

## Testimony to the City Council Land Use Subcommittee on Zoning and Franchises:

### “NYC Supports Smart Growth & Affordability, Not Unchecked *City of Yes* Over-Development”

Tuesday, October 22, 2024

Presented by Corey Bearak, Esq., & also on behalf of Michael Mallia, A.I.A., and Bryan Block\*

Queens Community Board 13 (QCB13) and the overwhelming majority of community boards across the five boroughs represent the true majority view of New Yorkers who give a very firm thumbs-down to the misnamed “City of Yes for Housing Opportunity”. It would permit greater scales of development—increased density—on blocks and in neighborhoods with NO community input, and **without any guarantee of affordability**, especially for working families and the middle class. It’s a giveaway to those who seek to develop luxury housing, thus remaking neighborhoods as unaffordable for their current residents. It would eviscerate City Charter community review that Council Members currently and smartly use to ensure smart growth and affordability where changes to zoning occur.

The “as-of-right” features of City of Yes REMOVES from (Charter-mandated) community review [ULURP (Uniform Land Use Review Procedure)], development and density greater than permitted in just about every neighborhood. This means increased population before necessary infrastructure gets built. It risks overcrowded classrooms, sewer backups, increased traffic, insufficient parking, and inadequate public transit options, without any guarantees of housing affordability.

Community review empowers communities, community boards, borough presidents, borough boards and — you — our elected Council members to protect neighborhoods and ensure community affordability in any new zoning or project.

City of Yes guarantees opportunities for private developers to rake in cash without any oversight on how a project serves the public good.

On Long Island, community-government-private (and nonprofit) collaborations successfully developed needed new housing, including affordable and senior housing and transit oriented development (Vision Long Island recognizes many of the best of these projects at its annual Smart Growth Summit each December and [Smart Growth Awards](#) each June.).

The Council should re-jigger City of Yes into a menu of tools to create smart growth where it makes sense rather than measures that impose unwanted, sometimes unnecessary and inappropriate infusions of density on blocks with no guarantee of housing affordability.

Additional materials and prior testimonies are included and follow beginning on the next page.

Thank you.

*\*Corey B. Bearak, Esq. chairs the Queens Community Board 13 Land Use Subcommittee on City of Yes chair, Michael Mallia, AIA, chairs the Queens Community Board 13 Land Use Committee and Bryan Block chairs Queens Community Board 13.*

## NYC Supports Smart Growth & Affordability, Not Unchecked “City of Yes” Over-Development

By Corey Bearak, Esq., Michael Mallia, A.I.A., and Bryan Block\*

Queens Community Board 13 (QCB13) and the overwhelming majority of community boards across the five boroughs represent the true majority view of New Yorkers who give a very firm thumbs-down to the misnamed “City of Yes for Housing Opportunity” promoted by the Mayor and the City Planning Commission he controls. The City of Yes zoning changes would permit greater scales of development—increased density—on blocks and in neighborhoods with NO community input, and **without any guarantee of affordability**, especially for working families and the middle class. It remains a giveaway to those who seek to develop luxury housing, thus remaking neighborhoods throughout the City as unaffordable for their current residents. It does all that while eviscerating the City Charter’s community review provisions that our City Council Members currently and smartly use to ensure smart growth and affordability where changes to zoning occur.

Instead of the increased densities City of Yes would allow – “as-of right” – throughout the city, we call for thoughtful collaborations and robust commitments from the city and the state when it comes to the creation of new housing.

Why? As we [testified](https://bit.ly/CB13Q_to_CPC_no_CoY) ([https://bit.ly/CB13Q\\_to\\_CPC\\_no\\_CoY](https://bit.ly/CB13Q_to_CPC_no_CoY)) to City Planning, the “as-of-right” features of each of the provisions of City of Yes for Housing Opportunity REMOVES from City Charter-mandated community review – ULURP (Uniform Land Use Review Procedure), development greater than currently permitted in just about every neighborhood. The “as-of-right” features of each of the provisions of City of Yes for Housing Opportunity would weaken the existing City Charter-mandated “community review” provisions. This explains Queens Community Board 13’s unconditional June 24, 2024 rejection of the provisions of City of Yes for Housing in its entirety (<https://bit.ly/NoCityofYes>).

Community review remains important and paramount; it offers an opportunity for the community, community boards, borough presidents, borough boards, the Department of City Planning and — especially and critically at this juncture, as City of Yes goes before them — our elected members of the City Council. Each of the provisions of City of Yes for Housing Opportunity would REMOVE traditional New York City Charter-mandated community (board), borough president and City Council reviews of uses not permitted under existing zoning and land use provisions.

The greater density allowed “as-of-right” – meaning without City Charter-mandated “community review” – under City of Yes in each City neighborhood means increased population occurs before the necessary infrastructure gets built. This risks overcrowded classrooms, the threat of sewer backups, especially in communities with combined sanitary and storm sewers, increased traffic, insufficient parking, and inadequate public transit options. New denser development allowed under City of Yes also offers no guarantees of housing affordability. “Community review” protects neighborhoods from the above and other adverse and unplanned and unanticipated impacts before any new development can occur.

We object to City of Yes imposing as-of-right zoning to insert more housing whether or not local neighborhoods have the infrastructure in place first to support it. Organic community-led

development that ensures any necessary infrastructure upgrades and, perhaps more important as a matter of public policy, housing affordability, is what New York City must strive for.

Retaining City Charter-mandated community review for this type of growth empowers communities, community boards and their elected borough presidents, and especially the City Council, to maintain and/or inject community affordability as part of any new zoning or project. As a result, all City of Yes guarantees are opportunities for private developers to rake in cash without any oversight on how the project serves the public good.

Just outside the City find successful collaborations to develop needed housing. This includes collaborations in Long Island of community-government-private (and nonprofit) development that introduced new housing, including affordable and senior housing and transit oriented development. Vision Long Island recognizes many of the best of these projects at its annual Smart Growth Summit each December and [Smart Growth Awards](#) each June.

The City Council now has the opportunity to re-jigger City of Yes into a menu of tools to be tapped to create smart growth where it makes sense rather than measures that impose unwanted, sometimes unnecessary and inappropriate infusions of density on blocks with no guarantee of housing affordability, in our neighborhoods and throughout our city, to make this happen.

*\*Corey B. Bearak, Esq. chairs the Queens Community Board 13 Land Use Subcommittee on City of Yes chair, Michael Mallia, AIA, chairs the Queens Community Board 13 Land Use Committee and Bryan Block chairs Queens Community Board 13.*

**From CityLimits.org September 16, 2024**  
**<https://bit.ly/COY240916>**

## **NYC Needs Smart Growth & Affordability, Not Unchecked Hikes in Density on Each Block**

By Corey Bearak, Esq., Michael Mallia, A.I.A., and Bryan Block\*

Queens Community Board 13 (QCB13) agrees with its Queens Borough President Donovan Richardson on one major point with respect to City of Yes for Housing Opportunity: the need for thoughtful collaborations and robust commitments from the city and the state when it comes to the creation of new housing. This explains Queens Community Board 13's unconditional rejection of City of Yes for its evisceration of the City Charter's community review provisions. While its ULURP (Uniform Land Use Review Procedure) remains, the increased densities City of Yes would allow – “as-of right” – throughout the city REMOVES from community review, development greater than currently permitted in just about every neighborhood.

Community review remains important and paramount; it offers an opportunity for the community, community boards, borough presidents, borough boards, the Department of City Planning and — especially and critically at this juncture, as City of Yes goes before them — our elected members of the City Council.

Queens Community Board 13 held public meetings and discussions concerning the proposed City of Yes for Housing Opportunity citywide zoning text amendment, including before its Land Use Committee on June 10, 2024. The board adopted a resolution unanimously (41-0) on June 24, 2024 that recommends rejection of the provisions of City of Yes for Housing in its entirety (<https://bit.ly/NoCityofYes>).

Why? As we [testified](#) to City Planning, each of the provisions of City of Yes for Housing Opportunity would REMOVE traditional New York City Charter-mandated community (board), borough president and City Council reviews of uses not permitted under existing zoning and land use provisions.

The “as-of-right” features of each of the provisions of City of Yes for Housing Opportunity would weaken the existing City Charter-mandated “community review” provisions.

The greater density allowed “as-of-right” – meaning without New York City Charter-mandated “community review” – under City of Yes in each New York City neighborhood means increased population occurs before the necessary infrastructure gets built. This risks overcrowded classrooms, the threat of sewer backups, especially in communities with combined sanitary and storm sewers, increased traffic, insufficient parking. The new development allowed under City of Yes also offers no guarantees of housing affordability. “Community review” protects neighborhoods from the above and other adverse and unplanned and unanticipated impacts before any new development can occur. We believe that organic community-led development that ensures any necessary infrastructure upgrades and, perhaps more important as a matter of public policy, housing affordability, is what we should strive for.

Like our borough president, QCB13 expresses no knee-jerk aversion to new housing. We object to City of Yes imposing as-of-right zoning to insert new housing whether or not local neighborhoods have the infrastructure in place first to support it.

The City of Yes zoning changes would permit greater scales of development—increased density—on blocks and in neighborhoods without community input, **without any guarantee of affordability**, especially for working families and the middle class.

Retaining City Charter-mandated community review for this type of growth empowers communities, community boards and their elected borough presidents, and especially the City Council, to maintain and/or inject community affordability as part of any new zoning or project. As a result, all City of Yes guarantees are opportunities for private developers to rake in cash without any oversight on how the project serves the public good.

We argue against creating any new zoning, whether it would permit basement apartments or ADUs or multi-story buildings on corner lots, among the many as-of-right development provisions of City of Yes. Instead, we recommend reforming City of Yes to allow opportunities to grow new housing in low density neighborhoods where a community identifies appropriate locations (and similarly apply to more dense neighborhoods where City of Yes would inflict even greater density).

This requires changing City of Yes from amending existing residential and commercial zones to creating NEW zoning designations that communities/community boards/elected officials can implement if/when/where THEY think make sense – of course abiding by the City Charter’s community review provisions know as ULURP (Uniform Land Use Review Procedure).

As Corey Bearak pointed out to Borough President Richards during a recent impromptu City of Yes discussion, many examples exist in the city’s Long Island suburbs of community-government-private (and nonprofit) development collaborations that introduced new housing, including affordable and senior housing and transit oriented development. Vision Long Island highlights and recognizes many of the best of these projects at its annual Smart Growth Summit each December and [Smart Growth Awards](#) each June.

Community Board 13 finds that any land use, zoning and or planning provisions that weaken rather than strengthen existing community review provisions found in the New York City Charter, including those found in City of Yes for Housing Opportunity, merit strong disapproval. Note that only three of the city’s 59 community boards found City of Yes “Favorable;” 16 conditioned their approval; and a majority,34, oppose it – (28 Unconditionally Unfavorable, 6 Conditionally unfavorable).

At the Queens borough president’s public hearing, the vast majority of QUEENS constituents opposed City of Yes. Many of their concerns seemed to resonate with Borough President Donovan; his public statement mentioned “conditional support” and shared “significant concerns.”

The best ways to address possible future needs require New York City to provide tools and resources to each of its community boards to identify parcels in any given community that might be appropriate, and make sense, for beneficial local development and, thereby, foster collaborations with government, community and the private and non-profit sectors to realize such beneficial results.

This approach would empower communities to collaborate with their elected officials, relevant city agencies and private and/or non-profit developers to realize development to address both local and citywide needs. It also allows communities to consider and include affordability of new housing in any new development.

Let's re-jigger City of Yes into a menu of tools to be tapped to create smart growth where it makes sense rather than measures that impose unwanted, sometimes unnecessary and inappropriate infusions of density on blocks with no guarantee of housing affordability, in our neighborhoods and throughout our city. The City Council now has the opportunity to make this happen.

*\*Corey B. Bearak, Esq. chairs the Queens Community Board 13 Land Use Subcommittee on City of Yes chair, Michael Mallia, AIA, chairs the Queens Community Board 13 Land Use Committee and Bryan Block chairs Queens Community Board 13.*

Testimony to City Planning  
[https://bit.ly/CB13Q\\_to\\_CPC\\_no\\_CoY](https://bit.ly/CB13Q_to_CPC_no_CoY)

**Testimony for Queens Community Board 13**  
**Concerning “City of Yes for Housing Opportunity”**  
**City Planning Commission, July 10, 2024**

By Corey Bearak, Chair, Community Board 13 Land Use Subcommittee on City of Yes & Creedmoor

Queens Community Board 13 held public meetings and discussions concerning the proposed City of Yes for Housing Opportunity citywide zoning text amendment, including before its Land Use Committee on June 10, 2024. The board adopted a resolution unanimously (41-0) on June 24, 2024 that recommends rejection of the provisions of City of Yes for Housing in its entirety (<https://bit.ly/NoCityofYes>).

Why? Each of the provisions of City of Yes for Housing Opportunity would REMOVE traditional New York City Charter-mandated community (board), borough president and city council reviews of uses not permitted under existing zoning and land use provisions.

New York City Charter-mandated “Community Review” protects neighborhoods from adverse and unplanned and unanticipated impacts before new development can occur.

The best ways to address possible future needs require New York City to provide tools and resources to each of its community boards to identify parcels in any given community that might be appropriate, and make sense, for beneficial local development and, thereby, foster collaborations with government, community and the private and non-profit sectors to realize such beneficial results.

The “As-of-Right” features of each of the provisions of City of Yes for Housing Opportunity would weaken, if not render totally useless, the existing City Charter-mandated “Community Review” provisions.

Community Board 13 finds that any land use, zoning and or planning provisions including those found in City of Yes for Housing Opportunity that weaken rather than strengthen existing community review provisions found in the New York City Charter merit strong disapproval.

**Queens Community Board 13 Resolution**  
**Concerning “City of Yes for Housing Opportunity”**

**Adopted Unanimously (41-0) June 24, 2024**

Whereas: Community Board 13 held public meetings and discussions concerning the proposed City of Yes for Housing Opportunity citywide zoning text amendment, including before its Land Use Committee on June 10, 2024;

Whereas: Each of the provisions of City of Yes for Housing Opportunity would REMOVE traditional New York City Charter-mandated community (board), borough president and city council reviews of uses not permitted under existing zoning and land use provisions;

Whereas: New York City Charter-mandated “Community Review” protects neighborhoods from adverse and unplanned and unanticipated impacts before new development can occur;

Whereas: The best ways to address possible future needs require New York City to provide tools and resources to each of its community boards to identify parcels in any given community that might be appropriate, and make sense, for beneficial local development and, thereby, foster collaborations with government, community and the private and non-profit sectors to realize such beneficial results; and

Whereas: the “As-of-Right” features of each of the provisions of City of Yes for Housing Opportunity would weaken, if not render totally useless, the existing City Charter-mandated “Community Review” provisions.

Now Therefore Be It Resolved:

- 1) Community Board 13 finds that any land use, zoning and or planning provisions including those found in City of Yes for Housing Opportunity that weaken rather than strengthen existing community review provisions found in the New York City Charter merit strong disapproval.
- 2) Community Board 13 follows its Land Use Committee recommendation that recommends rejection of the provisions of City of Yes for Housing in its entirety.
- 3) That this resolution be shared with each of the other 58 community boards, the City Council, Borough Presidents and the Mayor.