is pretty high these days,
17 and so that's an issue. I also want to ask-- you
18 know, we talked about-- so the Speaker asked the
19 question about affordable apartments. So there are a
20 number of apartments, at least 45,000 that we've
21 counted in the Council that-- rent stabilized
22 apartments that are being warehoused, because the
23 landlords feel that they don't have the ability, the
24 incentive to fix them up and put them out on the
25 market. So has any thought been given to that?

1
2 Because when I look at your proposal it says that
3 you're talking about building between 56,100 and
4 some-odd thousand apartments over a 15 year period.
5 That's like a drop in the bucket to a large extent.
6 So I want to know if any thought's been given about
7 that.

8 DIRECTOR GARODNICK: first of all, let me
9 just thank you for your recognition that that is both
10 important and also a drop in the bucket. Let me
11 thank you for your agreeing that we're in affordable
12 housing crisis, and let me agree-- let me thank you
13 for your agreement that it's important for us to
14 change the text and thank you for your approval of
15 that affordable housing development in your district,
16 all important, important things. The key answer to
17 your question is 1.41 percent vacancy rate is the
18 lowest since 1968. Apples to apples, vacant and
19 available. If you're talking about vacant and
20 unavailable housing, which is what I believe you're
21 referring to, also apples to apples. We are at very,
22 very low levels for that as well. So, all of this
23 is-- even if you were to include those in the mix,
24 our vacancy rates would still be dangerously low and
25 causing enormous cost for New Yorkers. So, we need

1 to do all of the things. We need to increase
2 opportunities. We need to open the door. And so I
3 very much appreciate your initial comments here.

4 CHAIRPERSON RILEY: Council Member
5 Schulman, can I add you to the second round?

6 COUNCIL MEMBER SCHULMAN: Okay, can I
7 just ask one--

8 CHAIRPERSON RILEY: [interposing] You have
9 one more question?

10 COUNCIL MEMBER SCHULMAN: One more
11 question.

12 CHAIRPERSON RILEY: Alright, go ahead.

13 COUNCIL MEMBER SCHULMAN: Thank you. So,
14 Chair you said that the City of Yes focused on
15 affordable housing in the city and that there's a
16 portion of that, and you had it in the deck [sic],
17 that's really connected to the creation of affordable
18 units which is the universal affordable preference
19 section of the proposal which contents that it will
20 spur on affordable housing by allowing buildings to
21 be up to 20 percent larger. So, my question is why
22 would developers use the UAP when they can instead
23 ask for the same or larger amount of additional
24 development using the proposed 75/25 bulk
25

2 modification for non-complying building's
3 authorization which is something that would allow any
4 building to increase by 20 percent of floor area and
5 25 percent in height solely with CPC authorization?

6 DIRECTOR GARODNICK: I want to make sure
7 that I'm understanding the question that you're
8 asking.

9 COUNCIL MEMBER SCHULMAN: Sure.

10 DIRECTOR GARODNICK: So we may need to
11 follow up based on time. but the short answer is, if
12 you are looking to take advantage of the additional
13 density here to go from wherever you are plus 20
14 percent in medium and high density area, it has to be
15 100 percent affordable and likely partnered with the
16 485X tax abatement. We are creating real opportunity
17 here at 60 percent of AMI for us to be able to
18 deliver real affordability for New Yorkers. Now,
19 your question about an additional bonus--

20 COUNCIL MEMBER SCHULMAN: [interposing]
21 Why would-- no. Why would developers want to go this
22 round for City of Yes as opposed to the route they
23 have now which gives them more opportunity to build
24 in bulk?

1
2 DIRECTOR GARODNICK: Let me follow up
3 with you about which bonus program you're talking
4 about specifically.

5 COUNCIL MEMBER SCHULMAN: Okay, alright.
6 Thank you, Chair. I'll save my other questions for
7 round two.

8 CHAIRPERSON RILEY: Thank you.

9 COUNCIL MEMBER SCHULMAN: Thank you.

10 CHAIRPERSON RILEY: Council Member Abreu?

11 COUNCIL MEMBER ABREU: Thank you, Chair.

12 CHAIRPERSON RILEY: Followed by Council
13 Member Carr.

14 COUNCIL MEMBER ABREU: Thank you, Chair
15 Riley and thank you Chairman Garodnick for presenting
16 before us today. I share the sentiment that is the
17 housing shortage in New York City and that every
18 neighborhood should be contributing to some degree
19 regarding the citywide housing crisis we're facing.
20 That said, I have some questions just to get
21 clarified on the record. Will the affordable housing
22 created by the UAP proposal be affordable
23 permanently?

24 DIRECTOR GARODNICK: Yes.
25

1 COUNCIL MEMBER ABREU: How does the
2 proposed UAP program compare to the city's exiting
3 inclusionary housing programs?
4

5 DIRECTOR GARODNICK: Two distinctions
6 that are important. One, today, our inclusionary
7 housing program apply to about 13 percent of our
8 medium and high-density areas. This would apply to
9 100 percent. Second, the existing AMIs for our
10 current program are at 80 percent fixed. We are
11 lowering those down to 60 percent average. So you'd
12 be able to go even below 60 percent in the new UAP.

13 COUNCIL MEMBER ABREU: Would the UAP
14 program supersede existing MIH and IH programs?

15 DIRECTOR GARODNICK: It would supersede
16 IH, but not MIH. MIH continues to exist. We map it
17 when we're creating additional density bonuses
18 throughout the city, but it would be in place of the
19 existing inclusionary housing programs.

20 COUNCIL MEMBER ABREU: And if UAP were in
21 place across high-density districts over the past
22 decade, how much more affordable housing would New
23 York City have today? You said 50K?

24 DIRECTOR GARODNICK: WE estimate about
25 20,000 units for homes for about 50,000 New Yorkers.

2 COUNCIL MEMBER ABREU: And my last
3 question is, how does the UAP program as proposed
4 with a 60 percent AMI average income ban work with
5 the state's newly enacted tax incentive program 485X?

6 DIRECTOR GARODNICK: Well, units would be
7 required to be 60 percent of AMI under the UAP
8 program. That would also qualify a building for
9 485X. Units with higher AMIs like 80 percent would
10 not under-- like, what you are required to do under
11 485X wouldn't qualify for UAP. So the two programs
12 aligned actually will guarantee even deeper
13 affordability than 485X does on its own. And it
14 reflects the City's effective advocacy in Albany that
15 we have two programs that are going to work very well
16 together and also will drive affordability down as a
17 result of-- drive the affordability levels to a lower
18 AMI rate as a result of the way those two programs
19 work together.

20 COUNCIL MEMBER ABREU: How does-- in your
21 estimation, how does the availability of the tax
22 incentive impact viability of the provision of
23 affordable housing on the UAP?

24 DIRECTOR GARODNICK: It's incredibly
25 important. Zoning and tax policies have always

1 worked very well together here. 421A was very
2 important and-- toward the MIH program. 485X is very
3 important to our MIH program and future UAP program
4 if the Council passes it. So, this is really key.
5 They're designed to work together and we are very
6 glad that we were able to have success in our
7 advocacy in Albany to get that tax abatement renewed.

9 COUNCIL MEMBER ABREU: Since I have a
10 minute and a half left, I'll ask another question.
11 Many communities have given us feedback that the
12 proposed average 60 percent AMI is simply not
13 affordable to their communities. At the same time,
14 we've heard feedback from other communities that want
15 more flexibility to serve higher income households.
16 Developers meanwhile have not been clear-- have been
17 clear, that requiring affordability levels below 60
18 percent AMI is not financially feasible. What steps
19 will this Administration take to keep housing
20 affordable for New York City residents?

21 DIRECTOR GARODNICK: Well, thank you.
22 Putting aside the question about 60 percent and
23 whether it is not affordable enough or too
24 restrictive to get something built, we think that
25 we've hit a good mark there and particularly with the

1 income averaging element of 60 percent we think that
2 we're able to allow a certain amount of minimum
3 flexibility and even to drive affordability lower.
4 The most important point here is that by adding
5 supply of housing, it has been proven to show that it
6 lowers cost across the board. Cities that have done
7 it have seen costs go down. In contrast, the cities
8 that have failed to do it which have not, seen costs
9 go down. We expect the same to be true in New York
10 City. This is an important initiative for us to be
11 able to lower cost for New Yorkers. We have a
12 housing scarcity problem today, and taking a bite out
13 of it this way is a meaningful way for us to drive
14 affordability.
15

16 COUNCIL MEMBER ABREU: If someone-- so is
17 it fair to say that someone who is under 60 percent
18 AMI could also be able to benefit from this housing?

19 DIRECTOR GARODNICK: Yes.

20 COUNCIL MEMBER ABREU: Thank you.

21 CHAIRPERSON RILEY: Thank you. Council
22 Member Carr followed by Chair Sanchez.

23 COUNCIL MEMBER CARR: Thank you, Chair
24 Riley. Thank you, Chairman. Commissioner, good to
25 see you both. One of the more controversial aspects

1 of the plan has been the inclusion of the accessory
2 dwelling units, particularly for one-family zoning in
3 R1, R2 districts, and I think one of the issues I
4 have with it is that it seems to run across purposes
5 with your stated goal of making homeownership more
6 affordable. Because what you're going to have when
7 you create de facto two-family occupancy with the
8 possibility of redevelopment of a one-family site
9 with the inclusion of an ADU, you've now drastically
10 increased the sale value of the property even if the
11 current owner chooses not to do that redevelopment.
12 You yourself are saying maybe only five percent may
13 take advantage of that. so, now, when the current
14 owner decides they want to put it up for sale, they
15 now think they're selling what is effectively the
16 possibility of a two-family home and making that one-
17 family less affordable for a family that would look
18 to buy it in turn. Can you comment on that at all?

19
20 DIRECTOR GARODNICK: Well, first of all, I
21 think it's important to note that this is not a
22 mandate on anybody. We are not requiring anybody to
23 do anything with their own property. So if this is
24 something that is beneficial to a homeowner and they
25 wish to add 800 square feet either in attic, or

1 garage, or basement to extent that city and state
2 laws apply, we want to create that as an opportunity.
3 As for whether it has the opportunity to raise a
4 property value for the chance to do it, well, it
5 could potentially do that. That would work,
6 obviously, to the benefit of somebody selling their
7 home. So, any homeowners in your district who would
8 like to see their property value increased, that is,
9 you know, potentially something that could happen,
10 because you're giving them more flexibility on their
11 own lot. We don't think that it meaningfully runs
12 across purposes because the purpose here is to create
13 more units.

14
15 COUNCIL MEMBER CARR: Well, I think it
16 certainly will also increase the taxable value of
17 their property, but I think the other issue is going
18 to be the development right exists if this were to
19 pass, whether it's used by the owner or not. So it's
20 definitely going to make homes less affordable for
21 someone who's just looking to buy that one-family and
22 keep it as-is. But I'll move on.

23 DIRECTOR GARODNICK: Well--

24 COUNCIL MEMBER CARR: [interposing] I'll
25 move on, Chair, because I have limited time. The--

1 this is considered a text amendment, right? It's not
2 a mapping action that we're considering here today,
3 is that correct?
4

5 DIRECTOR GARODNICK: Correct.

6 COUNCIL MEMBER CARR: So, you know,
7 inclusive of the ZHO proposal is reducing the minimum
8 lot sizes for the various districts, in particular
9 for R1s which, you know, in the view of some is
10 actually creating new zoning districts. And then in
11 your transit-oriented development areas, you're
12 creating another set of rules for districts that are
13 contained in TOD and preserving a set of rules that
14 already exist outside of TOD, creating parallel
15 zoning districts, if you will. So, how is this not a
16 mapping action?

17 DIRECTOR GARODNICK: Well, it's not a
18 mapping action because we're not changing the City
19 map at all. That's the short answer to your
20 question. But as it relates to different square
21 footage limitations for different types of
22 development, while you are correct to say that in
23 some single-family zoning on R11, we do have minimum
24 lot sizes today up to-- that are 9,500 square feet as
25 a minimum lot size. And so we are looking at that

1 very seriously here, because in New York City minimum
2 lot size of 9,500 square feet is something which
3 limits opportunities for a lot of people, and we do
4 want to allow for more housing. 5,000 square feet is
5 a number that we set for the purpose of transit-
6 oriented development which of course is a multi-
7 family opportunity near transit on a wide street or
8 short end of a block. So, the idea that the zoning
9 resolution would have different definitions for
10 square footage, for lot sizes for different programs
11 is rather routine. We have it in there already
12 today. We are just making certain changes to make
13 certain programs eligible.

14 COUNCIL MEMBER CARR: I have to, you
15 know, second the concerns articulated by our Chair
16 about his constituents with the effect on
17 infrastructure, in particular water and sewer, and
18 you know, I don't-- you know, the members of the
19 environmental team who did this study. There'd be
20 little to no impact and I'm sure people would be
21 interested to know what legal cannabis retailer that
22 they're all patronizing because the product must be
23 very good, but the truth of the matter is I have-- I
24 have areas of my district that have just been the
25

1 beneficiaries of the new capital sewer project, and
2 they're already flooding. So the notion that oh,
3 we're not going to make existing situations worse or
4 better by the impacts of increasing new density
5 across Staten Island, Brooklyn, and other places, it
6 just doesn't hold water. No pun intended. It's
7 actually going to really exacerbate and already
8 terrible problem and we don't have enough money in
9 our capital plan now or in the future to meet the
10 current challenges that our neighborhoods have. So
11 can you please comment on that?
12

13 DIRECTOR GARODNICK: Sure. Well, I--
14 first of all, there was no cannabis involved in the
15 making of this environmental review. Second, the--
16 it is important to note what an environmental review
17 does and what it does not. The environmental review
18 studies the incremental impacts of what you're
19 proposing. It does not say that your problems that
20 exist today do not exist or that they will not exist
21 tomorrow. It says that the increment that is being
22 proposed is not one that rises to something of
23 significance, and I can tell you that this was a
24 group of professionals who studied this under New
25 York City and state law and came to the conclusion

1 very clearly that as it related to water and sewer,
2 there were no significant adverse impact. Now, you
3 can-- you know, you can call into question their
4 process and you may want to. You should feel free to
5 go deep on the subject of how they came to that
6 conclusion, but most importantly when it relates to
7 increments of this size which really are not great on
8 a neighborhood by neighborhood basis, they are able
9 to be accommodated by existing infrastructure, again,
10 with the exception of three categories which we
11 found, but they were not the categories that you just
12 noted.
13

14 CHAIRPERSON RILEY: Thank you, Council
15 Member Carr.

16 COUNCIL MEMBER CARR: Put me down for the
17 next--

18 CHAIRPERSON RILEY: [interposing] Round
19 two? Okay. Thank you. Chair Sanchez?

20 COUNCIL MEMBER SANCHEZ: Thank you so
21 much, Chair Riley and Salamanca and Speaker Adams. I
22 also for one want to thank the Council Land Use team
23 and all of the outreach and technical staff that has
24 worked on all of this in addition to you, Chairs.
25 Thank you, Chair and Commissioner. But there is just

1 so much work that has gone into this. So, I-- to
2 start, I want to pick up where Chair Salamanca left
3 off. 10 council districts built more affordable
4 housing in the last years than the other 49 districts
5 combined, and he asked about whether City of Yes for
6 Housing Affordability is going to make a dent there.
7 I have a question related to that, but I want to
8 couch it in the numbers here, right? The City
9 estimates that over a 15-year period these changes
10 could lead to 58,000 to 109,000 more units citywide.
11 That's from 78 to 142 units per council district per
12 year, colleagues, 78 to 142 units per council
13 district per year over the next 15 years. So, in
14 this context and despite concern from certain
15 communities and stakeholders, VHO really is
16 highlighted for me as a modest proposal citywide,
17 such that we have to be very careful as a council and
18 as we approach final negotiations with the
19 modifications that we're considering. So my question
20 for you, DCP and HPD and Administration, are there
21 any sets of modifications that would bring the
22 Administration to withdraw the zoning text proposal
23 in the light that you are trying to reach fair
24 housing goals? Ten communities have done a lot of
25

1 work and we want to make sure that there's a lot of
2 housing produced through this proposal.

3
4 DIRECTOR GARODNICK: Thank you. Well, I
5 appreciate your point. That is important for us to
6 take steps here and that also-- this does not solve
7 all of the problems of the world or also all of our
8 housing problems. I will note, however, that it is
9 the biggest effort ever made in the City's history to
10 try to address the challenge of housing scarcity.
11 So, we hope that the Council will keep this proposal
12 intact. We hope you will evaluate it with the
13 seriousness that the Council always does. I know and
14 expect there will be changes, but we'll look forward
15 to working with you and thinking thorough those with
16 you and thinking about the impacts of those changes
17 as we get closer to a vote.

18 COUNCIL MEMBER SANCHEZ: Thank you. And
19 just in the interest of time, I'm going to batch my
20 other two sets of questions to be respectful of my
21 colleagues here. And thank you, Chair Riley, in
22 advance for the many, many hours you're going to
23 clock in the next two days. So with respect to the
24 universal affordability preference, picking up where
25 Council Member Abreu left off, some communities say

1 this doesn't go deep enough. My community is one of
2 those. Others say that they want to-- they want more
3 flexibility to serve higher income households through
4 the universal affordability preference. So how does-
5 - how are you balancing these concerns. How does the
6 proposal balance these concerns, and can we go
7 deeper? The next question related to that-- how many
8 units does DCP project will be built or could be
9 built using universal affordability preference over
10 the next decade, and do you have a sense of where?
11 So those are my UAP questions. And finally, in your
12 view-- this was asked earlier, but I'm hoping to get
13 at a little bit of a different angle. In your view,
14 what are the most effective, additional non-zoning
15 policy changes and investments that we can make to
16 quickly deliver-- to help deliver real affordability
17 in our communities? Because of course, this is just
18 a zoning proposal. Deep affordability, protecting
19 homeownership, protecting tenants from displacement,
20 expanding access to vouchers, investing in
21 neighborhoods, these are all topics that the zoning
22 text amendment is silent on. So what are the steps
23 the Administration thinks are the most important in
24 addition to the zoning text?
25

2 DIRECTOR GARODNICK: Thank you for that.
3 I will-- I'll turn to Commissioner Carrión for your
4 third question about the most effective non-zoning
5 tools. But in answer to your first two, on 60
6 percent, some saying it's too low or too high. The
7 answer to that is we designed this in a way that
8 allowed for flexibility income averaging which gives
9 and opportunity for higher and lower. So that was
10 deliberate to be able to address specifically the
11 concern that you were raising. On the numbers, 12 to
12 30,000 units is the answer spread across our R6 to
13 R10 districts, and then I'm going to go to you,
14 Commissioner Carrión, for the non-zoning of this.

15 COMMISSIONER CARRIÓN: Thank you. We
16 fought for tax incentives that bolster our
17 partnership with the private sector and give us back
18 affordable housing. We as an Administration have
19 invested the most amount of capital in history in our
20 city for the next 10-year program. It's nearly \$20
21 billion. On the housing preservation side, that
22 maintains affordability. You know, we have the J51
23 before the body. We're asking and hoping that you
24 would move this quickly because there are a lot of
25 make it break it situations out there that can use

1 the help of this tax abatement program. And of
2 course, we all need to advocate for our federal
3 government to step in whether it's increasing rental
4 assistance vouchers to our city and our region or
5 lowering the 50 percent test that would allow us to
6 put our low income housing tax credits on steroids,
7 if you will.

8
9 COUNCIL MEMBER SANCHEZ: So, in your
10 opinion-- sorry, just a quick follow-up. In your
11 opinion, HPD does not need more staffing and capital
12 in your budget?

13 COMMISSIONER CARRIÓN: We are always
14 working to build our capacity to ensure that we have
15 the resources. Obviously, the legislative tools, the
16 tax incentive sweeteners that incent investment
17 activity in our city. So, we welcome the opportunity
18 to obviously always work with you. We work very
19 closely with OMB so they understand our needs going
20 forward and we'll continue to do that.

21 COUNCIL MEMBER SANCHEZ: Thank you.

22 COMMISSIONER CARRIÓN: Thank you.

23 CHAIRPERSON RILEY: Thank you, Chair.

24 Next, we're going to have Brooks-Powers followed by
25 Rivera, followed by Narcisse, followed by Hanif.

1 COUNCIL MEMBER BROOKS-POWERS: Thank you,
2 Chair, and thank you Chair and Commissioner for your
3 testimony today. As we confront the housing crisis
4 facing our city, I want to ensure that the solutions
5 we pursue are both comprehensive and equitable for
6 all New Yorkers. In southeast Queens, homeownership
7 is not just a pathway to housing. It's a pathway to
8 generational wealth and stability for our families.
9 While I appreciate the Administration's City of Yes
10 proposal and its efforts to reduce barriers to
11 housing development, I believe we need to be cautious
12 about how this impacts communities like mine.
13 Southeast Queens is unique. Our infrastructure is
14 often stretched, especially in the face of climate
15 change with frequent flooding and high water tables.
16 Additionally, we rely heavily on cars due to
17 insufficient public transportation options, and
18 parking remains a significant issue for our
19 residents. As we evaluate these zoning reforms, I
20 want to ensure we prioritize smart growth that
21 doesn't overburden our neighborhoods or compromise
22 the safety and quality of life for residents. I look
23 forward to hearing from the Department of City
24 Planning on how this proposal addresses these
25

1
2 concerns and ensures our communities are not left
3 behind in the City's broader housing strategy. And
4 then I'm going to just ask some questions. I'm going
5 to ask my questions up front due to the time. I do
6 want to, Chair, go on round two because I'm going to
7 come back later. So, first with homeownership
8 opportunities, as I've shared with both of you,
9 homeownership is vital for building generational
10 growth, particularly in-- all of New York City quite
11 honestly. I'm not even going to limit it to
12 southeast Queens. What responsibility does the City
13 Planning Commission have to advance homeownership
14 opportunities particularly in areas such as mine
15 where homeownership is a critical path to economic
16 civility? And then for infrastructure investments,
17 the additional density created by City of Yes for
18 Housing Opportunity will put even more pressure on
19 parts of the city like in southeast Queens and
20 Rockaway in particular that require further
21 investment. How has City of Yes addressed the
22 climate resiliency risk faced in southeast Queens and
23 other parts of New York City? As part of this
24 proposal, does DCP support additional investments in
25 flood infrastructure or sewer capacity in areas that

1 cannot support existing density? Does the
2 Administration intent to invest in increasing school
3 capacity or health infrastructure to meet the growing
4 population density that will result from the City of
5 Yes. And then for parking mandates, you all didn't
6 hear, the mic was off, but I'm going to just correct
7 Council Member Brewer. She was talking about
8 driveways in her area, not for southeast Queens, just
9 to be clear. The proposal removes parking mandates
10 citywide. We've spoken, you know, at-- you know,
11 we've exhausted this conversation. But you know, in
12 transit deserts such as southeast Queens, I would
13 argue in parts of Canarsie either, covered by Council
14 Member Narcisse, and parts of eastern Queens with
15 Council Member Lee, residents, we depend on cars.
16 Can you provide more details on how parking needs
17 will be addressed in neighborhoods like ours? What
18 carve-outs or considerations are being made for
19 districts with limited public transportation? And I
20 get it, because there are-- I've had a lot of
21 conversation with my colleagues and I respect their
22 communities not needing it, because they're fortunate
23 to be transit-rich, but I do think that we have to be
24 a bit nuanced in this space because communities like
25

1
2 ours heavily rely on it, and right now we don't have
3 the sufficient access to public transportation, even
4 though we continue to advocate for it. And then I'm
5 going to stop with accessory dwelling units, and then
6 I'll save the rest for round two. So, southeast
7 Queens faces frequent flooding and has high water
8 tables which you both know. How does the City plan to
9 ensure that legalizing ADUs won't put additional
10 strain on infrastructure or exacerbate flooding risk
11 in vulnerable areas? And according to the City of
12 Yes, ADUs are not permitted by proposed text in high
13 flood-- high-risk flood zones. However, the existing
14 map of these zones excludes a number of areas that
15 are at severe risk of flooding, including Laurelton
16 and Springfield Gardens in my district. Has DCP
17 considered amending the definition of high-risk flood
18 zones currently defined as areas with a one percent
19 annual chance of flood to ensure all communities at
20 risk of flooding are included? And the design that
21 you had, I appreciated the presentation of what the
22 ADUs-- you show, like, development further in the
23 yard. We know, and Commissioner Reid [sic] always
24 talked about this, too, how important grass and soil
25 is to be able to absorb rain water, and especially

1 with a lot of the cloud bursts that we've been
2 experiencing the last few years. How does this plan
3 factor that in when we're building on what would
4 traditionally have been grass and soil to be able to
5 absorb this water as well? Thank you, Chair.

7 DIRECTOR GARODNICK: Thank you very much,
8 Council Member.

9 CHAIRPERSON RILEY: In the future--

10 COUNCIL MEMBER BROOKS-POWERS:

11 [interposing] I'll repeat whatever you need.

12 CHAIRPERSON RILEY: Council Member, we'll
13 do one question at a time, but you could do your best
14 really quick.

15 DIRECTOR GARODNICK: Okay, well, I took
16 good notes. So first of all, on homeownership, we
17 share this goal, and we think that this is the text
18 amendment to support homeownership because it creates
19 opportunities. It creates opportunities for HPD.
20 It's affordable homeownership. It creates
21 opportunities for not-for-profit organizations. It
22 creates opportunities for non-subsidized, non-
23 programmatic homeownership because of the size of the
24 buildings that we would be enabling. So we think
25 this is an important opportunity. we're also looking

1
2 to clear out rules that conflict between HPD's term
3 sheets and zoning which have impeded our ability to
4 actually deliver affordable homeownership over time
5 by creating real chance to get a two-family home in a
6 two-family district. We think that we're getting,
7 you know, real root toward homeownership. So there
8 are a variety of component parts of this proposal
9 which are designed to create more opportunities, and
10 that of course, includes homeownership in a way that
11 has been declining over time based on down-zonings
12 that the City has undertaken. As it relates to
13 infrastructure, and I perceive that as really a
14 question, you know, general and also related to AUDs
15 from you, Council Member. You know, it is correct to
16 note that there are certain neighborhoods, including
17 yours, that are particularly vulnerable to climate
18 risk. We made efforts to limit the applicability of
19 this program to areas that are at particular risk.
20 We should continue that conversation with you and
21 your colleagues as to whether we got that right
22 through this process.

23 COUNCIL MEMBER BROOKS-POWERS: The map in
24 your presentation still had my district colored to be
25 able to see incremental increase in development from

1 City of Yes, and I do notice that there are other
2 communities that does not and haven't done as much.
3 But that's neither here nor there. In terms of the
4 resiliency piece of it, there are some parts that
5 were shaded in in these communities, and I think
6 that's because it's not defined as a high-risk
7 flooding zone, but we know that in actuality it does
8 flood.
9

10 DIRECTOR GARODNICK: Okay, well, we
11 should talk about that one further. As it relates to
12 supporting increasing in infrastructure investment
13 whether it relates to sewers or schools, you know,
14 the short answer is yes, we support--

15 COUNCIL MEMBER BROOKS-POWERS:
16 [interposing] And health.

17 DIRECTOR GARODNICK: And health. We
18 support increases in these things as a matter of
19 course. As it relates to this proposal, because the
20 increments are so small, because the amount of
21 housing created in a neighborhood are so small, it
22 does not itself prompt the need to do more
23 infrastructure investment there beyond what the
24 existing processes define. So if we have a problem,
25 we need to deal with it. If we have a problem today,

1 we need to deal with it. There's no question. But
2 the change that is animated by this proposal is not
3 the sort of thing that pursuant to city and state law
4 makes that problem significantly worse as defined by
5 an environmental review, and so we want to make sure
6 that we're focusing this conversation on-- okay,
7 these are incremental increases. They are quite
8 small on a neighborhood by neighborhood basis. To
9 Council Member Sanchez's point a moment ago about
10 whether the modesty of this on a neighborhood basis,
11 this is a modest proposal. And I think to the last
12 point that you made-- oh, wait, there's two
13 additional points. Parking, we believe that the
14 current dynamic is really the one-size-fits-all
15 dynamic here where we're defining the same council
16 district exactly the same way, the same--

18 COUNCIL MEMBER BROOKS-POWERS:

19 [interposing] But we're not the same.

20 DIRECTOR GARODNICK: the zoning district
21 the same way across the city. we think that we need
22 the level of flexibility to allow for your district
23 to be different from other district where their
24 transit access is better, and today, we are over-
25 defining the thing in ways that is, you know, over

1 presenting parking in places where it is not needed
2 and we believe that it will continue to be provided
3 in areas where it absolutely is needed, and that's
4 why we created such flexibility in this proposal.
5 And the last thing I would say--

6 COUNCIL MEMBER BROOKS-POWERS:

7 [interposing] Just-- sorry. Really quickly on that
8 point, because I just want to clarify, because our
9 communities are not the same and one size does not
10 always fit all.

11 DIRECTOR GARODNICK: That's right.

12 COUNCIL MEMBER BROOKS-POWERS: And I think
13 that it's important to revisit this in the sense that
14 when we are negotiating ULURPs, we have developers
15 that come and they want to maximize profit. That's
16 fine. They're business owners. It's a capitalist
17 society. Got it. However, we need to make sure that
18 we can still negotiate for other needs and interest
19 of the community and not be held back because now we
20 have to start negotiating from a deficit because we
21 know we need parking. So when they come to me and
22 say, you know what, we have no parking included here.
23 It's all housing. I said no, I need parking. That
24 means I can't say, well, I need you to invest in
25

1 infrastructure. I can't get a community center.
2 Those are-- it puts us at a disadvantage, and those
3 are the communities that are already disadvantaged
4 communities. So, this would further disadvantage
5 communities like mine. So, I think you need to
6 revisit that part.
7

8 CHAIRPERSON RILEY: Chair, if I may
9 interject. Can you just save that for the second
10 round to answer the rest of her questions?

11 DIRECTOR GARODNICK: Sure. Yep.

12 CHAIRPERSON RILEY: I'm going to move on
13 to Council Member Rivera followed by Council Member
14 Narcisse and Council Member Hanif. Council Member
15 Rivera?

16 COUNCIL MEMBER RIVERA: How's that?
17 Yeah. Why we have professionals here. Thank you.
18 Okay. Hi, hello. I just want to-- I want to thank
19 the Chairs, of course. I know what you said about the
20 questions not batching them, so I'm going to try my
21 best to be the teacher's pet, though. The whole
22 class is misbehaving. I want to thank the Speaker
23 for her words and questions. I want to thank you,
24 too. You're both true public servants, like really
25 incredible people. Commissioner Carrión, your

1 partnership has been invaluable, and Garodnick, chair
2 Garodnick, you have one of the best jobs in the City
3 and you've stepped up tremendously. So I want to
4 thank you for that. I think many of our concerns are
5 just rooted in constituent inquiries and trying to
6 understand the lasting effects of this plan, and you
7 have-- I'll note that you did quite a few meetings.
8 We probably did as much, but if not more for the
9 Eastside Coastal Resiliency Project, but I'll note
10 that you are a small agency, and informing our
11 communities is definitely difficult but necessary.
12 So I appreciate my colleague's comments on fair
13 share, too. You know, I represent NoHo in the
14 SoHo/NoHo rezoning. It's an amenity-rich area, and
15 it had contributed very little in affordable housing.
16 That was clear on the map in your own presentation
17 which it was an excellent presentation by the way.
18 And they should contribute, but it was still
19 difficult to pass the rezoning there, and I'm holding
20 the City accountable to their commitments from that
21 rezoning. I look forward to you holding up your end
22 on these final negotiations. So what has DCP
23 considered, and HPD for that matter, considered to
24 further incentivize participation in UAPs to help
25

1 ensure that more affordable housing is developed? In
2 what ways does the City of Yes plan address the issue
3 of housing diversity to accommodate the needs of
4 families? Because as you mentioned, the lack of
5 suitable housing is a driver for growing families to
6 leave our city. And I just have a question after
7 that about micro units and parking minimums.

9 DIRECTOR GARODNICK: Sure. Thank you
10 very much, Council Member, and thank you for the nice
11 words. Really simply on UAP, the thing which most
12 drives participation in UAP is the zoning incentive
13 plus the tax incentive. Those two things work
14 directly together. You might have gotten the
15 development with the tax incentive only, but you get
16 more affordable and permanently affordable as it
17 relates to UAP and the bonus that it provides. As it
18 relates to creating housing for families, this is an
19 important part of this proposal and something that we
20 are really interested in. We know that when
21 applications come through the Council and through the
22 Commission there's always a demand for family-size
23 units. the reason that we have introduced the
24 possibility of allowing smaller units in this
25 proposal in ways that are so strictly prescribed by

1 zoning and you know, and forbidden in many cases, is
2 because those single people who are occupying family-
3 size units are creating a disproportionate pressure
4 on our family-size units. We want to take that
5 pressure off. We need more family-size units. We
6 need more single-size units. We need more of
7 everything. So we did not want zoning to any longer
8 over-prescribe the absolute number of small units you
9 can include because that was doing harm on large unit
10 opportunities. Also, on design, we're proposing to
11 change design rules for lot coverage that will allow
12 for more flexible building envelope and typologies
13 that will get us more family-sizes units and also
14 more light and air in buildings. We did it in the
15 1920s and 30s and 40s. We just stopped being able to
16 do it in the 1960s, 70s, 80s and beyond. We need to
17 relegalize those sorts of buildings that have more
18 flexibilities, courtyards, and windows and more rooms
19 and with those flexible designs, more family-size
20 units.
21

22 COUNCIL MEMBER RIVERA: One-- just to
23 counter that-- and I'd love to hear from Commissioner
24 Carrión as well. One community concern brought to my
25 attention is that the unintended consequence of

1
2 incentivizing conversion of existing multi-bedroom
3 units to micro units or the consolidation of units to
4 small and shared apartments could lead to
5 Frankensteining [sic] or could lead to the
6 elimination of certain kinds of apartments. Is that
7 possible under the DCP plan as it stands?

8 DIRECTOR GARODNICK: There is nothing
9 that incentivizes the conversion of a family-size
10 unit to a single-size unit. What we are trying to do
11 is relegalize the possibility of smaller sized units
12 in zoning which today is defined by a very
13 complicated set of mathematical equations and a
14 dwelling unit factor that you throw into an excel
15 spreadsheet which tells you the maximum number of
16 units that you can include in any development. We
17 think that that is no longer necessary and we should
18 create more flexibility considering the moment that
19 we are in for the City.

20 COMMISSIONER CARRIÓN: Council Member,
21 thank you and thank you for your kind comments. You
22 know, I would just add to that that it answers a very
23 real market need, and I think that it's a smart thing
24 to do. I just want to note that most of our housing
25 production is from privately-owned sites that come to

1
2 us, and almost half of our new construction
3 production in the last two cycles was from private
4 sites that were using the incentive to do-- execute
5 on their projects. And so we're going to continue
6 that robust relationship with the private partners
7 who come to us and say we want to do development in
8 New York City.

9 COUNCIL MEMBER RIVERA: Thank you. And
10 Chair Riley, if I could just add a comment. It's very
11 brief.

12 CHAIRPERSON RILEY: Sure, go ahead.

13 COUNCIL MEMBER RIVERA: I just want to
14 add about parking minimums. I'm not sure how the
15 City of Yes plan could work if we maintained parking
16 minimums, but I appreciate the conversation that
17 we're having here, because I know you don't want a
18 one-size-fits-all plan and every community is
19 different, and you mention that Garodnick, Chair
20 Garodnick, that parking minimums were important but
21 not the lynchpin. And I'll just say that I know that
22 your counterpart in Minneapolis stated that no single
23 legislative action did more to contribute to housing
24 creation than the elimination of parking minimums.

1
2 So I realize how important it is to move forward also
3 and have that reality confront us, too.

4 DIRECTOR GARODNICK: Thank you, and I
5 will just respond by saying that the elimination of
6 parking minimums is extremely important here. If we
7 presented nothing else to you and it just eliminated
8 parking minimums citywide, that would have been very
9 important for the purpose of reducing the conflict
10 between parking and housing in New York City.
11 Relatedly, it is very important for many of the
12 subparts of this proposal. So, you know, we see the
13 importance of it. We hope that the Council keeps it.
14 It is-- it's very key to everything that we are
15 trying to do.

16 COUNCIL MEMBER RIVERA: Thank you. Thank
17 you, Chair Riley.

18 CHAIRPERSON RILEY: Thank you. Before we
19 go on to other Council Members, I want to know if you
20 guys wanted a five-minute break real quick? Alright.
21 Five minutes, yeah. I'll plan-- we're going to go
22 for a small break.

23 DIRECTOR GARODNICK: Thank you, Mr.
24 Chair.

2 CHAIRPERSON RILEY: We'll convene at
3 2:05. Thank you.

4 [break]

5 CHAIRPERSON RILEY: Are you guys ready?
6 Alright. Okay, so we're going to reconvene. I'm
7 going to call on Council Member Narcisse, followed by
8 Council Member Hanif, then Council Member Holden.

9 COUNCIL MEMBER NARCISSE: Thank you,
10 Chair, and thank you, Commissioner and Dan. Thank
11 you. You know, I appreciate your work. It's a lot of
12 work, and we have not touched this since 1961 from my
13 understanding. So, New York City, we need that,
14 right? We in a crisis. But having said that, we
15 cannot do one-size-fits-all, and I know you've been
16 trying to address that. In what phase that you get
17 the Community Board involved? I mean, for their
18 input, what phase you get the Community Board's input
19 for this proposal?

20 DIRECTOR GARODNICK: The official role of
21 the Community Board comes at the start of the ULURP
22 process which in this situation was around April, but
23 we start engaging Community Boards and the public
24 well before, and we made sure that we sent Community
25 Boards the text of this proposal, even early because

1 we knew that it was complicated and they would likely
2 need and want more time, and also they asked for a
3 little more time so we gave it to them.

4
5 COUNCIL MEMBER NARCISSE: This question
6 is very-- I mean, for me to ask it is very tough for
7 me. I represent the 46th District. When it rained,
8 people just crossing their finger, they're praying.
9 I have people talk to me during Sandy, during any
10 little storm. I have folks that give me nightmare
11 every time I-- I mean, I remember how they came
12 across to talk to me. That there's a family that--
13 in part of my district, I believe in Bergen Beach--
14 flush the bathroom and the whole thing-- you know,
15 it's just unbelievable. So, to come to my question
16 now. Every time there's any proposal for
17 developmental-- I mean, development that we have, the
18 biggest concern in our infrastructure, we have to ask
19 that. How do you all plan to access the impact on
20 the inf-- I mean, to address the impact on the
21 infrastructure, especially for the area like my
22 district?

23 DIRECTOR GARODNICK: Thank you. Well,
24 first of all, it's a very important point, and I know
25 that infrastructure is core to all things related to

1 any council district and yours certainly, you know,
2 we understand that there are challenges that exist
3 today throughout the city. We also understand that
4 when we looked at the incremental impacts of this
5 proposal, they were not the sorts of things that rose
6 to a point which made those problems materially
7 worse. That does not solve the problem, however,
8 because you would rightly say to me, well, you know,
9 Dan, that actually doesn't deal with the issue. The
10 most fundamental point here is that infrastructure
11 needs are significant throughout the City. We need
12 to be investing in a thoughtful way, planning to be
13 able to do this by embarking on a citywide strategy
14 to allow for a little bit more housing in every
15 neighborhood. We actually are allowing our capital
16 agencies to plan for what will happen in ways that
17 are different from other circumstances. I will also
18 note that it's very different from when we do a
19 neighborhood plan. When we do a neighborhood plan,
20 we expect more significant impacts on a local basis.
21 The example that I gave in my presentation or in
22 response to one of the question was, we're looking at
23 less than a unit per acre per year over 15 years for
24 individual neighborhoods. Our neighborhood plans
25

1 like Bronx Metro North is 47 units per acre.
2
3 Gowanus, 42 units per acre. You contrast that with
4 the less than one unit per acre, it is the sort of
5 thing which our capital agencies have looked at these
6 questions and have found in the circumstance of sewer
7 and water infrastructure, no significant adverse
8 impacts, but that does not solve your problem, and I-
9 -

10 COUNCIL MEMBER NARCISSE: [interposing]

11 But the magnitude of things that going on right now
12 with the infrastructure, with the backflow. My
13 community is enraged right now, because they're
14 hearing of it. And for me, on the other hand, I
15 understand what we have to do, but if we don't
16 address the problem-- when we said incremented size,
17 what do you mean for the people that dealing, like
18 the family I was just talking about? So, we have to
19 address that, Dan, and whatever that we do, we have
20 to mitigate the further strain on the community like
21 myself, like mine, right? Another thing, so in my
22 community at first a lot of people were excited when
23 we were saying like, okay, you can ADU in your
24 family, especially the seniors. They saw an
25 opportunity, right? And we have household that

1 quickly thinking that there's a possibility for
2 themselves, but remember in our community, we had one
3 of the highest foreclosure. We have people that's
4 not paying their rent. I know it's not a problem for
5 you for that part, but it's necessary for some
6 community like my community, some part of my
7 community like flatlands area in Canarsie to keep
8 their home. So, how do we say-- what can we do?
9 What is the-- and what can we implement in that
10 process that can-- like, if somebody choose to have a
11 ADU, they can have it, they can have the support?
12 And there is laws in place, check and balance, for
13 folks that actually can get the support, the
14 financial support to build and to make sure they stay
15 in the community that they build. They been there
16 for decades.

18 DIRECTOR GARODNICK: Well, I think this
19 is a really important point about first, the
20 complexity of creating an ADU on your own property,
21 even 800 square feet with the cost, the complexity,
22 lot sizes, opportunities. It's not going to work for
23 everybody. But to the extent that somebody wishes to
24 take advantage of it, a homeowner wants to add an ADU
25 on their lot, well that is something that actually

1 really can help pay for the cost of the primary
2 homeowner's day-to-day expense. Whether that is
3 paying for the cost of a mortgage, avoiding a
4 foreclosure, being able to generate revenue from your
5 own property, it's something that actually helps
6 homeowners across the country. We believe this is an
7 important tool for New York City homeowners, too, and
8 we want to be able to give that to them.

10 COUNCIL MEMBER NARCISSE: I feel like
11 people going to lose their home thinking that, or
12 they're going to push out of the community. those
13 that have the access will maintain, and those that
14 don't have access will keep on pushing-- we're going
15 to keep-- gentrification going to continue and folks
16 going to be out of their own little home that they
17 build, and that's the saddest part for me for this
18 process, which I know we have to do something. But
19 when it comes to some community, we have to carve it
20 in a way to fit for New York City, for those folks
21 that fighting, that struggling, that's trying their
22 best, for us to make sure that we implement-- we put
23 rules and regulation in place to prevent folks from
24 losing their home for decades.

2 CHAIRPERSON RILEY: Thank you. Council
3 Member Narcisse--

4 COUNCIL MEMBER NARCISSE: [interposing]
5 Thank you.

6 CHAIRPERSON RILEY: you want me to add to
7 the second round?

8 COUNCIL MEMBER NARCISSE: Yes, please.

9 CHAIRPERSON RILEY: Alright, I'll add you
10 to second round.

11 DIRECTOR GARODNICK: thank you. And I
12 think that the most important point here is pressures
13 of gentrification displacement are real in New York
14 City. They're directly related to the fact that we
15 do not have enough housing for people. Our vacancy
16 rate is dangerously low. It is a-- it is something
17 that we have come to accept as a fact of life in New
18 York City. It is not. It is a policy choice for us.
19 We need to open the door for more opportunities for
20 people to live, to have leverage relative to
21 landlords, have opportunities for homeownership, to
22 take advantage of an ADU if it will help them avoid
23 foreclosure or even just to generate some wealth for
24 their families. These are all important tools and we
25 think that now is a really important moment in the

1 middle of a national conversation about housing
2 consistent with the Council's own priorities, we
3 think this is an important moment for us to act.

4 COUNCIL MEMBER NARCISSE: And look into
5 the parking as well, too. I think parking for those
6 that live in transportation desert, we should have
7 parking because they have to drive to get--

8 CHAIRPERSON RILEY: [interposing] Alright.

9 COMMISSIONER CARRIÓN: And I'll just--

10 COUNCIL MEMBER NARCISSE: [interposing]
11 thank you.

12 COMMISSIONER CARRIÓN: I'll add the 15
13 seconds on the plus one ADU that we launched last
14 year. It is a financing program. We've expanded it
15 with the help of the state. We also need to create--
16 enact an ADU tax exemption locally which we are very
17 interested in doing, but we want to continue to
18 expand the plus one ADU program to make it possible
19 for folks who want to stay in their homes stay in
20 their homes.

21 CHAIRPERSON RILEY: Thank you,
22 Commissioner. Next, I'm going to call on Council
23 Member Hanif followed by Holden, Marte, and then
24 Cabán.
25

2 COUNCIL MEMBER HANIF: Thank you so much,
3 Chair Riley. Good afternoon Chair Garodnick and
4 Commissioner Carrión. I just want to kick off by
5 saying thank you to the DCP team. I think the City of
6 Yes for Housing Opportunity is a significant
7 commitment, and I believe that we've got to take
8 immediate and decisive action to get many more people
9 housed, and that needs to be met with the urgency
10 that we all talk about it with. City of Yes Housing
11 Opportunity also marks just a crucial moment in
12 tackling the issues we've been talking about for a
13 long time, and I think this is going to be a very
14 significant change at least in my lifetime that is
15 going to really shift the way in which our
16 communities look and the way in which our neighbors
17 get to stay where they'd like to stay. Going into my
18 questions. I've heard concerns that there are no
19 affordability requirements in any of the low-density
20 proposals. Why was this left out, and is DCP looking
21 at ways to add affordability incentives to proposals
22 like the town center zoning?

23 DIRECTOR GARODNICK: Thank you for the
24 question and thank you for your comments about the
25 proposal. We agree this is an urgent moment and we

1 should be taking action here, and appreciate your
2 leadership. We did not create a mandate for
3 affordable in the transit-oriented development in
4 town center proposals for a couple reasons. First,
5 the lower cost missing middle type housing that would
6 be enabled by those proposals tends to be more
7 affordable as a matter of course. They're low-- less
8 expensive to build and end up being more affordable
9 for more people. We were concerned by the
10 possibility that adding a mandate would actually
11 impede the ability for those units to be built in the
12 first instance. We knew that new multi-family
13 opportunities through town center and transit-
14 oriented development themselves even without the
15 mandate would create new opportunities for HPD, also
16 for not-for-profit developers, and new multi-family
17 would inevitably use 485X which also has its own
18 affordability mandates. And then the last thing is
19 an important point here, that having some
20 opportunities for homeownership in these buildings,
21 which we know is an important priority for the
22 Council and also something that's important to us.
23 We were concerned that an affordability mandate might
24 actually push those buildings to rental as opposed to
25

1 the possibility of homeownership. So, those were the
2 reasons why--

3
4 COUNCIL MEMBER HANIF: [interposing] Got
5 it.

6 DIRECTOR GARODNICK: we took the steps we
7 took.

8 COUNCIL MEMBER HANIF: Thank you for
9 sharing. And then has the Administration considered
10 requirements for a certain percentage of units under
11 UAP to be affordable at 30 to 40 percent AMI, similar
12 to how MIH option one requires an overall average of
13 60 percent AMI and a minimum of 10 percent housing
14 affordable at 40 percent AMI?

15 DIRECTOR GARODNICK: So, we proposed it
16 as we did because we thought that with income
17 averaging we were able to capture deeper
18 affordability and while landing at that average of 60
19 percent, but you know, we understand that there's
20 some interest in this and we'll look forward to
21 having that conversation with you.

22 COUNCIL MEMBER HANIF: Wonderful. And then
23 do you have a count of the amount of affordable
24 housing we would have by neighborhood over the past
25 decade if UAP were in place?

2 DIRECTOR GARODNICK: I do, 20,000 units,
3 enough to house about 50,000 New Yorkers.

4 COUNCIL MEMBER HANIF: Amazing. And then
5 would there be more affordable housing in
6 neighborhoods like mine, Park Slope and Carroll
7 Gardens, today if UAP had been in place?

8 DIRECTOR GARODNICK: Yes, definitely.
9 UAP had the deepest affordability of any voluntary
10 inclusionary housing program and will have the most
11 applicability in both geography and projected unit
12 count. In the first 15 years of this program, we
13 expect more units that we have gotten through our
14 voluntary inclusionary housing program since 1987.
15 We think this is a big and important initiative. It
16 definitely would affect neighborhoods like yours in a
17 positive way, definitely would affect us citywide.
18 So we very much hope/encourage the Council to pass
19 it.

20 COUNCIL MEMBER HANIF: And then how do the
21 proposed allowances for ADUs relate to the policy
22 goal of legalizing exiting unsafe basement
23 apartments?

24 DIRECTOR GARODNICK: Well, we recognize
25 that there's a shadow market of unregulated

1 apartments out there that is unsafe as past
2 hurricanes have demonstrated. Units with no windows,
3 only one way in and out. Doors locked frequently
4 because there's an owner up above. They're death
5 traps in many cases. This is what you get with a 1.4
6 percent vacancy rate, of course. You see a shadow
7 market of apartments that are not safe and truly
8 inhabitable. We are working with our partner
9 agencies like MOCJ, Office of emergency Management,
10 DEP, DOB, Fire Department for a coordinated approach
11 for exiting units and of course for any future
12 basement units that would be enabled as a result of
13 this proposal, recognizing that our allowing through
14 zoning the possibility of a basement unit is not the
15 end of the conversation here. They are not legal
16 under state law and yet city law-- the state has
17 taken steps to give us some power to legalize
18 basement units. Those are steps that still have to
19 be taken.

20
21 COUNCIL MEMBER HANIF: Thank you.

22 Thanks, Chair.

23 CHAIRPERSON RILEY: Council Member Hanif,
24 you have second round? Thank you. Council Member
25 Holden followed by Marte, Cabán, then Dinowitz.

2 COUNCIL MEMBER HOLDEN: Thank you. Thank
3 you, Chair, and I just want to bring up a couple of
4 points about the City of Yes. You remember Hurricane
5 Ida killed 13 people in New York City, 11 of those
6 lived in basement apartments. Most of them were
7 illegal basement apartments, and a lot of them, I
8 think it was seven, were in my district. What's
9 changed since then, since Hurricane Ida? Nothing,
10 nothing has changed. In fact, de Blasio, the Mayor
11 came out and they were appalled by what had happened.
12 They were going to address it. They haven't. We're
13 under a 25 to 50-year project in my district of seer
14 improvements. That's going to take, like I said, 25
15 to 50 years. So, by your telling us today that it's
16 not going to be that much worse. That's essentially
17 what you're saying. It's not good enough, because
18 it's bad now. On a normal thunderstorm in the
19 summer, our communities, many of the homes in my
20 district are flooding from sewer backup. That's the
21 worst experience you can have in your home, by the
22 way. I've had it. It's the worst experience. You
23 don't get over that. And by telling people it's not
24 going to be much worse, that's not a good answer.
25 It's not a good answer when my district can't find

1 parking. In fact, the firehouses are telling me come
2 up with a bill-- and I've introduced it in this
3 council-- to identify where the hydrants are, because
4 people are parked in Ridgewood, in Glendale and
5 Maspeth, in Middle Village. They're parked in front
6 of hydrants on a nightly basis. We don't have enough
7 cops to even answer to 311s. So you're leaving us on
8 our own. We're going to get more flooding, and we're
9 going to get less parking, and also the electric grid
10 in my district is the worse in the City of New York.
11 We have the most blackouts. I had a blackout in
12 February of this year, February. I had switched over
13 to electric heat, the mini splits. I had to turn that
14 off and switch back to gas heat, because I can't go
15 through three or four days of no electric when my
16 heat is run by electric. So, here we are with a
17 situation, and the only thing we get from City
18 Planning who used to protect zoning, who I looked to
19 and I worked with to down-zone to try to create more
20 contextual zones in the 90s and early 2000's-- we
21 worked with the Bloomberg Administration. We
22 surveyed every house in my district. It means
23 volunteers did, because City Planning didn't have
24 enough personnel. So, we did that. We did a survey
25

1 on each particular house, and now we're throwing that
2 out the window essentially. Because what's happened
3 with my one-family zones that I have a few of,
4 community drives, developers have descended upon
5 Middle Village and Maspeth and have converted many--
6 about half of them-- on each block to two-family, and
7 of course, the illegal three. And of course, we
8 can't get into those apartments to have Department of
9 Buildings, because they just say no, we're not
10 letting you in, and that's it. Nobody's done
11 anything. You said you're working with agencies, but
12 nothing concrete. What do you have that's concrete?
13 How do you get into illegal apartments? You don't.
14 The answer is you don't. So, tell me how you're
15 going to address all of what I just mentioned.

17 DIRECTOR GARODNICK: Thanks. It's a lot.
18 Thank you very much, Council Member. Well, most
19 important, as it relates to illegal apartments, there
20 is clearly a shadow market of illegal apartments out
21 there which are extremely dangerous as you correctly
22 pointed out to the people who live there. You know
23 who else it's dangerous to, it's dangerous for our
24 first responders who don't know where to go when
25 something tragic happens. They need to know what's

1
2 happening. We need to bring these folks out of the
3 shadows. We need to legalize units, and this is what
4 you get with a 1.41 percent vacancy rate. And I'm
5 sorry, I understand your challenges here, but your
6 district needs to be part of the housing solution in
7 New York City.

8 COUNCIL MEMBER HOLDEN: Again--

9 DIRECTOR GARODNICK: [interposing] You
10 cannot opt out. You cannot, you know, just say no.
11 This is--

12 COUNCIL MEMBER HOLDEN: [interposing] We
13 could opt out.

14 DIRECTOR GARODNICK: You raise real
15 issues, but also your district has to be part of the
16 solution.

17 COUNCIL MEMBER HOLDEN: No it doesn't,
18 because when we flood now, when we back up, when the
19 sewers back up we have a problem, and you're just
20 saying that's not going to get much worse. That's
21 not good enough, and by saying-- by leaving the
22 parking requirements up to developers, that is--
23 that's disgraceful, because you know how developers
24 are going to do. They're going to build-- the bottom
25 line is they want to make the most profit, and you're

1 going to say they're not going to market something
2 with no parking in an area that needs parking like a
3 transportation desert? I don't have-- in most of my
4 district we don't have a subway. So we have to take
5 a bus, and they're cutting back on-- the MTA's
6 cutting back on our bus service. So, this is--
7 again, you have to understand why-- what is it, 12
8 out of the 14 Community Boards in Queens voted
9 against this? Can you figure out why? Because we're
10 experiencing problems now, and you're not addressing
11 that. You're just saying, oh, it's not going to get
12 much worse. Thank you, Chair.

14 DIRECTOR GARODNICK: Thank you, Council
15 Member. And I will note, 51 percent of the renters
16 in your district are cost-burdened, 42 percent of the
17 homeowners are cost-burdened. They need relief. We
18 want to give them relief. I do not mean to minimize
19 the infrastructure concerns, because those are real
20 issues in New York City. They're present in your
21 district and they're present in other districts, too,
22 but they are not incrementally changed by this
23 proposal which is so small on a neighborhood by
24 neighborhood basis that it is not-- it does not
25 register--

2 COUNCIL MEMBER HOLDEN: [interposing]
3 Developers have--

4 DIRECTOR GARODNICK: [interposing] in a
5 way that actually results in the way that you are--

6 COUNCIL MEMBER HOLDEN: [interposing]
7 Developers have descended on us--

8 DIRECTOR GARODNICK: [interposing]
9 grandstanding about.

10 COUNCIL MEMBER HOLDEN: already. Like I
11 said, go to look at the housing stock. I'll take you
12 up certain streets. You can see how they were
13 converted into three-families from one-family and
14 they have-- they have a community drive, and they're
15 being flooded. So, it's-- you're not going to
16 convince us in Queens that is not going to be a huge
17 problem. Thank you.

18 CHAIRPERSON RILEY: Council Member
19 Holden, do you have a second round? You have a
20 second round? Alright. Next, I'll call on Council
21 Member Marte followed by Cabán and Dinowitz.

22 COUNCIL MEMBER MARTE: Thank you, Chair
23 Riley. Thank you, Chair and Commissioner for being
24 here today. Differently, my district has seen
25 immense development over the decades in each

1 neighborhood, whether it's Essex Crossing,
2 residential conversion in the Financial District, or
3 the massive luxury development like One Manhattan
4 Square and Two Bridges. However, we continue to see
5 rent skyrocket. Tenants continue to be displaced.
6 Rent-stabilized units continue to be demolished in
7 the name of supply, but so far, we've seen exactly
8 that, displacement, eviction, de-regulation, and
9 speculation. As a Council Member I can't tell my
10 constituents don't worry, take the brunt of it, and
11 hopefully down the road we're going to have
12 affordability. We need affordable housing now,
13 especially in my district. And so, just as a
14 comment, one of my biggest complaints was that we
15 didn't look at MIH much stronger and make more
16 changes to it to mandate affordability citywide,
17 because I think we are in an affordable housing
18 crisis. Going to my first question-- and actually,
19 side note, since we last chatted at the City Planning
20 hearing, my district did build 431 affordable housing
21 units. Two weeks ago we did the ribbon cutting at
22 Grant Street Guild which provided 231 deeply
23 affordable housing units, and I want to thank HPD for
24 their help with Catholic Charities on that. The city
25

1 published its housing and vacancy survey and touts a
2 1.4 percent vacancy rate as a clear indicator of the
3 housing crisis, but as I understand it this number
4 reflects only units on the market. That as we know
5 as a bigger problem is that a lot of these vacant
6 units are held off-market and either being kept off-
7 market because the landlords don't want to or because
8 they're being bought off immediately as financial
9 investments, or aren't occupied, and sometimes
10 they're used as secondary homes for folks. And so do
11 you have a percentage of all the units that are on
12 and off the market that are considered vacant?

14 DIRECTOR GARODNICK: So, let me-- I'm
15 going to have Commissioner Carrión address the vacant
16 and available versus vacant and unavailable question
17 that you're raising, specifically coming out of the
18 housing and vacancy survey. But I wanted to talk
19 about the point about strengthening MIH, because I
20 think we share the goals about trying to maximize the
21 opportunities for affordable housing, and where we
22 map MIH, as you know, it is in those areas where we
23 are providing a significant increase in density
24 opportunity, development opportunity on a site, and
25 we will continue to do that. New York City's MIH

1 program is the strongest in the country. We are
2 going to make it even more affordable for more people
3 as part of having a standalone option at 40 percent
4 of AMI if the Council approves this proposal. We
5 wanted to make sure here that we were expanding our
6 voluntary program which today only covers 13 percent
7 of medium and high density districts to 100 percent
8 of them which is the-- it is the biggest affordable
9 housing program that we have ever embarked upon. But
10 we were very careful, because we want to actually
11 make sure that something happens as a result. So we
12 will continue to map MIH in connection with
13 individual development's neighborhood plans, and here
14 we want to take advantage of incentivizing
15 opportunities throughout all of our medium and high-
16 density areas, not just a fraction, but all of them
17 to be able to deliver affordable housing even at
18 deeper levels than historically.

20 COUNCIL MEMBER MARTE: And then on the
21 MIH front, I know some of it, it's out of scope to
22 this proposal, but will DCP commit to looking at it
23 further? Because when we passed MIH in the de Blasio
24 Administration, it was supposed to be a first step,
25 right? We have seen a lot of the negative

1
2 consequences when people say there's not enough
3 affordable housing or it's not deep enough. What we
4 want-- I think a lot of the Council Members who have
5 spoken before me is that we need affordable housing,
6 and we need mandated affordable housing. And so if
7 we can't do it within the scope of the City of Yes,
8 can you commit to looking into this as a next step
9 coming out of this proposal?

10 DIRECTOR GARODNICK: Well, we certainly
11 are committed to taking a look on an ongoing basis at
12 MIH, its income bands, its levels, its requirements,
13 and it's one of the reasons that we are proposing to
14 you all today to have a standalone option at 40
15 percent AMI. So, this is a continuing conversation
16 that we'll look forward to having with you.
17 Commissioner?

18 COUNCIL MEMBER MARTE: I have a-- let me
19 just add a quick question before my time is up. For
20 the dwelling unit factor, you want to eliminate it.
21 However, we know worst case scenario is that in my
22 district we have a luxury building of studio
23 apartments. Look, I want SROs. You know, we have
24 semi-SROs in Chinatown now that are illegal. I want
25 to legalize them. I want more. But have you done

1
2 research of thinking about a minimum number so we
3 don't have that worst case scenario where developers
4 in my district can make the maximum amount of profit
5 of just building studios and not family units.

6 DIRECTOR GARODNICK: if you're talking
7 about a minimum number of-- or a maximum number of
8 small units or a minimum number of larger size units,
9 that's what we have today in the dwelling unit
10 factor. This is something that doesn't need to be
11 defined by zoning. This is something that we think
12 we will continue to see a regular mix of unit sizes.
13 We have lots of rules in place in New York City that
14 define the health and safety for New Yorkers and that
15 is good. We need to more of that by legalizing more
16 types of units that people don't live in the sorts
17 of, you know, unregulated basements and unsafe
18 conditions around the City. But the dwelling unit
19 factor we think much like parking is something that
20 does not need to be defined in the zoning resolution.

21 COMMISSIONER CARRIÓN: And as it relates
22 to the vacant available units, we conduct a housing
23 vacancy survey every three years, and by law we
24 determine whether or not we're living in a housing
25 emergency, which is a housing vacancy rate lower than

1 five percent. We have been in a housing emergency
2 for decades now. The most pronounced since 1968 was
3 this past cycle where families just cannot find
4 affordable housing in the city, especially working
5 families, especially units lower than \$1,500 a month.
6 We're talking about a virtual zero. So, there's been
7 this public back and forth about how many units are
8 actually available. The industry has a number. Other
9 folks have put numbers out today. Even if we had
10 50,000 units available right now, it would still be a
11 drop in the bucket in terms of what we need to do as
12 a city. We are living in a state of emergency. Many
13 of those vacant units are not available. They're
14 either in the middle of closing on a lease, under
15 repair, or whatever other state they're in. The key
16 here is that we have a historic opportunity to create
17 a regime, an envelope that allows us to grow the
18 housing supply, bring the price point down. And I'll
19 finish with this, the-- your district is a great
20 opportunity to continue building affordable housing.
21 We have sites there. We're looking for more sites,
22 and we welcome the opportunity to continue partnering
23 with your district.
24

2 COUNCIL MEMBER MARTE: Quick, just quick
3 follow-up. Do you have that number? Can you provide
4 that research of vacancies?

5 COMMISSIONER CARRIÓN: Yes, we do.

6 COUNCIL MEMBER MARTE: Okay, thank you.

7 CHAIRPERSON RILEY: Thank you, Council
8 Member Marte. You have follow-up questions for round
9 two? Alright, thank you. Council Member Cabán
10 followed by Dinowitz and then Ariola.

11 COUNCIL MEMBER CABÁN: Good afternoon and
12 thank you. And I just want to echo the thanks to the
13 Land Use division and all the support that we've been
14 getting to navigate this plan. I will say that Queens
15 is not a monolith, and certainly my constituents
16 think that this is a plan that, you know, does some
17 good but also that more needs to be done. I mean, I
18 would even say that it sort of bites a little bit
19 round the edges. We want to see more comprehensive
20 in this to attack the affordability crisis, and I
21 think there's an agreement that there is an
22 affordability crisis, but the thing I want to focus
23 on in these questions is deep affordability, right,
24 the deepest of affordability. and just to frame my
25 questions quickly, we know that between 2002 and 2021

1 almost half the apartments in New York City that were
2 affordable for individuals or families earning less
3 than 200 percent of the federal poverty level were
4 lost. And clearly we haven't been building enough
5 housing in general. There's an agreement on that. In
6 the last decade we saw in the New York metropolitan
7 area a six percent growth in population with only a
8 3.5 percent increase in the housing stock. So, we
9 know and agree that while increasing supply can help
10 improve conditions for lower income families, there
11 was a recent report out of NYU which compiles all the
12 recent research and academic literature on the
13 impacts of new supply on housing affordability that
14 concluded, "filtering"-- like that filtering down.
15 It's not going to cure enough affordable housing to
16 meet the needs of all households, that some
17 households have incomes too low to afford even the
18 lowest rent a landlord can charge and still profit
19 after paying those expenses. So given that, my
20 question is are proposals like UAP really likely to
21 have that significant impact on housing access for
22 the City's lowest income families? Do we need other
23 measures like an expansion of voucher access to help
24 those families, for example?
25

2 DIRECTOR GARODNICK: Thank you for that
3 important question. The short answer is UAP impacts
4 those families because we have income averaging. So
5 we allow you in this program to go below 60 percent
6 and above 60 percent, something which was not present
7 in prior voluntary programs. I also note that you are
8 correct to observe we need more of all of it. Each
9 component here is important, but the deepest
10 affordability levels sometimes must be delivered
11 through a subsidy program with HPD. We've got the
12 Commissioner sitting right next to me. I'm sure he's
13 going to want to talk about that. But, the zoning
14 itself is designed to--

15 COUNCIL MEMBER CABÁN: [interposing] Yeah.

16 DIRECTOR GARODNICK: increase the
17 envelope so that we create more opportunities across
18 all levels.

19 COUNCIL MEMBER CABÁN: And before you add
20 to that, I think, you know, just making the point
21 that your testimony is saying like, hey, we
22 acknowledge the fact that there are some folks that
23 are at that low of an income level that really the
24 only way to capture these folks is through government
25 subsidy programs like a voucher system, right? If

1 we're going to make sur we're housing every New
2 Yorker, and so in answering-- and what you're going
3 to add, I want to pose this question to you then, of
4 what can we make of the fact that this administration
5 claims to care about housing affordability, but then
6 launches a lawsuit to block the expansion of housing
7 vouchers for the most vulnerable people in the City
8 via CityPHEPS?
9

10 COMMISSIONER CARRIÓN: So, thank you,
11 Council Member. I think it's important to note that--
12 - well, we all agree that there's a housing
13 emergency.

14 COUNCIL MEMBER CABÁN: And we apparently
15 agree that this plan doesn't do it all and there are
16 folks that are so low in terms of income that they
17 actually-- it does necessitate HPD subsidies--

18 COMMISSIONER CARRIÓN: [interposing]
19 Rental assistance.

20 COUNCIL MEMBER CABÁN: and rental
21 assistance--

22 COMMISSIONER CARRIÓN: [interposing] Yes.

23 COUNCIL MEMBER CABÁN: Like CityPHEPS.

24 COMMISSIONER CARRIÓN: Yes, it does.
25

2 COUNCIL MEMBER CABÁN: So, just the
3 specific question is then why are we challenging this
4 and why aren't we embracing expanding access to
5 CityPHEPS so that we're not leaving certain New
6 Yorkers behind?

7 COMMISSIONER CARRIÓN: I'm not able to
8 answer the question about anything related to a
9 lawsuit, but I will say--

10 COUNCIL MEMBER CABÁN: [interposing] Okay.

11 COMMISSIONER CARRIÓN: I will say, yeah,
12 I'm not the right person to answer this, but what I
13 will say is that more than 90 percent of the housing
14 that we put subsidy in and we finance goes to
15 extremely low-income households, low-income
16 households, very low-income households. Seventy
17 percent of all housing that we finance goes to New
18 Yorkers earning less than 50 percent of AMI, and then
19 as has been stated, we are supportive of expanding
20 and fighting to expand more Section 8 vouchers to put
21 them in the hands of renters that are between zero
22 and 30 percent of AMI--

23 COUNCIL MEMBER CABÁN: [interposing] And
24 what about FEPS?

2 COMMISSIONER CARRIÓN: which is a real
3 need. And we have an active FEPS highly subscribed
4 program as well.

5 COUNCIL MEMBER CABÁN: But you're not
6 expanding it? May I ask just one last question,
7 Chair?

8 CHAIRPERSON RILEY: Yes.

9 COUNCIL MEMBER CABÁN: thank you. I'm
10 going to move over. I think I've made my point
11 clear.

12 COMMISSIONER CARRIÓN: Yes, you have.

13 COUNCIL MEMBER CABÁN: I just wanted to
14 talk to-- because you've talked about this already,
15 but I want y'all to speak from it from a racial
16 analysis, right? We talked about the Bloomberg era
17 down-zoning, both on housing access and fair housing
18 across different parts of the City during certain
19 years of his Administration. Can you just talk about
20 the racial impact of that down-zoning and how City of
21 Yes is going to deal with those kinds of disparities
22 across neighborhoods in terms of where the new
23 housing is made available? Because I know that you--
24 there were some studies down on where something like-
25 - where it's going to lead to more units in the same

1
2 working class black and brown neighborhoods versus
3 other neighborhoods. If you could just speak to what
4 you've talked about but concerning a racial analysis.

5 DIRECTOR GARODNICK: Yeah, I can get you
6 most precise stats on this as a follow-up, but the
7 short answer is by functionally building walls around
8 entire parts of the City, we increased segregation
9 and we increased-- in some areas-- and increased
10 displacement and gentrification in others. That was
11 the unfortunate result of those actions that were
12 taken 20 or so years ago. We have to correct it now.
13 We are in a significant crisis and it has had those
14 unfortunate impacts on further segregation and
15 increasing displacement and gentrification that we
16 now have an opportunity to address. Through our fair
17 housing policy, Where We Live NYC, which was released
18 in 2020, the City said the only way to deal with the
19 forces of segregation, the only way to increase
20 affordable housing across all neighborhoods including
21 more affluent, amenity-rich, great access to transit
22 districts is to open the door, and that is what this
23 proposal is doing, and that's why we drafted it this
24 way.

25 COUNCIL MEMBER CABÁN: Thank you.

2 CHAIRPERSON RILEY: Thank you, Council
3 Member Cabán. You have a second round questions?
4 Council Member Dinowitz?

5 COUNCIL MEMBER DINOWITZ: Thank you,
6 Chair. Also, Chair, Commissioner, good afternoon.
7 you know, I'm hearing some of the sort of
8 justification for the need for this, expanding
9 zoning, but we have areas in the City that are
10 already underdeveloped, for example, single-family
11 homes in R6 districts that could already be
12 developed. Do you know what percent of the City is
13 underdeveloped and could be developed more under our
14 current zoning?

15 DIRECTOR GARODNICK: So, you're talking
16 about zone capacity.

17 COUNCIL MEMBER DINOWITZ: Yeah.

18 DIRECTOR GARODNICK: The opportunity to
19 develop something which is beyond what exists today.
20 On a precise percentage or number, I do not
21 immediately, but I suspect it is something the
22 Department of City Planning can get you a little more
23 clarity on. But just-- this is a really important
24 point. Just the fact that something is zoned for
25 opportunity does not mean that anything is actually

1
2 happening. And you can see that today because we
3 have zoning capacity in areas and nothing is
4 happening. So, when somebody--

5 COUNCIL MEMBER DINOWITZ: [interposing]
6 But tell me-- but let's talk about that.

7 DIRECTOR GARODNICK: Go ahead.

8 COUNCIL MEMBER DINOWITZ: Because I'm
9 hearing this sort of argument that well only a
10 certain number of Community Boards in certain council
11 districts, but ultimately, I'm not a developer.
12 Ultimately, the Community Boards aren't developers,
13 and when we're talking about as-of-right
14 developments, ultimately a developer decides whether
15 or not to build somewhere. Is that fair? Is that
16 accurate?

17 DIRECTOR GARODNICK: It is fair,
18 consistent with zoning. It would be a matter of as-
19 of-right development if the zoning allows for it,
20 that's correct.

21 COUNCIL MEMBER DINOWITZ: So, I guess
22 part of the question is, if we have areas in New York
23 City that are underdeveloped, couldn't a developer
24 come in right now, buy up the property, buy up the
25

1
2 houses, whatever it is, and redevelop it, thus
3 creating more housing under our current zoning?

4 DIRECTOR GARODNICK: They could in those
5 circumstances, and important to note, where they have
6 not it is a strong indication that we need to create
7 more opportunity to be able to allow more housing,
8 because what we're doing right now is not working for
9 us as a city.

10 COUNCIL MEMBER DINOWITZ: Also, we have
11 certain incentives, let's say to build affordable
12 housing, and I also want to talk about what gets
13 built there-- and so we do have areas that are
14 underdeveloped that could be built, and then there
15 could be incentives, and we have those when it comes
16 to affordable housing. But what we also have is--
17 let's say in my district we have an R6 where there
18 are single-family homes, and they're being
19 demolished, not necessarily to build housing, but to
20 build things like charter schools and shelters. And
21 so what efforts is the City making or what is in the
22 zoning proposal to ensure that in our zoning, in our
23 residential neighborhoods we're actually building
24 housing and not more shelters, that we're building
25

1 housing and not more charter schools if that's what
2 our city needs?

3
4 DIRECTOR GARODNICK: well, New York City
5 is not a static place. It is constantly changing and
6 evolving and thank goodness for that. We need to
7 make sure that our rules are respectful of
8 communities like yours and everybody else's here, but
9 we also want to be able to create enough flexibility
10 to allow change to happen. And--

11 COUNCIL MEMBER DINOWITZ: [interposing]
12 But I guess the concern is if the goal is to build
13 housing, right, and I'm saying that under the current
14 zoning, we have a system where places are
15 underdeveloped and you could build bigger, but
16 developers are choosing to build charter schools and
17 shelters instead of housing which I think most--
18 certainly, the two of you agree that we need more of.
19 What assurances are there that if we expand zoning
20 it's actually going to build housing and not
21 shelters, charter schools and whatever else?

22 DIRECTOR GARODNICK: Right. We need to
23 create the opportunity for housing, that's what this
24 proposal is about. Your question about guarantees,
25 you know, there is no guarantee that's built into

1 zoning. Once it is a matter of right, it is a matter
2 of right. So the specific question about a shelter
3 or a charter school, you know, I can't specifically
4 answer as to the R6 zoning that we're talking about
5 and whether it's appropriate and whether it is even
6 allowed, but I can say that we do need to allow for
7 more opportunities for housing because right now
8 housing is getting crowded out by anything else. The
9 lack of opportunity is really hurting New Yorkers,
10 and that's why we have proposed to expand it on the
11 margins, even in districts like yours.

13 COUNCIL MEMBER DINOWITZ: Right. Though
14 it seems to be the choice of New York City to crowd
15 it out with shelters. That's what is happening in my
16 district. That is the choice of the Administration,
17 not-- and you know, it really concerns me. I want to
18 touch on just a couple other things. One, I do want
19 to echo the concerns about storm water. We have a
20 lot of flooding in my district, and one of the big
21 DEP Parks projects that is supposed to alleviate that
22 is the daylighting of Tibbetts Brook. I know you--
23 I'm looking at the slide page 69 where it says there
24 have been investments in storm water flooding
25 prevention. I would note that in that particular

1 project which is supposed to alleviate pressures on
2 our sewer system, I think it was \$8 million was
3 actually cut from that project. And so the, I guess,
4 talking point for lack of a better word, doesn't
5 actually match the actions of this Administration in
6 terms of investing in those projects. And the second
7 thing I would just mention because I know my time's
8 up, if I may have 15 more seconds?

10 CHAIRPERSON RILEY: Five.

11 COUNCIL MEMBER DINOWITZ: Five, you got
12 it. Don't count. Is the actual investment in
13 affordability? And I know, Commissioner, you and
14 I've discussed this numerous times that our Mitchell-
15 Lama's, for example, are seeing exorbitant increases
16 in their rent and maintenance with little help from
17 the City in those rents or in terms of the capital
18 investments that need to be made, and at some point
19 it's not going to be here, but I do-- would
20 appreciate an update on what efforts HPD is making to
21 bring down insurance cost which is a huge driver of
22 increased rents and maintenance fees.

23 DIRECTOR GARODNICK: So, while I can't
24 speak to the details of the storm water proposal and
25 the daylighting question and the commitments, we will

1 do our best to follow up with you on that. I will
2 note that as it relates to a need for a shelter with
3 a need for investment and affordability in a
4 Mitchell-Lama, these are all results of the lack of
5 housing supply. So we would need fewer shelters if
6 we actually were creating housing and that is what
7 this proposal is designed to do. So I understand
8 your point, but also I hope you understand mine too,
9 which is we do need to create more housing. We got
10 93,000 people living in shelters at the end of last
11 year, 33,000 of them were kids. Average stay is 520
12 days, a year and a half. We need to do something
13 about this and building housing is really the right
14 answer.

16 COUNCIL MEMBER DINOWITZ: I agree with
17 you. I would just say that in these particular
18 instances if we want to build housing, we're saying
19 housing an issue, we should probably build housing
20 instead of shelters that will provide housing. I
21 mean, it seems pretty logical to me. Thank you,
22 Chair, Commissioner, Chair.

23 CHAIRPERSON RILEY: Council Member
24 Dinowitz, do you have second round questions?
25

1
2 Alright, next I'm going to call on Council Member
3 Ariola followed by Avilés, Lee, and then Restler.

4 COUNCIL MEMBER ARIOLA: Thank you so
5 much, Chair. Good to see you. It's good to see you
6 both. So, I'm-- I have the western half of the very
7 fragile peninsula called Rockaway, and on the
8 Oceanside we're less than five feet above sea level,
9 and on the Jamaica Bay side we're five feet above sea
10 level. A waterfront community south of the Belt
11 Parkway is less than 10 feet above sea level, and
12 most of the rest of my district up to Forest Park is
13 on flat ground. Not much, but not all of my district
14 is zoned for one and two-family homes. There are
15 much higher density zonings like in Rockaway Park,
16 Rockaway Beach, Lindenwood, the area that I live in.
17 But City Planning is promoting higher density
18 development of any kind anywhere, especially in
19 transit-oriented developments or accessory dwelling
20 units, and this is really alphabet soup of
21 destruction for District 32. On the south shore of
22 Queens, Jamaica Bay, the Rockaways, Harvey [sic],
23 Ozone [sic] Park, Woodhaven, Glendale, these are
24 areas that are prone whether it's climate oriented or
25 it is flooding from sea level or it is inland

1 flooding like we saw with Hurricane Ida. My entire
2 district suffers from flooding and at times
3 fatalities. And I know that I noticed on the map
4 that it shows very little development in my district
5 which is really not true because the peninsula has
6 over 12,000 units to be built and that's without the
7 City of Yes, and we have at least three large
8 developments for the mainland in the que already at
9 DCP that would have affordable housing, senior
10 housing, workforce housing, as well as veterans
11 housing. So I know that you say that it's not a one-
12 size-fits-all, but 12 out of the 14 Community Boards,
13 our constituents and I, don't agree with that. so my
14 questions for you are, how can you promote this
15 hyper-development program in a place with severe
16 environmental issues like my district or other
17 designated special districts without taking them into
18 consideration or in areas like Ozone Park, Woodhaven
19 and Glendale where there are smaller lots-- and in
20 Howard Beach as well-- why would you promote changing
21 basic regulations like making lot size in an R2
22 zoning district 30-foot wide when almost all of the
23 properties are at least 40-foot wide or 50-foot wide
24 instead of 60-foot wide in R1.2 zones like in
25

1 [inaudible] when they already are? And then the next
2 question is why would you promote the construction of
3 apartment buildings all over these fragile
4 neighborhoods with poor infrastructure, and
5 especially in the TOD over-- zone overlay? We're
6 talking about areas that already have problems with
7 their infrastructure, already have problems with
8 overcrowded schools. We're looking to downsize class
9 sizes, yet we're trying to put more people into these
10 already densely populated communities. And finally,
11 I think this is a fair question, especially this goes
12 to you Chair Garodnick. When you were sitting where
13 I am from 2005 to 2017, would you have supported the
14 relinquishing of your own power over land use
15 decisions particularly in your own council district?
16 Thank you.

18 DIRECTOR GARODNICK: Thank you very much
19 for the questions. Let's start with the last one
20 first, because that in some ways is the easiest,
21 because I've looked at the question very closely
22 about whether this proposal would relinquish power of
23 the Council, and the short answer to that question
24 is, having reviewed the last 10 years of rezonings
25 and special permits, 99++ percent, maybe 99.2 percent

1 of them still would need to come through the City
2 Council and through Community Boards for approval,
3 even if the City Council approves City of Yes without
4 a single edit. There are three areas in which we are
5 proposing to downgrade a special permit to either an
6 authorization of the City Planning Commission or
7 Chair certification. Those three areas are on a
8 railroad right-of-way special permit, landmark air
9 rights transfer, or accessing maximum FARs in R6 and
10 R7 districts for supportive housing. And the short
11 answer is those are not central to the Council's
12 existence. We've had very few of these special
13 permits over time, particularly on landmarks. As it
14 relates to railroad right-of-way it's confusing and
15 has been cumbersome. So, the short answer to that
16 one is absolutely I would feel comfortable, because I
17 don't actually feel like it is meaningfully taking
18 any power away from the council, unless you consider
19 that 0.8 of one percent which I do not. As it
20 relates to your comments about allowing development
21 of any kind anywhere or hyper-development, you know,
22 I would only say that's just not-- that's not what
23 the proposal does. We have defined specific
24 locations where things can take place. As it relates
25

1 to transit-oriented development, you have to be on
2 certain qualifying sites. As it relates to
3 commercial, on commercial overlays, you have to be on
4 a commercial overlay. You cannot be just anywhere to
5 do that. And as it relates to the character of
6 fragile neighborhoods, I will just observe to you
7 that in your council district there are 1,653 multi-
8 family homes in one or two-family zones. I have the
9 whole list here for you. The list goes on and on.
10 1,653 buildings in one and two-family districts.
11 That to me is our matching the existing character of
12 your district with buildings that are already there
13 and have been made illegal since 1961. So, I
14 understand your point. I understand the concerns,
15 but I do want to note that that is not what this
16 proposal does.

18 COUNCIL MEMBER ARIOLA: I just want to
19 make it clear that you're right we do have larger
20 more density dwellings, but they are in specific
21 areas of my district and not on corners of one and
22 two-family homes or in the center plots, you know,
23 where three-- where the plot can be bought or three
24 plots can be bought and a five-story building be
25 built in the middle of a one and two-family home

1 block. So, that's where it does change the fiber and
2 the character of our community, is because they would
3 be able to build anywhere and that's not-- that's not
4 something that-- people moved to the urban areas that
5 are suburban-like to live. They did not-- they
6 didn't buy there because they wanted to live with
7 skyscrapers next door to them.

9 DIRECTOR GARODNICK: Thank you. I just
10 respectfully respond that it does not allow for
11 multi-family buildings to be built anywhere. There's
12 a specific set of facts and circumstances present
13 under this proposal. We'd be happy to go through
14 that with you at a later date or now as you see fit,
15 but it is not an anywhere any kind hyper-development.
16 This is a narrowly-tailored, modest, respectful
17 proposal that is designed to match existing
18 buildings.

19 CHAIRPERSON RILEY: Thank you.

20 COUNCIL MEMBER ARIOLA: Thank you.

21 CHAIRPERSON RILEY: Council Member
22 Ariola, do you want second round questions? Alright,
23 thank you. Next I'm going to call on Council Member
24 Avilés, Lee, Restler then Joseph. Council Member
25 Avilés?

2 COUNCIL MEMBER AVILÉS: Hello. I'm
3 reporting from this end of the table. Thank you,
4 Chair. Thank you, Commissioners. I just had a few
5 quick questions. So, in the presentation you
6 mentioned constructed and preserving over 28,000
7 units in fiscal 24. Do you have a breakdown of how
8 many units were actually constructed and how many
9 were preserved?

10 COMMISSIONER CARRIÓN: Yeah,
11 approximately 14,200 and something were new
12 construction, and the balance which is probably if
13 I'm correct about 12,500 were preserved.

14 COUNCIL MEMBER AVILÉS: And new
15 construction means they're just on the books for new
16 construction or they opened?

17 COMMISSIONER CARRIÓN: That means they
18 were financed.

19 COUNCIL MEMBER AVILÉS: Got it.

20 COMMISSIONER CARRIÓN: so, that means
21 that the construction began and there will be a year
22 of completion, and it's usually a year to 36 months
23 cycle to be occupied.

24 COUNCIL MEMBER AVILÉS: Got it. so in
25 terms of the-- I think I heard you say earlier, I

1 just want to be sure, none of these proposals are
2 meant to build housing in industrial manufacturing
3 zones?
4

5 DIRECTOR GARODNICK: That's correct.

6 COUNCIL MEMBER AVILÉS: Okay, great. You
7 know, that's an important protection for me as we've
8 worked on ZEO, right, for economic opportunity. I am
9 aware, though, that there are transition zones that
10 were baked into that proposal, but wasn't a great fan
11 of. That is bringing commercial. Does it have the
12 potential of commercial spaces being transitioned
13 into housing?

14 COMMISSIONER CARRIÓN: Commercial can
15 convert to housing only in places where housing is
16 allowed.

17 COUNCIL MEMBER AVILÉS: Okay.

18 COMMISSIONER CARRIÓN: In manufacturing
19 zone it is not allowed.

20 COUNCIL MEMBER AVILÉS: Okay. It's still
21 too close for comfort, but I'm going to take it. In
22 terms of the low-density proposals for the low-
23 density neighborhoods, what affordability mechanisms
24 are being put in place there?
25

2 DIRECTOR GARODNICK: so, we did not

3 mandate affordability in the low-density proposals
4 for a variety of reasons. The first is that the sort
5 of housing that we are trying to enable through the
6 missing middle type modest apartment buildings, they
7 tend to be more affordable as a matter of course, and
8 we were concerned that a mandate there would actually
9 impede its creation in the first place. We also knew
10 that by creating these opportunities we also were
11 creating opportunities for HPD and not-for-profit
12 developers to actually do affordable in those spaces,
13 as well as new multi-family buildings. We'll
14 inevitably take advantage of the 485X tax abatement
15 which has affordability mandates in it. And then the
16 last piece, the last reason was we were aware that
17 and are aware that there are real homeownership
18 opportunities in buildings of these-- this size. And
19 we were concerned that an affordability rent mandate
20 might here push them to rental. So those were the
21 reasons, but we did think about it. We obviously
22 support, you know, the creation of affordable
23 housing. We want to maximize our opportunities for
24 affordable housing, but that was the reason we did
25 not associate a mandate here.

2 COUNCIL MEMBER AVILÉS: Great, thank you.

3 In terms of-- yeah, I think my district includes all
4 these proposals, so this has been quite fun. But in
5 terms of-- what we're seeing is actually that missing
6 middle occurring, but they're all luxury. They're
7 out of reach for the existing residents. Obviously,
8 we're not producing housing like some our colleagues
9 in north Brooklyn, but all the building that's
10 happening is what we consider luxury. So I don't see
11 how the proposal as developed necessarily addresses
12 that. I feel like it's potentially more of the same,
13 but I'm interested to see. In terms of-- in terms of
14 building more housing everywhere, what I have seen
15 the City not do is take into account the needs of
16 that housing, particularly trash management, right?
17 Right now, with all of the changes around how we're
18 trying to deal with our trash, we have buildings that
19 were never built with places to hold trash. So now
20 they're just collecting on sidewalks all over the
21 place. Is there anything in the proposal that also
22 provides guidance around when you build a building
23 you actually have to make sure you have these kinds
24 of elements within the building? Because it's out of
25 control.

2 DIRECTOR GARODNICK: Yes, we are changing
3 as part of this proposal what was a bonus for amenity
4 space in buildings to a bonus for useful space like
5 trash reception and other space that are needed in a
6 building. So, as to, you know, move away from sort
7 of the-- just a bonus for internal amenities, but
8 also actually core needs of a building. So we are
9 making that change here.

10 COUNCIL MEMBER AVILÉS: Okay. And if I
11 may, just to underscore for my district and certainly
12 my community, we-- the deep affordability, 40
13 percent, is where we need the biggest support here.
14 The 60 is still out of reach and not at all housing
15 the folks that are getting displaced on a daily
16 basis, and the amount of overcrowding we have is
17 pretty severe, particularly in our AAPI communities.
18 So, deep affordability and regulations around
19 overcrowding.

20 CHAIRPERSON RILEY: Thank you. You have
21 second round questions, Council Member Avilés? Thank
22 you. I didn't mention that Council Member Krishnan
23 had joined us a few minutes ago. Commissioner,
24 before I go to the next Council Member, just wanted
25

1 to clarify something you stated. Only buildings prior
2 to 1990 can be converted to residential, correct?

3 COMMISSIONER CARRIÓN: Zoning question.

4 DIRECTOR GARODNICK: Yes, today, your
5 build had to have been built--

6 CHAIRPERSON RILEY: [interposing] Before
7 19--

8 DIRECTOR GARODNICK: 1961 or here in
9 lower Manhattan, 1977. We are proposing to change
10 that date to 1991.

11 CHAIRPERSON RILEY: Alright, thank you.
12 Next is going to be Council Member Lee followed by
13 Restler, Joseph, and then Marmorato.

14 COUNCIL MEMBER LEE: Hi, everyone. Thank
15 you so much. Thanks for sticking with us for this
16 long. I know that between today and tomorrow we're
17 going to have some marathon hearings, so I appreciate
18 you all being here. And I just wanted to especially
19 thank Chair Garodnick for just all of the time you've
20 given to us and also for addressing and always
21 answering my questions and concerns about this whole
22 plan. So I just want to say thank you to you and
23 your team for coming out to our neighborhoods and our
24 districts and very much appreciate it. And I too
25

1 want to recognize that I understand that we are in
2 the midst of a housing shortage and I'm not blind to
3 that. I don't think anyone is blind to that. I think
4 that's something that we all agree on, but it's just
5 a question of how we're going to address this issue,
6 and I wanted to emphasize some of the same points
7 that my colleagues have brought up but go a little
8 bit more nuanced and detailed in terms of the
9 questions based on the conversations we've been
10 having. And I know you keep saying it's an open
11 door, but I sometimes want to think of it as maybe a
12 Pandora's Box. You know, it's-- we're opening
13 something that maybe can't be put back in. And so I
14 just want to address some of the maybe unintended
15 consequences that happened, that could happen. And I
16 think-- and even just the differing opinions I would
17 say across different Council Members shows the
18 diversity of all of our neighborhoods. So I just
19 want to also emphasize that. I have three buckets of
20 questions, one around ADUs, one around the parking
21 mandates, and then another one on the ULURP process
22 just to clarify a couple questions. so, in terms of
23 the ADUs, I just want to emphasize what Council
24 Member Selvena Brooks-Powers, Council Member Holden
25

1 brought up, because you know, I know the Governor
2 tried putting that in her budget plan. There's a
3 reason why our communities-- because I represent both
4 southeast Queens and northeast Queens on the east
5 side, and there's a reason why the communities fought
6 so hard against it, and I think one of the biggest
7 issues that we face in southeast Queens it's not just
8 about the rainfall water, but it's about the tabling
9 of the water underneath that is now coming up because
10 the pumps in Jamaica have stopped, right? So you get
11 water building up on both ends. So for me, I can't
12 even start having this conversation until we actually
13 talk about dollars that are going to be inputted into
14 our infrastructure system that is already failing us.
15 And so I had one of-- in my district, one of the
16 families that died-- had a death as well from
17 Hurricane Ida. And it wasn't-- it was in combination
18 of the quick rainfall as well as the water tabling.
19 And so I guess my question is, you know, a lot of-- I
20 know you talked about coastal flooding zones and how
21 they're going to be exempt. Is there a way to even
22 relook at what is considered a flood zone? Because a
23 lot of these families need reprieve. Because of the
24 fact that they're not considered a flood zone, they
25

1
2 can't get the insurance to cover a lot of these
3 costs, and I think that's actually one of the reasons
4 why a lot of homeowners are moving out. It's not just
5 about the lack of housing. It's about the increase
6 in the insurance and the homeowner insurance as well
7 as all the other insurances because of the climate
8 changes we're seeing all across the nation, right?
9 So, that is a huge factor and I cannot emphasize that
10 enough. So, and those are things that are not
11 addressed in this plan, right, that are still going
12 to be issue even if we address the housing piece of
13 it. So, just wanting to know how we can address
14 including other flood zones asides from just the
15 coastal ones, and if you can answer that first.

16 DIRECTOR GARODNICK: Well, the short
17 answer is, what we can do as part of zoning is to
18 define the applicability of the zoning as it relates
19 to flood zones, flood maps, etcetera. The zoning
20 itself would not define the zones, but recognize that
21 there's an important issue that you're describing.

22 COUNCIL MEMBER LEE: Right, and then in
23 terms of infrastructure dollars like hard dollars
24 that we're talking about, as a city have we-- is
25 there a number attached to that? Because I feel like

1 a lot of times in these areas-- so the way I see it
2 as like a bubble, right? And so I understand that
3 you're saying it's only a little bit here and there,
4 but if we're increasing the total size of what's
5 happening in the bubble, it's going to expand, right?
6 So how do we address that issue?
7

8 DIRECTOR GARODNICK: The way we address
9 it is-- the fact that we have proposed something
10 which is as diffuse as it is means that we will see a
11 little bit of impact across the city geographically
12 but also over time. It is the sort of change in
13 contrast to a neighborhood-wide plan where we create
14 an intensity of change in a specific area. It is
15 much more spread out in both geography and time in a
16 way that allows our capital agencies to see the
17 impacts and see them change in meaningful way. The
18 areas which are most-affected here, potentially for
19 schools-- there's obviously a five-year capital plan.
20 For child care, there's a 10-year capital strategy.
21 For open space and parks, 10 year capital strategy.
22 Those are areas in which the City has a process and
23 it sees what is coming based on what is actually
24 activating as opposed to, you know, a moment where
25 we're enabling something to happen, but that doesn't

1 mean anything actually will happen. It's very
2 complicated to do any of the things that we're
3 proposing here. So the City will be able to see
4 these things happening over a broad geography and
5 over a broad amount of time to be able to incorporate
6 that into its capital investments.
7

8 COUNCIL MEMBER LEE: Okay, I have a lot
9 of follow-ups. I didn't even get to the other two.
10 Five minutes goes so fast. Alright, round two for
11 me, yes.

12 CHAIRPERSON RILEY: Thank you. Council
13 Member Restler is not here. Alright. I'm going to
14 go to Council Member Joseph.

15 COUNCIL MEMBER JOSEPH: Thank you, Chair.
16 Thank you, Commissioner and Chair. My question is--
17 we heard from constituents, especially in my
18 district, and you did a walk-through in my district
19 and you were able to see. We heard from our
20 constituents they feel they've been cut out of the
21 process in part of the 2009 Flatbush rezoning which
22 preserved the character of the Victorian Flatbush
23 while promoting the construction of affordable
24 housing through inclusionary housing for the R7A, C4,
25 48 districts. How do you respond to the

1 constituents? How do they feel that they have
2 already been through a collaborative rezoning process
3 that addressed the needs for new housing, and only to
4 have it circumvented from the top down? I have a
5 couple of questions.

7 DIRECTOR GARODNICK: Yeah, well, I
8 understand the point. We'll note that the area that
9 you're describing is very close to transit. It is a
10 place which would be appropriate for us to enable an
11 amount of multi-family housing, because we need it.
12 The City's needs have changed over time. We're
13 talking about down-zonings that happened in the
14 Bloomberg era and how they have contributed to
15 building up walls around certain neighborhoods and
16 prompting more segregation, prompting the other side
17 more gentrification and displacement. So, I would
18 say, it's important that every neighborhood be part
19 of the solution here. We believe that the modest
20 changes that we are proposing can be very easily
21 accommodated. And so we hope that it is viewed in
22 that vein, not that somebody was cut out of the
23 process, but rather we are now involving everybody in
24 the process as part of a citywide proposal to address
25 a rather deep crisis that is not only, you know, a

1
2 few years in the making, but many decades in the
3 making and it's hurting a lot of New Yorkers.

4 COUNCIL MEMBER JOSEPH: In part of my
5 district and when I came in I told you that Coney
6 Island Avenue for example was one of the places that
7 it called for a comprehensive rezoning because it
8 hasn't been touched for a very long time, and it's
9 time for it to be rebuilt and there's an opportunity
10 there to build housing. And as you said, it is close
11 to transportation in terms of train station, buses.
12 So I would really be-- and I'd be calling for a
13 comprehensive rezoning on Coney Island since I got
14 here. So, constituents also concern about what you
15 have is called district six's [sic] proposal which
16 would allow for an increase in floor area ratios in
17 low-density district. That has been done without a
18 district level environmental impact study, so they're
19 also looking for environmental impact studies. Some
20 [inaudible] lying parts of our district already
21 subject to flooding. In Ditmus Park I have a lot of
22 flooding. Kensington, we have a lot of flooding when
23 it rains. They've been dealing with that issue for
24 the past 13 years. We recently had a town hall on
25 how do we mitigate it. We're working with Prospect

1
2 Park because it also needed a park where the lake
3 goes up, so what we've been doing is reducing the
4 amount of water that's in the lake to make sure that
5 when it rains it doesn't overflow. So what does the
6 Administration propose to ensure that weren't making
7 false choices between addressing a housing crisis in
8 our already existing crisis, environmental crisis in
9 that part of the district?

10 DIRECTOR GARODNICK: Right. Well, I think
11 it's important to note what the district fix's piece
12 of this proposal does and it does not do. We looked
13 at low-density neighborhoods around the City and saw
14 that there was such significant non-conformity with
15 existing rules that it was creating real problems for
16 homeowners, whether they wanted to make small changes
17 to their own building, their own home. They found
18 themselves in traps of non-compliance with insurance,
19 with Department of Buildings, with whoever they might
20 be seeking some approval from, and we wanted to give
21 them some relief. So this is not one which I think
22 would be relevant for district-level environmental
23 review. In fact, that's not something that we would
24 do here. We looked at our environmental review
25 pursuant to city and state and-- city and state law

1 as it relates to this proposal at-large. But the
2 district fixes are really about those small changes
3 to enable existing buildings to no longer be out of
4 compliance with our existing rules.

6 COUNCIL MEMBER JOSEPH: And what about the
7 floodings that happen in those areas, Ditmus Park,
8 Kensington, those huge floodings happen? And as my
9 colleagues have said all across the board, we're all
10 facing flooding whether we live in Brooklyn or not--

11 DIRECTOR GARODNICK: [interposing] Yes.

12 COUNCIL MEMBER JOSEPH: across the city
13 due to environmental crisis.

14 DIRECTOR GARODNICK: This is clearly an
15 issue. I've heard it from Council Member Lee,
16 Council Member Holden, you, Council Member, and
17 others that the City's issues related to coastal
18 flooding, storm water flooding are significant and in
19 many places pervasive. That is an important issue,
20 and I don't mean to minimize that issue as I sit
21 here. We also have another issue at play here which
22 is we need to be able to create housing to be able to
23 address our affordability crisis and our housing
24 scarcity challenge in New York. So we need to deal
25 with both. We need to deal with both. We need to

1
2 make sure that our city capital agencies are at the
3 table to address the specific needs and specific
4 communities, make sure that they're addressing what
5 are known problems, while also enabling something to
6 happen over 15 years or 30 years or 60 years in New
7 York City in ways that we have not done before to
8 accommodate growth, to deal with the fact that people
9 are struggling today, lower costs, address our
10 challenges of segregation, gentrification,
11 displacement, the price of rent. We need to act on
12 this at the same time that we're dealing with those
13 infrastructure issues, and again, I want to be very
14 clear that I'm not minimizing those. I think they're
15 really important and also deserve our full attention.

16 COUNCIL MEMBER JOSEPH: Thank you, Chair.
17 I'll come back for second round. Thank you.

18 CHAIRPERSON RILEY: Thank you. Next, I'm
19 going to call on Council Member Marmorato.
20 Sergeants, can you just check if Council Member
21 Paladino is back there and tell her that she's up
22 next, too. Council Member Marmorato?

23 COUNCIL MEMBER MARMORATO: Thank you,
24 Chair Riley. Alright, I had a whole bunch of
25 questions ready for me all listed and typed up, but

1 we're not going in that direction at all. So, I'm
2 going to try to be quick. First things first is
3 special district, City Island. Our district includes
4 City Island and the lower density growth management
5 district which was specifically designed to maintain
6 character of these unique communities and to protect
7 it against overdevelopment. Will City Island remain a
8 low-- a special district?
9

10 DIRECTOR GARODNICK: Yeah, special
11 districts remain. We're not taking any special
12 districts and taking them off the map. Special
13 districts remain.

14 COUNCIL MEMBER MARMORATO: Okay. Would
15 that also include the Metro North rezoning? Like,
16 where I've already done the rezoning in that portion
17 and this won't interfere with that specific--

18 DIRECTOR GARODNICK: [interposing] We
19 aligned-- we were very careful to align the Bronx
20 Metro North plan with this proposal to ensure that
21 there would be, you know, consistency across the
22 board.

23 COUNCIL MEMBER MARMORATO: Okay. So, you
24 know how I feel about parking. We need parking in my
25 district like Council Member Holden. It's a non-

1 starter for me. You use these gentle words, and I've
2 said this before, we're lightly going to use develop
3 housing over a 10 to 15-year span. If you're going
4 to lightly build only 100 apartments, parking
5 shouldn't be an issue and should be immediately taken
6 off the table, and we should be able to have parking
7 in our community. But if you're going to continue to
8 push the parking, then it just shows that you're
9 looking to really over-develop as much as possibly
10 can in our communities if they're bought as-of-right.
11 Does that not make sense?
12

13 DIRECTOR GARODNICK: No, I don't think
14 that's-- I don't think that's right at all. I think
15 that even if you enable or expect to enable a small
16 amount of housing in one geography or another
17 geography, we continue to believe that parking will
18 be provided where it's needed. Evidence from other
19 places shows that to be the case. Buffalo is the
20 perfect example. You may not believe it. I'm just
21 giving you the--

22 COUNCIL MEMBER MARMORATO: [interposing] I
23 don't believe it, I'm sorry.

24 DIRECTOR GARODNICK: I'm just giving you
25 the evidence on the ground that housing where it was

1
2 previously not able to be built is built. Parking
3 where it is needed is created, and so there's no sort
4 of secret agenda here--

5 COUNCIL MEMBER MARMORATO: [interposing]
6 Okay.

7 DIRECTOR GARODNICK: to actually, you
8 know.

9 COUNCIL MEMBER MARMORATO: Well, parking
10 is a necessity in my district.

11 DIRECTOR GARODNICK: So, then you
12 probably will get it with any new development, and I
13 think that's--

14 COUNCIL MEMBER MARMORATO: [interposing]
15 They won't give it--

16 DIRECTOR GARODNICK: what history shows
17 with--

18 COUNCIL MEMBER MARMORATO: [interposing]
19 because they're looking to develop the life out of my
20 community.

21 DIRECTOR GARODNICK: all the parking
22 requirements--

23 COUNCIL MEMBER MARMORATO: [interposing]
24 and they look to not put much parking--

2 DIRECTOR GARODNICK: [interposing] have
3 been lifted throughout the community.

4 COUNCIL MEMBER MARMORATO: as possible,
5 and that's just the way things go in our district.
6 People are just going to come in and do what they
7 want if it's bought as-of-right. As far as
8 infrastructure, you said that there's \$20 billion for
9 DEP infrastructure. Where's that money coming from?

10 DIRECTOR GARODNICK: If you're asking
11 where the DEP budget comes from--

12 COUNCIL MEMBER MARMORATO: [interposing]
13 Yeah, they've told me they don't really have much of
14 a budget.

15 DIRECTOR GARODNICK: Well, I believe that
16 it comes from a combination of the City's capital
17 budget and also from water rate payers, but I'm not
18 an expert on that.

19 COUNCIL MEMBER MARMORATO: Okay, so
20 that's over time that \$20 billion is going to come
21 from us, the people that are already here and living
22 in the city and our taxpaying dollars.

23 DIRECTOR GARODNICK: The City needs to
24 fund--

2 COUNCIL MEMBER MARMORATO: [interposing]
3 Right.

4 DIRECTOR GARODNICK: its own
5 infrastructure projects, if that's what you're
6 asking, yeah.

7 COUNCIL MEMBER MARMORATO: But I'm just
8 saying it's not like a federal grant or it's not
9 something coming from outside that's already there
10 set aside.

11 DIRECTOR GARODNICK: No, New York City--

12 COUNCIL MEMBER MARMORATO: [interposing]
13 Because if we're going to build in our community and
14 we're already struggling with flooding, we're not
15 going to be able to continue. My parent's house
16 alone, they bought the house in the early 2000s.
17 They built a couple of hundred of apartments right on
18 the next block in about 2006, and the last 20 years
19 all they do is flood every time it rains. Their
20 infrastructure can't handle it, so. As far as-- now,
21 Commissioner Carrión, you're in charge of Housing
22 Connect?

23 COMMISSIONER CARRIÓN: Our agency runs
24 Housing Connect.

2 COUNCIL MEMBER MARMORATO: Yes. What are
3 doing to the Bronx? Because when I go on Housing
4 Connect and I look at other places in the Bronx, it's
5 absolutely unaffordable, and that's like not
6 acceptable. I, myself, probably couldn't even live
7 in a studio apartment with my salary and what the
8 rents are.

9 COMMISSIONER CARRIÓN: So, purposes of
10 this hearing, you know, we're focused on the zoning
11 proposal.

12 COUNCIL MEMBER MARMORATO: Right. But
13 you're talking about needing to build affordable
14 housing. If it's already not affordable, what's
15 going to happen when you continue to build up the
16 Bronx?

17 COMMISSIONER CARRIÓN: Yeah, as I stated-

18 -

19 COUNCIL MEMBER MARMORATO: [interposing]
20 Yeah.

21 COMMISSIONER CARRIÓN: earlier, you know,
22 more than 90 percent of the housing that we finance
23 is for severely rent-burdened people, we're talking
24 extremely low-income, very low-income, and low-income
25 families. We continue to work on trying to deepen

1
2 affordability and for purposes of this hearing's
3 proposal this will help us to achieve deeper
4 affordability in many places around the city and
5 increase the supply of affordable housing all across
6 the city.

7 COUNCIL MEMBER MARMORATO: Okay. it's
8 just going to mean that if it's super expensive in
9 certain portions of the Bronx, you're going to try to
10 find with the rest of the land which is going to be
11 in my community because now we have to all do our
12 share of it, and my rents are going to start going
13 up, because they have been going up as it is. And
14 that's not fair.

15 CHAIRPERSON RILEY: Council Member
16 Marmorato, do you have second round questions?

17 COUNCIL MEMBER MARMORATO: I'm done. I'm
18 good. Thank you. Thank you.

19 CHAIRPERSON RILEY: Alright. Before I go
20 into Council Member Restler, I just have two follow-
21 up questions. Kind of piggyback of what Council
22 Member Marmorato stated. What maps will the
23 Administration use in determining the 100-year flood
24 plane and inland flooding, and when were these maps
25 created?

2 DIRECTOR GARODNICK: It's a good
3 technical question, and I would like the opportunity
4 to return to you with a fulsome answer if I may, Mr.
5 Chairman.

6 CHAIRPERSON RILEY: Thank you. In
7 addition to that question, the 2018 firms [sic] map
8 that sets the 100-year flood plain is already five
9 years old and outdated. What is the administration
10 proposing to do to update this map and take into
11 consideration that the actual flooding that our
12 communities are experiencing, and what maps is the
13 Administration using to determine inland flooding?
14 Are they up to date? If you don't have the
15 questions--

16 DIRECTOR GARODNICK: [interposing] I will
17 follow up with you.

18 CHAIRPERSON RILEY: Thank you. I
19 appreciate it. Council Member Restler?

20 COUNCIL MEMBER RESTLER: Thank you, Chair
21 Riley. I'm impressed by your endurance. It's going
22 to be a long couple days, but you do it all with a
23 smile. Appreciate your leadership. It's good to see
24 you guys. How you doing? Good. I don't agree with
25 Eric Adams often, quite rarely actually, but I do

1 think that he has-- this Administration has broadly
2 proposed some necessary changes to our zoning text
3 and that we need more housing, and I appreciate that
4 this is hard. It's hard for many of my colleagues
5 because there hasn't been a lot of housing production
6 in their neighborhoods in their districts, and as a
7 result, they're getting a lot of heat, and I
8 sympathize with it. I can say as the Council Member
9 in the 33rd District, we've generated, I believe,
10 more housing starts than any other council district
11 in the City over the last 15 or so years. And you
12 know, you graciously, Chair Garodnick, kind of gave
13 the data by community district. I'll say it by
14 council district. You know, five of the council
15 districts have built 33 percent of the housing over
16 the previous decade. Ten of the council districts
17 have built 54 percent of the housing over the
18 previous decade. That's not equitable, right? And
19 I'm super happy for us to continue to generate a
20 whole lot of housing in District 33. We've got 20-
21 something train stations in our district. We can
22 handle it, but it's important for every neighborhood
23 and every community to do its part as well and to add
24 to the mix. So, there are a couple of just topics
25

1 I'd like to ask about I think briefly. The first is
2 around parking, and parking minimums. And you know
3 you've noted Chair Garodnick that this is a critical
4 kind of component of the broader proposal. My
5 understanding is that we're talking about if City of
6 Yes were to-- you know, its most maximal kind of
7 ambitious goals would accomplish about 100,000 units
8 of housing over the next 15 years, is that right?

10 DIRECTOR GARODNICK: That's right.

11 COUNCIL MEMBER RESTLER: So, that's about
12 131 units of housing in every council district for 15
13 years?

14 DIRECTOR GARODNICK: I'll accept your
15 math.

16 COUNCIL MEMBER RESTLER: Good. It's not
17 that much housing. So I just want to say to everybody
18 who's freaking and to your point to some of my
19 earlier colleague's questions about infrastructure
20 concerns, we're talking about a pretty modest amount
21 of housing citywide over a 15-year period, 131-- I
22 can tell you if you come to District 33, I think
23 there are at least 15 different projects happening
24 right now that are bigger than 131 units of housing
25 in our-- that are under construction as we speak.

1 But I want to come back to parking minimum. I'm
2 sorry, I tangented [sic] a little bit there. Out of
3 the 100,000 units of housing, if we were to eliminate
4 the parking minimum proposals altogether, can you
5 estimate how dramatic a drop that would mean to
6 housing production in the City of Yes plan?
7

8 DIRECTOR GARODNICK: Well, it-- the
9 elimination of parking minimums as a general matter
10 is really important because it's in conflict with
11 housing production generally, but it's also critical
12 for effectuating component parts of this proposal
13 like accessory dwelling unit with a parking minimum
14 does not work. Transit-oriented development with
15 parking minimum does not work. Town center with
16 parking minimum does not work. So, it's quite
17 important. I don't have a specific number for you,
18 but we'll note that it is-- it's critical for us to
19 effectuate various component parts of this which is
20 one of the reasons why we encourage the council to
21 keep it generally, and also to keep it in as part of
22 these sub-proposals here for City of Yes for Housing-

23 -

24 COUNCIL MEMBER RESTLER: [interposing] I
25 couldn't agree with you more. Look, I thought that

1 the way that this parking minimums were-- the
2 elimination of parking mandates was incorporated into
3 ZQA was sensible. It's in transit-rich areas that we
4 don't need to be building as much parking. Council
5 Member Lee has zero train stations, subway stations
6 in her district. I've got 20-something. It
7 shouldn't be one-size-fits-all. I'm not saying that
8 what works in District 33 applies for Council Member
9 Lee. That got Selvena excited. Our Majority Whip
10 likes my comment. But for the transit-rich portions
11 of our city, we should not-- we should be eliminating
12 parking minimums altogether. We should have done it
13 yesterday. And we fight with every developer that
14 comes in who wants to do a ULURP in District 33 and
15 say if you don't submit a parking waiver, I'm not
16 approving your project, and we've had to actually
17 delay projects to get those parking waivers
18 incorporated, because we've been building hundreds of
19 units of new housing, thousands of units of new
20 housing without additional parking spot. So, I was
21 just interested, you know, in Buffalo that you'd
22 mentioned a moment ago, Chair Garodnick. Our review
23 of the data found that 47 percent of large new
24 buildings in Buffalo built less parking after parking
25

1 mandates were removed. Do you anticipate a similar
2 kind of shift in New York City? Is there any way to
3 estimate this review, you know, of where we would be
4 going if we were to remove these parking mandates?
5

6 DIRECTOR GARODNICK: Well, most
7 importantly, the Buffalo situation shows that by
8 eliminating the mandate, you get housing which you
9 wouldn't have otherwise gotten. And it also shows
10 that it is provided at some level where it is needed.
11 To your point about less parking, yes, you might see
12 less parking particularly in places which have some
13 proximity to transit. That is what naturally happens
14 here. We've seen it in Buffalo. We've seen it in
15 other parts of the country. We believe the same
16 would be true here in New York City.

17 COUNCIL MEMBER RESTLER: And the last
18 question I'll ask--

19 CHAIRPERSON RILEY: [interposing] Council-

20 -

21 COUNCIL MEMBER RESTLER: if that's okay.

22 CHAIRPERSON RILEY: You have one more
23 question?

24 COUNCIL MEMBER RESTLER: One more
25 question.

2 CHAIRPERSON RILEY: Alright, go ahead.

3 COUNCIL MEMBER RESTLER: My colleagues
4 and I, especially thanks to the leadership of our
5 Housing and Buildings Chair Pierina Sanchez, have
6 been pushing hard that this shouldn't just be a
7 conversation about supply, but also about
8 affordability. And then as a part of any City of Yes
9 package, we should be making new, deep investment in
10 truly affordable housing, strengthening tenant
11 protections. Do you both agree that that would be
12 helpful for a final solution on City of Yes, that
13 that would make this an even better more successful
14 package for the Council to adopt?

15 DIRECTOR GARODNICK: In short, you know,
16 it's-- and I included in my presentation. Zoning is
17 a tool. It's not the only tool. We recognize that
18 there are a lot of separate component parts which
19 make for tenant protections and investment in the
20 most affordable housing. So, yes, we are open to
21 this conversation. As part of this proposal, we're
22 open to this conversation always. We think it's
23 really important.

24 CHAIRPERSON RILEY: Thank you, Council
25 Member Restler. We're going to go into second round

1 right now. We're going to begin with Majority Whip
2 Brooks-Powers followed by Council Member Narcisse.

3
4 COUNCIL MEMBER BROOKS-POWERS: Hi, it's
5 me again. Chair, you mentioned earlier that in your
6 review of the ULURP actions, only one percent would
7 have been removed from the council's jurisdiction, is
8 that correct?

9 DIRECTOR GARODNICK: Only one-- less than
10 one percent--

11 COUNCIL MEMBER BROOKS-POWERS:
12 [interposing] Less than, okay.

13 DIRECTOR GARODNICK: of the total ULURPs
14 would not have to come for a ULURP if City of Yes is
15 passed.

16 COUNCIL MEMBER BROOKS-POWERS: And while
17 that may seem small, it could be one that has a
18 significant impact. So, in that one percent, are
19 those the larger projects?

20 DIRECTOR GARODNICK: It was only a couple
21 of projects. It was very small. This was not a--
22 this was-- we can come back to you on precisely which
23 actions--

24 COUNCIL MEMBER BROOKS-POWERS:
25 [interposing] It would be good to be aware.

2 DIRECTOR GARODNICK: but most importantly,
3 you know, 99+ percent of ULURPs that needed to come
4 through would still need to come through the Council.
5 And that includes all of them over the past 10 years.
6 So to me, that is not a meaningful reduction of the
7 council's power. That's pretty much--

8 COUNCIL MEMBER BROOKS-POWERS:

9 [interposing] No, I--

10 DIRECTOR GARODNICK: [interposing] That's
11 pretty much a wash as far as I'm--

12 COUNCIL MEMBER BROOKS-POWERS:

13 [interposing] So, I think we should get clarity,
14 because even like today I noticed in your testimony
15 about the conversions of the office space, which I've
16 told you I'm in support of, that was based on our
17 conversations of office space. Today, I noticed you
18 included schools. That was never ever said before
19 publicly, not to me at least, and I've always read it
20 to be something else. But I also wanted to
21 understand when you talked about the district fixes,
22 what has led to less housing from your vantage point
23 being created, and how will this change now generate
24 the housing? Because you said before like, based on
25 the current zoning, more housing could have been

1 built, yet it wasn't built. So want to understand
2 that and also I'd like you to explain how we preserve
3 the landmark buildings. Because if we're looking to
4 create housing, making sure that we're not losing
5 landmarks in the City of New York.

7 DIRECTOR GARODNICK: Great. Thank you.

8 First of all, as it relates to office to residential
9 conversion, notably office to residential has
10 occupied a lot of public attention because it feels
11 to meet the moment. Nineteen percent vacancy rate in
12 office buildings, 1.41 percent vacancy rate in
13 housing, you know, people rightly make the
14 connection, including this council when it passed a
15 law to create a taskforce to study this issue. But
16 as part of this proposal, we also wanted to include
17 other types of buildings to be eligible. So long as
18 they are in a zone or residential is allowed, we
19 thought that a faith-based organizations with a, you
20 know, a school building that they were not using
21 anymore or a convent or anybody else with
22 underutilized space that could be converted--

23 COUNCIL MEMBER BROOKS-POWERS:

24 [interposing] Would that go through ULURP still?

25 DIRECTOR GARODNICK: That-- that would--

2 COUNCIL MEMBER BROOKS-POWERS:

3 [interposing] Is that the one percent? Is that the
4 less than one percent?

5 DIRECTOR GARODNICK: No, no, that-- no.
6 That would not, but that was not something that would
7 have been eligible before. It was totally outside of
8 our adaptive reuse rules. So, we'll come back to you
9 as to what the 0.8 of one percent was in that
10 category, but in this situation we wanted to enable
11 more buildings to have the opportunity if residential
12 was allowed.

13 COUNCIL MEMBER BROOKS-POWERS: So,
14 because it's new then it wouldn't even go through a
15 ULURP, because this is a new thing.

16 DIRECTOR GARODNICK: That's right, this is
17 new. As per district fixes, what we have found is
18 that in our existing zoning, buildings are being
19 smaller than what the zoning otherwise allowed. So
20 in multi-family-- low-density, multi-family districts
21 you're getting two-family homes or one-family homes.
22 In two-family districts, you're getting single-family
23 homes. And they are largely as a result of
24 additional rules that we have layered upon, whether
25 it's a rear-yard requirement or it's a parking

1 requirement, some circumstances, or it's the front
2 yard requirement or the side yard. There's all sorts
3 of rules that we have layered on that make it
4 functionally impossible to build a multi-family
5 building in a multi-family district, and a two-family
6 home in a two-family district.

8 COUNCIL MEMBER BROOKS-POWERS: I'm sorry,
9 I just have two more quick questions.

10 DIRECTOR GARODNICK: Anyway, that's what
11 we're trying to do. So in answer to your question,
12 that's what we're trying to do.

13 COUNCIL MEMBER BROOKS-POWERS: Thank you.

14 DIRECTOR GARODNICK: You want me to deal
15 with landmarks?

16 COUNCIL MEMBER BROOKS-POWERS: You can
17 answer it, but let me ask these last two questions--

18 DIRECTOR GARODNICK: [interposing] Okay,
19 alright. Go ahead. Sneak it in, and I'll answer
20 them both. Go ahead.

21 COUNCIL MEMBER BROOKS-POWERS: So, for
22 the transit-oriented development, it encourages
23 development near transit hubs, but many residents in
24 southeast Queens still depend on cars because of how
25 long the commutes are. For example, Mott Avenue to

1 downtown Manhattan would be well over an hour,
2 probably an hour and a half commute. The Long Island
3 Railroad to Midtown from Far Rockaway is a solid hour
4 when it's functioning. So how does the
5 Administration differentiate between transit-rich and
6 transit-poor communities when envisioning the needs
7 of transit-oriented development, particularly the
8 communities that may have access to subway or rail,
9 but still needs their car to kind of cut down on that
10 time, as well as just having reliability of access as
11 well? I'm sure you know that we're going to be
12 without a A Train for about 18 weeks in Rockaway.
13 So, you know, wanting to understand what lens you're
14 looking at it, because again, like I said before,
15 these communities are very different. We're the
16 furthest point out in terms of New York City, and so
17 the way we move about New York City is very different
18 and should be nuanced. So, if you could answer the
19 question earlier but also include an answer to this,
20 I would appreciate it.

22 DIRECTOR GARODNICK: You bet. I'll do
23 them both. First, on how to preserve landmarks. The
24 first on that, you know, by enabling more flexibility
25 for landmarks to be able to transfer their own air

1 rights, we are giving them an opportunity which is
2 functionally not available to them today. When we
3 created a landmarks law in New York City and said,
4 okay, if we're going to lock you in as a landmark,
5 we're going to give you the flexibility to sell off
6 the air rights which we're trapping you with on your
7 site. But at the same time, we created a special
8 permit process which was so difficult to effectuate
9 that we've only seen about 15 of them over the last
10 50 years. So we are going to make it easier for
11 landmarks to be able to transfer those air rights a
12 little bit more freely in the immediate vicinity and
13 at the next intersection to give them a chance to be
14 able to do what we wanted the landmarks to do in the
15 first instance. As it relates to transit-oriented
16 development, transit-oriented development, you are
17 right to note that access to subway, access to
18 regional rail, the specific schedule for regional
19 rail, the need in some cases to drive to regional
20 rail are all factors in accessibility for any New
21 Yorker. We decided to define this proposal as a half
22 mile of either, recognizing that there are
23 differences, but we thought that this was a sensible
24 way for us to define the opportunity and, you know,
25

1
2 that's a generally accepted principle of half mile
3 from transit as a place which can make it transit-
4 oriented, but understand your point very clearly
5 that, you know, there are differences there. In some
6 cases, it might still take you an hour, hour and a
7 half, to access downtown Manhattan or whatever, but
8 that's how we-- that's how we did it.

9 COUNCIL MEMBER BROOKS-POWERS: And we're a
10 real life example, right, because there's been
11 significant development near the Mott Avenue A Train
12 Station with Far Rockaway Village and Beach 21st
13 housing that came up and has people there now, and
14 they still have cars, right? I think the policy of
15 trying will away cars from communities-- when you
16 look on a subway map at the Parsons and Archer when
17 you look east, there's no subway, right? So, this is
18 just a reality that should not be overlooked. So, as
19 like land-- I think Council Member Schulman mentioned
20 earlier, when we look at New York City policy, we
21 don't want to continue to push forward policy that's
22 going to further disenfranchise communities. Robert
23 Moses did enough of that. We want to make sure that
24 the policy is meeting the need of housing which we
25 recognize and agree, but we also need to make sure

1 that we're taking into account these historically
2 over-looked, under-resourced communities and looking
3 through that lens so that we are doing sound policy,
4 yet still achieving the goal. Because I am committed
5 to wanting to achieve that goal. I think my district
6 has done a lot, though, but I'm trying to get there,
7 but we can't, like, ignore those challenges. And I
8 just want to thank the Chair for the time.

10 CHAIRPERSON RILEY: Thank you. Council
11 Member Narcisse?

12 COUNCIL MEMBER NARCISSE: Thank you. And
13 I want to say thank you again. I'm a realist. I'm
14 very practical. I know that we are in a crisis, but
15 for the coastal flood areas, for those that water's
16 coming from all aspects-- sometimes you have a home.
17 I have visited places where the whole basement sank
18 in. We have streets sinking in. We have flood.
19 Like I said before, very graphic. I hate to be like
20 that. But people suffering, especially Bergen Beach
21 area, Canarsie area. So now, having said all that, I
22 know it's a little increase is increment in kind of
23 small sizes. Like, we all going to get a little bit,
24 but we are at the fork where just like I have a glass
25 full of water, and then you said I put a drop. It

1 spill a little bit, and then I can put another drop
2 knowing that it's going to spill. So, now before it
3 spill, what can we do actually? Like, I wanted--
4 because we talking about government of the people by
5 the people. For the people. So people are crying to
6 me to bring solution to their problem, and I'm
7 sitting here. I know we in a crisis, we have to
8 build. And what do I say to my community right now
9 that they're scared? I know we run over and over. I
10 the different workshops, seminar, did everything that
11 I could, but they're afraid right now for their
12 infrastructure. It's sinking in. So where is the
13 government? What can I do, because every problem
14 have a solution? Now, I don't have the solution and
15 now they getting to me now telling me that how could
16 I be sitting in full-face, in clear-face, in all
17 aspects to sit there and then want to be part of the
18 City of Yes. So, can you help me with that?

20 DIRECTOR GARODNICK: Well, I certainly
21 understand the question which is you have a crippling
22 problem, as you describe it, on homes sinking or
23 problems in entire communities where people are
24 concerned about flooding, storm water, and this is a
25 serious issue that you're describing, and I

1 understand it and I recognize it, and I also will
2 just say that while we cannot solve that problem in
3 the zoning text, the problem also is neither going to
4 be created by the zoning text nor made materially
5 worse by the zoning text. That may not make it
6 easier for you to report back to your constituents,
7 but I would say to you is we've studied this issue
8 with the Department of Environmental Protection.
9 They believe that this can be accommodated under
10 existing systems and their existing capital plans,
11 which by the way, as we sit here may very well
12 include some of the areas that you're describing. I
13 do not know. We can look at that together after the
14 hearing as to what their plans are to alleviate
15 flooding in your district. But this zoning text is
16 not the thing that is either going to create the
17 problem or fix the problem. We need to have a
18 separate and important conversation about how the
19 City is going to deal with flooding across the board,
20 and I completely understand your point. But there's
21 one-- we have another crisis on our hands which is
22 the housing crisis. We also need the--

24 COUNCIL MEMBER NARCISSE: [interposing] I

25 know.

1 DIRECTOR GARODNICK: We need to deal with
2 both issues at the same time.

3 COUNCIL MEMBER NARCISSE: Okay. How will
4 property values and property tax be impacted
5 specifically for ADUs, or will adding an ADU increase
6 or decrease your assessed property value? Somewhere
7 I read that it's going to increase slightly. Can you
8 define slightly for me in that?
9

10 DIRECTOR GARODNICK: so, here's what I
11 can tell you. We've talked to our partner agencies
12 about this and what the right to an ADU would do and
13 an actual ADU would do. Obviously, nobody is
14 required to add an ADU unless they see it something
15 that is advantageous to them as a homeowner and they
16 see it as something that will benefit them. To the
17 extent that somebody does add an ADU, that might
18 increase their assessed value by a level that I
19 cannot sit here and tell you specially how much that
20 would be. I would expect that it would change across
21 various neighborhoods of New York City, but that
22 could increase your assessed valuation, but that
23 would be a calculation for a homeowner to make when
24 deciding whether or not it makes sense for them to
25 actually add and ADU. So that's an important point,

1 but one that will be part of the calculus for any one
2 homeowner.
3

4 COUNCIL MEMBER NARCISSE: Thank you. And
5 how does the Administration plan on balancing with a
6 clear plan on protecting homeownership or even
7 creating new possibility for homeownership in this
8 plan? Is that somewhere in there?

9 DIRECTOR GARODNICK: Well, by adding
10 opportunities, by adding opportunities through modest
11 apartment buildings, those are very well suited for
12 homeownership. We are going to clear out some of the
13 rules that conflict in zoning relative to our won
14 city affordable homeownership programs. We're going
15 to try to re-legalize here two-family homes which
16 have become extremely difficult even in two-family
17 districts. And of course, to the point about ADUs,
18 if you are a home buyer and you have the opportunity
19 to add an ADU, that might actually help you generate
20 sufficient revenue to be able to afford the home in
21 the first instance. So, it is also an opportunity
22 for you if you want to get a foot in the door to be a
23 homeowner. So there's a lot of ways in which this
24 program actually expands the pie to allow for more
25

2 opportunities for homeownership, and so we hope it
3 has your support [sic].

4 COUNCIL MEMBER NARCISSE: For the flood
5 issue, we're going to have to talk because I need a
6 solution to that problem. Thank you so much. Thank
7 you, Chair. Thank you.

8 CHAIRPERSON RILEY: Do you fellas want a
9 break? We have about six more question-- members.
10 Five minutes? Alright, let's take a five-minute
11 break everyone.

12 [break]

13 CHAIRPERSON RILEY: Okay, are we ready?
14 [gavel] almost done. We're almost done everyone.
15 Alright, so we're going to continue with the second
16 round of questions. We're going to begin with
17 Council Member Dinowitz, then Marte, then Holden.

18 COUNCIL MEMBER DINOWITZ: Thank you,
19 Chair. I want to go back to this idea of the certain
20 Community Boards producing most of the housing. In
21 your analysis, does the City of Yes, would it change
22 the proportionality of the Community Boards or
23 Council Districts that produce housing?

24 DIRECTOR GARODNICK: Yes.
25

2 COUNCIL MEMBER DINOWITZ: And to what
3 extent?

4 DIRECTOR GARODNICK: Well, it would
5 enable housing to be created in places where it is
6 heretofore not possible. So, by opening up the
7 possibility of a town center or a transit-oriented
8 development, or even an accessory dwelling unit in a
9 low-density area, you have the ability to add some
10 amount of units in those neighborhoods that today are
11 functionally closed off. Similarly, in higher income
12 or amenity-rich neighborhoods which have not seen as
13 much development of affordable housing, the universal
14 affordability preference would open the door and even
15 that out and allow for more affordable housing in all
16 medium and high-density areas, not just in 13 percent
17 of them which is currently the dynamic. So, it would
18 create a better proportion and better division of
19 housing across the city.

20 COUNCIL MEMBER DINOWITZ: So, I would
21 think that since it's allowing a little more housing
22 everywhere, the argument has been it's just a little
23 more in each neighborhood, that it wouldn't
24 disproportionately affect any one neighborhood, but
25 it sounds now that you are saying it would sort of--

1 I mean, to put it one way, even out which
2 neighborhoods are producing housing. And it also
3 sounds like you're saying proportionately, right,
4 obviously not in the aggregate, but proportionately
5 the lower income neighborhoods would be providing
6 more than they otherwise would have compared to the
7 higher density neighborhoods? I mean, if you're
8 asking-- if you're starting at zero when you move to
9 like 10 units, does that have a higher--

11 DIRECTOR GARODNICK: [interposing] Yeah.

12 COUNCIL MEMBER DINOWITZ: percentage
13 increase? Yes?

14 DIRECTOR GARODNICK: But it's still not a
15 lot of housing in the-- in any one neighborhood and
16 deliberately, because we did not want to create the
17 sort of impacts that we know that neighborhoods are
18 frequently concerned about, and also we did not want
19 to prompt drastic changes here, we wanted to have
20 more modest changes in neighborhoods.

21 COUNCIL MEMBER DINOWITZ: Okay. Thank
22 you. I do want to mention parking, and I, you know,
23 always bring this up when it comes to-- you know,
24 when you're-- Commissioner, when you're testifying
25 about development that in my district, for example,

1
2 for me to get to the other side of my district from
3 my house to let's say the Wakefield Library is an
4 hour and a half by public transit. And it's an hour
5 and 20 minutes to City Hall by public transit. In
6 other words, for me to travel within my borough
7 within my own district takes longer than it does for
8 me to get to Manhattan. But that's also the story
9 for a number of people in the Bronx where the number
10 one employer is Montefiore, right. You know this.
11 So people in my district are going across to
12 Einstein, that's-- you know, it takes an hour and a
13 half. Again, quicker for them to get to Manhattan.
14 For us in the Bronx, the Manhattan-- Manhattan's not
15 the center of the universe, and I just-- I want to
16 mention that because eliminating parking minimums
17 across the board without recognizing that places like
18 the Bronx, in many cases, people need cars to get to
19 work or get their kids to school. It's-- that is the
20 way life is in the Bronx because of the existing
21 infrastructure. Are there efforts by the City to
22 create municipal lots in recognition that perhaps
23 parking minimums may go away. In many cases, they
24 don't exist anymore for a number of the new as-of-
25 right developments, and other effort to be made to

1 clean up some of the streets, for instance, with the
2 illegal car washes that are taking up parking spaces,
3 a number of abandoned vehicles and trucks that are
4 taking up parking spaces. I haven't seen any of
5 that, any evidence of that, but what efforts are you
6 making in conjunction with your partners in the
7 Administration to provide more parking knowing that
8 you're also pushing for the end of parking minimums
9 in housing?
10

11 DIRECTOR GARODNICK: Thank you for the
12 question. Well, when we're talking about eliminating
13 it across the board, as you say, without recognizing
14 the people that need cars, we do recognize that
15 people need cars in some areas, and that's important
16 because we're not capping parking. We're not saying
17 you cannot go beyond a certain level on providing
18 parking in a new building. What we're saying is if
19 you have parking in your building, keep it. If you
20 want parking in your new building, that's-- go ahead
21 and add it. You can add it up to the max, and if you
22 don't want it, that is okay, too. but the across the
23 board dynamic is most prevalent when we're looking at
24 our zoning resolution looking at a district in the
25 Bronx at an R6 versus a district in Queens or

1
2 Brooklyn at an R6 and the parking requirements and
3 needs for those districts may be completely
4 different, but we are actually mandating the same
5 amount. So what we want to do here is to enable that
6 level of flexibility, recognizing that in some areas
7 you really should probably provide some parking in
8 that development, and that's what we have seen in
9 areas that have done exactly what we are proposing to
10 do.

11 COUNCIL MEMBER DINOWITZ: thank you. I
12 do just want to point out that word 'you,' and I--
13 you're not talking about any of the Council Members
14 with Community Boards. You're talking about the
15 developers, and I just want to highlight again we are
16 not-- I'm not a developer. None of my colleagues to
17 my knowledge are developers. None of my Community
18 Boards are developers. So, when you say you are
19 providing parking or not providing parking, it's
20 really the choice of the developer in this case, and
21 in this case giving more authority to the developer
22 to choose what is right for the community, not-- and
23 not giving the community any voice. It sounds like
24 from some of the answers there doesn't sound like
25 there's any effort to make room to differentiate

1 between communities to give the people in the
2 community or the council-- the people who-- you know,
3 us who represent our communities any sort of leeway
4 or authority in determining what parking exists.
5 It's all going into the hands of developers. I mean,
6 but that's what I'm hearing, that there isn't going
7 to be--

8
9 DIRECTOR GARODNICK: [interposing] I
10 understand.

11 COUNCIL MEMBER DINOWITZ: any leeway.
12 Yea.

13 DIRECTOR GARODNICK: Thank you. the
14 short answer here is that we believe based on the
15 research we have done and what has happened in other
16 cities that-- and yes, we are talking about the
17 people who are investing in and building the building
18 pursuant to our own rules, that they make the
19 decisions that are consistent with the needs of that
20 area. So, if they are in a place which is nowhere
21 near mass transit, they're providing parking and need
22 to provide parking or else their building is not
23 marketable, and that's what we're seeing and that's
24 what we would expect here. We don't think New York
25 City is any different in that regard.

2 COUNCIL MEMBER DINOWITZ: Okay. And
3 there was an answer to my question of investing in
4 municipal lots which member of my community are
5 asking for, and efforts by the Administration to
6 clean up existing parking that's being taken up by
7 totaled cars, abandoned cars--

8 DIRECTOR GARODNICK: [interposing] Well,
9 yes, you raise--

10 COUNCIL MEMBER DINOWITZ: and car washes.

11 DIRECTOR GARODNICK: You raise a number
12 of issues that I can't quite answer as it relates--

13 COUNCIL MEMBER DINOWITZ: [interposing]
14 Okay.

15 DIRECTOR GARODNICK: to municipal laws or
16 illegal car washes or abandoned vehicles, but we will
17 take that back and see if we can follow up with you.

18 COUNCIL MEMBER DINOWITZ: Thank you. And
19 if you can share-- I'm not sure if it was on your
20 website, but if you could share that data of your
21 analysis of how the proportionality of who's
22 producing the housing would change? I didn't see it
23 on your website. It might be there, but either way
24 if you could share that.

2 DIRECTOR GARODNICK: We'll see what we
3 can get to you. But it is important to note if you
4 go from zero to 10--

5 COUNCIL MEMBER DINOWITZ: [interposing]
6 yes.

7 DIRECTOR GARODNICK: it's different from
8 when you go from 300 to 310. And so that is the sort
9 of thing and that's why you will see in lower density
10 areas what feels like a higher percentage increase,
11 because if you're not doing anything, and of course
12 any number is bigger than zero.

13 COUNCIL MEMBER DINOWITZ: And I
14 appreciate the work you've done in your efforts to
15 produce more housing and your commitment to it.
16 Thank you both very much. Thank you, Chair Riley.

17 CHAIRPERSON RILEY: Thank you, Council
18 Member Dinowitz. Council Member Marte followed by
19 Holden, then Ariola, Lee, and Joseph.

20 COUNCIL MEMBER MARTE: Correction,
21 Manhattan is the center of the universe.

22 DIRECTOR GARODNICK: Such a Manhattan
23 thing to say.

24 COUNCIL MEMBER MARTE: I'm supportive of
25 the expansion of transfer of air rights for landmark.

1
2 However, when you have areas like in my district that
3 already have been over-developed, are there any
4 opportunities within the scope of this text amendment
5 that we can explore? Other options whether it's a
6 geographic range to transfer the air rights, or
7 another method so some landmarks might have that
8 opportunity to tap into that additional funding?

9 DIRECTOR GARODNICK: Well, we do put a
10 geographic range for the landmark transfer. It's--

11 COUNCIL MEMBER MARTE: [interposing] But--

12 DIRECTOR GARODNICK: [interposing] Are you
13 talking about even broader?

14 COUNCIL MEMBER MARTE: If we can do--
15 like, one of the ideas we have was, you know, maybe
16 expand it to a one-mile range or a 0.8 mile, yeah.

17 DIRECTOR GARODNICK: Okay. So, that
18 would-- we should talk about the opportunities for
19 landmarks and what that might look like. That would
20 be beyond the scope of what we can do here, but we
21 understand why you're saying it. You're saying it
22 for the same reason that we are trying to open the
23 door for landmarks, too, which is-- landmarks are
24 trapped. They don't have the opportunity to
25 transfer their air rights today. Only 15 special

1 permits in 50 years. We want to open the door. So,
2 yes, we certainly agree in principle, but let-- I
3 would suggest let us approve this. Let us see if we
4 can get some relief for landmarks even as we are
5 proposing it here, and then take a look and see
6 whether that actually solves some of the problems
7 that we're looking to solve.

9 COUNCIL MEMBER MARTE: Okay. my district
10 is one of the few districts-- there might be just two
11 council districts-- that have G [sic] districts, and
12 allowing conversion from commercial space to
13 residential, you're pretty much eliminating the G
14 districts, and they're really crucial for the economy
15 of something like Chinatown, right, where you have
16 kind of these light manufacturing warehouses that
17 contribute to the local economy and workforce. And
18 so, you know, I think it will be great to understand
19 what you expect to happen in those areas, like how do
20 you replace those jobs, or you're just making them
21 all transfer convert to housing. It'll be better to
22 know the details of what you expect coming out of
23 this plan for G districts.

24 DIRECTOR GARODNICK: What I would suggest
25 is that we come back with a more specific

1 conversation about potential impacts on G districts.

2 I know that is a specific issues to yours and you

3 said one other district. Yeah, we'd like to-- let us

4 follow up with you about potential issues there.

5 COUNCIL MEMBER MARTE: And then, you know,

6 City of Yes, in general when it comes to converging.

7 You're trying to uniform it throughout the City.

8 However, in SoHo/NoHo many of the residents have to

9 pay a fee, an extra tax, \$100 square foot. No other

10 place in the city has to pay that fee. Would it be

11 possible under this text amendment to eliminate that

12 fee, because it does feel like it is discriminatory

13 to people who live in a specific geography?

14 DIRECTOR GARODNICK: Right, well, I don't

15 think it's fair to call it discriminatory. That was

16 a very specifically negotiated point in a

17 neighborhood-wide rezoning that predates me and you

18 in our current roles. But I understand the point

19 that you are making. And it was designed to create a

20 path for conversion for residents who didn't

21 otherwise qualify. So, the short answer is no, it is

22 not in scope for us to add to this proposal, but I

23 certainly understand why you made the point. I don't

24 think it's discriminatory. I think it was a

1
2 carefully negotiated term of that neighborhood plan,
3 but I think we should continue to talk about impacts
4 here.

5 COUNCIL MEMBER MARTE: Yeah, and I--
6 finally, I just want to thank you for being here the
7 whole time, you know. I'm one-- I think I'm one of
8 the few Council Members that is supportive of
9 eliminating parking mandates, and so I do think there
10 are some positive parts of this application. I just
11 hope we can make some changes before we go over the
12 finish line. Thank you.

13 DIRECTOR GARODNICK: Thank you, Council
14 Member. I'll be honest with you, I did not expect
15 you to accept every line. So, I'm sure that will be--
16 - I'm sure that will be expected. Thank you.

17 CHAIRPERSON RILEY: Thank you, Council
18 Member Marte. Council Member Holden followed by
19 Ariola.

20 COUNCIL MEMBER HOLDEN: Thank you. And
21 now for something completely different. Would you be
22 willing, Chair, to give to the Council all
23 communications between DCP and the outside special
24 interest groups?
25

2 DIRECTOR GARODNICK: You're going to have
3 to be a little more specific about your question and
4 what is--

5 COUNCIL MEMBER HOLDEN: [interposing]
6 well, again, I'm suspicious--

7 DIRECTOR GARODNICK: [interposing]
8 [inaudible] we talk to-- we talk to a lot of people
9 all the time. It sounds like a pretty significant--

10 COUNCIL MEMBER HOLDEN: [interposing]
11 Well, I'd like to know--

12 DIRECTOR GARODNICK: burden that you're
13 asking to impose upon me, but go ahead, impose your
14 question.

15 COUNCIL MEMBER HOLDEN: I'm asking you
16 would you be transparent as to where this came from,
17 who you spoke to, what--

18 DIRECTOR GARODNICK: [interposing] Yeah.

19 COUNCIL MEMBER HOLDEN: it almost looks
20 to me that this is a developer's dream and a
21 neighborhood nightmare, especially for Queens. But
22 let me get into some-- and I'll just ask if you are
23 willing to turn over information as to how this came
24 about?

2 DIRECTOR GARODNICK: I'm willing to tell
3 you right here in a public forum exactly how this
4 came about--

5 COUNCIL MEMBER HOLDEN: [interposing] No,
6 no, I want--

7 DIRECTOR GARODNICK: [interposing] Oh, you
8 don't want to hear it here?

9 COUNCIL MEMBER HOLDEN: I want records.

10 DIRECTOR GARODNICK: You don't want to
11 hear how it came to be in a live--

12 COUNCIL MEMBER HOLDEN: [interposing]
13 Well, I have some more--

14 DIRECTOR GARODNICK: [interposing] forum?
15 You'd rather--

16 COUNCIL MEMBER HOLDEN: [interposing] I
17 have some more questions.

18 DIRECTOR GARODNICK: Alright, well carry
19 on.

20 COUNCIL MEMBER HOLDEN: You could add
21 that at the end. But are you willing to turn over--

22 DIRECTOR GARODNICK: [interposing]
23 Alright, I'm prepared to answer you right now--

24 COUNCIL MEMBER HOLDEN: [interposing]
25 Okay, because--

2 DIRECTOR GARODNICK: in a public forum how
3 this thing came to be after four years of engagement,
4 a city fair housing plan, an opportunity to open the
5 door in neighborhoods--

6 COUNCIL MEMBER HOLDEN: [interposing]
7 Alright, alright, before you filibuster, because I'm
8 running out of time.

9 DIRECTOR GARODNICK: around the City.
10 This has been in the works for very long.

11 COUNCIL MEMBER HOLDEN: Yeah, you can get
12 on the soap box but it doesn't help, and what's going
13 on in this City right now in this Administration,
14 alright. According to public findings by the
15 apartment search website, Rent Café-- this is a
16 recent article. New construction is set to reach
17 historic national numbers this year, and the New York
18 metro area is leading the country for the third
19 consecutive year in terms of new apartments set to be
20 completed in 2024. That's contrary to what you told
21 us. Nationally, roughly 518,000 new apartments have
22 been built, and 33,000 of those are in New York City,
23 and there's almost 10,000 in Brooklyn, 3,000-- about
24 3,000 in Manhattan, and over 1,232 in Queens. So
25 they're estimating 150,000 apartments are on track to

1 be finished by 2028 in New York City without the City
2 of Yes, without doing what you're doing. So, my
3 question is, are your number skewed, what you showed
4 us? You said that we're like down in the middle of
5 the pack in cities that have constructed new housing.

6
7 DIRECTOR GARODNICK: so, what you saw
8 there was a historic review of what New York City has
9 done relative to other places, and you are correct to
10 say that there are a certain number of units of
11 housing that will be produced even if City of Yes did
12 not exist, even if we had not produced any proposal--

13 COUNCIL MEMBER HOLDEN: [interposing]
14 We're leading the nation.

15 DIRECTOR GARODNICK: But that-- I'm
16 sorry?

17 COUNCIL MEMBER HOLDEN: This article says
18 we're leading the nation.

19 DIRECTOR GARODNICK: Okay, alright. So,
20 let-- I haven't seen the article. Even if you
21 accepted that--

22 CHAIRPERSON RILEY: [interposing] If I may
23 interject? If we could ask the question and allow
24 time to answer the question so we got some decorum in
25 here.

2 DIRECTOR GARODNICK: Okay. I'll pause
3 for a second and I'll let the question come out.

4 CHAIRPERSON RILEY: Thank you.

5 COUNCIL MEMBER HOLDEN: You finished?

6 DIRECTOR GARODNICK: No, I just wanted to
7 make-- I was trying to be respectful of the Chairs.
8 Is this my turn or the Council Member? So the short
9 answer is, even if the City were to produce some
10 number of housing units which of course we expect
11 that it would naturally is what has happened, what
12 you saw on our slides and what you saw through our
13 environmental review is the incremental additional of
14 what we expect this proposal would deliver and that's
15 where you see the 58,000 to 108,000 additional units
16 over 15 years.

17 COUNCIL MEMBER HOLDEN: Yeah.

18 DIRECTOR GARODNICK: So there's nothing
19 inconsistent about that, and there's-- and the facts
20 that you see on the slide were about historical
21 production between New York City and other places.

22 COUNCIL MEMBER HOLDEN: but we are doing
23 a great job in building new housing in New York City.
24 We're not like in the middle of the pack. But let
25 me-- anybody with eyes can look around what happened

1 to Long Island City in the last decade. Downtown
2 Brooklyn has tremendous amount of new construction.
3 Flushing, Bronx, Williamsburg, Greenpoint, I can go
4 on and on. There's a tremendous amount. There's
5 entire areas that have been transformed. So, to say
6 that we haven't been building, we're building like
7 crazy, and again, by taking it really almost
8 destroying certain characters of neighborhoods and
9 saying it's not going to be that bad, our flooding
10 will be worse. You should say that, because it will
11 be under City of Yes. Our electric infrastructure is
12 going to be taxed even further by City of Yes. You
13 won't say that, though. You're saying it's not going
14 to be substantially worse. It's not going to add to
15 the problem. It is going to add to the problem.
16 It'll add to the-- also the inflated housing cost,
17 because developers have descended on us already in my
18 district, and again, I offered to take you around and
19 show you what they've done, and they're converting
20 one-family attached row houses-- which I tried to
21 protect, the Bloomberg Administration wouldn't-- with
22 community drives and they're making them into three-
23 families, and you have no plan how to get into these
24

1
2 apartments and to see that they're illegal. Thank
3 you.

4 DIRECTOR GARODNICK: I will only say that
5 we can stipulate the fact that New York City is
6 creating a number of units of housing on its own.
7 It's just not creating enough units of housing on its
8 own. Over the last 10 years, we created 800,000
9 jobs, 200,000 new homes. We have produced housing at
10 a lower rate in the last 40 years than we did in the
11 40 years preceding. As a result, we have a 1.41
12 vacancy rate which is having the effect of increasing
13 costs for everybody. So I don't mean to suggest that
14 no housing is being produced on its own, just saying
15 we're not keeping up, and because we're not keeping
16 up it's hurting New Yorkers. It's promoting
17 segregation. It's prompting gentrification and
18 displacement, and you may not accept that, but that
19 is-- that's what's actually happening.

20 CHAIRPERSON RILEY: Thank you, Council
21 Member Holden. I just want to be clear to everyone.
22 I just want to have the opportunity for everyone to
23 ask their question and answer. So, if members and
24 the Administration can just ask the question, and you
25 guys could just hear them out and just answer it

1 after. Council Member Ariola followed by Lee and
2 then Joseph.

3
4 COUNCIL MEMBER ARIOLA: Thank you. So to
5 say the City of Yes Housing Opportunity would bring
6 just a little bit of change to New York is like
7 saying someone is a little bit pregnant. It is
8 absolutely and absurd statement. This is a sweeping
9 proposal that would drastically reshape our city. If
10 passed in its current form, it would trigger rampant
11 over-development across New York. It would worsen
12 parking problems by eliminating parking mandates for
13 new projects. It would overcrowd neighborhoods,
14 schools that already lack infrastructure and funding
15 to support more residents. It would place even more
16 people in flood-prone areas, and it would clog
17 evacuation routes with masses of people in the event
18 of a disaster. It would without single question
19 decrease the quality of life for residents in every
20 single neighborhood in this city. We've all been
21 sitting here for a very long time, and each one of my
22 colleagues had their time to speak. I didn't hear
23 one person say, not one Council Member say, this
24 project in this form fits my district perfectly.
25 Thank you so much. What they said was, it is not one-

1 size-fits-all. We need to be asked what's specific
2 to our district. So instead of this project being
3 told to us, we should have been asked. We should
4 have been included. We should have been asked for
5 our input, not that our input came after the project
6 was already in place. We cannot and should not pass
7 a proposal like this. This proposal needs to be put
8 on pause, and if it doesn't, I ask for my colleagues
9 to stand with me until each and every one of our
10 districts' needs are met, and that's for affordable
11 housing, for better infrastructure, for development,
12 and for all the things that we want to see in this
13 city. But we cannot do it as a one-size-fits-all,
14 and that's what this proposal is. Thank you for the
15 time, Chair.

17 DIRECTOR GARODNICK: Mr. Chairman, may I
18 have just an opportunity to respond very briefly?
19 Well, obviously, I disagree with your
20 characterization of the proposal, but that's okay.
21 The idea that we did not ask or include members of
22 various communities or that we presented a final
23 product is just a fallacy. This proposal was born
24 out of the City's own fair housing goals and report
25 which itself had its own public engagement and was

1
2 published in the year 2020. So, the question here is
3 not about why this was presented at the time that it
4 was presented. The real question here is why has it
5 taken us so long to act? Why's it taken us so long
6 to respond to this crisis? This has not been
7 attempted in the City's history. We need to act in
8 the interest of New York homeowners and renters who
9 today are struggling. So I say to you, Council
10 Member, I understand your point, but also completely
11 reject the characterization of this proposal.

12 COUNCIL MEMBER ARIOLA: And I completely
13 reject your characterization of the proposal. Thank
14 you.

15 DIRECTOR GARODNICK: We're even.

16 CHAIRPERSON RILEY: I just want to thank
17 you for respectfully rejecting each other. We need
18 more of that within our communities. Next I'm going
19 to call on Council Member Lee then Council Member
20 Joseph.

21 COUNCIL MEMBER LEE: Thank you. So, just
22 picking up where I left off with the ADUs and then it
23 kind of ties into the parking restrictions or getting
24 rid of the parking restrictions, I should say. So,
25 in areas like mine we are transit desert. I have no

1
2 railways or subways. People rely on cars, and so
3 even in districts like mine where you add a little
4 bit here and there-- and I will say it's not just
5 houses that are being converted legally or illegally,
6 but it's also the fact that in one house and one
7 single family home we have a lot more generations
8 living under one household, too. So you have
9 multiple families now living in one home which
10 requires multiple cars, right, for different needs
11 and purposes. And so, I almost feel like, you know,
12 are there ways-- because it seems like one thing is
13 almost contradicting the other, right? So if we're
14 asking for more housing and more buildings, right--
15 so in the case of Hollis [sic] where the flooding
16 happened in my district, let's just say, if a
17 developer were to come in and say we're going to buy
18 you guys out and give you the relief that you're
19 looking for, and they take those row of homes and
20 then convert it into some sort of building, if this
21 were to pass, basically essentially if I'm
22 understanding, you can have that same zoning, but
23 then not have the parking restrictions and mandates
24 there. And the reason why that's concerning for me
25 is because I think as a council we need to hold the

1 Administration accountable. And even, for example,
2 in some of the legislation that we passed, I can't
3 even get agencies to report on what their five-year
4 disability plans are, and those laws and policies we
5 put into place are for the accountability factor. So
6 my fear is, is that if we completely get rid of those
7 parking mandates as some others have alluded to, you
8 know, it does seem like the developers have a lot
9 more control and say, and as Council Member Brooks-
10 Powers mentioned earlier, I know developers in my
11 area also would choose for more units versus parking,
12 but we have no transit, and the buses are
13 overwhelmed. We need more infrastructure. We've
14 been asking for it, and we haven't gotten it. so, I
15 just wanted to know, have you-- in terms of the
16 parking aspect of it, have you looked into-- because
17 I know you mentioned before you have waivers,
18 correct, a waiver process? So why not just keep that
19 process? but if that's the sticking point that is
20 making it difficult for building, then why not have
21 that waiver in place still, but adjust the process,
22 and if that's the issue? And the reason why I'm
23 saying that is because my-- again, if we lift the
24 mandate completely, my fear is that we're not going
25

1
2 to have any sort of controls over what developers
3 will and will not do.

4 DIRECTOR GARODNICK: Thank you. I
5 appreciate the question, and I will-- I'll confirm
6 with my team as to where the waiver is applicable and
7 where it is not, but I probably will need to follow
8 up with you on that.

9 COUNCIL MEMBER LEE: Okay.

10 DIRECTOR GARODNICK: But the short answer
11 is yes, we do regularly see applications in places
12 where-- and this is not the situation that you're
13 describing here, where you're very close to transit
14 where the parking requirement is impeding with the
15 housing production, and where we can substantively
16 agree it's better to have the housing. In the
17 example that you are raising about an accountability
18 factor here, you know, we are proposing a change here
19 and I recognize that it is a big change for New York
20 City, but the prescription of the minimums were born
21 out of a time in which, you know, we wanted to make
22 sure that we wrote all of this stuff in our zoning.
23 The idea that we want to remove the number from
24 zoning does not mean that we either believe that we
25 won't get parking where it is needed or that it will

1 not be delivered to us in these circumstances, but I
2 understand your point. We have to embrace the
3 possibility here that, you know, we are taking out a
4 minimum number and opening the door to the question
5 of what is actually needed there, but what we are
6 seeing in other places is the result of that
7 flexibility is you're getting the parking in the
8 circumstance that you're describing.

10 COUNCIL MEMBER LEE: So, I have a
11 question then. If this-- let's just say if this were
12 to become law, right, hypothetically speaking, and
13 I'm a constituent that has had a two-family house or
14 three-family house next to a unit, you know, that
15 gets knocked down and develops, right, even if it's
16 in character. Let's say three stories, but across
17 multiple lots, right? So, if that were to happen and
18 the parking gets taken away in some areas, then as a
19 constituent where do I go, right? How do I get that
20 back? You know, what is my reprieve? There is no
21 reprieve. So that's why I'm saying, I think-- I
22 think if there were to be some sort of sliding scale
23 fee even-- not fee, sorry-- sliding scale. I'm
24 thinking about a social worker in terms of mental
25 health services, sorry. But in terms of slot-- like,

2 some sort of measure to have different things in
3 place that are minimum standards for different size
4 buildings. I mean, I just-- I can't, you know, let
5 go of the fact that the parking mandates have-- will
6 be completely lifted, because I think that will cause
7 a lot of issues in areas like mine. And just the
8 last question I have which is more for clarification
9 question with the ULURP question, because I know that
10 you're talking about landmark transfers. So are we
11 talking about land that the landmarks own, or is this
12 talking about going beyond that property?

13 DIRECTOR GARODNICK: What we're talking
14 about-- excuse me. What we're talking about is for
15 air rights that are owned by landmark.

16 COUNCIL MEMBER LEE: Right.

17 DIRECTOR GARODNICK: but today are
18 trapped on the landmark.

19 COUNCIL MEMBER LEE: Right.

20 DIRECTOR GARODNICK: And today have some
21 flexibility for transfer of those air rights. We
22 would make that transfer a little broader on
23 geography and t do it without a full special permit
24 which of course is very expensive, time consuming and
25 cumbersome for a landmark building. So it would be

1
2 transferring their air rights off their lot onto a
3 receiving site onto a separate lot that could add 20
4 percent only on that lot.

5 COUNCIL MEMBER LEE: A separate, okay.
6 so, I would just urge that if that were the case,
7 that would still include the ULURP process, because
8 if we're talking about property that's beyond the
9 lines of what the landmark actually owns, in my
10 opinion that does impact the community and the
11 community should have a say in that. So that's what
12 I would say.

13 DIRECTOR GARODNICK: Well, thank you.
14 The only point I would make on that is that when we
15 created the landmark law and we said, you know, this
16 building, this building can no longer evolve or
17 change or use its own property the way it might want
18 to, we locked them in and they are forever locked.
19 And so we as part of that landmarks law allowed for a
20 transfer not just on your own site but off the site,
21 and that was important because it, you know, it
22 prevented that from being a taking under the law and
23 also allowed for some flexibility for landmark
24 buildings to be able to generate revenue for
25 themselves considering that they were locked in in

1
2 the four corners of their building. So it would
3 always go off the site and always has gone off the
4 site, but I understand your point about wanting more
5 process.

6 COUNCIL MEMBER LEE: Yeah.

7 DIRECTOR GARODNICK: We-- the problem is
8 we've had more process and we've only seen 15 over 50
9 yards, which means everybody else has been trapped,
10 and we want to give landmarks a little bit more
11 flexibility in the interest of their desire to make
12 repairs and their ability to not be completely locked
13 into air rights that they can no longer use.

14 COUNCIL MEMBER LEE: I get that, but I
15 still can't imagine that we've looked at all of the
16 out-of-the-box creative solutions for that. So I'd
17 be curious to see if we could have further
18 conversation about that. But in general I would say
19 that, you know, as a former Community Board member
20 and, you know, provider in the community, it's-- I
21 really think that we need to make sure the
22 community's input is at the forefront. So, thank
23 you.

24

25

2 CHAIRPERSON RILEY: Thank you. Next is
3 we're going to call Council Member Joseph followed by
4 Carr.

5 COUNCIL MEMBER JOSEPH: Thank you, Chair.
6 Thank you for hanging there. It kind of remind me of
7 one of my Education hearings, but hang in there.
8 Hang in there. Question was on language revision.
9 For example, DCP the language that you have for the
10 City of Yes such as wide street commercial corridors,
11 I'm finding that the language is misleading. Instead
12 of calling it a commercial corridor where there are
13 no businesses along the stretch of the road, why that
14 usage of language?

15 DIRECTOR GARODNICK: Commercial corridor
16 has an actual definition under zoning as commercial
17 overlay.

18 COUNCIL MEMBER JOSEPH: Okay.

19 DIRECTOR GARODNICK: so, those are areas
20 where it's a residential area where we have on the
21 city map we have laid over it an area where you can
22 actually have some amount of commercial activity. So
23 on the-- if you remember the slide from five hours
24 ago, it was those single-story of commercial which
25 you see all around the City--

2 COUNCIL MEMBER JOSEPH: [interposing]

3 Right.

4 DIRECTOR GARODNICK: those are commercial
5 overlays if they're otherwise in residential
6 districts.

7 COUNCIL MEMBER JOSEPH: Thank--

8 DIRECTOR GARODNICK: [interposing] That's
9 what I'm referring to when I say commercial overlay.

10 COUNCIL MEMBER JOSEPH: Okay. Thank you
11 for clarifying that. And also, the universal
12 affordability as a voluntary measure, I know it's not
13 enough to deliver affordable housing if we're
14 starting it off at 60 percent AMI which leaves out a
15 lot of my constituents in my district. So, for our
16 low-income workers, our retired, our older adults,
17 and as we know by 2030, if I'm correct, most of our--
18 we'll have more older adults than we'll have New York
19 City students. So we also have to plan for them as
20 well. How do you respond to the concern that the
21 affordability in the ZHO are not enough to tackle our
22 housing crisis for the people that will be mostly
23 impacted?

24 DIRECTOR GARODNICK: I would say that I
25 understand that point and that we drove the AMI

1 levels from our existing voluntary programs from 80
2 percent at a fixed level-- so you had to be at 80
3 percent-- down to 60 percent. So this is brand new
4 for us, and we have expanded that 60 percent from 13
5 percent of our medium and high-density areas to 100
6 percent of our medium and high-density areas, and
7 it's not just 60 percent, it's an average of 60
8 percent. So we can get-- we can actually get lower
9 than 60 percent in a way that before you-- you know,
10 you had to be at 80. So we're considerably lower
11 with this program, and we think that it's going to
12 deliver more units of housing through UAP than all of
13 our affordable housing programs in the City's
14 history.

16 COUNCIL MEMBER JOSEPH: So 60 percent is
17 a starting point, but there's room to grow--

18 DIRECTOR GARODNICK: [interposing] Yep.

19 COUNCIL MEMBER JOSEPH: and go because I
20 do have constituents in my district that falls under
21 the 40 percent, 30 percent. How do we meet their
22 needs if we're really building for them?

23 DIRECTOR GARODNICK: That's-- it's
24 correct to say that that is not a strict limit. It
25 is an average. Also, it's important to note that UAP

2 and the 60 percent AMI even averaged, that's not the
3 whole picture in terms of the City's need, the City's
4 ability to deliver affordable housing, the ability to
5 deliver extremely low-income housing for people who
6 need it. So, it's a piece of the puzzle, but it is
7 certainly not the entire piece of the puzzle.

8 COUNCIL MEMBER JOSEPH: And I'm not sure
9 if I missed this, but if we do approve this, how many
10 affordable units we will be creating citywide?

11 DIRECTOR GARODNICK: Give me 30 seconds,
12 and the answer-- the answer to the question was-- I
13 gave this one earlier, I believe, between 12 and
14 30,000 under UAP.

15 COUNCIL MEMBER JOSEPH: Okay. Thank you,
16 Chair.

17 DIRECTOR GARODNICK: Thank you.

18 CHAIRPERSON RILEY: Thank you. Council
19 Member Carr?

20 COUNCIL MEMBER CARR: Thank you, Chair.
21 Chairman, Commissioner, good to see you again. At
22 the start of your testimony which must seem like a
23 million years ago now, you talked about the effect
24 that this proposal would have on special districts,
25 and I want to focus in on SNAD [sic]. And you

1 basically said there would be, you know, on the
2 margins perhaps some, but generally none. And I
3 understand that SNAD will still be in effect despite
4 what's being proposed here, but you are substantially
5 changing the minimum lot size of R1 and R2s,
6 particularly R1s. I think you're cutting the minimum
7 lot size in half. So, why was no consideration given
8 in this proposal to maybe exempting R1s within the
9 SNAD area from that particular proposal, particularly
10 since the whole point of SNAD is to protect
11 permeability, to protect, you know, certain
12 topographical features like escarpments and trees and
13 the like?

15 DIRECTOR GARODNICK: Thanks for the
16 question. Well, as you correctly pointed out, SNAD
17 stays in effect, and the protections of SNAD stay in
18 effect even with any reduction in minimum lot size.
19 You know, we wanted to make sure all areas of the
20 City were participants in this program, and by
21 reducing a minimum lot size from some 9,700 square
22 feet to half of that, we thought that that is a way
23 for us to acknowledge that in many cases-- and I
24 believe that also would include the central part of
25 Staten Island-- that there are homes that are on much

1 smaller lot sizes than 9,700 square feet. And as a
2 result, we did not want to continue to have rules
3 that were so restrictive that limited the ability for
4 even the creation of a single-family home, so much so
5 that you had to have a 9,700 lot to be able-- 9,700
6 square foot lot to be able to do it. So, we wanted to
7 keep the protections of SNAD. We wanted to reduce
8 the lot sizes to create a little bit more opportunity
9 while making sure that all environmental protections
10 continue to be in place.

12 COUNCIL MEMBER CARR: I appreciate that
13 answer, but I think, you know, you said you wanted to
14 include everybody. Not everybody wanted to be
15 included, right? And you know, the-- some of my
16 predecessors in this body, Jimmy Otto, Jimmy Vacca,
17 Lou Fiddler, people who you served with, right? A
18 lot of this is undoing their work from when they were
19 in this council. So, I think, you know, when I look
20 at this I'm trying to say, well, not everything that
21 was allowed in 1961 or 1968 was a good thing. In
22 fact, the City decided quite the opposite. So I
23 think we're trying to preserve the achievements of
24 what was good about those things and in theory be
25 open to the possibility for change and that not

1 everything we decided at one time was perfect. Could
2 you comment on that a little bit?

3
4 DIRECTOR GARODNICK: Yes, I understand
5 the point, and I would just note that what one might
6 characterize as preserving achievements may over time
7 start looking like exclusions that are keeping people
8 out. And we understand the point that you are making
9 about wanting to protect character and wanting to
10 preserve the neighborhoods. We think that we've done
11 it here, and we understand that this is a change, but
12 we also think that it is not such a change that it is
13 going to materially or certainly not negatively
14 impact the character of the neighborhood, but I
15 understand the point.

16 COUNCIL MEMBER CARR: I hope so, but I
17 think in terms of SNAD, right, where we're trying to
18 preserve natural features, literally cutting the
19 minimum lot size for most of the lots in that area is
20 going to have an impact on those features you're
21 trying to preserve. So to some extent, we have a
22 special district that's trying to do one thing and
23 the zoning text application which is trying to
24 another, and they appear to be across purposes. And
25 you know, in Commissioner Aggarwall's letter, you

1 know, he talks about the unified storm water rule
2 that was adopted and came into effect in 2022 as this
3 Administration was taking office, again, limiting--
4 as it says in this final paragraph, right-- trying to
5 limit the effects of permeability of services, trying
6 to retain more storm water on site, and you know,
7 your own staff in their discussions with me prior to
8 this hearing in briefings said, you know, the MS4
9 rules currently were not really part of the scope in
10 the environmental assessment. So I'm really
11 concerned that as you're trying to create more
12 impermeable surfaces which would be an intended
13 consequence of an ADU in a back yard to say for
14 example in an R1 or R2 district, that you're making
15 it harder to retain more storm water on site, and
16 you're actually again now running across purposes
17 with the City's approach to storm water management.

19 DIRECTOR GARODNICK: Thank you. I
20 appreciate the question, because it gives me occasion
21 also to respond to an earlier question which I was
22 delinquent. First of all, it's important to note
23 that you can pave your entire back yard today. That
24 is-- you have the ability to do that. Now, I don't
25 know if SNAD rules are in any way different, but in

1 the rest of the City you actually can pave your back
2 yard. So the idea that we would enable an ADU does
3 not create more or less opportunity for permeability,
4 because homeowners have the ability to pave over
5 their back yard, but it is very important to note,
6 and this I wish I had noted in response to Council
7 Member Narcisse, that DEP's new storm water
8 management rules mean that a lot of the buildings,
9 new buildings, are actually going to have to capture
10 their own storm water which reduces runoff to sewers.
11 Sewer hook-up permits are one way of DEP to check and
12 make sure that we're not overloading existing sewers.
13 So there are checks in this system. So I just
14 wanted-- that's not-- forgive me, that's not directly
15 responsive to your question. I'm just using the
16 occasion here. But the fact that you can actually in
17 almost all parts of the City pave over your own back
18 yard means that we are not increasing any lack of
19 permeability by allowing an ADU.

21 COUNCIL MEMBER CARR: Chair, can I just
22 be permitted another 30 seconds? So, there's MS4
23 storm water areas and that's virtually my entire
24 borough even outside of SNAD, so perhaps that rule
25 that you're referencing applies somewhere, but to my

1 knowledge it does not apply to us. So I'm not sure
2 that that would really work out or pencil out for us.
3 But I just-- I want to turn because I have limited
4 time left, and I want to talk about something I
5 referenced earlier in my first questions which is,
6 you know, the taxable value of these properties if
7 this were to come into effect. And the reality is
8 even if the development rights that you would be
9 affording under this taxed application were to become
10 effective, many would not take advantage of it, as
11 your own study suggests. And this will play into the
12 taxable value of these properties, and the DOF
13 property tax assessments will come back which is to
14 some degree based on market value, and people are
15 going to be taxed more, even though they may not be
16 developing their properties under the new zoning
17 rules. And so you're creating a tax incentive to
18 either sell or develop, and so I'm not sure you're
19 really taking into consideration what that's going to
20 do to, you know, middle-class, working-class people
21 who do own a home, and you said before when you're
22 talking about rent-burdened people, that doesn't
23 include their tax burden. So I know you're well
24 aware of this issue that tax burdens are high. So,
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2 you know, I think that this is going to be a huge
3 revenue yield for the City, but it's going to come at
4 the expense of everyday New Yorkers.

5 DIRECTOR GARODNICK: Thank you for that
6 question, and it may be worth a follow-up from the
7 Department of Finance, because we have consulted with
8 them for the reason that you correctly point out
9 about whether the opportunity for an ADU would affect
10 the assessed evaluation. They have assured us that
11 that would not affect the assessed valuation of the
12 home, but we would like to follow up because I think
13 you're raising a good question. I want to make sure
14 that you have a satisfactory answer from them, not
15 just me.

16 COUNCIL MEMBER CARR: Thank you. Thank
17 you, Chair.

18 CHAIRPERSON RILEY: Thank you. Lastly,
19 we will hear from Council Member Bottcher.

20 COUNCIL MEMBER BOTTCHEER: Last one.

21 DIRECTOR GARODNICK: The final word.

22 COUNCIL MEMBER BOTTCHEER: The City of Yes
23 is anticipated to create 100,000 new housing units
24 over the next 15 years. The Regional Plan
25 Association estimates that 473 new units are needed

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2 by the year 2032. Last year, New York City permitted
3 around 11,000 new housing units in all of 2023. How
4 will this 100,000-- first of all, do you agree in the
5 473,000 estimate from the Regional Plan Association?
6 Will this 100,000 help us reach that goal or will
7 there still be a large delta if this plan were to
8 pass intact? That's my first question. And my
9 second question is-- I think a lot of New Yorkers are
10 open to the idea of allowing more housing to be built
11 in their neighborhoods. The concerns that a lot of
12 people have that I hear is that they're concerned
13 that all of that housing is going to be market-rate
14 and it won't include affordable housing and also that
15 these are going to be tall buildings with very few
16 apartments, because that's what we've seen go up in
17 many instances, a very tall building with 50
18 apartments in the whole building, floor through
19 apartments. Can you speak to my constituents who
20 have those concerns about this proposal, what will
21 actually happen with respect to affordability, and
22 these-- the size of the apartments in these buildings
23 and the density within these buildings?

24 DIRECTOR GARODNICK: Thank you,
25 Councilman, and thank you for all of your leadership

1 on this issue. The answer to the first question, the
2 incremental addition of 58 to 108,000 units of
3 housing, or what we just colloquially call about
4 100,000 units over 15 years, will definitely help us
5 to get to where we need to be. It is not the end of
6 the conversation, though, because we need more units
7 than that, and that's where we turn to the other
8 tools and sources that we have. Some of them related
9 to HPD. Some of them relate to our neighborhood
10 planning process. Some of them relate to finding
11 ways to better and more effectively approve private
12 applications through the Department of City Planning
13 or other agencies. This is a moment where we need to
14 be looking at all of the levers that we have. It
15 just happens we are proposing one of those levers
16 here. It's a big one. It's an important one. It's
17 one that has created real challenges for the creation
18 of housing citywide over a long period of time, and
19 one that we think is deserving of the Council's
20 attention and approval at this moment. As it relates
21 to market-rate housing and tall buildings, I will
22 note that in a medium or high-density district like
23 your council district, what one would see is a bonus
24 here of about 20 percent under our universal
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2 affordability preference. That 20 percent is an
3 incremental addition above whatever that building was
4 able to be in the first instance, and that 20 percent
5 is for 100 percent affordable housing forever. So I
6 would say to your constituents I certainly understand
7 the point or concern about incremental changes, but
8 that 20 percent is important. it's consistent with
9 the City's policy goals and is one that can be easily
10 absorbed in the context of that building as it is
11 already conceived or proposed, and we want to make
12 sure that we get those units right there on site.

13 COUNCIL MEMBER BOTTCHEER: And these tall
14 buildings with one apartment per floor where you've
15 got a 70-story building with 70 apartment or 50
16 apartments in it, what's the implications there?

17 DIRECTOR GARODNICK: Well, in a medium or
18 high-density area, if somebody wants to take
19 advantage of this program, any additional bonus would
20 have to be entirely affordable. So, and similarly if
21 somebody's taking advantage of the 485X abatement
22 program, there would need to be percentage of the
23 entire building that would be affordable. There are
24 sometimes and I would even say routinely a building
25 with a single apartment per floor is not the building

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2 that is taking advantage of these programs, but
3 certainly understand your concern about that.

4 COUNCIL MEMBER BOTTCHEER: It's also
5 rental versus condo, right?

6 DIRECTOR GARODNICK: Correct.

7 COUNCIL MEMBER BOTTCHEER: Those tend to
8 be condos. These programs encourage rental
9 construction.

10 DIRECTOR GARODNICK: That's right.

11 COUNCIL MEMBER BOTTCHEER: Thank you.

12 CHAIRPERSON RILEY: Thank you, Council
13 Member Bottcher. There's no Council Members going to
14 pop in the door, just making sure. I would like to
15 thank my colleagues for attending, but most
16 importantly, thank you to the Administration for
17 answering the questions today and presenting this
18 presentation. We know that it's a very complex
19 proposal, but your presentation today was greatly
20 appreciated. Thank you. I would like to thank my
21 colleagues for attending today's hearing and asking
22 all these great questions. There being no questions,
23 the applicant panel is now excused. That concludes
24 today's business. I would like to thank the
25 applicant panel, members of the public, my

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2 colleagues, the Committee Counsel, Land Use, Council
3 Staff, the Sergeant at Arms, our multi-language team
4 that is here as well for participating in today's
5 meeting. As a reminder to the public, a public
6 hearing for City of Yes for Housing Opportunity at
7 which public testimony will be heard will take place
8 tomorrow, October 22nd beginning at 9:30 a.m. here in
9 the Council Chambers and online. Please see the Land
10 Use page on the Council's website. For more
11 information on how to sign up to speak at tomorrow's
12 public hearing at council.nyc.gov/landuse. Once
13 again, at council.nyc.gov/landuse. Members of the
14 public are invited to provide written testimony on
15 the proposal. If they do not wish to testify in-
16 person or online, by emailing it to
17 landusetestimony@council.nyc.gov. Written testimony
18 may be submitted up to three days after the public
19 hearing is closed. Please indicate City of Yes for
20 Housing Opportunity in the subject line of your
21 email. Thank you and this meeting is adjourned.

22 [gavel]
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SUBCOMMITTEE ON ZONING & FRANCHISES

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SUBCOMMITTEE ON ZONING & FRANCHISES

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 31, 2024