

How to Solve New York City's Housing Crisis: Building New Housing in Restricted High-Opportunity Neighborhoods

Eric Kober

SENIOR FELLOW
Manhattan Institute

Executive Summary

As the Covid-19 pandemic fades, market rents in New York City are increasing faster than those in any large city in the country. This is not surprising, given the combination of steep population growth and restrictive development policies that the city had over the decade before Covid. Between 2010 and 2020, in most of the city's high-opportunity community districts, rents and sale prices rose, but the supply of housing did not.

New York's new mayor, Eric Adams, has pledged to take an "inclusive, citywide approach to encouraging housing," but he will likely face strong opposition from well-financed antidevelopment activists who will say that their neighborhoods have no room for growth.

This report, surveys current zoning regulations in those neighborhoods—in particular, six high-opportunity community districts with less than 3% housing growth between 2010 and 2020—and identifies simple regulatory changes that would allow for significant growth without changing the unique and attractive qualities of those neighborhoods.

If the current administration can amass an effective political coalition that will not succumb to antidevelopment activists, it can take advantage of widely available new housing opportunities in these high-opportunity neighborhoods.

ABOUT US

The Manhattan Institute is a think tank whose mission is to develop and disseminate new ideas that foster greater economic choice and individual responsibility.

This paper is published as part of the Klinsky Leadership Series.

Introduction

As New York City recovers from the Covid-19 pandemic, market rents have risen sharply. The *New York Times* reported in early March 2022:

Rents in New York rose 33 percent between January 2021 and January 2022 ... , almost double the national rate and the highest increase among the 100 largest American cities.¹

Rising rents are a predictable consequence of a decade of rapid population growth concurrent with policies that suppress housing supply. In a recent report,² I noted how only a handful of New York City's high-opportunity community districts³ had substantial new housing growth in the 2010–20 decade. Many of the others—protected by restrictive zoning and, in some cases, widespread mapping of historic districts—saw rising rents and sales prices but failed to elicit a market-based response in the form of new housing construction.

In March 2022, Mayor Eric Adams published a “recovery plan” declaring that “too many neighborhoods have failed to add housing to meet rising need.... We will take an inclusive, citywide approach to encouraging housing and equitable access to opportunity.”⁴ New Yorkers now await the release of specific rezoning proposals. If Adams proposes rezonings in the city's highest-opportunity neighborhoods, he will likely face opposition from well-financed “preservationist” groups and local activists who want no change. Many opponents, already well housed and enriched by rising real-estate prices, will argue that these neighborhoods have no room for growth.

This report argues otherwise. It examines six high-opportunity community districts with less than 3% housing growth between 2010 and 2020.⁵ These neighborhoods are perhaps the hardest to change, thanks to a history of vigorous antidevelopment activism pursued by neighborhood groups and elected officials. Successive mayoral administrations not only failed to challenge the activists, but accommodated them with zoning amendments to restrict growth.

It is natural for people to value the unique and attractive qualities that make their neighborhood a desirable place to live. Sound planning must balance that interest with the need to accommodate a growing population and an upgraded housing stock. With those dual considerations in mind, this report seeks to identify the best locations for new housing in these neighborhoods, as well as the zoning and other regulatory changes that would be necessary to achieve housing growth. For readers with more technical interest in zoning, the Appendix provides a detailed discussion of specific possible zoning changes and the housing potential of the locations discussed in this report.

CONTACTS

To request an information packet about MI, or if you have questions about how to support us, contact SUPPORT@MANHATTAN-INSTITUTE.ORG.

52 Vanderbilt Ave.
New York, NY 10017
(212) 599-7000
INFO@MANHATTAN-INSTITUTE.ORG

The zoning regimes in these six community districts reveal the ingenuity with which the city squashed housing production. It's easy to understand that an extremely low floor area ratio⁶ (FAR) will discourage housing construction. In some of these areas, FARs are relatively high, but new construction is deterred by off-street parking requirements that are economically, or even physically, infeasible.

In other areas, new housing is prevented by a combination of height restrictions and a prohibition on ground-floor residences. The de Blasio administration created yet another problem by subjecting rezonings to affordable housing requirements that are economically infeasible without special tax incentives that expire in June 2022. Even with the tax incentives, meeting these requirements without public subsidy is possible only in the city's strongest housing markets.⁷ Undoing these many restrictions will be a complex and costly undertaking for the city.

Community District 8, Bronx

Community District 8 lies in the northwest corner of the Bronx, an affluent part of an otherwise largely low-income borough. Its per-capita income, averaged for the 2014–18 period (the indicator used in this study to rank high-opportunity community districts), was \$35,410. This was 19% higher than the median community district (Staten Island 1, \$29,864).⁸

Topographically, the community district comprises two north–south ridges, the neighborhoods of Riverdale and Kingsbridge Heights, with a valley created by the long-buried Tibbetts Brook⁹ between. The Number 1 train runs on an elevated line through the valley above Broadway, with stops at 225th, 231st, 238th, and 242nd Streets. The district also has Metro-North commuter rail stations along the Harlem and Hudson River edges at Marble Hill (near the 225th Street subway station), Spuyten Duyvil, and Riverdale (West 254th Street). Local and express bus lines connect neighborhoods on the high ridges with the subway and midtown Manhattan.

As in many affluent neighborhoods, Riverdale activists have fought hard over many decades to prevent housing growth. Prior to the enactment of the 1961 zoning,¹⁰ new apartment buildings were allowed widely over vacant or lightly developed areas. After 1961, zoning became much more restrictive, and in many downzoned locations, property owners rushed to take advantage of the “grace period” provisions that allowed development sites with permits to continue under the old zoning. However, the zoning was never updated to reflect actual, more intensive, land use. Thus today, on the Riverdale ridge, apartment buildings are permitted only in a compact area bordering the Henry Hudson Parkway south of West 239th Street. There are apartment buildings outside this area, many of which are located north of 239th Street, and west of Independence Avenue. But no new apartment buildings can be built among them, on the sites of parking lots, remaining small homes, and one-story retail buildings.

The problem of “underzoning” is compounded by excessive parking requirements for ground-floor retail space. In the dense parts of Riverdale, most retail customers can arrive on foot, or via a short bus ride. Yet new retail is subject to high off-street parking requirements—generally one space per 300 square feet of retail space and one space per 200 square feet for supermarkets. Since new apartment buildings also require one off-street parking space for every two units, the aggregate amount of parking for a new apartment building with ground-floor retail is unreasonably large and prohibitively expensive to provide.

Absent these restrictions, Riverdale could accommodate large amounts of new apartment housing just in the areas where apartments already exist. The Johnson Avenue and 235th Street retail district is, in theory, zoned for apartment buildings; but zoning has preserved low-rise retail stores, mostly without parking today, by requiring prohibitive amounts of parking for new buildings. Farther north, the retail district at Riverdale Avenue and West 259th Street is surrounded by apartment buildings, but the one-story retail buildings cannot be replaced by new ones; on the contrary, restrictive zoning preserves a shopping center with a large parking lot, as well as the open parking lots at the high-rise Skyview Apartments to the west.

The Kingsbridge neighborhood, in the valley close to the Number 1 train, offers a different set of opportunities. Here, portions of the neighborhood were mapped with commercial and manufacturing zones that preclude housing but would make great sites for it. These locations include a block of gas stations and car washes at the intersection of Riverdale Avenue and West 230th Street; an adjoining blockfront containing a bank and a large parking lot; and a self-storage facility, also including a large parking lot, across West 230th Street. Apartment dwellers here would have a short walk to the subway.

Even closer to the train, several blocks along Exterior Street and Broadway also preclude housing. These areas are mostly developed with low-rise retail and services, often with large parking lots. They could be replaced with apartment buildings with ground-floor commercial space providing similar services—perhaps even more, if so much land were not encumbered with parking.

Across the Major Deegan Expressway, at the foot of Kingsbridge Heights, a long frontage of Bailey Avenue south of West 238th Street is also zoned to preclude housing. Entirely surrounded by apartment buildings, this enclave of low-rise commercial buildings could be rezoned to provide new residential opportunities within a short walk of the subway.

Riverdale and Kingsbridge are similar to other areas of the city that were rezoned in the Bloomberg administration to permit housing growth. But Community District 8 remains unchanged because of consistent opposition of the community board and elected officials to new housing. The city can no longer afford to avoid justified land-use changes in neighborhoods with recalcitrant local political establishments. These changes proposed here do not threaten the unique qualities of these neighborhoods and would not affect historic districts, sensitive natural areas, or any of the consistently low-rise areas with small homes.

Community District 10, Brooklyn

Brooklyn Community District 10 comprises the neighborhoods of Bay Ridge (west of the Gowanus Expressway) and Dyker Heights (to the east) in the southwest corner of Brooklyn. Its per-capita income, averaged for the 2014–18 period, was \$36,728—23% higher than the median community district.

Bay Ridge's restrictive zoning is a product of the 1970s fiscal-crisis era, in which pessimism about the city's future led to indifference on the part of governmental decision-makers about whether zoning, even in theory, should permit new housing to be built. In the early 1970s, the state housing agency, under the Mitchell-Lama¹¹ affordable housing program, financed the construction of Bay Ridge Towers, two high-rise buildings utilizing air rights above the Long Island Rail Road's Bay Ridge freight line between Second and Fourth Avenues. In 1977, Shore Hill Housing, another two-building high-rise complex financed under the U.S. Department of Housing and Urban Development's Section 8 New Construction program, was completed on Shore Road at 91st Street.

Local activists demanded that there be no more large-scale developments; in 1978, the City Planning Commission approved the Special Bay Ridge District, essentially shrink-wrapping the zoning around the existing building stock, and thus it has been since. As the commission stated in its report on the zoning change:

The predominant character of the community is clearly low-scale one-or two-family homes.... The zoning examination revealed that the area was primarily zoned to allow medium to large apartment house construction even though the existing character did not dictate that type of bulk or use. These combined findings led to the Special Bay Ridge District which is proposed in an effort to strengthen and preserve existing character and scale in Bay Ridge by reducing the disparity between existing development and potential development.¹²

Today, the neighborhood is wealthier and housing is much more expensive, but the 1978 deal to stop new housing still holds. However, there are still sites for new housing, if only the city would take advantage of them. The Bay Ridge Towers have huge parking lots where additional high-rise buildings could be sited. Moreover, the air rights over the Bay Ridge rail line continue to the east, joined by the Sea Beach transit line (N, Q, and W trains) east of Fourth Avenue. The corridor from Fourth Avenue to Fort Hamilton Parkway also includes a sizable area

with industrial zoning, which prohibits housing. Much of this area is occupied by low-intensity commercial uses such as car dealers and retail stores with open parking. Updated zoning that permits multistory businesses and apartment buildings with ground-floor retail would allow for more employment and new housing.

The Bay Ridge commercial core includes a large area between Fourth and Fifth Avenues, from 87th to 95th Streets, that is also zoned to prohibit housing. Like the area to the north, this area is occupied largely by low-intensity businesses and open parking lots. It should also be rezoned to permit a mix of residential and business use.

Thus, Community District 10 could accommodate a large amount of new housing, while preserving all the low-rise neighborhoods described in the Planning Commission's 1978 report. Past restrictive rezonings have left very large nonresidential areas, well served by transit and suitable for housing growth, if the city is willing to take on the rezoning challenge.

Community District 15, Brooklyn

Brooklyn Community District 15 includes the neighborhoods of Sheepshead Bay and Manhattan Beach. The community district is served by the Brighton transit line (Q train) running through its center and McDonald Avenue elevated (F train) along its western edge. Its per-capita income, averaged for the 2014–18 period, was \$32,215—8% higher than the median community district.

The southern portions of Sheepshead Bay, as well as Manhattan Beach, were heavily affected by Hurricane Sandy in 2012 and mostly lie within flood-hazard areas, defined by the Federal Emergency Management Agency (FEMA) as having a 1% chance of flooding in any given year.¹³ While it is possible to build housing in such areas—if the first habitable floor is elevated above a designated flood level, among other measures—doing so would be costly. The city should primarily look for rezoning opportunities in the areas north of the Shore Parkway that are outside the 1% flood-hazard zone.

Fortunately, many such opportunities exist. Avenue U is a major east–west commercial street with a stop on the Brighton subway line. In 1961, it was zoned for low-density housing and retail with a high parking requirement—which made building so impractical that it guaranteed that little would change over time. In 1993, the roughly 10-block section west of Coney Island Avenue was rezoned to permit apartment buildings as part of a larger rezoning in the Special Ocean Parkway District.¹⁴ Since then, apartment buildings have been constructed at 400 Avenue U (28 units) and 2101 East 8th Street (20 units). This is a good start, but the much longer stretch of Avenue U east of Coney Island Avenue, passing beneath the Brighton line, has never been rezoned for apartment buildings. East of the station, Avenue U crosses Ocean Avenue, where accommodative zoning recently permitted the construction of several new apartment buildings. The city should make it possible to do the same along the full frontage of Avenue U.

Similar opportunities abound. The subway stop south of Avenue U, Neck Road, is next to a smaller, but equally underzoned, commercial strip, much of which does not permit residences at all, let alone apartment buildings. Coney Island Avenue, north and south of Avenue U, is lined with low-density commercial buildings, with zoning that allows little or no residential development and imposes high parking requirements. Avenue X, east of the F line elevated station, represents another opportunity to replace low-density commercial buildings and parking lots with new apartment buildings.

East of Nostrand Avenue and south of Avenue V are two abutting New York City Housing Authority (NYCHA) developments: Nostrand and Sheepshead Bay Houses, on four “superblocks,” each the size of three typical city blocks. The NYCHA superblocks include large amounts of open space and parking where additional apartment buildings could be sited, if the zoning permitted

such development. Nostrand Avenue, adjacent to the NYCHA housing and surrounding blocks, is another low-density commercial street that is surrounded by apartment buildings but where new apartment buildings are not permitted.

In short, although Brooklyn Community District 15 is well served by mass transit, it was zoned in 1961 for low-density residential development and impractically high amounts of off-street parking, which left its many commercial streets essentially frozen in time. The city has made some progress here, but it could allow large amounts of much-needed housing today by rezoning low-density commercial frontages, which would not affect any of the neighborhood's attractive low-scale residential side streets. The NYCHA superblocs also have the potential for infill housing on city-owned land, which could be used, at least in part, for new subsidized affordable housing. This would allow low-income residents to take advantage of the existing high level of public and private services, as well as employment opportunities, in this higher-income community district.

Community District 8, Manhattan

Manhattan Community District 8 comprises the Upper East Side from 59th to 96th Streets. Its per-capita income, averaged for the 2014–18 period, was \$113,745—3.8 times that of the median community district.

This community district was one of the few neighborhoods targeted for housing growth under the 1961 comprehensive rezoning. Prior to 1961, high-rise unsubsidized housing was concentrated along the north–south avenues and wide east–west streets west of Lexington Avenue—including 72nd, 79th, 86th, and 96th Streets—as well as along East End Avenue near Carl Schurz Park. Much of the rest of the neighborhood was developed with “old law” tenements, built at a rapid pace in the late 19th century, following the construction of elevated rapid transit lines (since demolished) on Second and Third Avenues.¹⁵ The 1961 zoning mapped the city's highest-density residential districts along the north–south avenues and wide east–west streets east of Lexington Avenue and increased the permissible size of a “tower”—the portion of a building that rises above about 20 stories. Prior to 1961, towers could cover only 25% of a building's lot; after 1961, this was raised to 40%, and more for smaller lots. As a result, a forest of tall buildings emerged on the rezoned blockfronts. In most of the city, the 1961 zoning stymied new housing construction, but this neighborhood was remade.

As the neighborhood grew, it became much more affluent, and, as with other affluent neighborhoods in the city, local activists and elected officials organized campaigns to bring growth to an end. A series of restrictive zoning changes under Mayors Edward Koch and David Dinkins substantially reduced the area's development potential.¹⁶ These actions were perhaps justified by the overcrowded conditions on the Lexington Avenue subway line, the sole rapid transit service after the “els” were demolished. In 2017, however, the Second Avenue subway opened, adding three new stations, but the city made no zoning changes in response to the substantial new transit capacity.

The effects of restrictive zoning on Upper East Side avenues, outside of historic districts, are exacerbated by the requirement to make costly payments to relocated tenants when demolishing a rent-stabilized tenement.¹⁷ If protecting tenants is to be a priority, then to ensure that housing is constructed, the city's own zoning plan—which contemplates high-rise development on the avenues and wide cross streets—should minimize the number of tenements that need to be demolished to build a new high-rise building. This was once the case. For example, the 46-story tower at 360 East 88th Street (corner of First Avenue), completed in 1988, occupies only 71 of about 200 feet of frontage between East 87th and East 88th Streets on First Avenue but incorporates the unused development rights from the four adjoining five- and six-story tenements on the same blockfront.¹⁸

However, in the 1980s and early 1990s, local activists demonized the practice of allowing such “zoning lot mergers,” due to the height of the resulting buildings. As a result, the zoning was changed to include “tower-on-a-base”¹⁹ rules that squashed down height and made zoning lot mergers more difficult. To incorporate the development rights on a full blockfront, a new building must demolish more existing tenements and make required payments to more tenants. This makes new construction much harder. For example, a new building under construction at 301 East 80th Street (Second Avenue) is only 30 stories but occupies 128 of the approximately 200 feet of avenue block frontage.²⁰ It incorporates development rights from three four-story tenements, representing an additional 62 feet of block frontage.

The upshot of all this arcane legislative maneuvering is that roadblocks to growth are largely effective. The city has successfully thwarted its own land-use plan. More than 60 years after the 1961 zoning, blocks of tenements remain along the avenues, their substantial development rights stranded.

A city with a dire housing shortage needs to make choices. Either protecting tenants or preventing zoning lot mergers can be a priority, but not both. Since the harm from additional tall buildings is dubious in a neighborhood that already has so many of them, the best way forward is for the city to repeal its tower-on-a-base rules and let the owners of the remaining avenue-fronting blocks of tenements use their development rights while demolishing the smallest feasible number of tenement buildings.

Community District 8 also retains a few small enclaves, in upper Yorkville, near the East River along East 73rd and East 74th Streets and just north of the Ed Koch Queensborough Bridge, where new housing is prohibited. While these areas have only a few possible housing sites, the prohibition no longer makes sense and the city should initiate rezonings.

Community District 6, Queens

Queens Community District 6 includes the neighborhoods of Forest Hills and Rego Park. The community district is bisected by the Queens Boulevard subway (E and F express trains and M and R local trains), which provides fast access to midtown Manhattan. Its per-capita income, averaged for the 2014–18 period, was \$45,514—52% higher than the median community district.

The community district’s zoning is notable for the way in which high off-street parking requirements—and, in some cases, low residential FARs—have been used to prevent the construction of new apartment buildings. This is the case on Queens Boulevard and other major commercial streets that are within walking distance of the subway or have bus service feeding into it. The one exception is in a small area within the Special Forest Hills District, rezoned in 2009.²¹ Between Austin Street and Queens Boulevard, residences were, in some cases, permitted for the first time since 1961; in other cases, permitted residential FARs were increased. At the same time, commercial parking requirements were reduced. The changes were sufficient to allow the construction of several new apartment buildings.²² Unfortunately, as part of the special district rezoning, densities were reduced on the blockfronts on the south side of Austin Street, backing on the Long Island Rail Road’s Main Line. This has effectively frozen the existing buildings, mostly one- or two-story commercial structures, in place.

To the neighborhood’s detriment, the city did not follow up on the successful part of the Special Forest Hills District by applying the same logic to the other commercially zoned streets where the zoning, in theory, allows apartment buildings, but high off-street parking requirements make new housing with ground-floor retail prohibitively expensive to construct.

From the 1930s through the 1950s, after the completion of the Queens Boulevard subway line, many property owners built small buildings known as “taxpayers”—a well-known term in New York real estate. According to Wikipedia:

In real estate ... a taxpayer refers to a small one- or two-story building built to cover the owner's annual property tax assessed for owning a parcel of land. Such a building is usually constructed with the hope that it can soon be redeveloped into a larger building capable of generating more revenue.²³

Many of these one- or two-story commercial “taxpayers” were built out with apartment buildings in the decades before the early 1960s. The 1961 zoning brought that process largely to a halt, and the city has not been able to restart it, except for the one small area favorably rezoned in 2009.

In the de Blasio mayoral administration, four individual sites in Community District 6 were rezoned for residential development under the Mandatory Inclusionary Housing program, which requires that a portion of units within the building be affordable at low incomes. While suited to the ideological predispositions of the mayor and city council, the program unfortunately did not work economically without public subsidies in most neighborhoods of the city, even relatively affluent ones like Forest Hills and Rego Park.²⁴ As of March 2022, none of the rezonings has resulted even in applications for building permits.²⁵

Queens Community District 6 could accommodate the construction of large amounts of new housing at no public cost, in a high-opportunity neighborhood, without demolishing any small homes or, indeed, affecting any of the leafy residential enclaves that local residents value. It even has a successful template that has already been applied. The city should extend similarly permissive zoning in commercially zoned areas along Queens Boulevard the length of the community district, as well as along the south side of Austin Street and Metropolitan Avenue in Forest Hills and along 63rd Drive and Woodhaven Boulevard in Rego Park. The city also needs to reform its unworkable mandatory inclusionary housing requirements, so that housing can actually be built without requiring public subsidies in this community district and others with comparable housing-market conditions.

Community District 2, Staten Island

Staten Island's Community District 2 is located in the center portion of the borough, between the Staten Island Expressway and a jagged southern boundary separating it from Community District 3. The community district is bisected by the Staten Island Railway (SIR), the borough's only rapid transit line, which connects with the ferry to Manhattan at St. George. Its per-capita income, averaged for the 2014–18 period, was \$35,912—20% higher than the median community district.

Like Community District 15 in Brooklyn, Staten Island District 2 was hit hard by Hurricane Sandy in 2012. Much of the area east of Hylan Boulevard, and even some land beyond the boulevard, is in the flood-hazard zone and not suitable for significant new dense development.

The upland areas beyond the flood-prone portion of the community district have seen increasingly restrictive zoning since 1961, especially in the early years of the Bloomberg administration. In 2003, for example, 236 blocks were “downzoned.”²⁶ In 2004, the community district was subjected to “Lower Density Growth Management” regulations. This amendment raised the amount of required off-street parking spaces from one space per unit to two for a single-family home, and to three for a two-family home. Moreover, parking was prohibited in the front yard, effectively requiring more pavement on each lot where cars could be parked.²⁷ A 2005 follow-up amendment further reduced the number of homes that could be constructed on many

lots.²⁸ An additional zoning amendment in 2005 precluded residential uses on ground floors in commercial districts—effectively preventing housing from being built at all because FARs were too low to allow for housing on second floors above retail stores.²⁹

In several areas in Community District 2, however, new housing is feasible. The areas around the SIR stations are already more densely developed. In these areas, some services and employment are accessible without driving, so many households can at least avoid having to own more than one car.³⁰ The city should build on this by rezoning those areas for new apartment housing. Grasmere, for example, includes a largely vacant area between the station and the expressway, where housing is not permitted at all. Nearby, a 177-unit, six-story apartment building at 1950 Clove Road has a large parking lot, but zoning precludes the construction of another apartment building next to the existing one. Near the Jefferson Avenue station, the 506-unit NYCHA Berry Houses have extensive open areas where additional buildings could be located. Across Richmond Road from the NYCHA site are low-rise retail buildings that could be redeveloped with apartment buildings with ground-floor retail, if zoning allowed.

Another corridor that could be given priority for additional housing is Richmond Avenue, north of Forest Hill Road. This wide street is lined with shopping centers with large parking lots. Two seven-story apartment buildings with 243 dwelling units already exist, adjoining the Staten Island Mall at 80 Richmond Hill Road. More such buildings should be allowed around its complete perimeter and on nearby retail sites. The mall is distant from the SIR; but by concentrating population in this area, its transit needs can be served by express buses to Manhattan and local bus service to the SIR and the ferry.

In summary, the city rezoned Staten Island Community District 2 extensively, in order to preserve its low-scale neighborhood character, but never looked for alternative, more appropriate, locations for housing in this high-opportunity community district. Such opportunities abound if only one looks for them.

Conclusions

This analysis of six New York City community districts where little new housing was added in the 2010–20 decade shows that these areas do have appropriate housing opportunities, even for planners sensitive to neighborhood concerns. If the current administration can amass an effective political coalition that will not succumb to antidevelopment activists, it can take advantage of widely available new housing opportunities in these high-opportunity neighborhoods.

Specific zoning issues cut across communities. The city has never systematically dismantled the legacy of the restrictive 1961 zoning. Residential FARs in many locations are too low to permit apartment buildings, even in locations that are well served by transit and characterized by existing apartment buildings or low-intensity business uses that could also locate on the ground floor of new multistory mixed-use buildings. High off-street parking requirements tie up valuable land in inefficient uses and make new apartment buildings prohibitively expensive to construct. Zoning districts that prohibit residences are retained even in locations where housing is in high demand and employment could coexist with residences.

Other zoning impediments are more neighborhood-specific. In both high-density Manhattan Community District 8 and low-density Staten Island Community District 2, new housing was systematically thwarted by repeated zoning amendments. In Queens Community District 6, a successful rezoning to allow more housing in the neighborhood's business core was followed

by site-specific zoning changes that promised the community affordable housing but imposed economically unrealistic mandatory inclusionary zoning requirements that, in fact, led to no housing at all.

Stopping new housing was much easier than starting to build it again. Blocking change is popular, and promoting change is controversial. The city should undo its many restrictions, all of which will have fervent defenders.

The Department of City Planning has, in the past, used citywide zoning text amendments to change restrictive provisions that apply on a large scale. These reforms can succeed because they allow for the mobilization of citywide pro-housing constituencies that can overcome the ingrained resistance of the city council to change. In 2016, for example, the city enacted Zoning for Quality and Affordability (ZQA), which addressed a range of issues, including loosening height restrictions on new housing, eliminating required off-street parking for most new low-income housing, and creating workable regulations for senior housing.³¹

Some of the problems discussed in this report are amenable to citywide solutions, such as the remaining off-street parking requirements for non-income-restricted housing and for commercial space. Off-street parking is an amenity to relatively affluent residents, workers, and shoppers who own and use cars. Like other amenities for the relatively affluent, it should be provided to the extent that users are willing to pay. Requiring off-street parking, rather than simply permitting it if developers want to build it, is premised on a fundamental mistrust of market forces—the belief that, if left to their own devices, developers will build too little parking, and thus off-street parking will be too expensive.

Many U.S. cities have begun to dismantle this hidden subsidy to drivers.³² Eliminating parking requirements has also begun to gain local support. In January 2022, New York State Senator Brad Hoylman, a Manhattan Democrat, introduced legislation that would prohibit the city from requiring parking in new construction.³³ Also in early 2022, several Brooklyn elected officials endorsed waiving required off-street parking in new residential developments facilitated by rezonings.³⁴

Other problems, such as changing designated FARs for new residential buildings, can be solved only through neighborhood-specific rezoning actions. Taking on multiple neighborhood rezonings concurrently will be expensive and staff-intensive for the Department of City Planning.

The city has imposed on itself, and on private applicants for zoning changes, a costly, uncertain, and time-consuming approval process for zoning changes. Mayor Adams's recovery blueprint has promised to issue recommendations by an interagency task force that will consider how to speed up this process.³⁵ Environmental review, required for nearly all zoning changes, is an arduous state-mandated procedure that the city has exacerbated by interpreting legal requirements in the most pettifogging manner imaginable. The city can make helpful changes to its own requirements, but the most help would come from the state legislature, which could decide that more housing in New York City is a good thing and that it should be exempt from environmental review.

All this sounds idealistic, but other states and cities managed to allow much more housing to be built in the decade from 2010 to 2020.³⁶ If New York fails to rise to the occasion, it will find itself lagging behind cities that are more open to growth. Talented and ambitious people, who in the past would have been drawn to New York, will go elsewhere. That will be unfortunate, for both the city and the nation.

Appendix

The Appendix provides more specific information about the locations for housing growth suggested in this report. Readers should note that zoned “capacity” is not the same as actual housing starts. Even with permissive zoning, whether new housing actually gets built depends on market conditions as well as tax policies and other non-zoning regulatory impediments imposed by governments. However, given a history of housing demand outstripping supply in these high-opportunity neighborhoods, it is likely that a favorable regulatory framework will result in substantial private investment in new housing.

Unfortunately, overturning restrictive zoning will not be enough to ensure that large amounts of new housing are built in these community districts. The previous mayoral administration imposed affordability requirements on new housing, which, according to the city’s own study, work economically only in the city’s strongest housing markets.³⁷ Only one of the six community districts discussed in this report (Manhattan 8) was feasible at the time of the city’s study, in 2015. The Adams administration can succeed with rezonings only if affordability requirements are made consistent with the underlying economics of housing development. Otherwise, the amount of new housing resulting from rezonings will be capped by the availability of public subsidies, well below the number of units needed to house the city’s population adequately.

Furthermore, the development of privately financed rental housing is dependent on the continuation of a tax-exemption program for new housing, known as Section 421-a, or “Affordable New York.” Governor Kathy Hochul has proposed an inadequate replacement for the program, which expires in June 2022.³⁸ However, as of March 2022, the state legislature’s willingness to adopt Hochul’s plan or any alternative was not clear.

Community District 8, Bronx

Figure A-1

Johnson Avenue / West 235th Street Retail District



Source: NYC Dept. of City Planning, Zoning and Land Use Map, Johnson Avenue / 235th Street Retail District

The Johnson Avenue / West 235th Street retail district comprises all or portions of five city blocks (**FIGURE A-1**). Four of the blocks are zoned R6A (3 FAR residential), and one (Block 5786, south and west of the intersection of Johnson Avenue and West 235th Street) is zoned R5 (1.25 FAR residential). All the blocks have a C1-2 commercial overlay, which allows local retail with a high off-street parking requirement, generally one space per 300 square feet of floor area, or, for supermarkets, per 200 square feet of floor area. Since the retail district is surrounded by apartment buildings, most customers likely arrive on foot; thus, the need for so much off-street parking is questionable.

The consequence of high parking requirements for replacement ground-floor retail space is that the zoning has preserved this neighborhood's low-rise commercial buildings for more than 60 years, despite nominally permitting new apartment buildings in most of the area. Maintaining

the R6A district but rezoning the 72,500-square-foot retail lot on Block 5786,³⁹ with the C1-2 replaced by a C1-5 commercial overlay (no off-street parking requirement), would create the capacity for about 440 new housing units.



Figure A-2

Riverdale Avenue / West 259th Street Retail District

Source: NYC Dept. of City Planning, Zoning and Land Use Map, Riverdale Avenue / West 259th Street Retail District

This retail district is zoned R4 with a C1-2 commercial overlay (FIGURE A-2). R4 is a low-density residence district designed for small homes. The low-density, high-parking-requirement zoning excludes most development, save a private school that was able to take advantage of

relatively permissive rules for community facilities. Rezoning this area to R6A with a C1-5 commercial overlay, as proposed above for the nearby Johnson Avenue / West 235th Street retail district, could create the potential for about 560 new units.

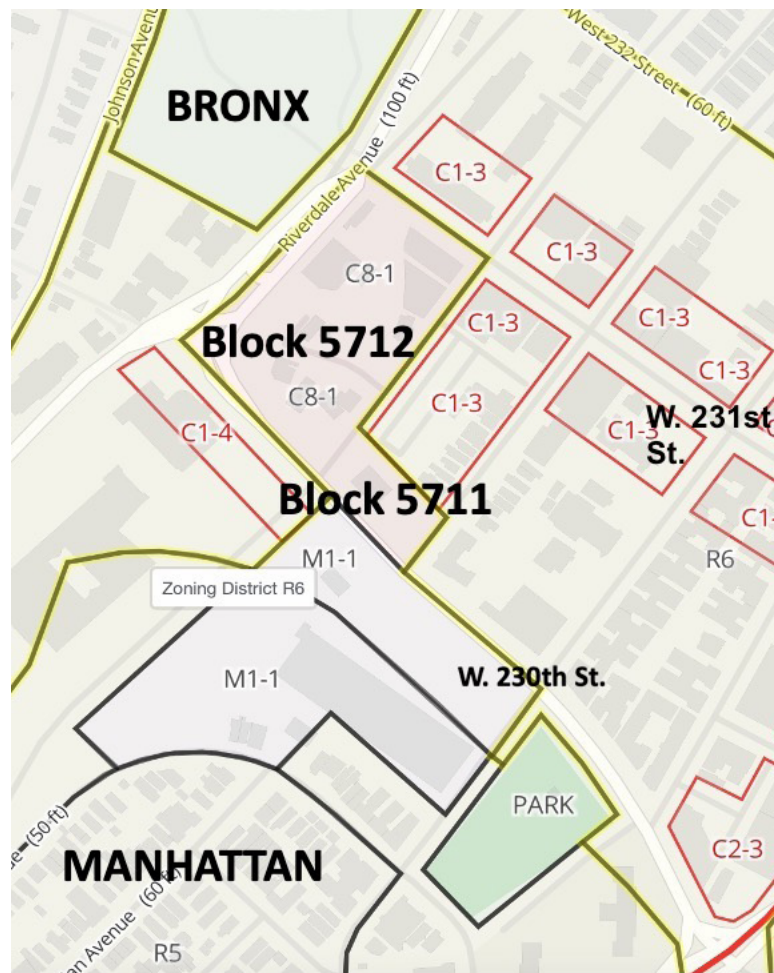


Figure A-3

Riverdale Avenue and West 230th Street

Source: NYC Dept. of City Planning, Zoning and Land Use Map, Riverdale Avenue and West 230th Street

The C8-1 district at Riverdale Avenue and West 230th Street, which allows no residential development, is shown in **FIGURE A-3** in the light pink color. Block 5712, the full block within the district, includes about 125,000 square feet of lot area. The portion on adjoining Block 5711 is 18,400 square feet. Rezoning this area to R6A, with commercial overlays along the West 230th and West 231st Street frontages, would create the capacity for about 445 new housing units.

The M1-1 zoning district containing a self-storage business and extensive open parking is shown in light grey. This zoning district also prohibits residences. The portion of the self-storage lot that is in the Bronx, which is almost entirely used for open parking, is 72,500 square feet (the

remainder of the lot, including the self-storage building, is in the Marble Hill neighborhood of Manhattan). Allowing new housing in this portion by rezoning to R6A would create capacity for approximately another 225 units.

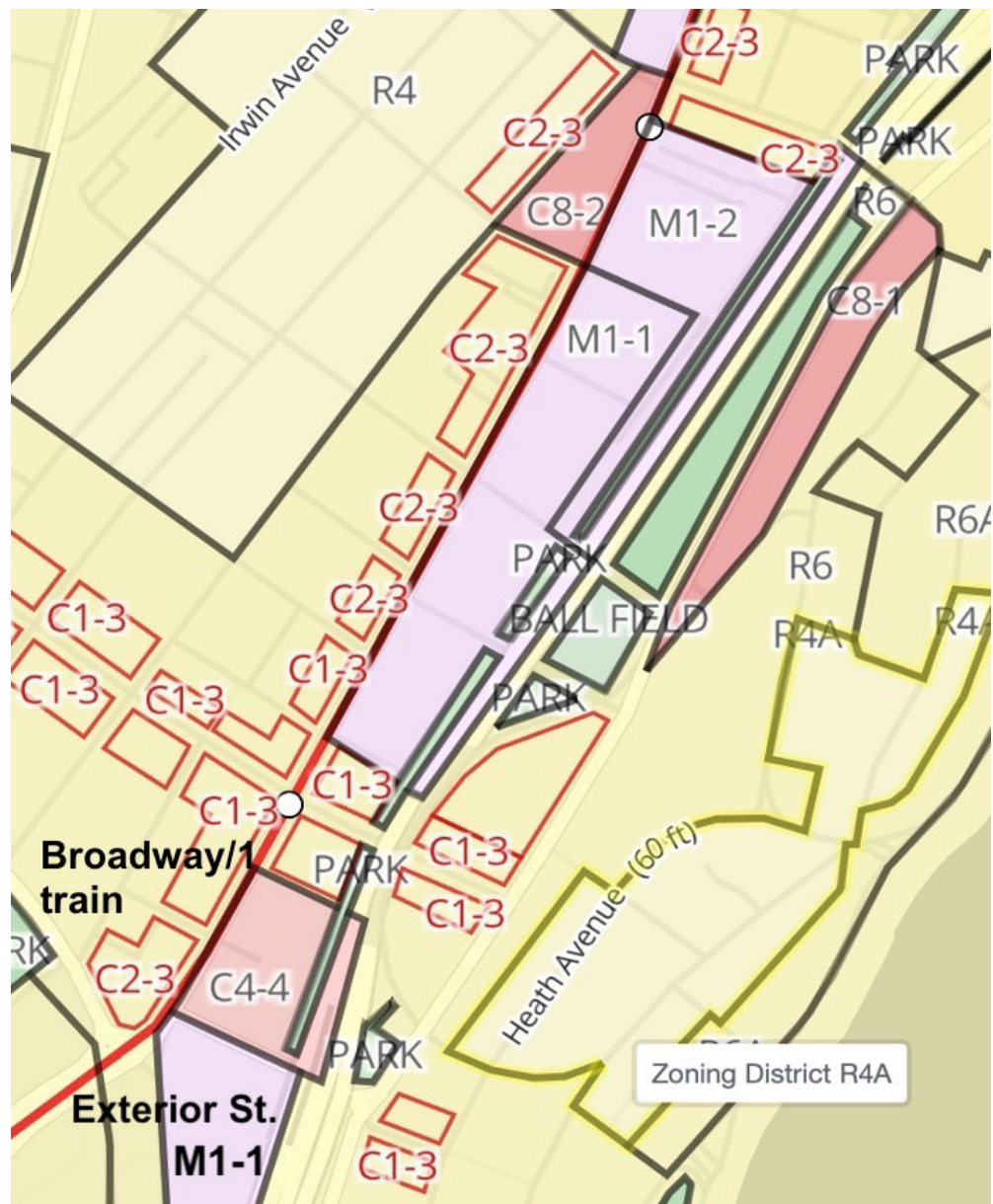


Figure A-4

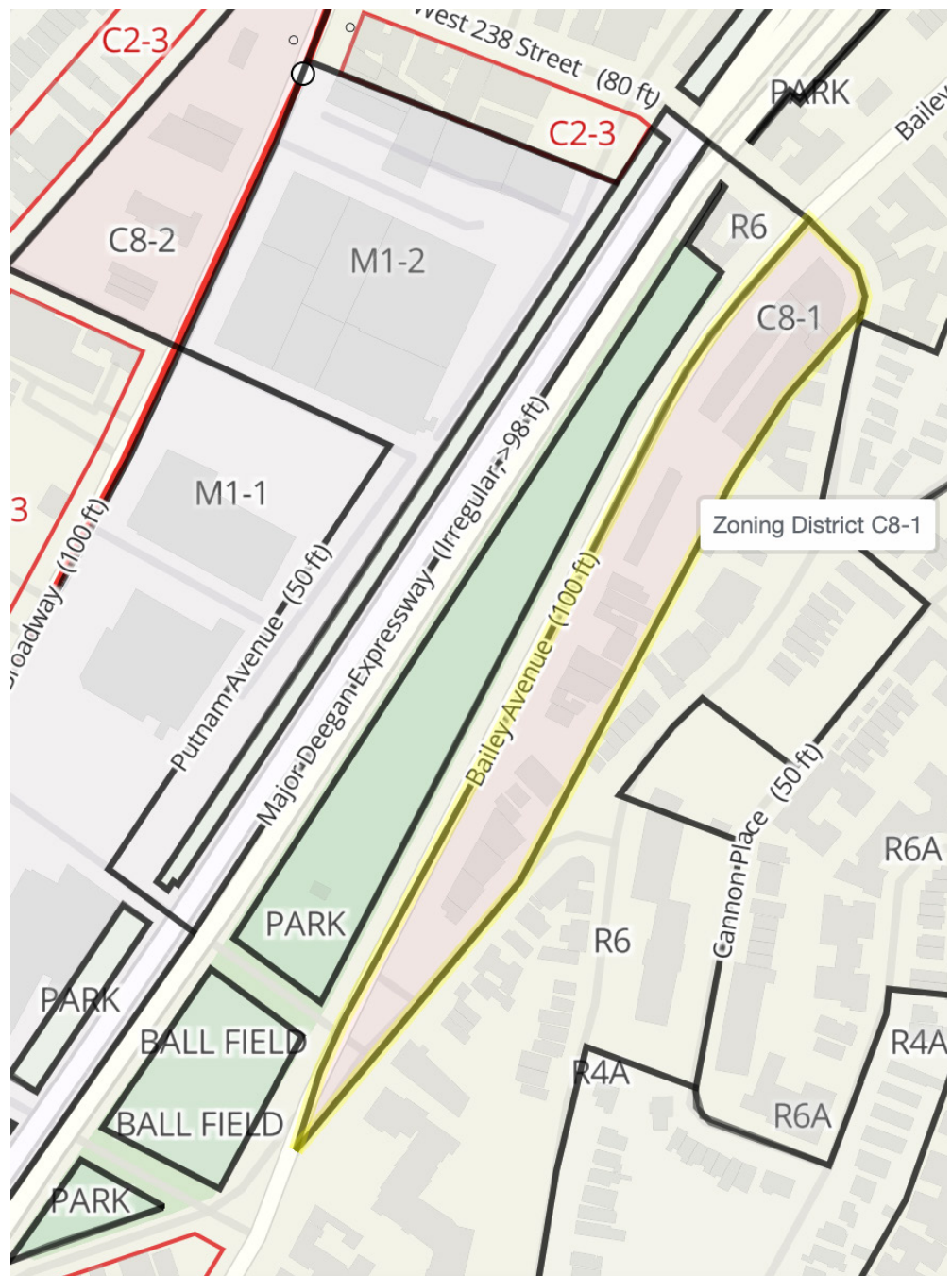
Exterior Street and Broadway

Source: NYC Dept. of City Planning, Zoning and Land Use Map, Exterior Street and Broadway, Kingsbridge

The M1-1 and M1-2 zoning districts, which preclude new housing, are shown in light purple in **FIGURE A-4**. The southerly district along Exterior Street has a potential capacity of about 495 units at a zoned density of 4.6 FAR,⁴⁰ including ground-floor commercial space. The higher-zoned density in this area is appropriate, given its proximity to the elevated Number 1 train. The much larger M-zoned area between West 231st and West 238th Streets has a potential capacity of about 1,880 units at 4.6 FAR, allowing for ground-floor retail.

Figure A-5

Bailey Avenue, Kingsbridge Heights



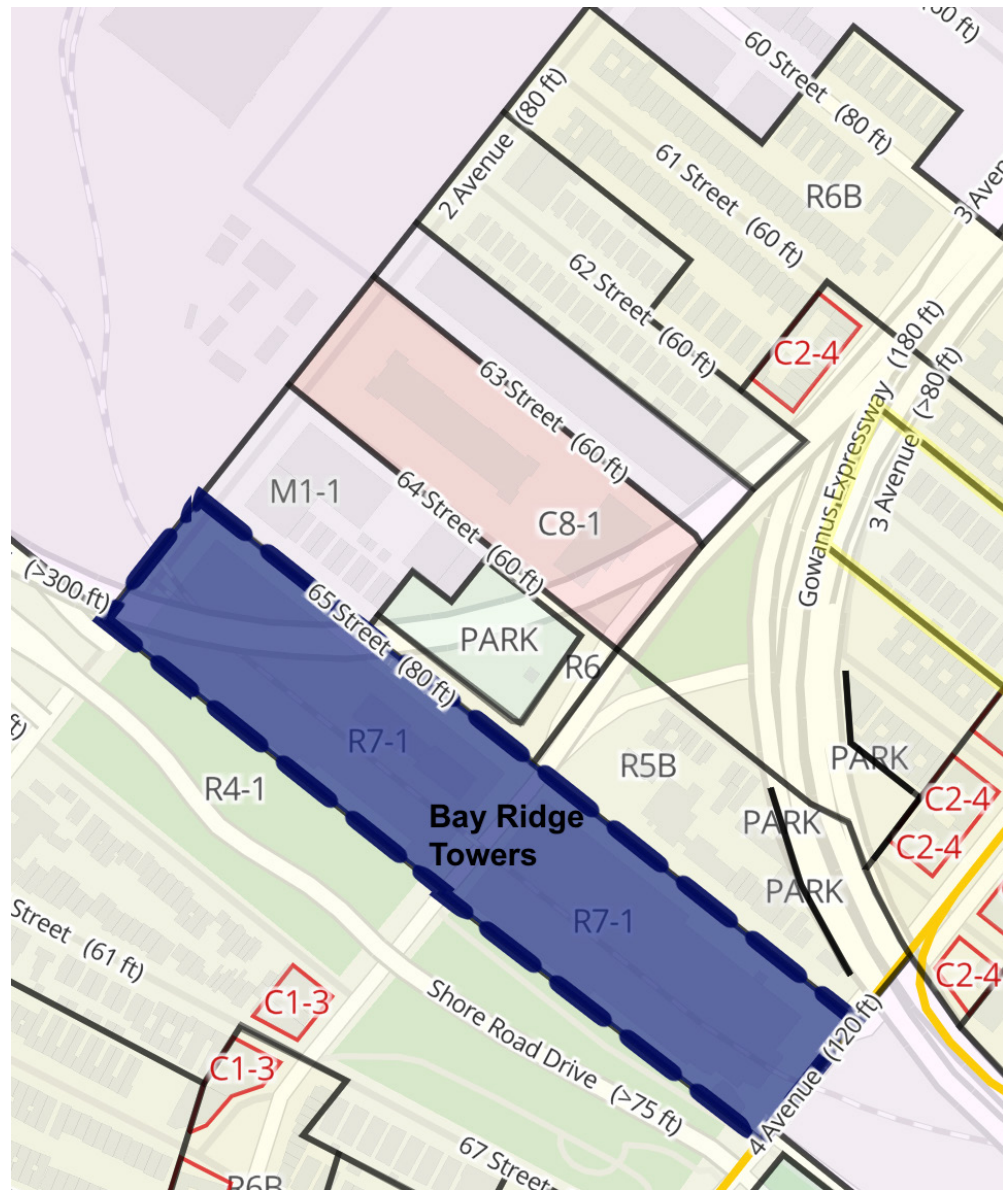
Source: NYC Dept. of City Planning, Zoning and Land Use Map, Bailey Avenue, Kingsbridge Heights

The C8-1 zoning district along Bailey Avenue, just across the Major Deegan Expressway from the M-zoned areas along Broadway discussed above, is shown in light pink color in **FIGURE A-5**. It also prohibits new housing. Rezoned at 4.6 FAR, with ground-floor commercial use, this long block frontage opposite a city park has a potential capacity of about 300 units.

Community District 10, Brooklyn

Figure A-6

Bay Ridge Towers

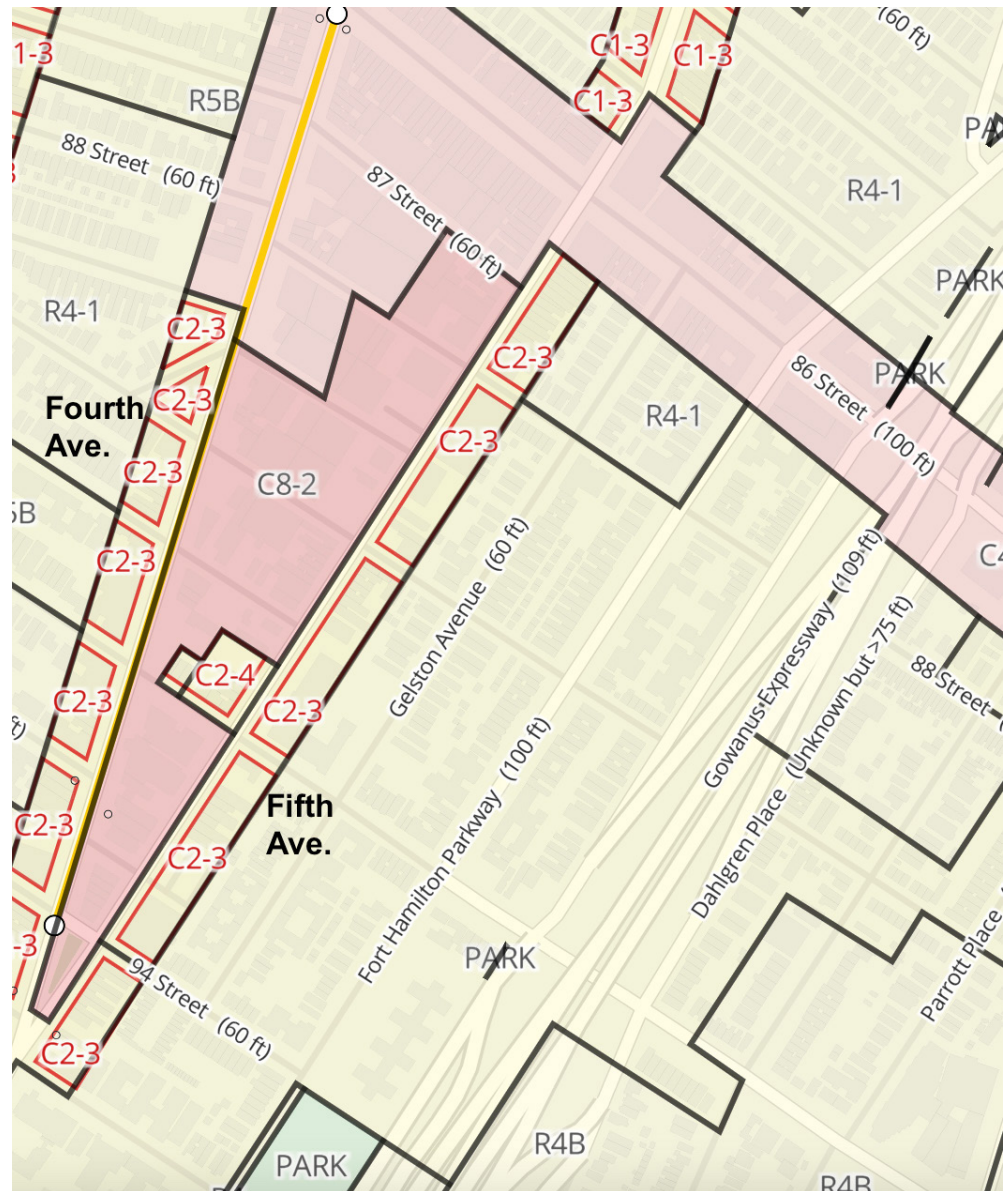


Source: NYC Dept. of City Planning, Zoning and Land Use Map, Bay Ridge Towers

The site of the Bay Ridge Towers, south of 65th Street between Second and Fourth Avenues, is shown in **FIGURE A-6**. The towers are zoned R7-1, which, in principle, permits additional buildings to be inserted in the large open parking areas on each block. (Neither building is constructed to the maximum residential FAR in the district of 3.44.) However, there may be issues related to restrictions in the original approvals for the project, as well as technical zoning issues related to height, open space, and required off-street parking, all of which complicate construction of additional buildings. The Department of City Planning should review the regulatory

Figure A-8

Bay Ridge Commercial Core



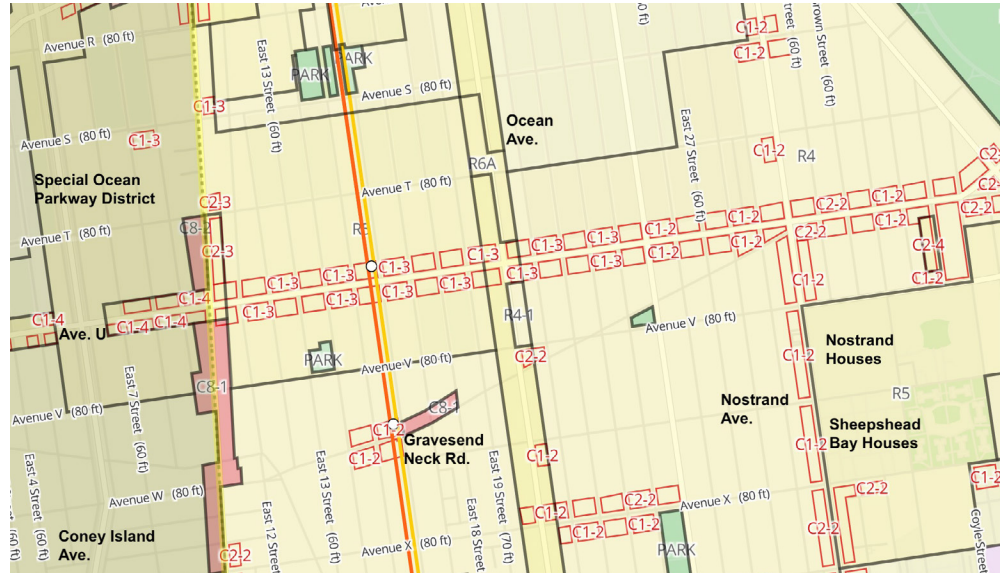
Source: NYC Dept. of City Planning, Zoning and Land Use Map

The C8-2 zoning district in the Bay Ridge commercial core is shown in salmon color in **FIGURE A-8**. No new housing is permitted currently. Rezoned to R6A, which is mapped across Fourth Avenue but at the incentive FAR of 3.6 that the zoning specifies for rezoned areas, the area has a potential capacity of about 920 new housing units, allowing for ground-floor commercial service uses and excluding lots that are not likely to be redeveloped.

Community District 15, Brooklyn

Figure A-9

Avenue U, Neck Road, Coney Island Avenue, Nostrand Avenue, Nostrand and Sheepshead Bay Houses



Source: NYC Dept. of City Planning, Zoning and Land Use Map, Avenue U

Avenue U is shown in **FIGURE A-9** as a band of red rectangles across the top of the image. The avenue has been rezoned to permit apartment buildings in the Special Ocean Parkway District, shown on the left in forest green, and in the vicinity of Ocean Avenue. This leaves approximately 26 facing blockfronts, some irregular in shape, that are zoned R4 and R5, precluding the construction of new apartment buildings, despite good transit access. Some apartment buildings nonetheless exist, constructed prior to the implementation of restrictive zoning in 1961. However, were the street to be rezoned to R6A, along all the commercial blockfronts from the mid-block between Coney Island Avenue and East 12th Street to 120 feet east of Stuart Street near Marine Park, with the requirement for commercial off-street parking removed, capacity could be created for about 3,070 new housing units.

Gravesend Neck Road

Gravesend Neck Road is shown in **FIGURE A-9** as a curve of red and pink zoning districts, one subway stop south of Avenue U. Despite the low-density R4 residential zoning, several large apartment buildings exist in the vicinity of Gravesend Neck Road and East 13th Street, just to the west of the transit station. Two additional pre-1961 apartment buildings stand just east of the station as well. Rezoning the commercial blockfronts to R6A without a commercial parking requirement, from Sheepshead Bay Road to East 19th Street, would extend this existing pattern of development easily accessible to transit. Allowing for ground-floor commercial space, the rezoning could create capacity for about 380 new housing units.

Coney Island Avenue

The Coney Island C8-1 district, where no new housing is currently permitted, appears as a salmon-shaded area at the left edge of FIGURE A-9. We analyze here a rezoning to R6A, allowing for ground-floor commercial space but with no required parking. Some lots unlikely to be redeveloped are excluded (such as a police precinct), while other lots that are nonresidential in character but located in adjoining R4 districts are included. In total, this rezoning could create capacity for about 1,090 additional housing units.

Nostrand and Sheepshead Bay Houses and Nostrand Avenue

The Nostrand Avenue retail district is shown as a line of red rectangles south of Avenue U, in the right-hand portion of FIGURE A-9. Nostrand and Sheepshead Bay Houses are the four large blocks south of Avenue V and east of Nostrand Avenue

The two city blocks that constitute the Nostrand Houses are 584,000 and 592,000 square feet, respectively, and comprise 1,100 housing units. The two Sheepshead Bay Houses blocks are 511,000 and 518,000 square feet and contain about the same number of units. The six- and seven-story apartment buildings are widely spaced, and new buildings could be sited in the open areas between buildings without affecting the existing buildings. The exact number of units that could be placed within these campuses would need to be studied, but a goal of adding 250 units to each block should be achievable. The blocks would need to be rezoned to a more permissive zoning district from the current low-density R5.

The adjoining Nostrand Avenue retail district is mostly zoned R4, with a high-parking-requirement commercial overlay, precluding the construction of new housing. (One blockfront is zoned R5, a slightly denser district; one is zoned R3-2, a less dense district.) The low-density residential zoning is belied not only by the NYCHA properties but by the large-scale presence of pre-1961 six-story apartment buildings in the surrounding blocks. Rezoned to R6A, with a commercial overlay but no required commercial parking, and excluding lots with large community facility buildings that are unlikely to be redeveloped, the corridor could have capacity for as many as 1,510 new housing units.

Figure A-10

Avenue X Commercial District



Source: NYC Dept. of City Planning, Zoning and Land Use Map, Avenue X Commercial District

The Avenue X commercial district, shown in **FIGURE A-10**, extends mainly east of McDonald Avenue, where low-density R4 zoning and a commercial overlay with a high parking requirement preclude the construction of new housing (a half-block frontage at McDonald is zoned M1-1, which prohibits new housing). Pre-1961 apartment buildings are found to the east of the commercial strip in the low-density R4 zoning district. The commercial district also includes a small area west of McDonald zoned C8-1, also prohibiting new housing; most of that zoning district comprises the MTA's Coney Island rail yard. By rezoning the Avenue X corridor R6A, with a commercial overlay with no parking requirement, and including only the lots with current commercial uses, capacity can be created for about 720 new housing units.

Community District 8, Manhattan

There are 28 blockfronts in the community district that are zoned for the highest-density residential towers permitted by the city but retain the original tenement structures along the avenue blockfront, with no apparent zoning lot mergers utilizing their excess development rights (**FIGURE A-11**). Additional avenue blockfronts have small amounts of new construction but still substantial unused rights.

These blockfronts are generally 20,000 square feet in lot area and are permitted up to 12 FAR of residential development (commercial ground floors take about 1 FAR of this). The existing tenements have FAR of not more than about 4, leaving 8 FAR, or about 160,000 square feet of floor area unbuilt. Freeing these blocks for redevelopment could result in capacity for about 4,400 new units.

Figure A-11

Un-Redeveloped Tenement Frontages in Manhattan CD 8

Avenue	Frontage	Cross Streets	Status
3rd	East	74th–75th	40 ft. of frontage vacant
3rd	West	80th–81st	
3rd	West	88th–89th	
3rd	West	91st–92nd	
3rd	West	92nd–93rd	
3rd	West	93rd–94th	
2nd	West	61st–62nd	
2nd	West	73rd–74th	
2nd	East	82nd–83rd	
2nd	West	83rd–84th	4,056-sq.-ft. lot at corner of 83rd is MTA vent structure
2nd	West	88th–89th	
2nd	East	88th–89th	5,000-sq.-ft. lot with retail but no residences
2nd	West	89th–90th	
2nd	East	90th–91st	
1st	East	63rd–64th	Avenue lots are 81 ft. deep
1st	West	66th–67th	Avenue lots are 75 ft. deep
1st	East	68th–69th	
1st	West	73rd–74th	Three avenue lots with 77 ft. of frontage are 75 ft. deep
1st	East	73rd–74th	
1st	West	82nd–83rd	
1st	East	82nd–83rd	
1st	East	87th–88th	
1st	East	90th–91st	
York	East	73rd–74th	
York	West	83rd–84th	
York	East	83rd–84th	
York	West	84th–85th	
York	West	87th–88th	

Figure A-12

Upper Yorkville C8-4 Districts



Source: NYC Dept. of City Planning, Zoning and Land Use Map

The two small enclaves in upper Yorkville zoned C8-4, in which no new housing is permitted, are shown in darker pink in **FIGURE A-12**. We assume a rezoning to R8 (6 FAR), similar to some adjoining midblock frontages. Although many lots in these areas are unlikely to be redeveloped because of the density of existing buildings, there are enough commercial sites with low floor area to create capacity for about 350 new housing units.

Figure A-15

Woodhaven Boulevard

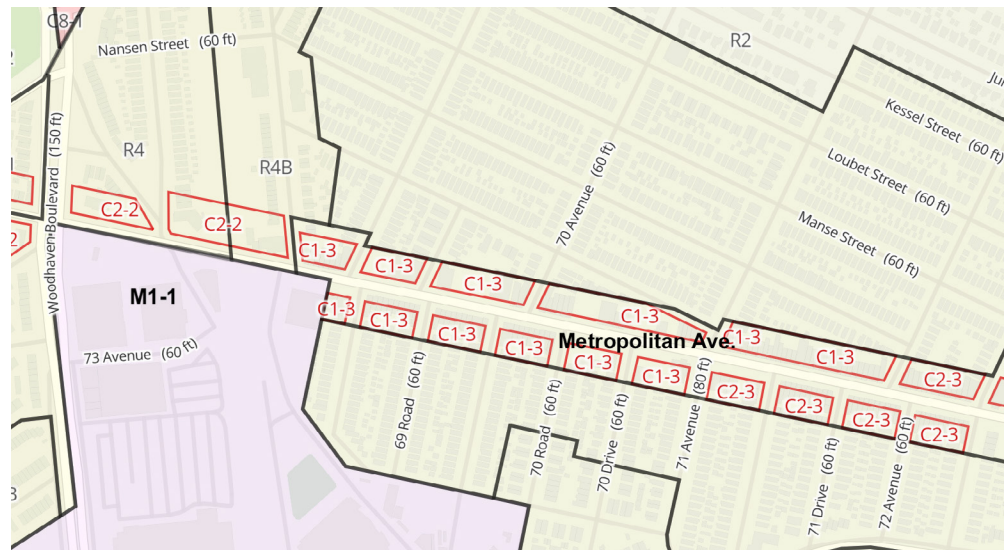


Source: NYC Dept. of City Planning, Zoning and Land Use Map

Woodhaven Boulevard (FIGURE A-15) is a major arterial with bus service feeding into the Queens Boulevard subway. In 2021, the city rezoned a portion of Block 3148, located at Woodhaven Boulevard and 68th Road, to R6A (3.6 FAR), with a C2-3 commercial overlay (one off-street parking space required generally for every 400 square feet of retail uses).⁴² This rezoning is unlikely to result in new housing without public subsidies because of the poor design of the Mandatory Inclusionary Housing program—and the required commercial parking makes little sense for the ground floor of an apartment building—but the rezoning sets a pattern for the other commercial blocks in the area. The Woodhaven Boulevard frontages facing St. John Cemetery include several blocks where housing is permitted, but only at very low FARs that effectively preclude it, and two C8-1 districts (shown in salmon color and separated by the recent rezoning). The C8-1 districts prohibit new housing, although a six-story, 66-unit apartment building (built under the pre-1961 zoning) stands within one. Rezoning the entire stretch to R6A, with ground-floor commercial space permitted without off-street parking, would create capacity for about 340 new housing units on lots currently occupied by low-rise commercial structures.

Figure A-16

Metropolitan Avenue



Source: NYC Dept. of City Planning, Zoning and Land Use Map

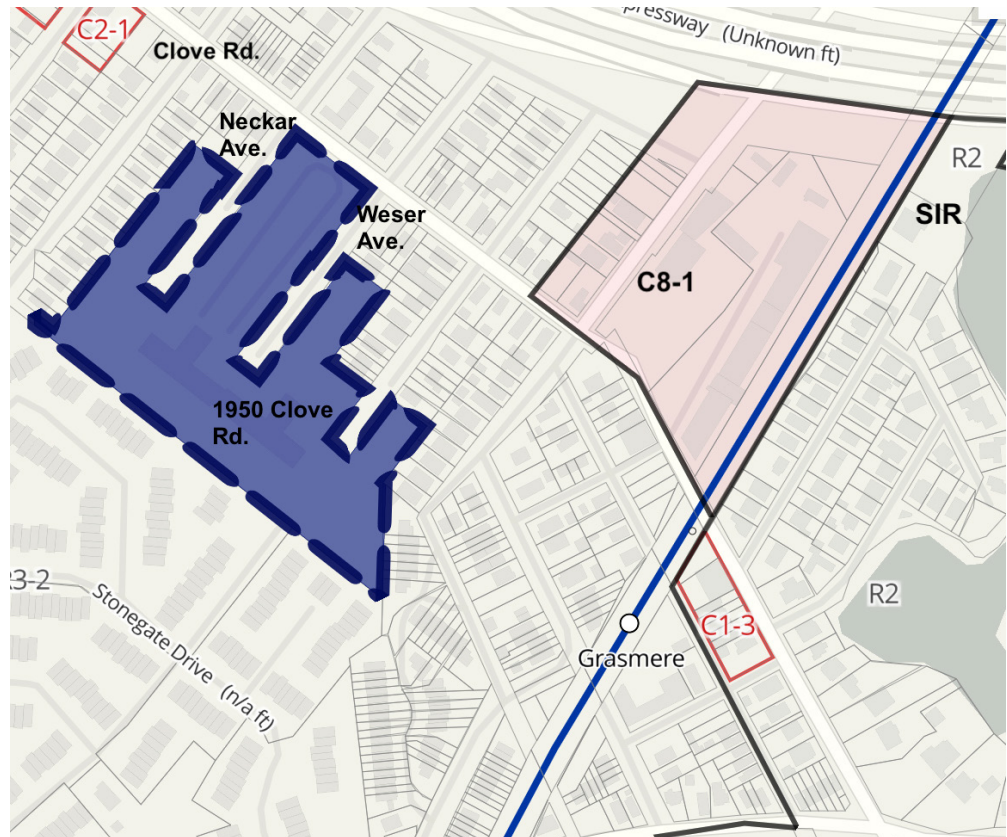
Metropolitan Avenue (**FIGURE A-16**) is another commercial street with bus service connecting to the subway—in this case, the 71st Avenue station on the Queens Boulevard line and the M train in Middle Village. The avenue is currently zoned to permit residential use, but at FARs too low to be practical. East of 71st Avenue, Metropolitan Avenue is developed with many small storefronts with apartments above. This area has a village-like charm that zoning should respect. West of 71st Avenue, the character is less consistent, with larger lots. A large manufacturing zone at the intersection with Woodhaven Boulevard has a few retail structures and a great deal of open parking. No new housing is permitted. This area should permit housing, and the retail can be replaced with structured parking.

For this report, we analyzed rezoning the Metropolitan Avenue commercial frontages R6A west of 71st Avenue and the manufacturing zone R6. Both permit 3.6 FAR, but the R6 zoning would permit more flexibility in locating residential buildings and retail parking. This rezoning would create capacity for about 2,730 new housing units, taking into account ground-floor commercial space.

Staten Island Community District 2

Figure A-17

Grasmere



Source: NYC Dept. of City Planning, Zoning and Land Use Map

FIGURE A-17 shows potential areas for new housing in Grasmere, near the SIR station at lower center. The 1950 Clove Road lot, in blue, has a six-story, 177-unit apartment building in its long segment, parallel to Clove Road. The current very low-density zoning does not permit new units to be added. By rezoning the perpendicular sections along Weser and Neckar Avenues, currently open parking and vacant land, to R5D, a 2 FAR district, capacity can be created for about 270 new units, even allowing for retail on the Clove Road frontage. The large C8-1 district does not allow housing. Rezoned to R5D, the area can accommodate about 360 new housing units, also with retail frontage along Clove Road.

Figure A-18

Jefferson Avenue SIR Station & Vicinity

Source: NYC Dept. of City Planning, Zoning and Land Use Map

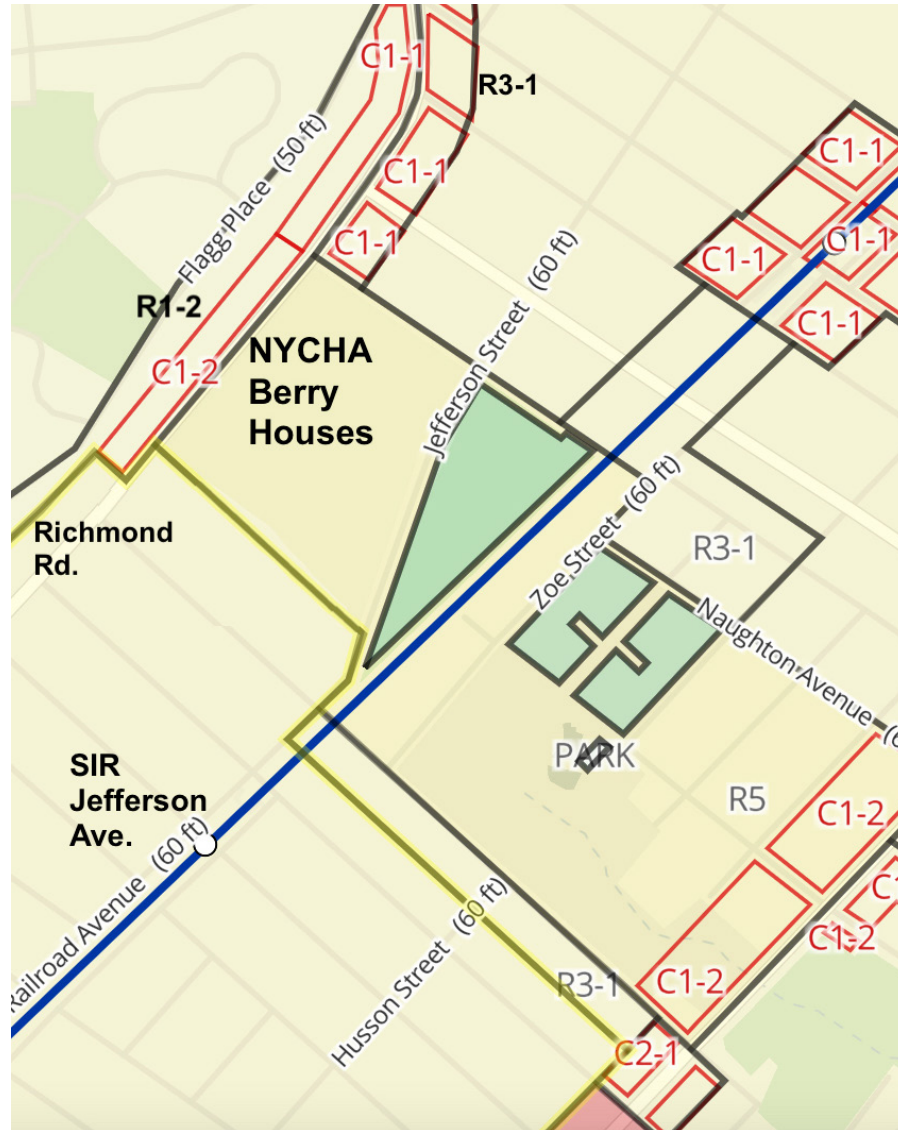


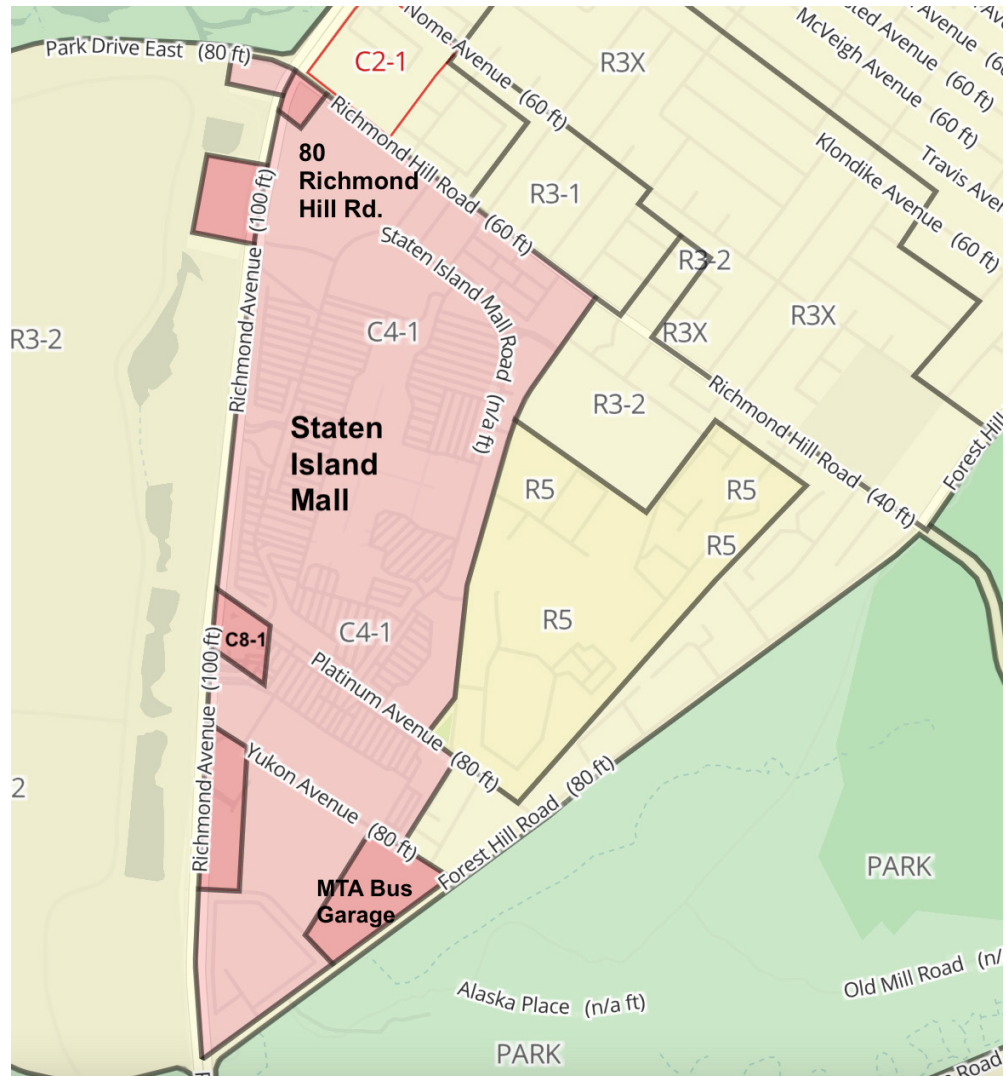
FIGURE A-18 shows the Jefferson Avenue SIR station at lower center and nearby potential housing sites. The 483,150-square-foot NYCHA Berry Houses lot is zoned R5 (1.25 FAR) but developed at FAR of slightly less than 1, with 506 residential units. Increasing the FAR to 2 would permit development of about 500 more units in the extensive open areas on the lot.

The Richmond Road retail strip has large parking areas, despite the proximity of the public housing, existing nearby homes, and service by several bus lines. Rezoned R5D at 2 FAR, without a requirement for commercial parking, the strip could accommodate more retail square footage at ground level and about 390 residences above.

Figure A-19

Staten Island Mall / Richmond Avenue Retail Area

Source: NYC Dept. of City Planning, Zoning and Land Use Map



The Staten Island Mall and nearby retail are located in a C4-1 zoning district (shown in pink in **FIGURE A-19**), which allows both a wide range of commercial uses, albeit with a very high off-street parking requirement, and residences at an R5 equivalent, or 1.25 FAR. The C4-1 district covers five city blocks, between Richmond Hill Road and the intersection of Richmond Avenue and Forest Hill Road. The four blocks also include four C8-1 districts, in which no housing is allowed. Three differ little in use from the surrounding C4-1 area, while one C8-1 district fronting Forest Hill Road is an MTA bus garage and not appropriate for residential development.

One of the four blocks zoned C4-1, Block 2401 in the northeast corner, is already residential, as is a small portion of Block 2400 that is occupied by the 80 Richmond Hill Road development discussed above. The remainder of Block 2400, Blocks 2440 and 2460, and the part of Block 2359 not occupied by the bus garage comprise almost 7.5 million square feet of lot area but have only about 2.62 million square feet of commercial space, for a commercial FAR of about 0.35. The remaining permitted residential floor area (assuming the C8 portions other than the bus

garage are rezoned to C4-1) amounts to about 6.7 million square feet of floor area. Even if we assume continued commercial growth, the area could easily accommodate another 5,000 housing units under current zoning by replacing what is now open parking with apartment buildings and parking structures to serve the retail. To unlock that zoning, the city would need to permit seven-story buildings, with no retail on the ground floor—exactly the prototype set by 80 Richmond Hill Road, which predates 1989 zoning changes that capped height.

About the Author



Eric Kober

Senior Fellow

Eric Kober is a senior fellow at the Manhattan Institute. He retired in 2017 as director of housing, economic, and infrastructure planning at the New York City Department of City Planning. He was Visiting Scholar at NYU Wagner School of Public Service and senior research scholar at the Rudin Center for Transportation Policy and Management at the Wagner School from January 2018 through August 2019. He has master's degrees in business administration from the Stern School of Business at NYU and in public and international affairs from the School of Public and International Affairs at Princeton University.

Acknowledgments

The Manhattan Institute thanks the Klinsky Leadership Series for its support in the publication of this paper.

Endnotes

- ¹ Mihir Zaveri, “Rents Are Roaring Back in New York City,” *New York Times*, Mar. 7, 2022.
- ² Eric Kober, “Can’t Keep a Great City Down: What the 2020 Census Tells Us About New York,” Manhattan Institute, Nov. 4, 2021.
- ³ “High-opportunity” community districts are defined in the report as those in the top two quintiles, ranked by five-year (2014–18) American Community Survey data for per-capita income.
- ⁴ City of New York, Office of the Mayor, “Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery,” Mar. 10, 2022, p. 54.
- ⁵ See Kober, “Can’t Keep a Great City Down,” fig. 9, which lists the city’s high-opportunity community districts and the percentage change in housing units over the decade. The community districts listed in the figure with housing growth below 3% are Bronx 8; Brooklyn 10 and 15; Manhattan 8; Queens 6; and Staten Island 2. Maps and data profiles for NYC community districts can be found at <https://communityprofiles.planning.nyc.gov>.
- ⁶ The “floor area ratio” (FAR) is NYC’s basic control on density. It is a number representing the amount of floor area that can be built on a lot, expressed as a multiple of the lot area. For example, on a 10,000-square-foot lot with 3 FAR, 30,000 square feet of floor area can be built.
- ⁷ The problems with the Mandatory Inclusionary Housing program are discussed in Eric Kober, “De Blasio’s Mandatory Inclusionary Housing Program: What Is Wrong, and How It Can Be Made Right,” Manhattan Institute, Jan. 16, 2020.
- ⁸ Per-capita income calculations for all community districts are from U.S. Census Bureau, American Community Survey, compiled by NYC Dept. of City Planning, “Population: American Community Survey Data Tables, Economic, Community District Tabulation Areas/PUMA.”
- ⁹ The city has plans to restore the brook as a flood-control measure. See Winnie Hu and James Thomas, “Why New York Is Unearthing a Brook It Buried a Century Ago,” *New York Times*, Dec. 6, 2021.
- ¹⁰ The city was comprehensively rezoned, effective Dec. 15, 1961. I discussed this history in Eric Kober, “Zoning That Works,” *City Journal*, Oct. 1, 2020.
- ¹¹ Dean M. Roberts, “What Is a Mitchell-Lama Building Anyway? A Guide to One of NYC’s Greatest Real Estate Deals,” *Brick Underground*, Nov. 27, 2012.
- ¹² NYC Planning Commission, “Amendments of the Zoning Resolution of the City of New York Pursuant to Section 200 of the New York City Charter Relating to New Article XI, Chapter 4 Concerning the Establishment of the Special Bay Ridge District,” Sept. 25, 1978.

- ¹³ The NYC Dept. of City Planning provides a map of flood-hazard areas at <https://www1.nyc.gov/site/planning/data-maps/flood-hazard-mapper.page>. For an explanation of area designations, see Amica, “What Is an AE Flood Zone? Determine Your Home’s Flood Risk.”
- ¹⁴ NYC Planning Commission, C 930183 ZMK, June 23, 1993.
- ¹⁵ For a history of NYC’s tenement laws, see Carmen Nigro, “Tenement Homes: The Outsized Legacy of New York’s Notoriously Cramped Apartments,” New York Public Library, June 7, 2018.
- ¹⁶ These included the Upper East Side Midblock Rezoning. See NYC Planning Commission, C 850539 ZMM, July 22, 1985; N 940013 ZRM (“Plaza and Tower Amendment”), Dec. 20, 1993; C 930136 ZMM (“Upper East Side Rezoning”), Dec. 20, 1993.
- ¹⁷ Adam Leitman Bailey, “Demolition: One of the Last Ways to Deregulate a Building,” *Real Estate Weekly*, Feb. 27, 2020.
- ¹⁸ Block and lot information (Block 1550, Lot 7501) from NYC Dept. of City Planning, “New York City’s Zoning & Land Use Map” and NYC Dept. of Buildings, certificate of occupancy 101585.
- ¹⁹ NYC Dept. of City Planning, “Glossary of Zoning Terms.”
- ²⁰ Block and lot information (Block 1543, Lot 7503) from NYC Dept. of City Planning, “New York City’s Zoning & Land Use Map” and NYC Dept. of Buildings, Zoning Diagram, May 7, 2021.
- ²¹ NYC Planning Commission, N 090103 ZRQ, Jan. 21, 2009.
- ²² 105-02 Queens Boulevard, under construction in early 2022, 166 dwelling units; 107-02 Queens Boulevard, under construction in early 2022, 74 units; 106-20 70th Avenue, completed in 2015, 23 units; 109-15 72nd Road, completed in 2019, 23 units; 109-19 72nd Road, completed in 2018, 46 units.
- ²³ Wikipedia, “Taxpayer (Building).”
- ²⁴ See Kober, “De Blasio’s Mandatory Inclusionary Housing Program.”
- ²⁵ The rezonings are the former Parkway Hospital; 91-32 63rd Drive; 68-19 Woodhaven Boulevard; 98-81 Queens Boulevard. Permit filings available at Dept. of Buildings, BISWEB.
- ²⁶ NYC Planning Commission, C 030022 ZMR, Nov. 5, 2003.
- ²⁷ NYC Planning Commission, N 040414 ZRY, July 28, 2004.
- ²⁸ NYC Planning Commission, N 060022 ZRR, Nov. 16, 2005.
- ²⁹ NYC Planning Commission, N 060066 ZRR, Dec. 7, 2005.
- ³⁰ SIR stops in Community District 2 are Grasmere, Old Town, Dongan Hills, Jefferson Avenue, Grant City, and New Dorp.
- ³¹ NYC Dept. of City Planning, “Zoning for Quality and Affordability.”

- ³² Eric Kober, “End of the Road for Parking Requirements,” *City Journal*, May 24, 2021.
- ³³ Julianne Cuba, “State Bill Would Eliminate Parking Minimums in the City,” *Streetsblog NYC*, Jan. 31, 2022.
- ³⁴ Aaron Ginsburg, “Brooklyn Officials Call for End of Minimum Parking Requirements at New Developments,” *6sqft*, Mar. 1, 2022.
- ³⁵ City of New York, Office of the Mayor, “Rebuild, Renew, Reinvent: A Blueprint for New York City’s Economic Recovery,” 49–50.
- ³⁶ See Eric Kober, “How Large Cities Can Grow Denser and Flourish: What the 2020 Census Reveals About Urban Sprawl,” Manhattan Institute, Jan. 20, 2022.
- ³⁷ The city’s study is discussed in Kober, “De Blasio’s Mandatory Inclusionary Housing Program.”
- ³⁸ I discussed Hochul’s tax proposal in Eric Kober, “Hochul Joins the YIMBYs,” *City Journal* (Eye on the News), Jan. 7, 2022; idem, “Hinging on the Details,” *City Journal* (Eye on the News), Jan. 20, 2022.
- ³⁹ As a rezoning incentive, NYC zoning permits 3.6 FAR in areas rezoned to R6A, albeit with mandatory affordability requirements.
- ⁴⁰ The R7-1 district has a maximum FAR of 4.6, with mandatory affordable housing included.
- ⁴¹ They are not likely to be redeveloped because of the presence of substantial residential, commercial and community facility buildings, or utility properties. However, this includes development over the Community District 10 portion of the MTA-owned railroad right-of-way.
- ⁴² NYC Planning Commission, C 200272 ZMQ, Apr. 7, 2021.