



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the City Planning Commission
City of Yes for Economic Opportunity
January 24, 2024**

Dear Commissioners,

The LANDMARK WEST! Advocacy Committee would like to recognize the importance of the public review process and is pleased to see that the City Planning Commission is listening to the concerns voiced by City residents and are making minor changes to City of Yes for Economic Opportunity proposals.

In response to our comments at the Public Hearing on January 24, 2024, regarding the proposed changes to environmental standards for certain uses, Chair Garodnik made a remark that no environmental standards were to be omitted. However, with this new proposal, certain establishments will in fact be omitted from following proposed environmental standards.

According to the proposal: “Where commercial uses are located either on the same story as dwelling units, or on a higher story, pursuant to the applicable provisions of Section 32-421 and 32-422, the provisions of this Section shall apply to certain production uses listed in Use Group 10, or other commercial uses that necessitate a Place of Assembly Certificate of Operation from the Department of Buildings”.

As previously stated in our testimony, commercial businesses with a 74 person or less capacity, that do not need a Place of Assembly Certificate, will be exempt from all proposed environmental standards. We caution against zoning changes that will, under these proposed rules, allow a commercial business with a 74 person or less capacity to operate in the upper floors of residential buildings without any environmental standards regulating noise, vibration,

odors or any other environmental impacts. We believe removing this exemption is the better option, to enforce oversight on all uses.

Our Advocacy Committee is concerned that no changes have been proposed to the rules that affect our Special Zoning Districts. The Special Zoning Districts in the city were designed with specific curation of uses to allow entertainment and cultural districts to flourish. Replacing these custom, site specific rules with generic ones seen throughout the city, is inconsistent with the goals of a Special Zoning District.

Our Committee welcomes the ongoing review process of this extensive and sizable zoning change, however, the changes made are not significant enough and lack consideration of the uniqueness of each of our neighborhoods.

Thank you.

Please see our previously submitted comments, dated January 24, 2024.

LANDMARK WEST is a neighborhood non-profit organization for historic preservation and land use. We advocate for sensible, community-focused land use and zoning. Of the massive 1,127 pages of zoning text, some of the proposal addresses long outdated zoning related to old uses no longer relevant in New York City in 2024. Unfortunately, the proposed changes don't stop there. At its worst, they show a blatant attempt to forsake the community, and flout the City's zoning regulations in favor of business interests.

1) Commercial Spaces

New York lost many of our commercial uses during the pandemic due to “grandfathered” rules relating to commercial storefront use. We are encouraged to see efforts to retain these commercial spaces. However, we see no real effort to support small businesses in this proposal and no provisions in place to retain smaller retail like Commercial Rent Stabilization. The absence of this could create long-vacant storefronts in our Commercial and Mixed Districts.

The expansion of commercial activity into residential buildings is not only harmful to housing in a housing crisis but will have a negative effect on quality of life for the community. Increasing the size limit and capacity for home businesses could lead to increased, unregulated traffic, potentially impacting upon the quality of life of neighbors. Additionally, this size increase could open the door for owners to purchase neighboring units to use for their business, further encroaching upon residential uses, and pressuring an already limited supply.

Increased commercial uses on upper floors of mixed buildings is unacceptable. Any commercial use such as bars, nightclubs or manufacturing would be permitted to operate in the upper floors of residential buildings under this proposal. Furthermore, smaller commercial businesses (< 74 person capacity) are entirely exempt from all environmental standards. It shouldn't matter the capacity or even how large an establishment is, but how

much of an impact it will make on its surroundings, and particularly the neighbors who already live there.

There are few M districts on the Upper West Side, but this proposal will allow most manufacturing uses to be located in any commercial district, including neighborhood commercial districts. This could negatively impact communities on the UWS if further regulations are not put in place. Under the existing zoning, manufacturing uses don't have to be open to the public. If these uses were to be located in commercial districts, we want to ensure they serve the community and specify that products made on-site must be sold on-site, so as not to impinge on the communities quality of life and suffocate other businesses.

2) **Housing**

There are many aspects of this zoning proposal that are hostile to housing. With this new zoning proposal, manufacturing, agricultural and commercial uses will bleed into residential zones and covet more space, ultimately pushing out residents. Lately, the finger has been pointed at preservation for exasperating the current housing crisis. We wholeheartedly disagree and can't help thinking these proposals are single handedly causing more harm to the current housing crisis by making existing housing less livable and decreasing opportunities for housing in favor of business interests. Additionally, the proposal to create new zoning districts for job production, which is vague and currently not mapped at all, is hostile to housing as these districts will not permit residential use.

Since housing is the agreed upon number one need in the City it is frustrating that City of Yes for Carbon Neutrality and City of Yes for Economic Opportunity precede the release of any text, and also function independently, and sometimes at odds with conversions and direct housing production.

3) **Quality of life - Nightclubs and Amusements**

Proposing to introduce all types of nightclubs in every commercial district despite the initial zoning proposal, dated from 1989, citing neighbor's complaints about "noise,

traffic, parking, sanitation and crowding impacts from clubs” will prove disastrous for the livability of mixed zoning districts. If these issues existed in the ‘80s, they surely would now.

City of Yes proposals could also legalize a Coney-Island style thrill ride in a Times Square hotel and enclosed amusement rides could be permitted along Madison Avenue, Broadway, and Lincoln Square. Expanding amusements into more districts could be transformative for the city, and not for the better, further appeasing the tourism industry and turning our commercial and residential districts into entertainment districts.

4) Special Zoning Districts

Under the current proposals, City of Yes eliminates most of the custom rules made for Manhattan Special Zoning Districts, which were designed to encourage the retention of small-scale retail to keep big establishments (like banks) at bay.

The sum total of these proposals seeks to dismantle decades of Zoning that, while voluminous, has adapted to the unique idiosyncrasies of New York and its neighborhoods. Abolishing them in one fell swoop such as this will not only harm each neighborhood but will create a city of sameness, in total opposition to the very qualities that make New York a nexus, to begin with.