



Board of Directors

Franny Eberhart
PRESIDENT

Rita C. Chu
Lionel Goldfrank III
David I. Karabell
Patricia F. Sullivan
Ronda Wist
VICE PRESIDENTS

Andrew P. Steffan
TREASURER

Alice McG. Concagh
SECRETARY

George Calderaro
Sarah Chu
Christopher Collins
Christina R. Davis
Andrea C. Stone Forbes
Alexandra C. Howard
Thomas Jayne
E. William Judson
Rev. John A. Kamas
Christian Keesee
Marjorie F. MacLachlan
Carol E.R. Miller
Genie Rice
Jeanne Sloane
Daniel B. Strickler, Jr.
Arete Warren
Margot Wellington

Board of Advisors

Kent L. Barwick
Andrew S. Dolkart
Hermes Mallea
Bridget O'Brian
Judith Price
Robert C. Quinlan
Timothy C. Quinlan
Jean Tatge
Anthony C. Wood

Nuha Ansari
EXECUTIVE DIRECTOR

February 13, 2024

Honorable Dan Garodnick
Chair and Director
New York City Planning Commission and Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Re: FRIENDS of the Upper East Side Historic Districts Comments on City of Yes for Economic Opportunity (CEQR # 24DCP004Y)

Chair Garodnick,

FRIENDS of the Upper East Side Historic Districts submits these written comments as an expansion of our public testimony at the January 24th scoping meeting. For 40+ years FRIENDS has worked to preserve architectural history, livability, and sense of place on the Upper East Side. We are a leading voice for common sense planning and land use, having led successful community efforts for contextual zoning and expanded historic district protections. We support balanced urban change on the Upper East Side.

For well over a decade, Yorkville and other neighborhoods located on the Upper East Side have suffered from NYC's zoning, building and tax codes. Hundreds of affordable units and small commercial spaces have been bulldozed and replaced with ultra-luxury high-rises that provide large units and deluxe private spaces. Therefore, FRIENDS was delighted to be presented with the City's proposal to draft **clear and sensible rules that** remove outdated limitations on businesses and ensure that local retail streets and commercial centers across the city can remain lively places that sustain our neighborhoods.

FRIENDS agrees strongly with the Department of City Planning that local businesses are the lifeblood of our neighborhoods. When we read the proposed zoning text amendment, we fully expected such a voluminous proposal would increase the livability and liveliness of our neighborhoods. But while we believe that the stated goals of the proposal are laudable, we believe that in order for the city to become safer and livelier, the three City of Yes initiatives—Carbon Neutrality, Economic Opportunity, and Housing Opportunity—must complement each other. We also believe that many of the tweaks proposed might have unintended consequences. We do not think that the text sufficiently takes either of these concerns sufficiently into account.

The Upper East Side contains both historic districts and vast areas that are not protected by the Landmarks Law. Our comments refer to both areas.



Mixing of Uses

1. **Many aspects appear to** conflict with the city's goal of increasing housing, and indeed reduce the possibility of filling vacant commercial spaces and decrease the safety and livability' of multiple dwellings. For example, increasing the square footage for **home occupations** as well as the number of employees could cause conflicts between residential and commercial users: Transient foot traffic can have deleterious effects on the safety of residential buildings. Allowing home occupations to have three employees could mean that apartments become more attractive to commercial rather than rental occupants and encourage owners to make apartments available to commercial users. It could also mean that even fewer commercial users will be interested in pursuing available commercially zoned spaces. Furthermore, it does nothing to revitalize streets because it could reduce the need for actual commercial spaces. We note that as vacant commercial spaces continue to proliferate, we see marijuana shops quickly opening on every block.
2. Commercial and manufacturing uses should not be allowed to be located above residential uses. We also note that for decades the City has required commercial and manufacturing uses to be located beneath residential uses. Two building entrances will do little to resolve conflicts between apartment dwellers and workers with different hours, delivery needs, etc. This proposal, in addition to potentially making residential use intolerable, could also lead to more apartments being converted to non-residential uses.

Commercial Districts

1. Rethinking where **manufacturing uses** may be allowed would not seem to strengthen local neighborhoods. Such uses, despite transparent windows, do not need to be open to the public, or even related to the local community. If there are a particular type of these "clean makers" such as bakeries or brew pubs, they should be highlighted. There is no public purpose to be served by allowing random manufacturing uses because they are considered "clean."

Instead, the City should recognize that there is still a need for manufacturing zoning districts and districts that support these types of uses. The City should strengthen the few areas where manufacturing uses, "clean makers" and others can work without conflict and even encouragement. Areas such as the Garment District and Port Morris, among others, offer employment opportunities for "makers," suppliers, creators and workers directly and indirectly and should not be obliterated.



2. **Micro-distribution facilities** have already been shown to have a deleterious effect on streetscapes with bikes, boxes and trash. Our sidewalks are already clogged with Amazon boxes and Fresh Direct boxes. Using fewer trucks, those companies now pile and sack those packages on the sidewalks and streets. Allowing the micro-distribution facilities will simply encourage additional companies. These have no positive effect on our streetscapes.
3. Allowing commercial uses to reopen after two years: On the face of the proposal, this would seem to make sense. However, we would like to point out that where previously a quiet florist or nail salon may have occupied space, the storefront could now be used by a very different use, with a much greater effect on street life.

Evaluating Building Types

1. **Nightclubs** are difficult to site because of noise, sanitation and crowds. This proposal removes restrictions and safeguards that could mitigate the effects of these uses. This use conflicts with livability concerns. We suggest that instead of opening up these uses so widely, that the City evaluate locations and building types that could be appropriate. For example, hotels often have large spaces, secondary means of egress and noise protection.
2. We also suggest that agriculture – if the City finds that it is so critical to our economic health– be located in formerly occupied office buildings that could offer large floorplates and multiple means of egress.

Eliminating Special Zoning Districts: This sounds, in theory as if it could be useful in reducing red tape. But like many of these proposals, the underlying rationale for the districts' creation has not been sufficiently considered. Eliminating the districts will not fill the vacant storefronts or encourage housing.

The Upper East Side, like many areas in the five boroughs, continues to suffer from a huge number of vacant storefronts. If the city is truly interested in strengthening the commercial corridors—which would also make our streets safer—perhaps they should concentrate on a holistic approach that includes determining whether commercial rent regulations can be tweaked.

Solving our economic and housing problems cannot be solved by thousands of pages of tweaks. Building more housing—if the City is actually interested in the livability of the neighborhoods—is a piece of any answer. Decades ago, the City sold public schools on the Upper East Side and the sites are now housing. The City must take a look at what works: infill and supportive housing, incubator work spaces, incentives for owners to rent ground

FRIENDS

of the UPPER EAST SIDE
HISTORIC DISTRICTS

floor spaces. Zoning reform plus planning is what NYC needs now and unfortunately, the proposal isn't there yet. We are very encouraged by this draft and hope that the City Planning Commission will evaluate the comments and improve the proposal as a result of this process.

Sincerely,



Nuha Ansari
Executive Director