MEMORANDUM

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To: Peg Breen
Andrea Goldwyn
Landmarks Conservancy

From: George M. Janes, AICP
Alihan Polat

RE: West Park TDR analysis

You have asked my office to review "West Park Presbyterian Church Transfer of Development Rights Analysis" by FXCollaborative Architects, LLP dated August 14, 2025 (TDR Report). This memo is a critical evaluation of that analysis.

Background

The TDR Report examines where unused development rights from West Park Presbyterian Church (WPPC) may go. The regulations governing the transfer of development rights from New York City Landmarks, such as WPPC, were substantially changed on December 5, 2024 when the City adopted the City of Yes (COY) zoning text amendments. These changes included procedural changes that make the process of landmark transfers easier and faster, as well as substantive changes which permitted these development rights to move much further than they could previously. The following image was made during the rezoning process to illustrate the substantive change:

Illustration showing how the landmark transfer process was changed by City of Yes

Using these new regulations and conservative development assumptions, the TDR Report found 22 potential receiving sites. Despite this finding, the TDR Report concluded that the "transfer of the WPPC's unused development rights to receiving sites is extremely unlikely." The reasons were that there were practical considerations that made the use of the WPPC's unused development rights unlikely. These reasons include:

- Small or narrow development sites
- Occupied residential buildings make vertical enlargements impractical
- Other landmarked buildings will compete with WPPC's development rights

The TDR Report is correct that there are practical considerations for using these development rights. However, there are developments and additions in New York City that *routinely* overcome these practical considerations to develop their properties in exactly the fashion the TDR Report calls impractical. The TDR Report also overlooks many potential receiving sites when it excludes sites in the historic district. The Landmarks Preservation Commission (LPC) routinely approves rear yard and modest rooftop additions. Floor area from WPPC could easily be used by these sites.

Reason 1: Small or narrow development sites

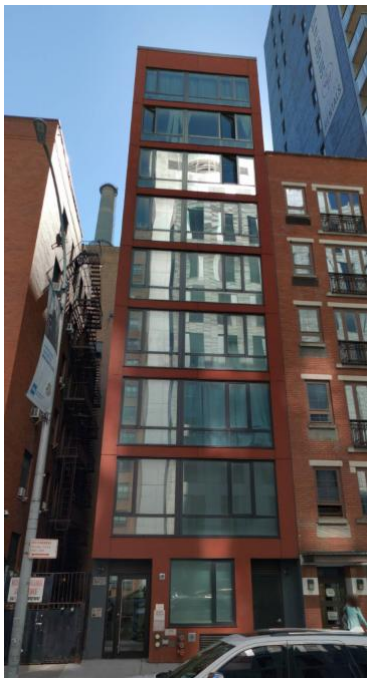
The TDR Report states: "While four of these sites could potentially realize enlargements of over 200% of their existing floor area, they are unlikely to do so due to their small lot sizes (in the range of 2,200-2,300 SF) and narrow footprints (20'-21') which do not provide enough room for an efficient, constructable building. In addition, there may be rent-regulated tenants in the existing building that would make demolition unpractical or costly."

The four narrow receiving sites identified in the TDR Report range from 20 to 22.5 feet in width. In Manhattan, we routinely see tall multiple dwellings developed on such lots. They are, indeed, less efficient as the TDR Report states, but as sites become scarce, developers make compromises and routinely develop these narrow lots. A few recent examples of narrow lots developed with tall buildings and their widths are shown below.[1]

[1] These are just examples from Community District 8; there are dozens of similar examples throughout Manhattan.

27 East 79th St., 24 feet

1055 Park Ave, 19 feet



1402 York Ave, 20 feet

Further, all these buildings were limited by the so-called sliver law, which limited the height of these narrow buildings to the width of the street on which they faced or the height of an abutting building. The sliver law was recently eliminated for most buildings by the City of Yes zoning text amendments. With that change, tall narrow buildings are more attractive than they were when these buildings were permitted and built.

The TDR Report also states: "In addition, there may be rent-regulated tenants in the existing buildings that would make demolition unpractical or costly." I agree that units in rent stabilization can slow the redevelopment of sites, but there are legal and legitimate pathways to redevelop such buildings; it happens often. While rent stabilization makes redevelopment more difficult and is a consideration, it does not make redevelopment "extremely unlikely." We see it all the time.

So, yes, narrow lots mean less efficient buildings and rent stabilization may mean tear downs are more difficult, but that has not stopped developers from doing exactly that. With the recent zoning changes, narrow sites are better development sites than they ever have been. This argument should be flatly rejected.

Reason 2: Occupied residential buildings make vertical enlargements impractical

The TDR Report stated that when adding to an occupied residential building a "wholesale structural overhaul" is often needed, which may require "full vacancy of multiple floors." The TDR Report is correct that additions may require structural changes and sometimes require floors be vacated during construction. Such conditions create difficulties in executing additions but we only need to look

at recent Manhattan construction to know that vertical enlargements are also *common*. Yes, they are disruptive and because of that reason many buildings choose not to undertake them. But many others do. The LPC knows this all too well, as it routinely reviews and approves vertical additions, typically one or two stories, but sometimes larger additions as well. And that's just the buildings in the jurisdiction of LPC. There are many more in areas where LPC has no such jurisdiction.

Clearly, not all residential buildings will pursue additions. Such a decision depends upon the individual details and the goals of the building, but what's critical is that there is the opportunity to sell development rights to viable receiving sites. With the City of Yes changes, there are many viable receiving sites identified by the TDR Report and our own work. Before claiming there is a hardship, the applicant must try to sell those rights to receiving sites. The applicant has provided no evidence of any such attempt. And so, yes, vertical enlargements can be difficult and impractical, yet we see them all the time. By providing additional floor area to these receiving sites, we may see more of them, but we won't know until WPPC markets these development rights.

Reason 3: Other landmarked buildings will compete with WPPC's development rights

There is another NYC landmark in the area that could compete for WPPC's receiving sites. The TDR Report correctly identifies the Belnord, which is located directly to the west of the WPPC, as that landmark. The Belnord is located in a split lot zoning district and according to City data is underbuilt by less than 1.0 FAR.

As a condominium, the Belnord's potential sale of unused development rights could be difficult. Condominiums often require the consent of a super-majority of owners, who may have different interests. Further, while the Belnord is currently underbuilt, it is not very underbuilt. It may wish to retain its unused development rights to provide the option for future expansions within its own development. Finally, are the Belnord's development rights for sale? The TDR Report provides no evidence that they are. Considering the conditions of the site, sale of these rights to anyone seems very unlikely. At best it is complete speculation, as there is no evidence that the Belnord would ever pursue a sale of their less than 1.0 FAR of unused development rights. Even if it did, however, there are more than enough receiving sites for floor area from both landmarks.

Further, the TDR Report states that receiving sites may also receive development rights from adjacent sites using zoning lot mergers. This is simply stating the status quo of most of New York City, which can happen anywhere at any time. However, in the immediate area around WPPC, most buildings are not obvious candidates for zoning lot mergers.

Other potential receiving sites

The TDR Reports omitted many potential receiving sites when they assumed that sites located in historic districts "were considered unlikely to redevelop and therefore excluded from the analysis." While we agree that teardowns in the historic district are unlikely, rooftop and rear yard additions are, again, *routinely* approved by the LPC. When these sites are included as potential receiving sites, the number of reasonable potential receiving sites is increased by nine. Further, receiving sites are the zoning lots that meet the locational criteria of 75-42. As a result, small receiving sites at the edge of the area can become a large receiving sites when they are assembled into a larger development site, or with a larger zoning lot.

Since the TDR Report ignores the potential for assemblages, it misses what is probably the best development site in the area: Block 1235, Lots 29, 31 and 32. The Report dismisses Lots 31 and 32 because they are outside the area that can receive development rights, but these three lots can be assembled into a larger development site at 560 Amsterdam Avenue. Indeed, the four lots on the same block directly to the north were recently assembled into a development site, where there is a new building under construction at 200 West 88th Street.

Attached to this document are receiving sites that could reasonably use development rights from WPPC and the type of development that could occur. We classified each of the lots into one of three categories:

- New development, either infill or assemblages (yellow)
- Rooftop additions (orange)
- Rear yard and small rooftop additions in historic district (purple)

There are a total of 27 receiving lots accounting for 25 development sites. To be clear, this is not to say that all of these *would* use floor area from the WPPC, but they could reasonably use floor area from WPPC if the owners of these buildings had plans to expand or replace their current buildings.

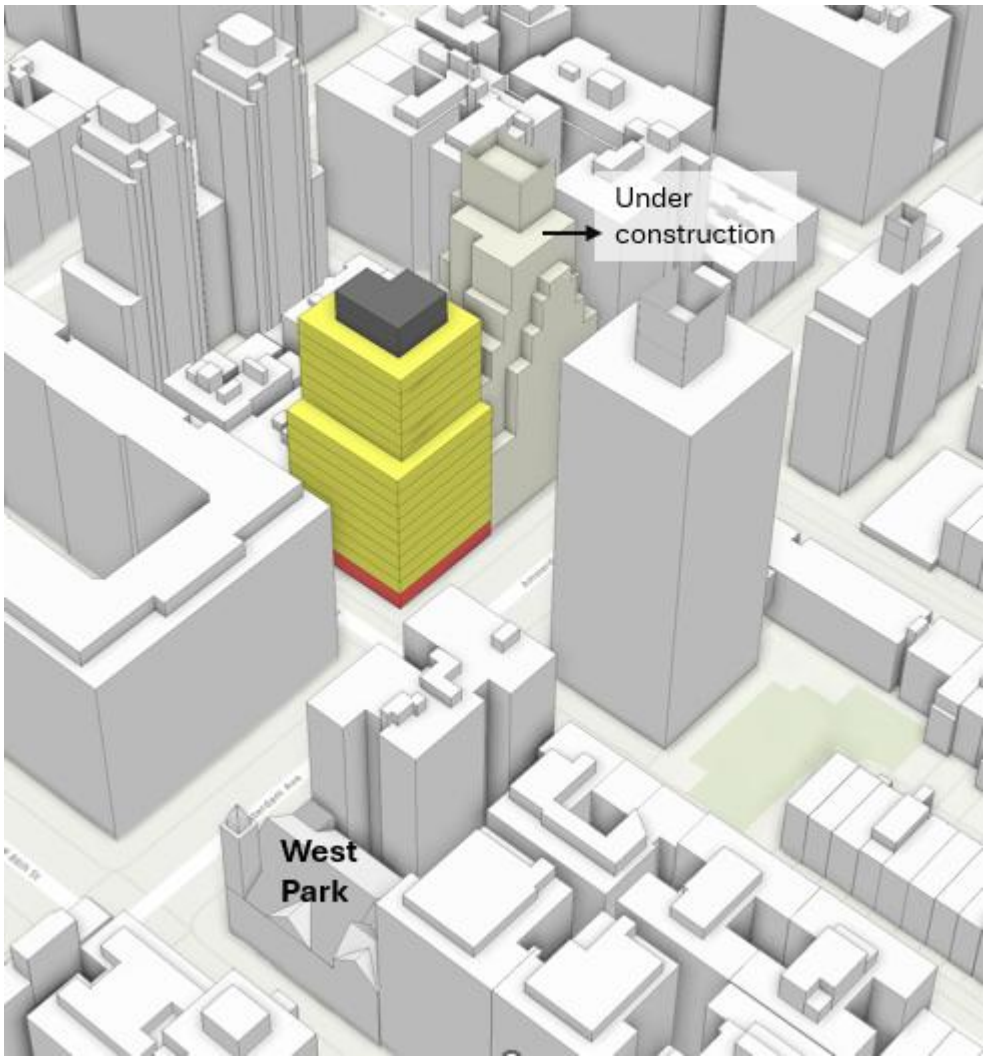
City of Yes and Landmark Transfers

Finally, the TDR Report states that nearby buildings never "sought to buy additional floor area from the church under the previous 74-79 zoning regime," as a way of dismissing the potential for development rights to be transferred in the environment created by the City of Yes zoning text amendments. This incorrectly minimizes the significance of those zoning text amendments and their impact on the ability of landmarks to transfer their development rights.

City of Yes created a new CPC certification (75-42) to transfer the development rights, and new CPC authorization (75-24) to waive bulk regulations so that the floor area transferred by 75-42 can be used. Both of these amendments were designed not only to change the rules so that development rights could travel further, but to make them easier to implement by removing the special permit requirement. Certifications are for as-of-right actions and authorizations are for

discretionary non-ULURP actions. Together, these actions lower the bar dramatically but also provide developers new options for the development of their sites.

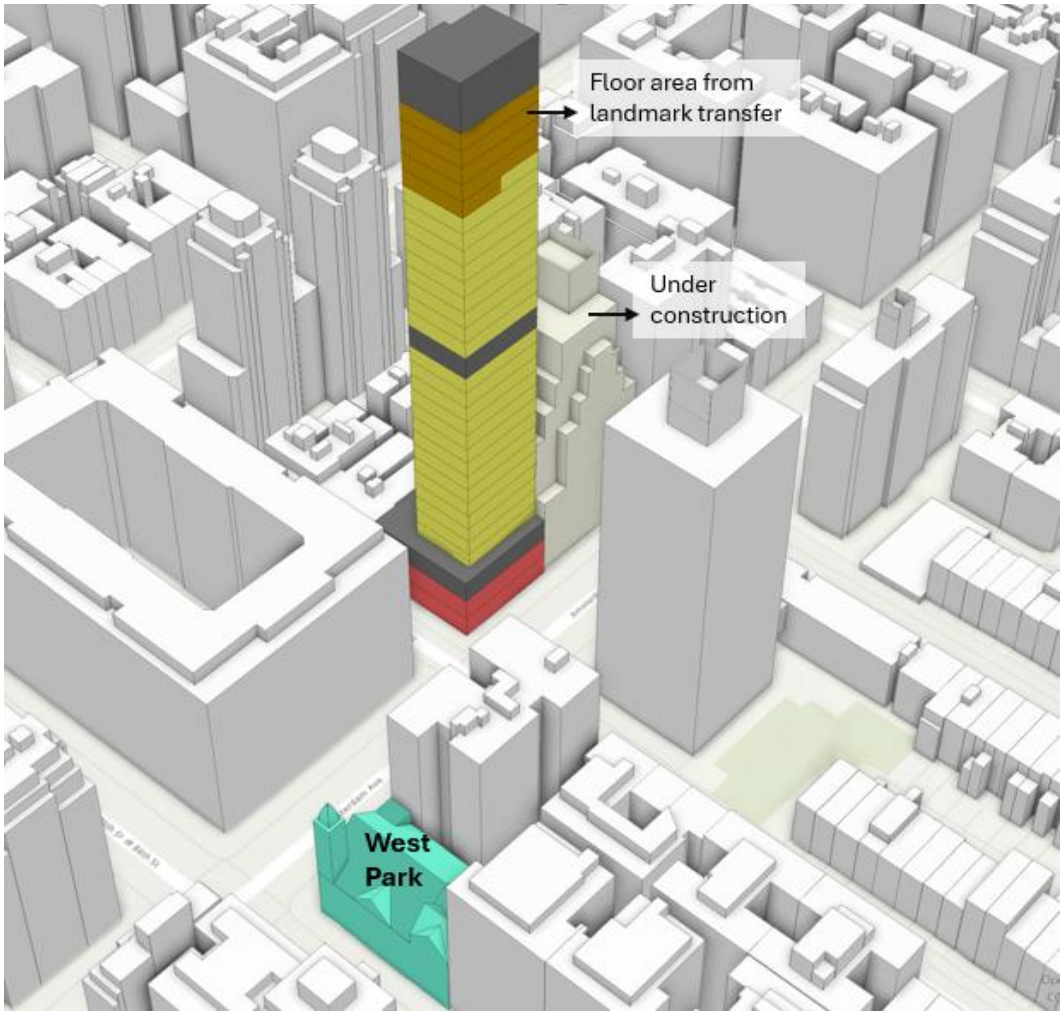
Consider, for instance, 560 Amsterdam, the three lot assemblage at the northwest corner of 87th Street and Amsterdam Avenue. This site is in a C1-9 zoning district, which permits buildings to use either the tower-on-base regulations (23-441) or standard height and back regulations (23-432). Because of the size of the zoning lot, developers would likely bypass tower-on-a-base regulations and develop a standard height and setback building, which is how the neighboring site (200 East 88th Street) is being developed. 560 Amsterdam would look something like the following and be anywhere from 220 to 250 feet to the top of the bulkhead.



Potential development at Block 1235, Lots 29-32 without landmark transfer, colored using traditional land use colors.

But if an applicant were to transfer floor area to this site using 75-42, it would not only grow by 20%, but it could also use 75-24 to waive the bulk packing

requirements of 23-441 and develop a tower-on-base building that received relief using 75-24. Effectively, by using 75-42, the CPC authorization for bulk waivers under 75-24 would be available to a development here. Additionally, a building that used both 75-24 and 72-42 would look something like the following and extend to 500 feet or more to the top of the bulkhead.



Potential development at Block 1235, Lots 29-32 with landmark transfer from West Park (75-42) and bulk waiver (75-24)

The landmark transfer allows an applicant to seek a bulk waiver that could produce a much taller, more attractive building for a developer. The City of Yes changes are about more than just releasing the development rights of landmarks, but they are also a way to get bulk waivers that wouldn't otherwise be available without a rezoning action or variance. In sum, the City of Yes changes are about more than the floor area that can be transferred and its value: it's also about the door it opens for bulk waivers that are otherwise unavailable.

Conclusion

In sum, the TDR Report appears to have been written to elevate real practical difficulties in transferring these development rights into impossible barriers that

cannot be overcome. To do so, it ignores sites with the same issues that have overcome such difficulties and have produced new buildings. It also does not recognize the value of the bulk waivers available under 75-24 that could actually enhance the value of transferred development rights. The TDR Report should be disregarded when evaluating the hardship application of WPPC.

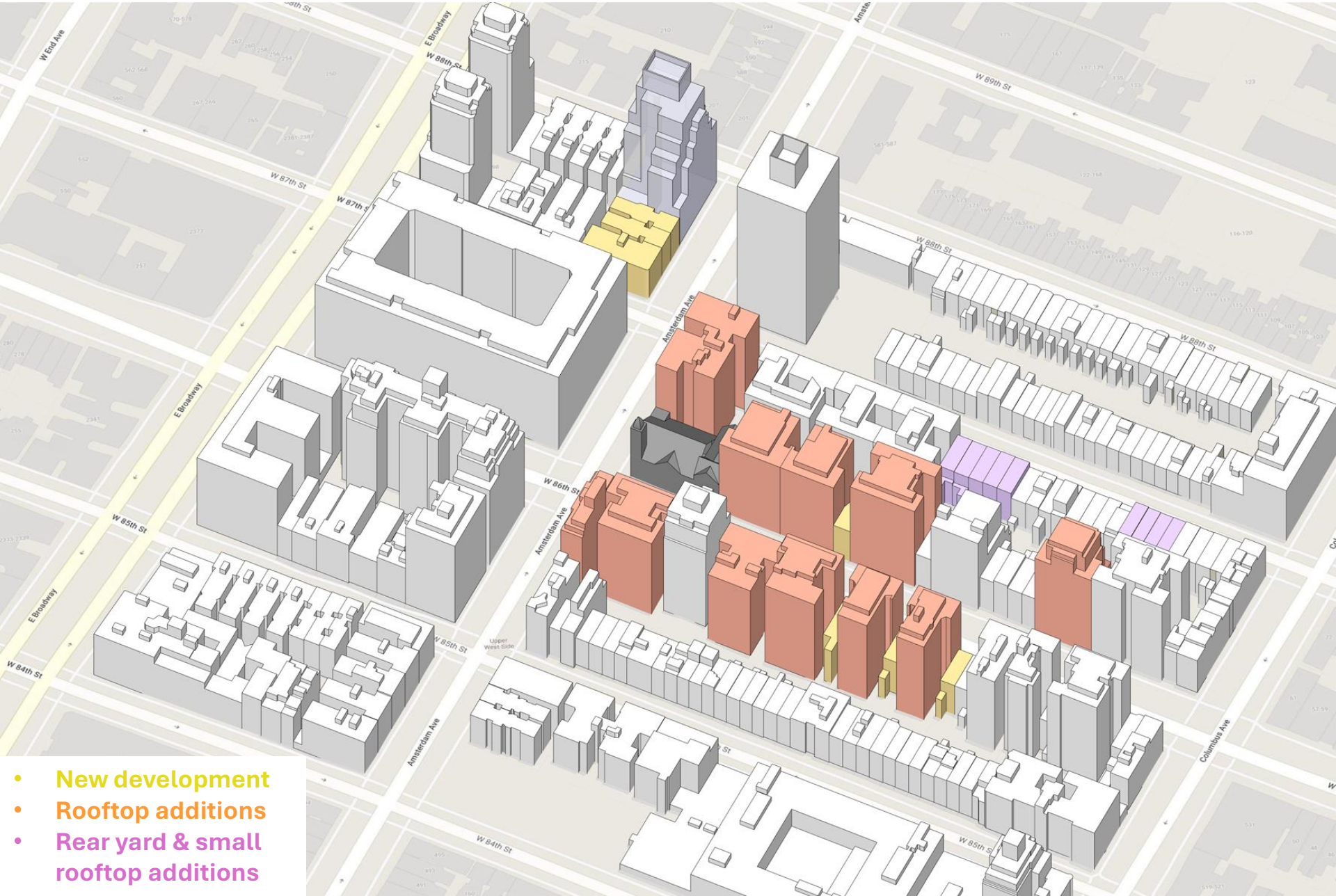
Please let us know if there are additional questions.

Potential Recieving Sites for West Park Presbyterian Church's Development Rights

Address	Block	Lot	Zoning	Yearbuilt	Lot Area	GFA	Max ZSF*	Remaining ZSF	Remaining ZSF + 20% TDR	Floors	Max FAR	Max FAR (AoR BNS)	Historic District?	Category
144 WEST 86 STREET	1216	51	R10A	1929	8,545	96,546	85,450	(11,096)	5,994	17	10	12	N	Rooftop Addition
156 WEST 86 STREET	1216	54	R10A	1916	8,545	76,302	85,450	9,148	26,238	12	10	12	N	Rooftop Addition
168 WEST 86 STREET	1216	60	R10A	1923	10,216	100,042	102,160	2,118	22,550	15	10	12	N	Rooftop Addition
176 WEST 86 STREET	1216	7501	R10A	1986	3,065	30,110	30,650	540	6,670	11	10	12	N	Rooftop Addition
161 WEST 86 STREET	1217	6	R10A	1914	8,808	73,397	88,080	14,683	32,299	12	10	12	N	Rooftop Addition
151 WEST 86 STREET	1217	11	R10A	1914	7,549	62,155	75,490	13,335	28,433	12	10	12	N	Rooftop Addition
145 WEST 86 STREET	1217	14	R10A	1925	9,164	97,476	91,640	(5,836)	12,492	15.5	10	12	N	Rooftop Addition
541 AMSTERDAM AVE	1217	64	C1-9	1918	12,249	117,216	122,490	5,274	29,772	13	10	12	N	Rooftop Addition
147 WEST 86 STREET	1217	113	R10A	1910	2,265	8,965	22,650	13,685	18,215	5	10	12	N	Infill Development
560 AMSTERDAM AVE	1235	29	C1-9	1920	3,992	19,200	39,920	20,720	28,704	5	10	12	N	New Development
564 AMSTERDAM AVE	1235	31	C1-9	1905	2,650	10,100	26,500	16,400	21,700	5	10	12	N	
566 AMSTERDAM AVE	1235	32	C1-9	1910	2,600	10,285	26,000	15,715	20,915	5	10	12	N	
116 WEST 87 STREET	1217	41	R7-2	1888	1762	5359	6061.28	702	1,915	4	3.44	3.44	Y	Rear Yard Addition
140 WEST 86 STREET	1216	48	R10A	1925	6766	66614	67660	1,046	14,578	15.5	10	12	N	Rooftop Addition
112 WEST 87 STREET	1217	39	R7-2	1888	1762	6936	6061.28	(875)	338	3	3.44	3.44	Y	Rear Yard Addition
142 WEST 87 STREET	1217	49	R7-2	1890	2012	6190	6921.28	731	2,116	5	3.44	3.44	Y	Rear Yard Addition
134 WEST 86 STREET	1216	47	R10A	1900	2137	5960	21370	15,410	19,684	4	10	12	N	Infill Development
130 WEST 86 STREET	1216	44	R10A	1926	6408	69125	64080	(5,045)	7,771	15	10	12	N	Rooftop Addition
142 WEST 86 STREET	1216	50	R10A	1900	2314	6825	23140	16,315	20,943	4	10	12	N	Infill Development
110 WEST 87 STREET	1217	38	R7-2	1888	1700	5335	5848	513	1,683	3	3.44	3.44	Y	Rear Yard Addition
114 WEST 87 STREET	1217	40	R7-2	1888	1762	5202	6061.28	859	2,072	4	3.44	3.44	Y	Rear Yard Addition
134 WEST 87 STREET	1217	46	R7-2	1890	2012	6190	6921.28	731	2,116	4	3.44	3.44	Y	Rear Yard Addition
138 WEST 87 STREET	1217	47	R7-2	1890	2012	6190	6921.28	731	2,116	5	3.44	3.44	Y	Rear Yard Addition
140 WEST 87 STREET	1217	48	R7-2	1890	2012	6190	6921.28	731	2,116	5	3.44	3.44	Y	Rear Yard Addition
136 WEST 87 STREET	1217	146	R7-2	1890	2012	6190	6921.28	731	2,116	4	3.44	3.44	Y	Rear Yard Addition
126 WEST 86 STREET	1216	143	R10A	1900	2137	5871	21370	15,499	19,773	4	10	12	N	Infill Development
115 WEST 86 STREET	1217	25	R10A	1931	8056	83837	80560	(3,277)	12,835	20	10	12	Y	Rooftop Addition

*Uses Max FAR (no bonuses)

The 27 potential receiving sites for West Park Presbyterian's development rights



- New development
- Rooftop additions
- Rear yard & small rooftop additions