



October 31, 2023

Hon. Daniel Garodnick
Director, NYC Department of City Planning
120 Broadway
New York, NY 10271

Re: Draft 'City of Yes' Housing Opportunity Proposals

Dear Director Garodnick:

I write to share some preliminary feedback from Village Preservation regarding the Department's proposed "City of Yes/Housing Opportunity" zoning text amendments. This feedback is based upon our reading of the zoning documents and meetings and conversations with Department of City Planning representatives. Village Preservation is the largest membership organization in Greenwich Village, the East Village, and NoHo, and works to preserve the special architectural and cultural heritage of these neighborhoods.

The Department proposes to significantly expand the area to which development rights, or "air rights," from individual landmarks can be transferred, and to significantly loosen the review and approval process for such transfers. We wish to express serious concerns about and objections to aspects of these proposed changes.

First, we object to the change in process which would remove City Council review and approval of such transfers. We strongly oppose eliminating this important element of oversight from the system.

Secondly, we believe that the proposed new geographic allowance for transfer of air rights from any individual landmark is too broad. The proposal would expand the current allowance for potential receiving sites, from adjacent sites and sites across the street from individual landmarks, to sites anywhere on the individual landmark's block and anywhere across the street or catty corner from that block. That exponentially increases the possibilities for such transfers, and we believe is overly broad. We strongly urge that a more limited allowance be considered.

We also understand the Department may be considering proposing to allow air rights transfers that would increase the floor area ratio on receiving sites above the currently allowable limit of 20%. We would oppose such an across-the-board allowance. It should be noted that the city has the power, which it has utilized, to allow air rights transfers from individual landmarks of more than 20% above the base allowable floor area ratio on receiving sites, and to allow them to be transferred to receiving sites farther afield than across the

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Andrew Berman

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street, using devices such as special districts and large scale development plans. These devices can and should remain available to facilitate air rights transfers from individual landmarks which are larger than generally allowed, and/or throughout broader areas than generally allowed, when and where appropriate. However, to make such allowances generally available in all circumstances across the city, and with greatly reduced oversight, as currently proposed and contemplated by this plan, would be a mistake, and more harmful than helpful to our city and neighborhoods.

We also have strong concerns about and objections to the proposed removal of certain zoning provisions specific to the “Manhattan core,” i.e. Manhattan community boards 1-8. Several of those date to 2016 and the effort by then-Mayor de Blasio to lift contextual zoning limits on the size and height of new purely market rate developments. Village Preservation among many other groups and New Yorkers fought back against those proposed changes, and the City Council chose not to approve them, largely for purely market rate developments, in the Manhattan core, where the strongest objections had been raised. I won’t speak to the decision to allow those changes in other neighborhoods to which the City Council, with the consent of the representatives of those districts, agreed. But I will say that eliminating those proposed height bonuses for purely market rate developments, as was done in the Manhattan Core, was the right thing to do. And we strongly oppose undoing those provisions, and to urge any such changes be removed from the rezoning plan. These amount to rezonings of these neighborhoods, without the required review of specific impacts and outcomes.

The materials currently provided by the Department of City Planning do not offer a comprehensive accounting of what other changes to the zoning text would result from eliminating differentials specific to the Manhattan core. We strongly urge the Department to provide such information. However, until it does, and such changes can be reviewed for their impact, we oppose any changes to the existing text as it relates to height limits within the Manhattan core – an area already allowing the densest development anywhere in the nation.

Regarding the proposal to eliminate sliver law regulations in areas and for developments where contextual zoning and/or quality housing rules would apply, the Department is yet to provide adequate information to fully understand the implications of such a change. We therefore ask the Department to provide detailed information (previously requested) as to where these changes would take effect, and exactly what the difference in allowable size and scale of development would be in those cases.

Thank you for your attention to these comments. We look forward to the Department providing the requested information.

Sincerely,



Andrew Berman
Executive Director

Cc: Manhattan Borough President Mark Levine
City Councilmember Erik Bottcher
City Councilmember Christopher Marte
City Councilmember Carlina Rivera
Manhattan Community Boards 2, 3, and 4
Municipal Art Society
New York Landmarks Conservancy
Historic Districts Council
Friends of the Upper East Side Historic Districts
Landmark West!