

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

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April 17, 2025

Andrew Berman
Village Preservation
232 East 11th Street
New York, NY 10003

RE: 5 West 13th Street and request for administrative correction

Dear Mr. Berman,

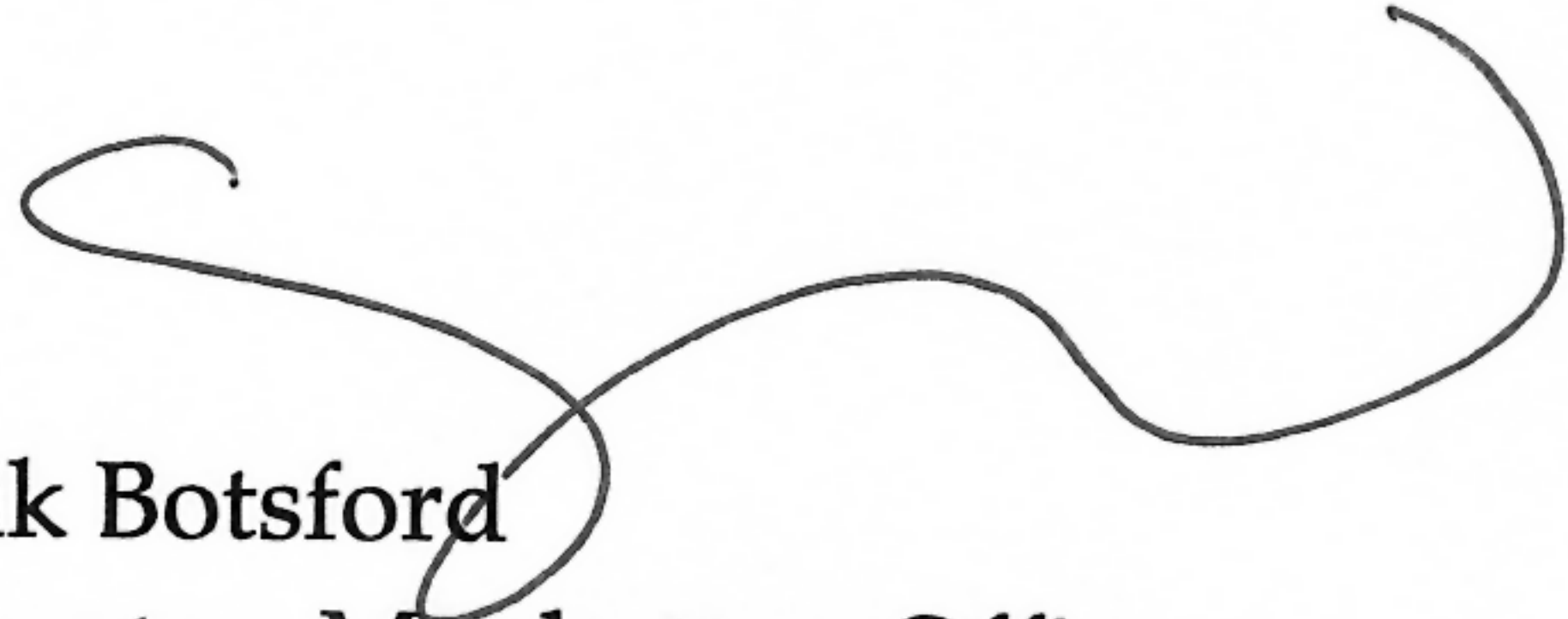
Thank you for Village Preservation's letter dated April 6th, 2026 which outlined your concerns about a planned development at 5 West 13th Street and your request for an administrative correction.

As you described, a development at 5 West 13th Street plans to use sky exposure plane regulations in the Zoning Resolution (ZR) that have applied to this site since the early 1980s. As the Department referenced in our outreach to Community Board 2 during the public review period, the recent Housing Opportunity text amendments created the Universal Affordability Preference (UAP) incentive to provide additional floor area for developments that are built to contextual bulk standards and provide affordable housing, but it did not take away development options – such as development pursuant to sky-exposure plane regulations – that existed prior to the amendment.

In the case of 5 West 13th Street, the developers appear to have chosen to forgo the additional FAR and contextual bulk associated with UAP in favor of the lower density, sky exposure plane regulations. This would comply with zoning and changes introduced with CHO and therefore does not necessitate an administrative correction.

Thank you again for your letter and we hope that this brings some clarity to the matter.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'E' followed by a wavy line and a final upward curve.

Erik Botsford
Director, Manhattan Office