



THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

Dan Garodnick, Chair  
New York City Department of City Planning  
120 Broadway  
31st Floor  
New York, NY 10271

**RE: HDC's Commentary on City of Yes For Economic Opportunity**

Dear Chair Garodnick,

The Historic Districts Council appreciates the opportunity to provide in-depth comment on the Department of City Planning's proposed zoning text amendments related to City of Yes for Economic Opportunity (COYEO).

HDC appreciates that the City is interested in supporting economic resiliency in post-pandemic New York. Unfortunately, we believe that the proposed Text Amendments do not provide adequate protection for small businesses, and instead threaten to decrease the city's overall housing supply while weakening regulations that support Special Purpose Districts.

We note that **provisions for Commercial Rent Stabilization are absent from this plan.** Exorbitant commercial rents lead to "high-end blight," wherein our commercial corridors are left vacant not for lack of interested businesses, but for lack of affordability. Thriving commercial corridors are essential to neighborhood vibrancy, public safety, civic pride and overall quality of life. **No amount of zoning overhaul aimed at economic resiliency and attracting tenants will fill vacant storefronts if those storefronts remain prohibitively expensive.**

That's why **we are heartened to see that the COYEO zoning text amendments support the retention of long term commercial storefronts in Historic Districts.** According to the current zoning code, storefronts which had been "grandfathered in" as commercial overlays in residential districts lose the ability to remain commercial space after two years of vacancy. HDC is glad that the new zoning text amendments will eliminate the two-year-vacancy rule and allow these spaces to remain commercial storefronts. **We believe this change will help longstanding legacy businesses by legalizing what is currently a "non-permitted" use.** In the

interest of protecting and promoting small business uses in Historic Districts and commercial corridors, **we believe that this provision must be accompanied by provisions for Commercial Rent Stabilization so that as neighborhoods retain commercial spaces, those spaces retain tenants.**

As for the commercial changes proposed in COYEO **regarding commercial development on NYCHA campuses, we urge that there be close consultation with NYCHA residents around these proposals in order to prioritize residents; needs and consider the historic integrity of some campuses** which are landmark designated or listed on the National Register of Historic Places.

Speaking of the relationship between commerce and housing, just as HDC finds retention of commercial businesses vital in Historic Districts, **we also find retention of housing to be one of the most urgent needs facing our city.** Thus, **we are concerned that provisions in COYEO** which allow for Commercial Overlay Districts to be considered Commercial Districts first and Residential Districts second; allow up to 49% of a given dwelling unit to be devoted to occupational uses and up to three people who do not live in that dwelling unit to be employed there; and allow a broader range of occupational uses in residential dwellings, **could together lead to a net loss of housing for office and commercial space.**

However, **we are in favor of COYEO's proposed modernization of loading dock requirements, which we believe can yield more housing and ease the adaptive reuse of historic structures.** As DCP points out in its Zoning Text Amendment project description, such modernization "would allow buildings to more easily evolve over time by not requiring additional loading berths for a change of use in an existing building." Therefore, modernization of loading dock requirements should facilitate adaptive reuse of historic structures.

**However, we are concerned about COYEO's proposed "new discretionary zoning tool to allow the City Planning Commission to waive limited bulk rules."** DCP notes that, "The Proposal would allow the City Planning Commission to approve changes to the building envelope controls to permit a loft-like building form, allowing businesses to seek limited bulk relief to construct new buildings that exceed current setback and yard requirements. The authorization would be available in Manufacturing Districts and most Commercial Districts. The envelope would be limited to what is proposed for the new C7 Commercial District at the applicable density." The Commission asserts that businesses need such discretionary loopholes because "many growing businesses run into physical constraints of zoning that are incompatible with the shape of their building." **We wonder how this would work in practice, and are concerned that this amounts to allowing any business to flout zoning at will, simply by claiming that their business is constrained by the existing shape of their building.**

Given that DCP seems eager to allow vast changes to the size, shape and usage of New York's building stock, **we are concerned about where COYEO privileges uniformity, namely in its provisions to "create consistent ground floor design requirements" at the expense of Special District design regulations.**

While the stated goal of this consistency is to "foster vibrant neighborhoods" by activating commercial corridors,

**we fear that these changes will instead lead to less vibrant streets, because by zoning for “consistent design” the city will lose the regulatory power to leverage a given neighborhood’s unique characteristics to help promote its social and economical vibrancy.**

Indeed, **leveraging specificity for economic and social vibrancy is exactly what Special Purpose District regulations are designed to do.** Consider the vastly different special zoning districts of Lower Manhattan, 125th Street, Parkchester and the Central Wetlands of Staten Island: In Lower Manhattan, Special District Zoning allows for the conversion of older commercial buildings to residential use, while protecting the iconic setback skyline and guiding development along landmarked portions of the street grid; Meanwhile, Special District Zoning along the 125th Street Corridor in Harlem recognizes 125th St. as an extraordinary hub not only for commerce, but also for arts and entertainment, and thereby specifically zones for active use of commercial storefronts while also requiring inclusion of arts and entertainment uses for developments over a certain size, and offering the city’s first zoning incentive for the creation of nonprofit visual or performing arts spaces; In Parkchester, Special District Zoning recognizes that the complex was developed as a unit, and offers tools to safeguard that cohesion by mapping the area as a Preservation District; Finally, Special District Zoning in the Central Wetlands of Staten Island helps guide development to maximize the protection of the area’s sensitive natural features.

To run roughshod over these Special Districts in the name of consistency is to disregard ecological circumstances of waterfront or wetland districts, which is unconscionable in a climate crisis, and out of step with City of Yes for Carbon Neutrality; it is also to disregard the cultural and historic experience of communities. **Zoning that treats the wetlands of Staten Island exactly as it treats the shopping corridors of Madison Avenue is a detriment to both, and also a missed opportunity to leverage what’s already there as we create something new.** Special District zoning helps maintain that specificity while allowing for growth. **If our streetscapes look like they could be anywhere, they could also be nowhere.**

At HDC, we are all for economic resiliency and neighborhood vibrancy. We appreciate DCP’s goals and look forward to working with the Department of City Planning toward zoning text amendments that more fully foster these outcomes.

Thank you,



Frampton Tolbert  
Executive Director