



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST! By Susan Nial
Chair of the Advocacy Committee
Before the Charter Revision Commission
Manhattan Public Input Session on Housing and Use
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Introduction

My name is Susan Nial. I am here to present the statement of Landmark West! (LW!). LW!, the Upper West Side grassroots' preservation advocacy group, is currently celebrating its 40th anniversary. LW! has spent many years working in the areas of preservation and land use with the goal of protecting our shared heritage as manifested in our landmarked buildings, historic districts and our neighborhoods. While some criticize preservationists by claiming that we want to "dip the city in amber" and that we value buildings more than "progress," the ultimate goal of our advocacy is to protect the quality of life of the people who live in those buildings and neighborhoods and protect our shared history that brings us together. Often those who scoff at preservation either fail to appreciate or simply refuse to acknowledge the importance not only of a shared history to our sense of community but also the terrible loss we all suffer when our landmarks and historic districts are destroyed with the purpose of allowing developers to make more money not just in shared history but also in the very real and calculable loss of affordable housing.¹ As Bonnie McDonald, president and CEO of Landmarks Illinois writes:

"Protecting naturally occurring affordable housing is also critical. As Subsidized rental units represent a small percentage of affordable housing in the U.S. In fact, 80 percent of all affordable rentals in large markets and 75 percent of affordable units nationwide are "naturally occurring affordable housing," or NOAH. These units are often small- or mid-sized rental buildings, over 35 years old, and broadly affordable but remain unsubsidized by any federal program. This type of housing, however, is particularly vulnerable because investors purchase

¹ <https://www.planetizen.com/features/130916-good-new-vital-role-preservation-solving-housing-crisis>

these buildings at low cost, renovate them, and then raise rents — or, in some cases, reconvert or demolish them to create single-family homes.

An estimated 75 percent of the nation's 12 million affordable housing units are considered NOAH, according to Harvard University's Joint Center for Housing Studies. By multiplying 9 million by 2.57, the average household size per U.S. Census Data, that amounts to more than 23 million people living in NOAH.

Developing preservation strategies to maintain these properties and to protect their affordability would go a long way towards protecting existing NOAH assets, (but McKinsey research indicated that overall, cities lack these strategies).” This is the kind of thinking that the Mayor and the Charter Revision Commission should explore rather than incorporating the often internally inconsistent provisions of the entire package of City of Yes (COY), some aspects of which encourage the loss of affordable housing by allowing it to be converted to commercial spaces.

The City of Yes does not belong in the City Charter.

I am here today to talk about the very real threat to our neighborhoods and our stock of affordable housing that is posed by the attempt to set in stone the wrong-headed and anti-democratic elements of the City of Yes, including but not limited to changes in zoning and land-use overhaul, by enshrining it in the Charter of the City of New York. As the language of the proposed Charter Revision is not available, it is not possible for us to deal specifically with any legislative recommendations that the Commission may make regarding land-use, zoning, housing, or other elements of the COY package. Instead, we are responding to the brief given to this Commission by the Mayor. In the available materials relating to the Mayor's guidance to the Commission, there are two distinct and, frankly, contradictory suggestions. One to make the land use process more transparent and the other to enshrine the changes contained in COY in the Charter. COY limits the involvement of the public and even the City Council in important land use decisions by handing over decisions regarding special permits to an appointed body, thus bypassing both the public in the context of public hearings and the City Council, thus

limiting transparency. The stated goal of this change is to increase the number of affordable housing units in the City of New York. To support both the massive changes to our zoning and land-use system of regulations, the Mayor has claimed that these changes must be inserted in the City Charter to increase the number of affordable housing units. To be blunt, neither the adoption of COY by the City Council nor its inclusion in the Charter will do anything to increase the number of affordable housing units and may decrease those units by allowing the conversion of affordable units to commercial spaces and allowing the building of larger and bulkier buildings that are not required to provide any affordable units at all.

Affordability is Optional.

In view of the public goal of “more affordable housing, it is important for the Commission to take notice and consider that affordability is optional under the COY. It appears in only one section of the new law, identified as the Universal Affordability Preference is and in that section, it is **optional**!

The section of the COY relating to the transferability of landmark TRDs allows a broader transfer of TDRs; however, if one takes advantage of the broader transference provided therein of TDRs there is **no requirement** that the increased development opportunities **include any affordable housing**! Currently the transfer of TDRs in this context are City Planning Commission Special Permits that are ULURP actions that require City Council involvement, the COY eliminates the City Council from the process.

Whether one supports COY or not, it is important to recognize that importing the COY regime and its components into the Charter will make it almost impossible to guarantee the kind of flexibility in Zoning and land-use issues that the City needs in order to respond to the changing needs of the City and or to respond to the unique needs and issues of our widely varying neighborhoods because of the cumbersome process by which the Charter can be amended. We urge the Commission not to follow the Mayor’s lead in this regard.

The Commission should reverse the current trend of curbing the public's involvement, expand effective public involvement initiatives, and re-energize Community Boards.

In previous years, the Charter was amended in ways that limit and reduce effective public involvement. The Commission should reverse this trend in government of eliminating or limiting the ability of the public to have an opportunity for effective input. It is time to expand effective public involvement initiatives and eliminate superficial “public engagement” programs, which offer nothing more than box-ticking initiatives and feel-good meetings with ambiguous talk of “goals” other than solid proposals. This process is often mere political theater, lots of sound and fury symbolizing nothing.

In that regard, we would ask the Commission to consider the issues of transparency and the importance of effective public involvement in land-use, zoning, and housing issues.

Neighborhoods are unique collections of people who have found a way to engage with each other and support each other in a variety of ways that work for them. As a result, a one-size-fits-all plan does not reflect that uniqueness and will undoubtedly destroy important aspects of the lives of the residents, not the least of which is **dislocation**. The residents of a neighborhood are the best source of important information regarding its needs and the effectiveness of the various networks that have grown up in that neighborhood that serve the needs of the residents. In short, they are the experts. While developers’ “experts” and those engaged by the entity arguing for the passage or approval of a project or legislations are given almost unlimited time, local resident experts are limited to 2 to 3 minutes or sometimes don’t have an opportunity to testify at the hearings at all. This should be changed.

Shutting these individuals out by limiting public hearings and instead replacing public hearings with nothing more than political theater, in which the City moves through neighborhoods spouting platitudes about goals, both short-term and long-term, that bear little or no resemblance to the actual impacts of the proposals the City wants to push through. This Commission should reinvigorate the public hearing and make it clear that it is the public hearing that must be protected. It should make it clear that **public hearings** in which members of the public are the key witnesses to which the various commissions, agencies and ultimately the City

Council should be listening to rather than the paid experts of the developers and the City staff who have been tasked with making sure the development plans go through.

Public Meetings wherein public testimony is prohibited should not be allowed to eclipse the use of the public hearing. The Commission should require that all Agencies, Commissions, Boards and similar, ("Agencies") publish the exact legislation proposed or the applications made by the City or private individuals at least 30 business days before any public hearing both on their websites and in a separate notification to the public and interested parties including but not limited to LW!

LW! Also requests that the Commission revisit the designation of the opinions and or reports from Community Boards on issues of local interest as "advisory." This designation has led some individuals and groups to refuse to show up to discuss their projects. Sadly, some City Agencies like the Landmarks Preservation Commission tell applicants not to respond to the criticisms or suggestions from the Community Boards and community groups on the basis that they are only advisory. This needs to change.

The Commission should also require that massive changes in Zoning, Land Use and Housing of the citywide like the COY be analyzed as one package and not broken up in its constituent parts. That analysis should pay close attention to and assess the cumulative impact of the entire package of changes on the relevant neighborhoods and the City as a whole. Atomization of projects and proposed legislative packages isn't good for the City, nor any of its residents, it should be forbidden in the Charter.

Thank you for your time and attention. LW! will return to comment on the actual language of the Commission's proposals once they are available. We will see you then.

Endnotes

We give all due credit to George Janes upon whom we have relied for his insightful and careful reading of the entire package of COY changes that range from COYHO, City of Yes for Housing Opportunity; COYEO, City of Yes for Economic Opportunity; and, COYCN, City of Yes for Carbon Neutrality, and impact each and every area of the City. LW! Would be happy to provide those reports to the Commission on request.