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HOW NEW YORK'S NEW ZONING RULES SPUR BETTER AFFORDABLE HOUSING DESIGN

NEXT HOUSE

Undeterred by \$5.00-a-cup coffee and median monthly rents over \$2,500, around nine million people will call New York City home by the middle of this century. How can a

city, defined by its density but chafing under growth pressure, house its ordinary residents, new and old?

This March, the New York City Council approved the

largest set of changes to the city's zoning in over 50 years. The changes fall under two broad initiatives: Mandatory Inclusionary Housing (MIH), regulations that incentivize the construction of new, permanently affordable units in areas zoned for MIH, and Zoning for Quality and Affordability (ZQA), rules that govern the dimensions and envelopes of new

construction.

The laws are richly illustrated through the new buildings that shape streets and neighborhoods. As architects begin to design under the new rules, practitioners are questioning how these changes will impact the development and design of affordable housing.

ZQA responds to the elaborate jigsaw puzzle that is

building in New York City by trying to make new buildings more reasonably proportioned, and even a little prettier. Old rules for coverage, setbacks, side yards, and courts were set with a rectangular, 100-foot-wide lot in mind, explained Mark Ginsberg, founding principal at Curtis + Ginsberg and president of Citizens Housing Planning Council (CHPC), a New York-based housing policy group. As the city was built out, these "standard" lots evaporated: Now, available parcels are often shallow, deep, or oddly shaped. On these non-standard lots, it can be prohibitively expensive and difficult to design a building that uses all of the allowable Floor Area Ratio (FAR), especially for affordable housing.

The new rules allow development of housing on otherwise undevelopable sites. With the rising cost of land, developers maximize FAR, building bigger buildings to defray the cost of affordable units. Articulation means lost FAR, so architects were penalized for articulation: "You were cramming the building into the envelope. Architects used every trick to maximize the buildable area, which didn't necessarily lead to good unit design."

In 2014 the CHPC analyzed 17 buildings by four firms and found that 16 of the projects were not able to use all of the available FAR because of restrictive zoning. The report provided much of the basis for ZQA.

Ginsberg is working on an all-affordable, outer-borough project on a corner lot that includes a charter school on the first two floors. This, he says, is a "classic case" of how MIH and ZQA change the building's features and massing for the better.

Under the old rules, part of the space for the school would be turned over to parking, and the development would lose about 50 units between parking and no MIH. With bigger envelopes encouraged under the new rules, and onerous parking requirements eliminated, there is more room for other programs.

The old rules, moreover, encouraged flat-faced buildings that sit flush against the curb and

mixed-use specimens that featured low-ceilinged retail. A ten-story building would usually have 11-foot ground-floor ceilings, a height unattractive to most tenants besides restaurants. By allowing floor-to-floor heights for housing and street-level retail, ZQA encourages buildings with higher ceiling heights and more streetside texture and variety.

Housing New York, Mayor de Blasio's seminal 2014 policy platform, identified a need to modernize zoning regulations if the city is to reach its goal of creating 80,000 new units of affordable housing over the next decade. (The document, which CHPC advised on, was the basis for MIH and ZQA.) The City Council

"made sausage," said Ginsberg, of the proposed text amendments, with exceptions and exemptions that muddle the objectives and complicate what was intended to be a streamlined suite of regulations. Instead of three zoning heights, for example, there are now six.

Nevertheless, the changes will alter the look and size of the new buildings for the better, supporters say. Before, a building's outer court had to be as wide as it was deep if the outer court was over 30 feet long. A T-shaped building with two outer courts, for example, would need outer courts of 65 by 65 feet, a proportion that constrains the design of the building. Now, a building can be 30 feet wide, which accommodates block and plank

construction to give more flexibility at the front and rear while making it easier to use all the floor area on deep lots.

Previous transition rules, moreover, deterred buildings from wrapping corners by capping building heights within 25 feet of a district boundary to the height of an adjacent district. Now, heights can be averaged between the base and maximum of adjoining districts, up to 65 feet. Additionally, corner lot coverage was previously capped at 80 percent; now, a building can cover the entire lot.

"We've definitely heard that architects designing under the new ZQA rules can accommodate more housing units in their projects than they have before," said Sarah Watson, deputy director of CHPC. It's complicated to measure how the new rules will affect development, she explained, and for architects, it's difficult

to apply a vast set of new rules to projects. The CHPC, consequently, is working to evaluate the impact of the zoning on new projects.

Under MIH, new affordable units in designated zones are subsidized by market-rate units. "Leveraging market-rate housing to build affordable housing is the best of both worlds," Jolie Milstein, president and CEO of New York State Association for Affordable Housing (NYSAAFH), one of the country's largest affordable housing trade groups. "Right now, we have a shortage of housing across all income bands, except ultra-luxury. We're very optimistic that we will very soon see the impact of ZQA and MIH, and we look forward to an increasingly large production pipeline as a result of the changes."

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