



#### 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  
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  
Michelle Pizzimenti  
Genie Rice  
Kimberly Selway  
Jeanne Sloane  
Daniel B. Strickler, Jr.  
Arete Warren  
Margot Wellington

#### Board of Advisors

Kent L. Barwick  
Christina R. Davis  
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

July 19, 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 Housing Opportunity

Chair Garodnick,

FRIENDS of the Upper East Side Historic Districts submits these written comments as an expansion of our public testimony on City of Yes for Housing Opportunity (COYHO) at the July 10th, 2024 City Planning Commission hearing. 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.

FRIENDS firmly supports the stated goal of creating housing across the city and we support some of the thoughtful and imaginative proposals in City of Yes that would achieve this goal in a contextual and environmentally sound manner. For instance, we applaud the conversion and re-introduction of shared housing and Single Room Occupancy housing. Although there are not many SROs remaining on the Upper East Side, we believe the conversion and adaptive re-use of historic hotels would go a long way to provide housing while also ensuring that historic buildings are saved. We are also supportive of the provisions in City of Yes that would expand the eligibility of commercial to residential conversions.

But although COYHO promises “A little more housing in every neighborhood”, it does nothing to ensure that the housing would be affordable. Instead of creating strong incentives for developers to build affordable units, it is predicated on the idea that the market will regulate prices and that increasing housing supply would bring prices down. As we know from long experience on the Upper East Side, this leads to ever more tall, luxury residential developments, often at the expense of existing, relatively affordable housing in historic typologies such as tenements.

For well over a decade, Yorkville and other neighborhoods located on the Upper East Side have suffered from the demolition of hundreds of affordable units and small commercial spaces that have been bulldozed and replaced with ultra-luxury high-rises



that provide large units and deluxe private spaces. COYHO would exacerbate this situation with the Universal Affordability Preference, which would allow developers the choice of opting in to the program with the incentive of being allowed 20% more floor area, or to leave that on the table instead and build entirely market rate housing. We wonder what research the DCP has used to determine that this change would not merely lead to even more unaffordable, luxury developments and a corresponding loss of existing, relatively affordable units.

We strongly object to the fact that many of the proposed changes would have the effect of weakening the public review process, further depleting the opportunities that exist for the crucially important public review of projects that have a deep and lasting impact on our neighborhoods. The zoning text amendments would remove many actions from public scrutiny altogether. We urge the Department of City Planning to ensure that all public review processes are maintained.

Below, we have highlighted our specific concerns with aspects of COYHO that would potentially impact the preservation of landmarks and historic districts and how much light, air and green space we have in our urban environments, which are of crucial importance in extremely high density areas like the Upper East Side. We are concerned about the substantial deregulation proposed in COYHO. Although it is being marketed as a series of very small changes and updates, the sheer number and scope of these changes could have enormous and far-reaching unintended consequences. We would like to see more research into the origins and context of existing zoning in order to justify the changes.

**Landmark Transfer Development Rights (TDRs):** We are concerned about the proposal to expand existing rules governing TDRs to receiving sites across a much wider area, including across streets and intersections. While we understand TDRs allow landmarked properties to generate revenue, there's a downside: receiving sites could gain an additional 20% floor area with no affordability requirements or adherence to the neighborhood character. We also strongly object to the removal of public input and TDR approvals without a ULURP process and City Council approval. We urge DCP to retain the public review process, which serves as the truest indicator of local needs and priorities, and create a map and database indicating available air rights and potential receiving sites.

**Accessory Dwelling Units (ADUs) and Open Space Regulations:** The proposals within COYHO would reverse the trend of increasing open space and light/air requirements that have been established over the course of the last 100 years. For instance, they would reduce the space requirements for rear yards and walls with legal windows, and decrease court sizes. These changes would permit the reduction of rear yard sizes from 30 to 20 feet, further diminishing the "donut holes" within blocks that provide



light, air, and green space. These "donuts" are even more important today with rising temperatures. In some instances, COYHO proposals go even further, eliminating rear yard open space requirements entirely.

While some standards might be outdated, we urge the DCP to share research and reasoning behind these changes. The City Planning Commission should assess the data to determine if the proposed changes would lead to a net positive outcome, balancing the need for additional housing with the importance of preserving light, air, and green space in our neighborhoods.

**Campus Infill:** The City of Yes for Housing Opportunity would also reduce the substantial open space requirements for "tower in the park" style campuses on the Upper East Side. Over the years, similar efforts to infill open spaces on housing estates with new buildings have largely failed because current zoning regulations made them prohibitively expensive and out of context. The City of Yes for Housing Opportunity does not tweak the regulations but lifts them entirely, opening up vast opportunities for developers, who would be allowed to build entirely market-rate housing in these areas. The reduction of open spaces within tower-in-the-park housing estates would be a huge loss for residents, and it is not clear what they would gain from the lifting of current zoning regulations.

**Special Purpose Districts (Special Madison Avenue Preservation District):** FRIENDS understands that Special Purpose Districts will not be eliminated under COYHO. However, we are concerned about the "one size fits all" approach where instead of special district zoning texts, provisions specific to special districts would be included within the citywide zoning text. This could over time loosen the current custom zoning in favor of a uniform approach, which could potentially undermine the special character of our Special Preservation Districts such as Madison Avenue. The special bulk regulations on Madison Avenue, for instance, which require buildings to taper as they go up, could be eliminated. While this act of deregulation would simplify and streamline New York's zoning text, we wonder if the DCP has fully considered the special character of the preservation districts and how the current zoning regulations have helped shape them and ensure their preservation.

We believe New York City needs a zoning update that fosters a livable and thriving city for all. This update should engage local residents in the zoning and land use process. It should also ensure that the creation of housing is equitable and prioritizes the preservation of existing housing stock in our densest neighborhoods, such as on the Upper East Side. We are concerned that COYHO could accelerate the pace of new luxury developments, further straining the availability of affordable housing options.

# FRIENDS

*of the* UPPER EAST SIDE  
HISTORIC DISTRICTS

Having read and commented on the three sections of City of Yes in some detail over the last several months, we see many sensible and imaginative ideas for much-needed updates to New York City's zoning regulations. We urge the City Planning Commission to continue to consider alternative solutions that strengthen our neighborhoods, take into account the unique character of each community, and prioritize livability and the well-being of residents.

Thank you for your consideration.



Nuha Ansari  
Executive Director