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## **PRESS RELEASE**

March 25, 2015

For Immediate Release

### **ELECTED OFFICIALS & NEIGHBORHOOD GROUPS RAISE OBJECTIONS, CALL FOR CHANGES TO MAYOR'S CITYWIDE REZONING PLAN**

*Cite Loss of Neighborhood Zoning Protections, One-Size-Fits-All Approach,  
And Benefits Going to Market-Rate Rather Than Affordable & Senior Housing*

Manhattan –Elected officials, neighborhood groups, and community leaders held a press conference today on the steps of City Hall in response to the Mayor's proposed citywide rezoning proposal, 'Zoning for Quality and Affordability.' Representing groups and constituencies across the city, they raised objections and called for changes to the plan. Criticisms focused on the gutting of neighborhood zoning protections in residential areas which communities fought for years to secure; the plan's failure to take into account neighborhood-specific conditions by lifting height limits across the board by as much as 31%; and the majority of the plan's proposed increases in allowable height and bulk applying to entirely or largely market-rate or luxury developments, not affordable housing or housing for seniors.

The press conference immediately preceded the first public hearing on the proposal at 4pm at the Department of City Planning, 22 Reade Street, which focuses on the scope of the required environmental review for the plan. This begins the approximately seven month public hearing and review process for the citywide rezoning plan, which will include public hearings and votes by each of the city's fifty-nine community boards, the five borough presidents, the City Planning Commission, and the City Council.

A major component of the plan is the proposed lifting of height limits in most "contextual" zoning districts throughout the city. These are neighborhood zoning protections intended to ensure that new development fit the scale and character of the surrounding community. They cover neighborhoods from the Lower East Side to Bedford Stuyvesant, Jamaica to Jackson Heights, Sunset Park to the Upper West Side, Park Slope to the Grand Concourse (see attached map showing affected zones). Within these zones, under this plan the allowable height of new development would be lifted by as much as 31%.

The increases in the allowable height of new development would in many cases apply to purely market-rate or luxury residential developments. Further increases in the allowable height of new developments would be offered in a fraction of these areas for 'inclusionary' developments, which are 80% market-rate/luxury and 20% affordable (see attached map for those areas where the market-rate bonuses apply and there are additional height bonuses for 'inclusionary' developments). The plan does not in any case require the inclusion of affordable units, and the maximum height bonus is offered to developments with only 20% affordable housing, not 100%.

The proposal also grants generous increases in the allowable height and size of new developments that contain just a small percentage of senior housing. As currently structured, the plan does not require that developments contain 100% senior housing or even more than a small percentage in order to qualify for the entire height and bulk bonus for "senior affordable housing."

The proposal also makes no distinctions by neighborhood or community in its proposed changes, but simply amends the rules for all applicable zoning districts throughout the city, no matter where they are located.

"While I support efforts being made by the Administration to create permanent affordable housing in New York City, I have grave concerns about the proposed citywide text amendment entitled 'Zoning for Quality and Affordability.' The Administration's proposal to amend the zoning resolution and lift height restrictions in communities that fought for and obtained contextual rezonings without looking at the individual needs or character of individual communities is short-sighted and will have unintended consequences. New York City's diversity does not lend itself to a 'one size fits all' rezoning plan. Lastly, a citywide text amendment that would upzone entire neighborhoods and boroughs cannot and should not be fast tracked. A scoping session is scheduled for March 25th, but the Administration has not sent individuals to start a conversation in our local community planning boards," said City Councilwoman Rosie Mendez, representing Council District 2.

"New York City has a decision to make," said City Council Member Corey Johnson. "We can encourage new affordable housing through a measured, deliberative process that respects existing contextual zoning districts. Alternatively, a rushed process can take place that cancels out hard-won zoning protections, writing a blank-check to developers that degrades the character of our neighborhoods. I strongly urge the City to respect existing neighborhood zoning protections and historic character of low-rise neighborhoods. I applaud the De Blasio Administration for its focus on affordable housing and look forward to working closely with them as we work to create new units while respecting our neighborhoods."

"Communities fought for years to secure these zoning protections, and to undo them in one fell swoop would be a terrible mistake. This plan does not take into account the specific concerns or character of one community as compared to another, and simply applies a one-size-fits-all formula," said Andrew Berman, Executive Director of the Greenwich Village Society for Historic Preservation (GVSHP). "By far the majority of these proposed benefits for new developments apply simply to market-rate, luxury housing and condos. We strongly support making our city more affordable and providing housing for seniors. But without a single unit of senior or affordable housing, developers would get to reap generous benefits under this plan. Even those changes supposedly for affordable housing or senior housing would apply to developments which are four-fifths luxury housing, and in some cases with an even smaller percentage of senior housing. We are being asked to pay a steep price in terms of the loss of light, air, and neighborhood character for developments which will largely or exclusively benefit real estate developers and the wealthy," added Berman. (For further details on GVSHP's objections to the plan, read the attached op-ed in Gotham Gazette and letter to city officials.)

"This top-down plan proposes to reshape neighborhoods throughout the city; disregarding years of community input. New York is a city of diverse neighborhoods and this one-size-fits-all solution is the wrong way to attempt to cure our housing crisis," said Simeon Bankoff, Executive Director of the Historic Districts Council.

"The Queens Civic Congress is concerned that such immediate changes will bring about impacts with far reaching implications, affecting lifestyles and potentially diminishing quality of life both quantitatively and qualitatively for future generations. Queens Civic Congress calls upon Queens elected officials, and all city elected officials, to stand behind us and our fellow organizations in a search for reasonable, managed change to reach measured housing goals with minimal impact on our strong and well established communities," said Rich Hellenbrecht, Vice-President and Past President of the Queens Civic Congress, which represents more than 100 civic and community organizations throughout Queens.

"Hope is not a plan. This whole thing is premised on wishful thinking, at best. At worst, it is a wolf in sheep's clothing. What it will certainly do is destroy neighborhood character and displace existing affordable housing. Haven't we learned our lesson about well-intentioned plans that ruin people's lives in the pursuit of vague 'public' benefits?," said Kate Wood, President, LANDMARK WEST!, the Upper West Side's largest and oldest preservation organization.

"Imposing a wide-reaching zoning change across New York's many unique and diverse neighborhoods will promote insensitive development that will be out of context with its surroundings, and result in the influx of new market rate apartments, and significant upside pressure on rents. This will cause many long-time residents to be forced to leave their neighborhoods, as their once affordable apartments become too expensive. We urge that the current height limits be maintained. Given the importance of affordable housing as well as contextual zoning, we suggest the City undertake a more detailed assessment of the implications of this proposal and alternatives," said Emma Marconi Bologna, Executive Director of CIVITAS, who was also joined by CIVITAS Board President Felipe Ventegeat. CIVITAS is a planning and quality of life community organization representing East Harlem and the Upper East Side.

"Community Board #2 wholeheartedly supports the stated goals of this plan. But the way it is proposed now it will harm the character of many neighborhoods throughout the city, including ours. The scope needs careful review because it may not allow the needed changes. This plan is deep and wide with major citywide impacts. So we think it is smarter to add sixty days to the beginning of the process and get it right. Otherwise it's likely that many who support the goals will end up fighting against the plan," said Tobi Bergman, Chair, Community Board #2, Manhattan (Greenwich Village, SoHo, NoHo, Little Italy, Hudson Square).

"Mayor de Blasio's shotgun approach to rezoning does not guarantee the production of affordable housing, only the tearing apart of neighborhoods throughout New York City. It would give developers full rein to destroy stable neighborhoods without creating a single unit of housing for low and moderate income New Yorkers. We deserve a more nuanced approach that protects the scale and quality of our neighborhoods, while mandating the inclusion of affordable housing only where higher density is appropriate," said Peter Bray of the Park Slope Civic Council.

"The East Village fought hard for the height limits designated in the 2008 contextual rezoning. Lifting them, especially with no promise of affordable housing, is a betrayal of a three-year community process involving neighborhood, preservation, tenants, cultural, and housing groups. We urge the city to recognize the individual needs of each community by expanding the scope of this environmental review to loosen height restrictions only for future contextual districts, and not unravel the valuable community negotiations that resulted in finely crafted contextual districts in the East Village," said Sara Romanoski, Director of the East Village Community Coalition.

"Mayor DeBlasio stated in February that we 'have a duty to protect and preserve the culture and character of our neighborhoods, and we will do so' when referring to new affordable housing proposals that would come from his administration," stated Paul Graziano, an urban planner who helped contextually rezone over 100,000 properties in the city over the past decade. "This citywide zoning proposal is clearly in absolute opposition to the Mayor's rhetoric and, if it is adopted as is, will quickly undo decades of careful progress in protecting neighborhoods around New York City from as-of-right overdevelopment."

The following elected officials could not attend the press conference, but sent along these statements:

"New York City has more than enough luxury housing; we do not need to destroy the historic character of our neighborhoods to build more. Instead of raising the allowable height of new development, let's increase the percentage of affordable units in all new construction. We will not solve the affordable housing crisis by building one affordable unit for every four luxury units," said City Council Member Helen Rosenthal.

"Our community worked very hard to establish the current contextual zoning districts, and already made compromises to balance many diverse interests," said Assembly Member Daniel O'Donnell (Morningside Heights, Upper West Side, Harlem). "After such a successful example of a community truly working together to design and protect the best things about their neighborhood, we must not sit back and allow blanket city-wide policies to destroy that work. There are other ways to promote affordable housing without erasing hard-fought protections and imperiling the very buildings that make the Upper West Side what it is."

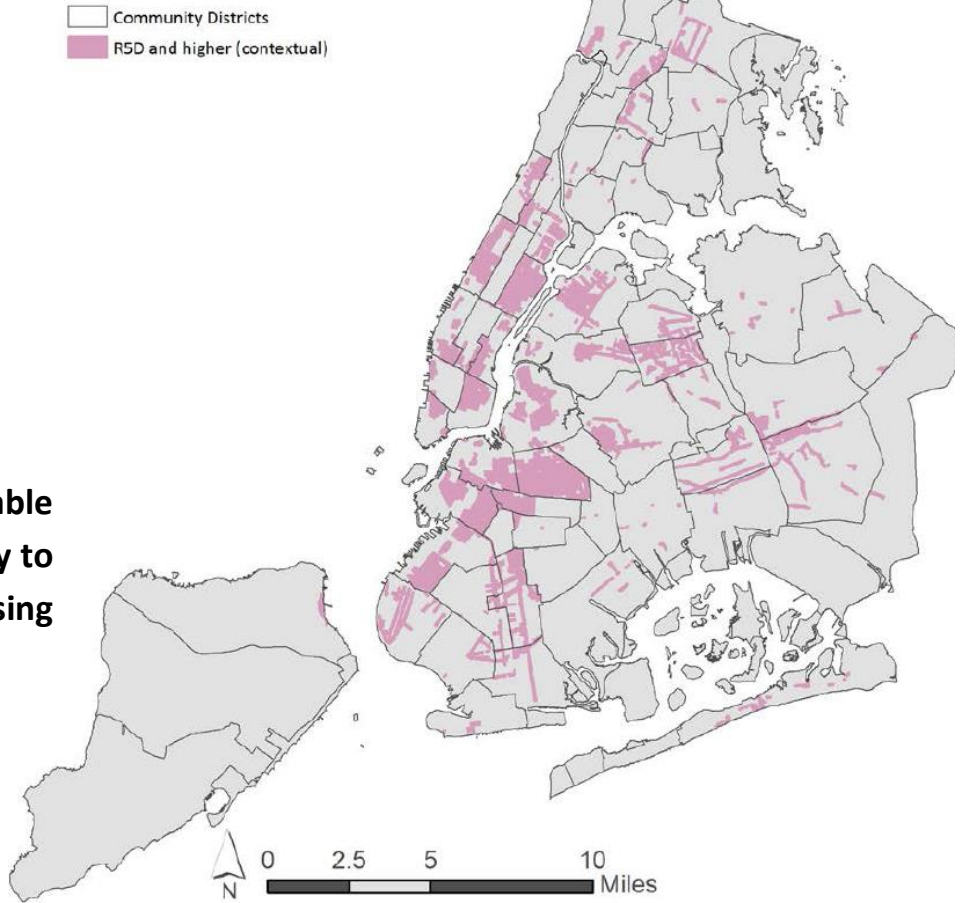
"There's no denying that we must act to combat the affordable housing crisis in our city, but we must also make sure those actions are appropriately discussed and reasoned so we can truly achieve positive results for all communities," said City Council Member Margaret Chin. "Along with many of my elected colleagues, I have some concerns about the potentially negative impacts that the mayoral administration's proposed zoning text amendment could have on the character of historic districts. So while I fully support the administration's effort to increase our affordable housing stock, I believe that we must first consider the potential impacts on all neighborhoods and not act with too much haste."

Additional participants in the press conference included the New York Landmarks Conservancy, the Coalition for a Livable West Side, the Committee for Environmentally Sound Development, West Siders for Responsible Development, the Bowery Alliance of Neighbors, and the Tribeca Trust.

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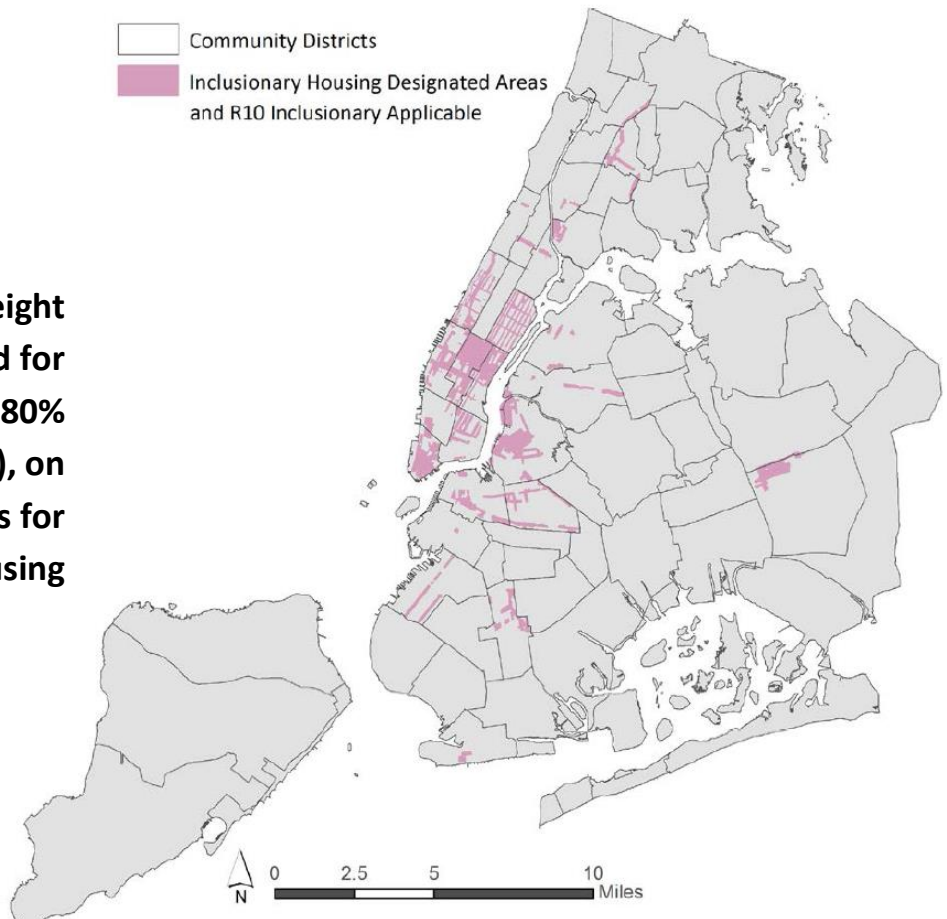
**From 'Zoning for Quality and Affordability' Draft Scope of Work for Environmental Review, NYC Department of City Planning February 20, 2015**  
[www.nyc.gov/html/dcp/pdf/env\\_review/zoning-](http://www.nyc.gov/html/dcp/pdf/env_review/zoning-)

**Map 2: R5D and higher contextual zoning districts, including commercial district equivalents**



**Areas where proposed allowable height increases would apply to market-rate housing**

**Map 8: Inclusionary Housing Designated Areas, and R10 zoning districts with IH applicability**



**Areas where allowable height increases are proposed for 'inclusionary' developments (80% market-rate/20% affordable), on top of proposed increases for market-rate housing**



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March 10, 2015

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**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,



Andrew Berman  
Executive Director

cc: Manhattan Community Boards 1-10  
Municipal Art Society  
NY Landmarks Conservancy  
Historic Districts Council  
Landmark West!  
CIVITAS  
Friends of the Upper East Side Historic Districts  
Save Chelsea  
East Village Community Coalition  
SoHo Alliance  
Tribeca Community Association  
Brooklyn Heights Association  
Park Slope Civic Council



## Opinion

# Citywide Rezoning Plan Would Benefit Developers, Hurt Neighborhoods

by Andrew Berman, Mar 17, 2015



A citywide rezoning proposal quietly released by the de Blasio administration last month has begun the public review process. 'Zoning for Quality and Affordability' sounds like mom and apple pie, as it purports to make new housing less costly and meet higher standards. But a closer examination calls these premises into question. Big real estate, not average New Yorkers, would be the main beneficiary of some of the plan's key provisions, and its cost would be the undoing of neighborhood zoning protections years in the making.

The proposal is quite broad in its scope. But a central element is raising the allowable height of new development in "contextual zoning districts" -- areas where specific height limits and streetwall requirements help ensure that new buildings fit their context. These rules are meant to keep much of the "sore thumb" development we see around the city from cropping up in residential neighborhoods with strongly defined character, from the Lower East Side to Harlem, Crown Heights to Jackson Heights, the Village to Sunset Park.

Many of these height limits took years of effort by local communities to secure, and often involved compromises and trade-offs with the city and real estate interests to attain modest controls.

Now those rules would be upended, with the height caps lifted by as much as 20 to 30 percent, across the board.

As the plan's title implies, the rationale for these proposed changes are improvements in "quality and affordability," but neither seems likely to result from the current plan.

First, in many cases the proposed height limit increases would apply to purely market-rate housing. For example, in one of the more common contextual zoning districts, developers would automatically get to build about 20 percent taller than currently allowed for new luxury development. In the fraction of those districts where developers get more square feet if they reserve 20 percent of the units for affordable housing, there would be an additional 10 percent bump in the allowable height for such construction.

But even the height increase for developments that include 20 percent affordable housing raises serious questions. In existing contextual zoning districts such as the East Village, we have seen affordable housing included in some new developments built with the current, hard fought-for height limits, though not in every

one. The City says higher height limits will mean more affordable units built, but the mixed results in places like the East Village don't offer any clear indication that this is so.

Including affordable units is currently optional in these zones, and this plan would not change that. It seems that the optional nature of the program, along with a variety of other factors, have a much bigger impact upon the number of affordable units built, rather than the height limits.

But for argument's sake, let's say raising height limits in contextual zones would increase participation in the 20 percent affordable housing program. Advocates for this approach point to the two areas of the city where significant numbers of affordable units have been produced through this program, West Chelsea/Hudson Yards and Williamsburg/Greenpoint. They have much looser height restrictions on new development and a significant number of their tidal wave of new, luxury developments include 20 percent affordable housing.

At the same time, though, in the ten years since that program has been implemented in those neighborhoods, they have seen a nearly unprecedented rise in rents and housing prices. In other words, in the two cases where this program has been most successful – where we have seen the highest rates of developers choosing to include 20 percent affordable housing in their new developments – we have also seen perhaps the most dramatic overall loss of affordability.

Is this the future we want? And is this not the inevitable result of tying the production of every new affordable apartment to four market-rate, super-luxury ones, which is enshrined in this proposal?

The other rationales for the increased height limits in the plan are equally dubious. The City claims current contextual zoning rules result in flat, boxy buildings; undesirable street-level ground floor apartments; and substandard floor-to-ceiling heights that discourage development. By lifting the overall height of buildings and loosening the contextual zones' streetwall requirements, the City claims more attractive and livable buildings that are cheaper to construct will result.

In fact, while some new buildings in contextual zones are mediocre in design, some are actually quite appealing – it really depends upon the architect and developer. But non-contextual zones, with no height limits or streetwall requirements, routinely see some of the most uninspiring, cringeworthy new designs in the city, poking a big hole in the "less restrictions equals better design" theory.

And as for the notion that current height limits are discouraging development or making for substandard apartments, one need only look at the flood of new construction in contextual zones from Bedford-Stuyvesant to Astoria, Park Slope to the Upper East Side. People are lining up to live there, and developers are making a hefty profit.

But perhaps not as hefty as they would like. Fewer restrictions on height, allowing grander floor-to-ceiling heights and apartments with more commanding views, would fetch developers even higher prices. But it certainly would not make these new apartments more affordable. And neighborhoods would pay the price with less light, air, and sky, and a loss of the character and scale they fought so hard to maintain.

The main beneficiaries of these aspects of the 'Zoning for Quality and Affordability' plan appear to be real estate interests, not those who care about quality design or affordable housing. It's likely no coincidence that these proposed changes are ones that deep-pocketed developers have sought for years. Now, wrapped in claims about quality and affordability, they finally have a chance to get them.

The mayor's 'Zoning for Quality and Affordability' plan is not without good points, and its stated goals are worthy of support. But substantial modifications are needed to protect neighborhood character and benefit average New Yorkers before it can live up to its lofty premise, and before it should be considered for adoption.

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Andrew Berman is the Executive Director of the [Greenwich Village Society for Historic Preservation](#)