

Morningside Heights Rezoning – Ensuring A Community That Thrives For and By All

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By Robert F. Stern and Dave Robinson. Morningside Heights Community Coalition



[Morningside Heights Community Coalition \(MHCC\)](#)'s strongest commitment is to preserve and expand affordable housing in our community. Community residents have identified affordable housing as their primary concern and we established a [JUST Housing committee](#) working to get our institutions, especially Columbia University, to contribute to alleviating our neighborhood's housing crisis.

An essential tool in our advocacy is the [Morningside Heights planning study](#). The plan it describes has won the enthusiastic support of our current and former Councilmembers, our current and former Borough Presidents, the current and former City Council Speaker and Community Board 9. Hundreds of neighborhood residents attended community meetings to demand rezoning and over a thousand have signed supportive petitions.

Due to limited affordable housing sites in Morningside Heights/Manhattan Community Board 9, City Council staff members included an area in the study at the southern border of our neighborhood. It is critically important to ensure all community members and other stakeholders understand the specifics of this inclusion as the rezoning process advances to address concerns expressed by individual residents and organizations based in this area, formally part of Manhattan Community Board 7.

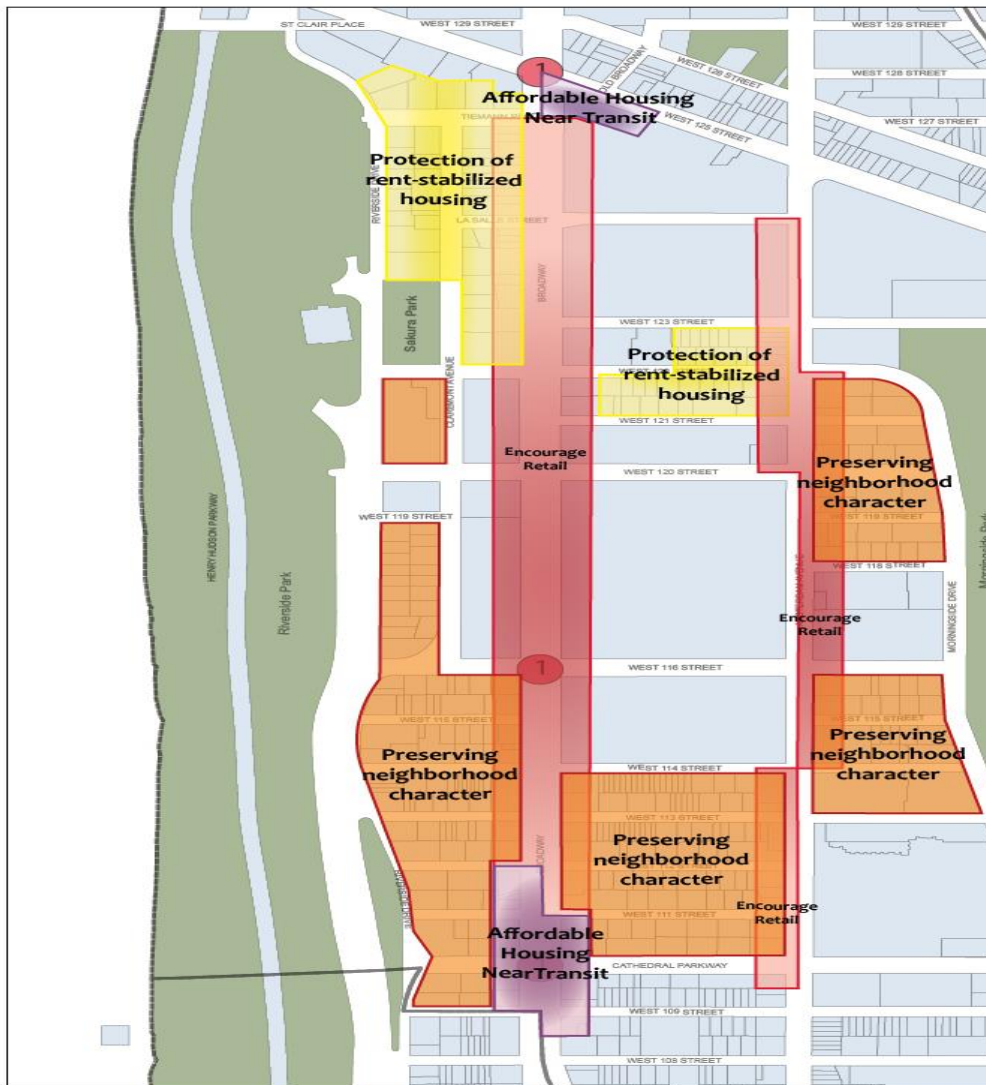
Without rezoning, which last occurred in Morningside Heights in 1961, our broader neighborhood will continue to be plagued by overdevelopment as seen most dramatically in the two recently constructed luxury condominium towers in the northern end of the neighborhood.

Below is a brief summary of the rezoning plan, as well as a response to concerns raised by some of our neighbors. We look forward to continued dialogue with our neighbors to ensure clear, shared understanding of the plan and discussions on ways of resolving concerns.

Rezoning Plan:

The major goals of the rezoning plan are to promote racial and economic diversity both by adding affordable housing at 125th St and near 110th St., and to preserve racial and economic diversity by protecting rent-stabilized tenants.

Below is a high-level view of the geographic area to be rezoned, and specific outcomes that the plan promotes.



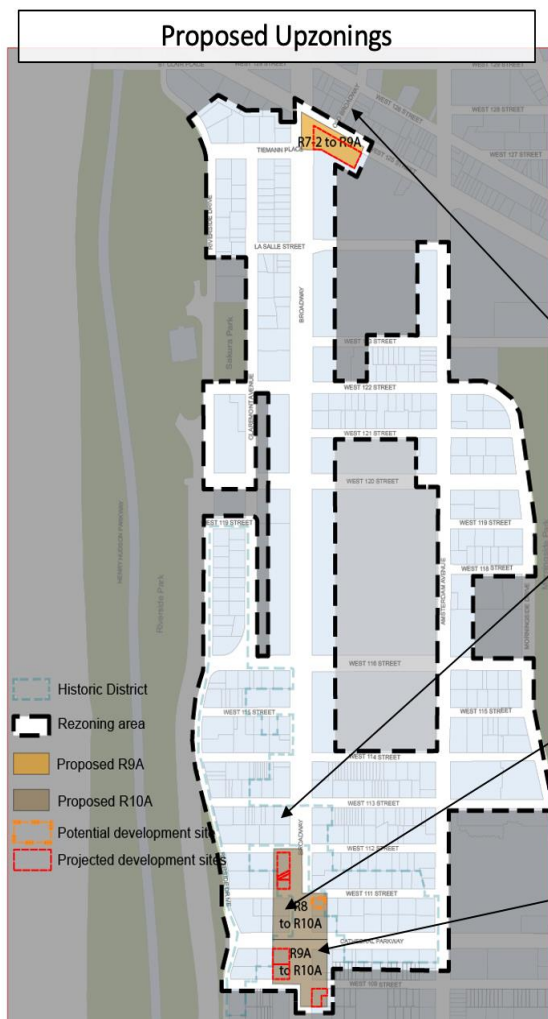
The rezoning goals include:

- Produce affordable housing near transit by creating zoning designations which apply height caps of around 22 stories and 18 stories near the 110th Street #1 subway station and the 125th Street #1 station. This upzoning would trigger a requirement to build 25-30% affordable housing under the City's Mandatory Inclusionary Housing program. We would encourage advocacy by our elected officials and the community to create greater

and deeper affordability. That would occur in the context of a particular development project, of which there are none currently proposed for the sites south of 110th St.

- Minimize the risk of displacement by enforcing low-height limitations in areas with high concentration of an estimated 600 existing rent-stabilized units, primarily in the northern sections of Morningside Heights.
- Preserve contextual neighborhood character by mapping 12-story and 18-story caps for contextual zoning in the remaining areas.
- Encourage retail along Broadway and Amsterdam by mapping new commercial overlays on avenues.
- Greater transit accessibility through improvements to the 110th Street & Broadway and 125th Street subway stations of the Number 1 line.

Overall, the rezoning is projected to produce 1026 residential units, 257 of which would be permanently affordable. Specific areas would be “upzoned” to produce mandated affordable housing. (See map below).



UPZONING TO PRODUCE AFFORDABLE HOUSING – But Limiting Heights

Projected Development Site 1
568 W. 125th St. – proposed R9A – 18 Stories



Projected Development Site 2
2861-2871 Broadway – proposed R10A -- 22 stories



Projected Development Site 3
2825-2835 Broadway – proposed R10A – 22 stories



Projected Development Site 4
2810 Broadway – proposed R10A – 22 stories



Concerns Raised by the Inclusion of Development Sites South of 110th Street:

We hope the answers below will allay concerns expressed by our neighbors.

The Importance of Including Sites South of 110th Street: Moving forward requires inclusion of sites below 110th Street in a rezoning plan focused on Morningside Heights, without which our plan likely would not advance, making this area ripe for overdevelopment.

It is necessary to include some sites south of 110th St. to provide a sufficient amount of affordable housing, largely due to the prevalence of so much institutional ownership of property from 110th to 125th Streets. We at MHCC, as well as the City Council, believe that this provides a timely opportunity to increase diversity of all kinds in our broader community. The proposed upzoning would trigger **mandatory** rather than the existing **voluntary** affordable housing, which would greatly increase the certainty that affordable units would be built, and encouraging such development by somewhat increasing the allowable height. The earlier rezoning south of 110th Street, relying on voluntary inclusionary housing, has failed to produce affordable housing.

An added benefit of rezoning is “Zoning for Transit Accessibility” improvement bonuses (where a developer might receive additional floor area when they fund and/or build transit accessibility improvements — such as subway elevators) would likely apply at any of the projected development sites sufficiently upzoned near a station. Therefore, there could be opportunities for fully accessible subway stations at 110th Street and 125th Street on the #1 line if buildings were developed close to those sites.

Increased Percentages of Affordable Housing? We at MHCC strongly believe that much more affordable housing is needed and this should be the priority in any new development. The current Mandatory Inclusionary Housing, with its limits of 25-30% of units affordable, is unfortunately the only available option we have for an area-wide zoning plan on sites owned by private developers. Even in its limited form, it will add to the racial and economic diversity of the area surrounding 110th Street.

Off-site Development: While the zoning text permits developers to build affordable units off-site, this is unlikely. They are required to build 5% more affordable units (so on average 30% instead of 25%) and the units must be within the same Community District or within a half-mile of the development. Additionally, an off-site building solution would be more costly.

Conclusion: The community-led Morningside Heights Rezoning Plan promotes the inclusion of affordable housing to support a mixed socio-economic and racially diverse population within a gentrifying neighborhood -- where residents can take advantage of our beautiful neighborhood that offers nearby accessible transit, well-stocked supermarkets, good schools, and our three magnificent Parks – Central, Morningside, and Riverside – to ensure a community that thrives for all. MHCC, other community organizations, and our elected officials will continue to advocate for greater and more deeply affordable housing at every opportunity.

Robert F. Stern and Dave Robinson are Board Members of the Morningside Heights Community Coalition

Frequently Asked Questions:

These are answers to questions that have been asked by stakeholders in the course of the developing the Rezoning Plan.

Educational Institutions

Given citywide interest in research and development in the life sciences, and Columbia's presence in Morningside Heights, have other educational institutions in the area that rely heavily on their real estate holdings been engaged in the discussion?

We have engaged with Columbia several times over the course of the process thus far, and outreach to Columbia's affiliate institutions Teachers College and Barnard College has been directed back to Columbia as well. We have not yet engaged with Union Theological Seminary, Jewish Theological Seminary or Manhattan School of Music.

Could the rezoning result in two- to four-bedroom apartments being redeveloped as studios or one-bedroom apartments that turn over more often?

There may be pressure to convert to smaller units for student use. (Dormitory development was a big issue in the Soho/Noho rezoning.) There are a few intersections here, and we're happy to discuss further if these don't answer your question:

Morningside Heights has long had a substantial transient student and academic population, so there is always demand for units that can accommodate those residents. That won't change. As it stands, developers are taking advantage of existing zoning to build and rent out upscale small units or individual rooms within units to students – such as the recent development of Monarch Heights on 120th Street.

In areas where we propose to reduce density, we are targeting small rent-stabilized buildings to disincentivize redevelopment. Due to rent regulations and small building sizes, we wouldn't anticipate conversions to smaller units to be any more attractive due to rezoning. In areas where we are proposing contextual rezoning (keeping allowable FAR the same but adding a height cap), building owners would still be allowed to build the same floor area that they can now, so again we would not anticipate any impact on conversions to smaller units.

A racial impact study will help us understand displacement implications much more clearly.

In terms of influencing the outcome of new development to ensure there are allocations for lower income families, MIH development is one of the best (if imperfect) tools at our disposal to do so, which we're proposing on four projected development sites. Beyond that, MHCC and the applicant team welcome ideas for advocating for the best development outcomes possible.

Zoning

Why not allow lower height but the same density for the projected development sites? Isn't it possible to achieve the same number of units with lower heights, like 145 feet?

To clarify, the current zoning of R9A with VIH along Broadway south of 110th Street allows heights up to 175' or 17 stories (not 145'). R10A is the only zoning district in the zoning code that is a significant enough increase in density from R8 or R9A to allow us to trigger MIH, and its height limit is 23 stories.

It seems dubious, but may be worth inquiring, whether DCP (whose support we will need for the proposal to ultimately be successful in ULURP) would both A.) allow a much lower height limit for a zoning district than is currently allowable in the zoning code and B.) allow MIH to be mapped on sites where the density is increased but not the height. Both are rare, if not unprecedented in the latter case, maneuvers, but we welcome any insight from the Community Board that can help us understand whether there is precedent for such actions and where it has happened before.

There is also a question of how realistically the same number of units can be fit into a 17-story building as into a 23-story building.

Beyond that, anytime you talk about lowering the height cap but maintaining the same density, you have to be wary of whether and to what degree additional constraints are going to limit the likelihood of redevelopment on the site – since the goal here is to have the sites actually redeveloped into affordable housing.

Is this a spot zoning?

This is not a spot zoning in any way. A “spot zoning” refers to a rezoning that only applies to a single location, especially one without a broader land use rationale. This proposed neighborhood rezoning would be the quite the opposite - a neighborhood-scale rezoning with clear objectives that are applied consistently across a wide area.

With the new rent laws, do we need reduced density for rent-stabilized buildings to protect units?

The new rent-regulation laws do indeed offer improved protections for rent-stabilized units. However, with the encouragement and guidance of MHCC, residents, and community stakeholders with an on-the-ground understanding of these properties, we wanted to look carefully at exactly what de-stabilization risks still remain for units in the areas of the neighborhood with high concentrations of rent-stabilized units and rates of de-stabilization, smaller built form, and no other regulatory protections like a historic district.

We found that even with the new rent laws, demolition is one of the remaining means of de-regulating units (the developer can apply for approval from DHCR and provide one of

a few buyout options to the tenants). So the effort to modestly disincentivize redevelopment by slightly reducing the allowable density in these very targeted areas still made a lot of sense for us, because it takes away the motive of a potentially bigger building than what presently exists.

What is the interaction of the projected development sites with Zoning for Transit?

Zoning for Transit transit improvement bonuses (where a developer gets additional floor area when they fund and build accessibility improvements themselves) would apply at any of the projected development sites in the rezoning, as they'd be zoned R9 or R10 and within 500' of a station – meaning there would be an opportunity for fully accessible subway stations at 110th or 125th Street stations.

The transit improvement floor area bonuses can go on top of MIH bonuses, so if a developer were to participate, the allowable density of the three projected development sites in the southern part of the rezoning area would increase above 12 FAR, commensurate with the degree to which such improvements enhance pedestrian access and the station environment, pursuant to the CPC Authorization process. The maximum additional floor area that can be granted is 20%. For R10 with MIH, any potential bonus would only be for commercial or community facility space since residential FAR is capped at 12 by NY State law.

Up to 25% additional height can be granted to the developer, pursuant to the same Authorization, in order to fit the additional density. The result could be a maximum of four to five additional stories of height on top of the projected development site buildings.

The easement certification would apply at the 568 West 125th Street and 2810 Broadway projected development sites (according to very recently released MTA maps, excerpted below), meaning that developers of new buildings on those sites would be required to consult with the MTA and DCP to determine whether an easement(s) on the property would help facilitate station access improvements. Easement certifications offer a variety of potential waivers for developers who include an easement on their property, including a potential increase of allowable building height by 10-20 feet, exemption of the easement area from total zoning floor area calculations, and others, in proportion to the burden imposed on the developer by the easement.

The other two projected development sites (2861-2871 Broadway and 2825-2835 Broadway) may not be eligible for the easement certification as they appear to be approximately 50 feet or more away from the 110th Street station.

The 125th Street station, as an elevated station with separate track and mezzanine levels, appears to be in the highest-cost tier in terms of upgrading accessibility, which means that achieving a transit improvement there may be less likely, but also that the 568 West 125th Street development site might stand to see the largest bulk (and potentially height) bonus of any of the projected development sites should a transit improvement happen.

568 West 125th might be more likely for an easement than the bonus due to the complexity and expense of accessibility at that station. An easement certification for the site, because it is an elevated station, could potentially offer up to a 20-foot increase in allowable building height (again depending on the degree of burden the easement imposes on the development).

Why not upzone to even higher density (like R10A) at the 125th Street projected development site?

R10A was considered for the 125th Street site, however, considering the height and density of the surrounding buildings (primarily 6 stories with some 2-3 stories, as compared to the 110th area where surrounding buildings are more like 12 stories) and with particular sensitivity to not overshadowing the adjacent NYCHA campus, we were wary of upzoning to that density. Moreover, the existing zoning on the site is R7-2 (unlike the R9A and R8 in the 110th Street area), which allows Mandatory Inclusionary Housing to be mapped without increasing density above R9A, representing a proportional increase in density for this part of the neighborhood and in line with our proportional approach to rezoning for the whole neighborhood.

Affordable Housing

What is Mandatory Inclusionary Housing?

Mandatory Inclusionary Housing (MIH), enacted in March 2016, requires a share of new housing in medium- and high-density areas that are rezoned to promote new housing production—whether rezoned as part of a city neighborhood plan or a private rezoning application—to be permanently affordable.

MIH under Morningside Heights rezoning would likely result in:

MIH Option 1: 25% of units must be rented to households at an average of 60% of the Area Median Income (AMI) (in 2022 that's \$72,060 for a family of three); or

MIH Option 2: 30% of units at an average of 80% AMI (\$96,080 for a family of three). (In City Council District 7, median family income is around \$65,000 (with average family size 3.3) – around 50-60% of AMI.)

These required AMI % levels are averages – e.g., for Option 1 a developer could have half the affordable units at 40% AMI and half of them at 80%, resulting in the required average of 60% AMI. For option 1 above developers must do at least 10% of the units at 40% of AMI

Why not build 100% affordable buildings and offer lower AMI levels?

100% affordable units would indeed be preferable, but until the City comes up with a way to use zoning to build 100% affordable buildings on private property (as all of the projected development sites are privately owned), our premise is that what we're proposing may be the best available solution to actually get affordable housing built here.

It's important to remember that this group of prospective applicants, representing local elected officials and CB9, don't have the power of the City (in fact, we will need to go through a ULURP application with DCP and then the City Planning Commission just like a private applicant) and cannot compel the City to provide any additional funding for affordable units.

If MIH gets mapped on the projected development sites, couldn't a developer just build a luxury tower there and build the affordable units off-site?

This is exceedingly rare – we are doing some research to see if there are examples of this being done, but thus far have found none. While the zoning text for MIH does permit developers to build affordable units off-site, they are required to build 5% more affordable units (so, on average, 30% affordable instead of 25%) and the units have to be within the same Community District or within half a mile of the development. Additionally, if the off-site option is chosen, the building would not benefit from increased height limits.

In our experience, when developers consider this option, they find it to be too expensive to be feasible. The incentives of MIH – and of 421(a)/Affordable New York, which developers often use in conjunction with MIH – are tilted toward keeping the affordable units on-site, which may also explain why it is not common. Our intention is certainly to incentivize affordable units on-site in this transit-rich, high-opportunity part of the neighborhood, and not off-site.

What is the importance of the southern projected development sites in the success of the neighborhood rezoning?

The two sites within CB7's boundaries contribute about 40% of projected affordable units in the neighborhood rezoning. Beyond that, we are committed to the idea of affirmatively furthering fair housing and offering opportunities for economic and racial integration by encouraging affordable housing in high-opportunity areas (that is, areas with good access to services, transit, and employment opportunities, and often with higher incomes) - and this part of the neighborhood offers exactly that opportunity.

Community Engagement

Has Community Board 7 been engaged about the rezoning?

Yes, CB7 is an important stakeholder in this process and members were engaged during planning meetings, including the Board Chair and Land Use Chair participating in our working group in 2019-2020 (CB7 also graciously lent us their office space for those meetings). In early 2021, the applicant team briefed the incoming Board Chair and Land Use Chairs, then briefed the Land Use Committee in May 2021.

Briefings included a summary of all of the information in the planning study, plus some details more specific to the projected development sites south of 110th Street. The committee chairs indicated that they would like us to return for another conversation, which we hope to do once we have some updates to share regarding the progress of the proposal, as we've thus far only heard from a small subset of members.

Thus far some CB7 members who live near 110th Street and Broadway had concerns about the height and density of the projected development sites, which we understand. We also discussed with members how the proposal would change the R9 zoning the Board had helped implement in 2008, bringing mandatory (rather than the present voluntary) required affordable housing, with more projected affordable units and more certainty of those units being built.

As we think about the potential for replicating this type of rezoning effort elsewhere, has the applicant team thought of ways of developing navigational capital for other local communities that may be interested in a similar process?

Not at this moment, but we should! We're still in a learning phase ourselves in this unprecedented process. We do see this proposal as having the potential to be a model for how communities can take the reins on neighborhood rezonings, and if we're successful would appreciate using it to provide guidance to other communities interested in a similar process. Already the proposed rezoning has attracted the interest of folks in CB12 who have concerns about development (particularly in the area around Riverside Dr. and W. 158th St), and MHCC has discussed our proposal with them.

Historic Districts

There is one block, on the west side of Broadway between 110th and 111th Streets, where the rezoning area boundary overlaps with the historic district. Could they be redeveloped under the plan? Have the applicants reached out to the Landmarks Preservation Commission regarding the proposal?

Given the size, use (condo and apartment hotel), and historic district status of the buildings, they are unlikely to be redeveloped due to the rezoning. The Morningside Heights Historic District Committee and MHCC have been in contact with LPC regarding the landmarking of McGiffert Hall, and Phase II of the neighborhood historic district. They are aware that the rezoning process is moving forward, though the 110th - 111th Street blockfront specifically was not discussed.

Process

Is it possible that an EIS may be required?

Obviously, an EAS would be a less time-consuming and costly document. We do not anticipate needing an EIS due to the relative small scale and limited impacts of this neighborhood rezoning, though it is possible. We recently released an RFP for environmental review services; once a consultant is onboard and begins EAS work we will have a clearer understanding.

What has the applicant team's engagement with DCP been thus far?

Regarding DCP, the Manhattan office is familiar with the proposal and we continue to keep the agency apprised of our progress. We are currently waiting to hear back from them to schedule a pre-application meeting.

Is there potential to add a shared equity model, as being explored by HPD, EDC, and NYC Department of Consumer and Worker Protection, to the proposal?

This would be difficult to do, as the applicants don't own any property on which to build cooperative or similar housing, and it is targeting an overall more affluent part of the neighborhood for redevelopment (one that is already known for its co-op buildings) through MIH (which produces rental units) but we're open to ideas for how shared equity models could fit into the proposal.

Commercial Corridors

Will the upgraded and new commercial overlays help address retail vacancy? Is this an issue in the neighborhood?

According to NYC Open Data for registered storefronts, as of 2019 the storefront vacancy rate in Council District 7 was about 7.8% (compared to 9% in Manhattan and 7.9% citywide).

At the neighborhood level, as of June 30, 2020, 123 out of 1,023 storefronts in Morningside Heights (using the Zip Codes 10025 and 10027) were "non-leased" - a 12.02% vacancy rate, according to the NYC Department of Finance. This data does not include storefronts that may be vacant (non-active commercial premises) that were technically still leased - a situation that was much more common in the summer of 2020 as many small businesses were still figuring out their lease situations and had not yet reopened.

Further, not every landlord reported, though we do not have access to the numbers

of how many landlords did not report; and the numbers above also do not include the duration of the vacancy. As a result the real vacancy number is likely higher.

And just last month, MHCC reported that along the four blocks of Broadway from 109th to 113th Street – the area around three out of the four projected development sites of the proposed Rezoning — there are 15 retail vacancies out of approximately 43 ground floor retail spaces, roughly a 35% vacancy rate.

Additionally, a local retail report, produced by an MHCC group called Morningside Merchants that has worked with Small Business Services over the past year to build and support a local merchants group, found that many small businesses in the neighborhood occupy institutional properties, both offering opportunities to establish or expand school-business and business-business vendor relationships, and causing some apprehension around advocating for their interests.

How much would a new C2 overlay on Broadway change retail opportunities, given how many properties are owned by Columbia?

We will assume that this question is in reference specifically to the portions of Broadway where there is currently no commercial overlay, and we're proposing to add a new one (as opposed to the portions where we're proposing to upgrade C1 overlays to C2).

It's probably helpful to break this answer into two parts – academic buildings and non-academic buildings.

The non-academic buildings (or primarily non-academic buildings) are a mixed bag:

On the west side of Broadway between the Manhattan School of Music and LaSalle Street, there are a number of mid-rise residential buildings without any commercial uses. For these buildings, mapping a C2 overlay offers the opportunity for ground floor retail where it's currently prohibited.

In several of those buildings, as well as on the east side of Broadway between 121st and 122nd Streets, there are residential buildings that currently have non-conforming retail spaces on the ground floor. A C2 overlay would bring about 10 of these retail spaces into conformance with the zoning (see map below).

Lastly, there are the large properties of Morningside Gardens and NYCHA Grant Houses along the east side of Broadway. Both of these large properties line the sidewalk with fencing or blank walls, creating a long stretch of uninviting and challenging pedestrian space. Mapping a C2 overlay on these sites offers the opportunity for future ground floor retail along this entire stretch, which would vastly improve the pedestrian experience and serve to connect the Broadway and 125th Street retail corridors.

The primarily academic buildings – e.g. the core campuses of Columbia and its affiliates Barnard, JTS, UTS, Teachers College, and the Manhattan School of Music – indeed take

up a lot of the real estate along Broadway, and many of them present fences or blank walls that are unfriendly to the pedestrian environment. For those buildings, we wouldn't expect to see any immediate transformation, but adding the possibility that these buildings could add sidewalk-facing commercial space in the future if the opportunity arises – as opposed to not being allowed to – seemed a useful opportunity in the context of a neighborhood-wide rezoning.