



Greenwich
Village
Society for
Historic
Preservation

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March 10, 2015

Manhattan Borough President Gale Brewer
One Centre Street, 19th floor South
New York, NY 10007

City Councilmember Corey Johnson
224 West 30th Street, Suite 1206
New York, NY 10001

City Councilmember Rosie Mendez
237 1st Avenue, Suite 504
New York, NY 10003

City Councilmember Margaret Chin
165 Park Row, Suite 11
New York, NY 10038

Re: 'Zoning for Quality and Affordability' Proposal

Dear Borough President Brewer and City Councilmembers Johnson, Mendez, and Chin:

I write to express the Greenwich Village Society for Historic Preservation's extreme concern about the weakening of neighborhood zoning protections and height limits which are part of the city's recently-released 'Zoning for Quality and Affordability' proposal.

Under this plan, height limits in contextual districts, and for Quality Housing developments in non-contextual districts, would be lifted by as much as 20% across the board, and by 30% in inclusionary districts for market-rate developments which include 20% affordable housing. In our R7-A and R7-A-equivalent districts such as C1-6A and C4-4A, the increase in allowable height would be particularly dramatic. But in all cases, the increases would clearly affect our neighborhood landscapes in ways that undermine years of local effort.

It is disturbing that this proposal would change the rules across the city for all medium and high density contextual zoning districts, without any consideration of the particular context, needs, or desires of individual communities. In our neighborhoods, residents fought for years, sometimes decades, to achieve these zoning protections to regulate new development. In many cases, the limits they achieved were only secured as trade-offs for upzonings or loosening of rules in other areas, or were in other respects compromises from the protections they sought. To remove these rules through a one-size-fits-all zoning action insults the hard work and careful balancing of interests which led to their implementation.

The argument presented by the City that these changes are needed to allow quality development and the construction of affordable housing, or to accommodate current development needs, does not appear to be borne out by the facts. In inclusionary contextual zoning districts in the East Village, dozens of new affordable housing units have been built. Many new developments in contextual districts in our neighborhood have utilized their full allowable square footage, and have generous floor-to-ceiling heights, in spite of the claims that current contextual zoning prevents this. And there does not seem to be any problem with ground floor units in contextual developments being rented or sold, in contrast to the claims that current rules somehow make these units inferior or unsuitable. In fact, in general, contextual developments in our neighborhood appear to be economically successful, and no shortage of them have been built.

In terms of quality of design, contextual districts see a mix of thoughtful new designs and mediocre ones. The contextual zoning does not appear to in any way inhibit quality design, as evidenced by the significant number of pleasing new designs found in contextual districts, and the significant number of poor designs found in non-contextual districts. But while contextual zoning does generally help ensure that the scale of new development is compatible with its surroundings, the proposed zoning change would clearly diminish this important protection.

Some elements of the proposed rule changes in contextual districts are curious and inconsistent. For instance, the new rules would allow new developments to be set further back from the street, supposedly in an effort to encourage more lively and interesting designs, and then grants developers greater height in exchange for the lost volume from the setting back of the façade. However, it does not appear that the new rules require new buildings to be set back, so there would be nothing to prevent a new development from simply coming out to the streetwall, as it would have under the old rules, but still being allowed to rise 20-30% higher, thus even further increasing the size of new developments.

The new rules create larger allowable envelopes for new buildings. While the proposal claims that this is in order to accommodate newer construction techniques, it appears that in many cases it will simply allow the transfer into the development site of air rights, which existing contextual zoning envelopes typically make difficult or impossible. Thus in practical effect the new rule changes will allow more floor area in new developments as well as greater height, in spite of claims to the contrary.

In fact, in many respects, the effect of the rezoning proposal seems less likely to be the facilitation of quality design or more affordable housing, but simply the construction of larger, more profitable buildings, with apartments at greater heights and with higher ceilings, which command greater prices.

While there are some laudable and worthwhile changes in the proposal, these across-the-board, retroactive and prospective changes to contextual zoning and quality housing rules would be destructive to neighborhood character. As we enter the scoping process for the proposal, I strongly urge you to ensure that the scope of the environmental review allows for the current height limits and other important neighborhood zoning protections to be maintained.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Berman", with a stylized flourish at the end.

Andrew Berman
Executive Director

cc: Manhattan Community Boards 1-10

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NY Landmarks Conservancy

Historic Districts Council

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Friends of the Upper East Side Historic Districts

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East Village Community Coalition

SoHo Alliance

Tribeca Community Association

Brooklyn Heights Association

Park Slope Civic Council