



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!  
Advocacy Committee  
Before the City Planning Commission  
City of Yes for Housing Opportunity  
July 10, 2024**

LANDMARK WEST! is a neighborhood historic preservation and land use and good government non-profit organization based in the Upper West Side of Manhattan. We advocate for sensible, community-focused land use regulation and zoning that serves the interests of the people. The LANDMARK WEST! Advocacy Committee wishes to comment on the Department of City Planning's proposed zoning text amendment known as City of Yes for Housing Opportunity (COYHO) with particular emphasis on its impact on the UWS and good government generally.

City of Yes is a massive and often internally inconsistent overhaul to our City's zoning regulations. While we are not opposed to updating our zoning, we do advocate for sensible, contextual zoning that will protect our neighborhoods and produce a more environmentally conscious, viable, and affordable New York. In our considered opinion, the City of Yes for Housing Opportunity proposal will not serve these goals.

Throughout its history, the City has used zoning as a tool to improve the quality of life of City residents by raising housing standards and expanding access to light and air in our densely packed City. COYHO will weaken those standards, and allow developers to make more money at the expense of the people who live in NYC. At the City Planning Commission public hearing on July 10th, 2024, the findings of the Draft Environmental Impact Statement was presented and troublingly could not determine if COYHO would have an adverse impact on our City's open spaces or overwhelm our community facilities and infrastructure. It also fails to adequately address impacts to historic resources. These are key features of New York life that residents do not want to give up!

Contrary to certain claims in support of the zoning amendment, it will not significantly increase the stock of affordable housing. In fact, it will legislatively make affordable housing optional. COYHO will increase market-rate development in already dense residential blocks, in one of the densest neighborhoods in the City, the UWS, create sub-standard and unsustainable housing, contribute to traffic overflow in the neighborhood and constrict important businesses and community amenities

that currently support our neighbors and our quality of life; thus making our neighborhoods less livable and walkable.

A close reading of the COYHO shows that one of the most damaging results of its passage will be to exclude the public and even the City Council from land-use decisions and hand over those decisions to appointed boards and commissions where developers and their lobbyists hold sway. Planned or not, this result is volatile and destructive of the principles of transparent and democratic government.

In our opinion, the zoning amendments will produce more market-rate luxury housing in more densely populated neighborhoods and campuses. It will supercharge gentrification, and utilize cynically named ‘affordability’ programs to provide developers with money making opportunities. It will loosen Landmark Transfer Development Rights regulations to allow the construction of taller buildings that will not increase the stock of affordable housing while at the same time remove these decisions from both public scrutiny and input.

Contrary to what supporters of COYHO claim, New York is facing an affordable housing crisis. There are plenty of multimillion-dollar units being built while at the same time affordable housing in historic districts and elsewhere are being sacrificed to provide MORE developer profit making opportunities.

Preservation encourages and supports the rehabilitation and reuse of our existing housing stock; thus, preserving resources in the form of building materials and energy. Demolition of housing stock squanders our historic built environment and destroys communities that support their residents. Preservation, in all its elements, preserves housing and communities for the people who live in them! The reality is that COYHO will negatively affect New York’s landmarks and historic neighborhoods. While, on the other hand, Preservation of our stock of historic properties, their history, and the shared history of our community can go hand in hand with encouraging building conversions and new constructions that are contextual and affordable.

We have outlined some COYHO proposals that we believe are the biggest threat to our neighborhood, historic districts, and landmarks.

### **Accessory Dwelling Units**

We are concerned about the impact that Accessory Dwelling Units (ADUs) could have on our district. This proposal could reduce the rear yard of a brownstone from 30 feet to 20 feet. This is a significant change to our rear yards and the residential doughnut that has been maintained for generations to provide more light, air, and green space. We see this encroachment into the doughnut every week at the LPC, reducing the size of the open spaces and increasing built density, in a small and yet vital space in our City. If you believe in maintaining our environment and cooling the City via natural means, you want to preserve, not destroy our backyards and allow them to be lost to more building. We are also concerned that with the passing of this proposal, existing ADUs that do not adhere to building code and may not be safe, will be legalized without proper enforcement and inspection. We hope an increase in capacity at the Department of Buildings is undertaken before this section of the proposal is greenlit.

### **Sliver Law**

Our Committee objects to lifting the Sliver Law as proposed in this amendment. The Sliver Law was put into effect in the early 1980s to prevent tall, slender buildings that were taller than the buildings they abut. The rationalization at the time was that these buildings were out of character when they stuck up above the neighboring buildings. Today, they still would be. We are very concerned that the removal of the Sliver Law will change the character of many of our mid-block residential areas.

### **Universal Affordability Preference**

Universal Affordability Preference (UAP) is the only affordability incentive in this proposal, and seeks to replace the existing Inclusionary Housing program and will provide 20% additional floor area to developers who choose to opt-in to the program. Although this program, on its face, provides permanent affordable housing, there is no guarantee that it will provide on-site affordable housing. The true result of this change is to legislatively make affordability optional. This type of zoning contributes to the erasure of neighborhoods, as communities can no longer afford to live where they live due to market-rate luxury housing development. While our Committee would prefer to be supportive of true steps to solve the affordability crisis, it is beyond disappointed at the lackluster attempt to present real solutions to the affordability crisis that faces our City and its neighborhoods.

### **Conversions**

Repurposing underutilized obsolete or vacant office buildings, for adaptive reuse, especially in the aftermath of the pandemic, at face value, has many good objectives. Reusing existing buildings is environmentally efficient and contributes to less change in our streetscape. It has been argued however, that office conversions, for example, will yield much less housing than other types of housing proposals, and will create units with substandard light and air. We believe the City should provide flexibility, but not allow substandard housing under these new proposals.

### **Campus Infill**

Campuses are usually defined as ‘tower-in-the-park’ style structures, typically low coverage, tall buildings with ample open, green space in between. In the Committee’s opinion, the proposed changes are significant and will make infilling the open spaces on these estates much easier and thus destroy the open space. These sites were designed to function as a whole, with open spaces being key not only to the design, but to the livability of dense housing sites in a dense urban environment. People of all economic levels need and deserve a place to breathe. Rather than acknowledging this basic need, COYHO will allow our neighborhood campuses to be infilled with new buildings that do not benefit current residents while creating development opportunities for developers. Here again we see the threat to our extremely valuable open green spaces. Our Committee wants to see much stricter regulations on campus infill.

### **Landmark Transfer Development Rights**

COYHO would expand the existing Landmark Transfer Development Rights (LTDR) program to allow a landmark to transfer development rights to more receiving sites in the surrounding area, ie. across the street or a street intersection, while at the same time rewarding the development site with an additional 20% floor area with absolutely no requirement that the resulting housing be permanently affordable or contextual. Our Committee believes that expanding this program will lead to major changes in the character of our historic neighborhoods. Although these sites are protected by local and national landmarking regulations, zoning is the critical local tool that can and does successfully

protect the areas surrounding a landmark from out-of-context development. Under these proposals, landmarks will be shrouded in the shadows of taller and taller developments.

Additionally, the public review process of transferring LDR would also be removed under COYHO, with transfers being approved without a ULURP process, in turn also removing the City Council role in the process. Our Committee is concerned that floor area transfers are unlimited in high-density districts, which could create extremely large developments in areas with many underbuilt landmarks. The removal of the public review process eliminates the opinion of neighbors and hands it to those whose connection with the neighborhood is tangential at best and more likely to be influenced by developers and lobbyists rather than the needs of the humans on the ground. It is a closed process that will, without doubt, fundamentally change the appearance of our neighborhoods and how they function for the residents. Historic properties, in essence, belong to the community that safeguard them. We strongly object to any proposal that seeks to remove the public, a key stakeholder in this city, in any way. And further urge the City to organize a public-facing, searchable TDR database to establish the status quo before further releasing air rights.

Our Committee supports changes that would enhance the livability and equity in our neighborhoods. Very little if any of the changes in COYHO further that goal. A ‘one-size-fits most’ Zoning initiative ignores the unique character of each community that is so important to the character of the City and the cohesion of its residents. As representatives of the second-densest residential neighborhood in the hemisphere, we recognize the importance of affordable housing but we will not stand by while our neighbors are being misled by the suggestion that trickle down will ease the affordability crisis. While LW applauds the stated initiative for every neighborhood to do their part—not just the Upper East and Upper West Sides, we see nothing in COYHO that will result in a true net gain of affordable housing for New Yorkers and see much that will erode quality of life and access to affordable housing for all. We hope that the City will reevaluate the content of its massive effort to clear the way for developers and recommit itself to people centered policies that focus not on the needs of developers but rather on the needs of the people of this City in terms of community and affordability.