



CITY PLANNING COMMISSION

December 20, 1993/Calendar No. 7

N 940013 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution** of the City of New York relating to Sections 23-15, 24-11, 27-01, 34-11, 35-35, 37-02, 23-64, 23-65, 24-54, 33-44, 35-63, 74-88, 74-96, 78-31, and 79-21.

The application for amendment to the Zoning Resolution was filed by the Department of City Planning (DCP) on July 2, 1993. The proposed amendments, applicable on avenues and wide streets in high-density residential zoning districts, would for predominantly residential buildings, eliminate plaza and arcade bonuses, make inapplicable the alternate front setback, and replace the tower regulations with a tower-on-a-base building form.

BACKGROUND

The DCP proposes to replace the current zoning regulations which encourage a "tower-in-a-plaza" building form with regulations requiring a "tower-on-a-base" building form which would be more compatible with existing neighborhood character. The issues associated with high-density residential development have been the subject of continued debate even before the most recent comprehensive zoning amendment was adopted in 1961. Although these zoning regulations significantly reduced the maximum allowable density permitted on the avenues and midblocks, they introduced a new building form – a tower in a plaza – in neighborhoods previously developed with streetwall buildings, i.e. brownstones, rowhouses, tenements and high coverage apartment houses of various heights.

Since the mid-1980's DCP has been studying the planning and urban design issues related to the current residential tower regulations in high density districts. During that time the Commission has adopted bulk regulations that would require new development to be built in a form that complements the existing scale and character of many residential neighborhoods. In response to community concerns, contextual zoning regulations were

approved for significant areas of both the Upper West Side, and Upper and Mid-East sides of Manhattan, and regulations were adopted to halt the development of 'sliver' buildings.

In Community District 8 on the Upper East Side almost all of the mid-blocks were rezoned in 1985 to reduce the permitted density by one-third and eliminate the intrusion of tower developments into the midblocks through restrictive envelope controls of the contextual R8B district. Special districts have also been enacted for Madison Avenue and Park and Fifth avenues that prescribe bulk regulations which preclude tower developments and eliminate the plaza bonus. Lexington Avenue was rezoned to decrease the maximum allowable density by twenty-five percent and mandate streetwall buildings without plazas. Most recently, in 1990, the wide crosstown streets in CD 8 and on East End Avenue were remapped to contextual districts that mandate high streetwall buildings and preclude the use of the plaza bonus. As a result of these actions, the tower regulations and plaza bonus are now only applicable in CD 8 for avenue sites along Third, Second, First and York avenues.

In 1989 DCP examined, in its discussion document entitled "Regulating Residential Towers and Plazas: Issues and Options", the regulations that govern residential towers on the Upper East Side. A comprehensive study was undertaken of residential buildings constructed between 1978 and 1988 in Community District 8. These analyses indicated that the current tower regulations result in buildings that are not compatible with the established neighborhood character.

The report found that many blocks in neighborhoods with an established streetwall character have had this context eroded by towers that are set back from the streetline in plazas and rise without setback. It was also found that the plaza bonus which provides up to two FAR of additional bulk often produces plazas that provide little public benefit and are often sited and designed in a manner that discourages public use. Also among the findings was that excessively tall buildings have sprouted on small footprints through the

use of zoning lot mergers, which allow the transfer of unused development potential from one or more adjacent buildings to new development on the same zoning lot. The study concluded that the combination of the tower regulations, the plaza bonus and zoning lot mergers has resulted in the construction of increasingly taller buildings that have little relationship to the surrounding built context.

Recommendations were made to replace the current tower controls in certain high-density residential districts with regulations that would require a "tower-on-a-base" form of building. The base of the building would reinforce the traditional streetwall character of the districts and the mandated setback would reduce the tower's impact on the streetscape. The proposal recommended a set of floor area controls to achieve the objectives of regulating the height of the tower and the impact of zoning lot mergers. The report also recommended limiting the bonus for residential plazas.

Extensive discussion with representatives of the civic, professional and development communities followed but failed to produce a consensus on a proposal. These groups decided to apply an emerging planning tool – computer simulation – to assist in the review of issues associated with towers. In 1991, each of the four groups – AIA's OCULUS Committee, CIVITAS, the Real Estate Board of New York (REBNY), and the Department of City Planning – developed guidelines and illustrative drawings for theoretical buildings on a common set of sites on the Upper East Side. Information on the proposed building envelopes was processed by computer and a set of drawings and computer simulations depicted the proposed buildings forms of the various proposals. The proposals were presented at a public meeting.

Although a single proposal did not result from this collaboration, the working sessions were invaluable in helping each of the four proposers, joined by representatives of Community Board 8 and the Manhattan Borough President's Office, to recognize the wide range of viewpoints held by the participants as well as to understand the many common

elements.

Description of Text Amendment (as referred for public comment)

The proposed zoning text amendment incorporates many of the common elements that were identified by the participants in the working group, and also reflects the extensive analyses done by the Department in its studies of residential towers and plazas and the Quality Housing II proposal. The results of recent discussions at the City Planning Commission on various techniques to achieve greater articulation of buildings in waterfront developments have also been incorporated.

These proposed regulations set up a middle ground between contextual buildings and tower development. They mandate a tower-on-a-base building form that will facilitate a compatible relationship between future development and existing neighborhoods. This will be accomplished through a set of bulk controls and the elimination of the plaza and arcade bonuses. Buildings that are occupied entirely or predominantly by community facility uses would continue to use the existing regulations. The proposed changes would be applicable to buildings that are entirely or partially residential in R9, R10, C1-8, C1-9, C2-7, and C2-8 zoning district or in C1 or C2 districts mapped within R9 or R10 districts. Although the proposed zoning amendment would primarily affect the development of sites in Community Districts 6 and 8, certain sites in Community Districts 2, 4, 7, 10 and 11 also have these zoning designations.

The proposed regulations require a building base, located within eight feet of the street line in residential districts and at the street line in applicable commercial districts. Up to 30% of the base would be permitted to be recessed along the length of the street line. All recesses, except for the entrance, must be landscaped. The height of the required base would be between 60 and 85 feet. However, if the height of an adjacent building is between 60 and 100 feet along an avenue or wide street, the height of the new building must match that of the existing building for at least 20 feet in length. These controls seek to achieve a

building form which complements the existing streetwall frontages, yet provides sufficient design flexibility.

The tower portion of the new development must be set back 10 feet on a wide street and 15 feet on a narrow street above the required base . Dormers would be allowed as a device to provide a transition between the base and the tower. The height of the tower would be effectively regulated by using a defined range of tower coverage (30 to 40%) together with a required percentage of floor area under 150 feet (55 to 60%). The top four floors of the tower could have a coverage less than 30% if each penthouse floor is at least 20% smaller in area than the floor below it. This allows for articulation at the top of the tower and is referred to as the penthouse rule.

The proposal includes a prohibition on locating any portion of a tower in the "transition zone" which is defined as that area between 100 to 125 feet from the avenue. An existing building within the transition zone could be preserved and included on the zoning lot. However, if a portion of the new building is in the transition zone, its base must match the height of the adjacent building or built to a height of 60 feet. In no case can the new building in the transition zone be higher than 85 feet.

Under this proposal, the height of residential towers and the effect of zoning lot mergers on building scale would become more predictable, resulting in buildings likely to range in height from 28 to 33 stories (including up to 4 penthouse floors).

Post Referral Text Changes

The proposal was revised prior to the Commission's public hearing on December 1st, to incorporate controls that further encourage the articulation of the tower-on-a-base building form in response to suggestions made by the Commission, the Manhattan Borough President, and Community Boards and to address some of the concerns articulated by representatives of the architectural and development communities with whom the

Department has continued to meet. The proposed refinements include:

- * Relaxation of the streetwall location requirement beyond 30 feet of the corner on narrow streets in commercial districts to allow a maximum 8 foot recess at ground level. Streetwalls must still be located at the streetline in commercial districts on wide streets.
- * Up to 50% of the streetwall length at each level in residential buildings, and above the first floor in commercial buildings (including the building entrance recess) may be recessed up to 8 feet.

Two additional options for meeting the height matching requirement have been developed, in addition to the 20 foot wide precise height matching in the original proposal, as follows:

- * Dormers may qualify as the required height matching with an existing adjacent building on a wide street as an alternative to the 20 foot wide precise height matching.
- * Massing above the base may also meet the matching requirement if its width is at least 50% of the length of the streetwall base.

Most significantly, an incentive system has been proposed to encourage articulation of the base of the building and the use of design elements that integrate the base and tower portions of the building.

- * Both recesses and dormers qualify for articulation credits. Articulation credits can be used to reduce the minimum tower coverage from 30% down to 28%, and floor area distribution controls can be reduced. The combination of both articulation credits could result in up to two additional floors in the tower portion of the

building.

The proposed combination of streetwall controls, floor area distribution, tower coverage and articulation credits work together to ensure a flexible building design which will enhance existing streetscapes, reinforce neighborhood character, and still allow for reasonable tower development.

ENVIRONMENTAL REVIEW

This application (N 940013 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 93DCP047M. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on August 16, 1993.

PUBLIC REVIEW

On August 16, 1993, this text change application was referred to Community Boards 2, 4, 6, 7, 8, 10, and 11 in Manhattan, the Manhattan Borough President and the Manhattan Borough Board for information and review in accordance with the procedures for referring non-ULURP matters. Because of the significance and scope of the proposed amendment the CPC extended the typical 30-day period was extended to 60 days. The Department of City Planning staff has had numerous meetings with those groups most affected by the proposal.

On October 21, 1993, Community Board 2 adopted a resolution in support of the proposal by a vote of 35-0-0, with a proviso that the following concerns be addressed, limiting the transfer of development rights, that permitting front wall recesses will not help in achieving the goal of a uniform street wall, that the tower setbacks proposed are not adequate, and that the resultant building form may not blend well with the historic quality of communities.

On October 6, Community Board 4 met, and adopted a resolution in support of the proposal by a vote of 28-0-1.

On October 20, 1993, Community Board 6 adopted a resolution in support of the proposal by a vote of 27-0-0, with the following recommendations: that the zoning lot depth on the Upper East Side be reduced to 100 feet, that CPC limit tower coverage to 30-40% to limit excessive height, that the CPC review the Oculus committee design recommendations, that CPC assess the affects of the text changes in two and five years, that CPC develop rules that will prevent tower and plaza community facility buildings from converting to residential buildings, that CPC expedite the completion of the community facility text, and that residential uses in community facilities be required to build the tower-on-a-base.

On October 13, 1993 Community Board 8 adopted a resolution in support of the proposal by a vote of 23-0-3, with the following recommendations: that 'street wall height of the avenue buildings must match the average height of the mid-block buildings for 100 adjacent feet, that the CD 8 supports 'REBNY's desire to incorporate landscape details in the streetline setbacks,' that the CD 8 supports Oculus' suggestion to encourage windows on all four sides of the tower, and that this text change should only be approved in conjunction with the Upper East Side rezoning which would reduce the depth of the avenue zoning districts.

In addition, community boards 2, 4, and 8 stated in their resolutions that community

facilities should not be allowed to continue to use the tower regulations or plaza regulations.

Borough President Review

This application (N 940013 ZRM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on November 24, 1993, with the following recommendations:

That the City Planning Commission expedite completion of the community facility text changes and develop regulations that bring community facility buildings into a compatible urban design context with buildings generated by new tower-on-a-base zoning, including the elimination of additional floor area for community facilities.

That the City Planning Commission develop rules that will prevent tower and plaza community facility buildings from being easily converted to residential buildings.

That the City Planning Commission review the Oculus design recommendations in order to incorporate more flexibility and creativity into the design of tower-on-a-base buildings.

The Manhattan Borough President further stated that her joint application with CD 8 to reduce the Upper East Side avenue zoning depth from 125 feet to 100 feet be approved in conjunction with this text change .

City Planning Commission Public Hearing

On November 17, 1993 (Calendar No. 5), the City Planning Commission scheduled December 1, 1993 for a public hearing on this application (N 940013 ZRM). The hearing was duly held on December 1, 1993 (Calendar No. 12).

There were 28 speakers in favor of the application, and 3 speakers in opposition.

Those speaking in favor included the Manhattan Borough President, representatives of assembly districts 65 and 73, Congressional District 14, City Council districts 4 and 5, State Senatorial District 26, the Chairperson of Community Board 8, representatives of community boards 6, 10, and 11, a representative of the Municipal Arts Society and representatives of various community organizations. Among the reasons offered in support of this application were the desire to build lower buildings that are more in scale with the existing neighborhood, the importance of requiring a streetwall, the need to preserve the mid-block scale, and the elimination of the plaza bonus.

The Manhattan Borough President commended the collaborative effort amongst the many groups which made this proposed text change possible.

Those speaking in opposition included a representative of the Real Estate Board of New York who stated that the proposed changes would reduce the amount of new affordable housing, and make it more difficult to build. He also suggested that the City would be better served if the residential plaza regulations were strengthened rather than eliminated. Another speaker, who generally supported the text, stated that packing of floor area below 150 feet would lead to uneconomical apartments in the base of the building. A speaker representing the Oculus committee of the American Institute of Architects presented an alternative proposal which used coverage and streetwall controls to govern the tower-on-a-base building form.

The hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New

York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York 3 State Executive Law, Section 910 et seq.). The designated WRP number is WRP-087-93. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed amendments, as modified, are appropriate, and concludes that the buildings developed under this new text will represent a significant advance in the evolution of a building form which better complements the existing neighborhood context.

Recent high density residential development, particularly on the east side of Manhattan, has all too frequently been out of scale with its context. The streetwall scale and neighborhood context have been eroded as towers have become increasingly taller and thinner. This text change would create a new building form that would reinforce the established neighborhood character.

In considering the provisions of this text amendment, the Commission addressed specific aspects which were the important concerns articulated at various public hearings and meetings with interested community organizations, the architectural and development communities, and DCP staff. A discussion of those aspects follow.

Plaza bonus

The regulation that permits floor area bonuses for the provision of residential plazas was part of the "incentive zoning" approach introduced in the 1961 Zoning Resolution. Few design guidelines were incorporated into these provisions. In 1977, more specific residential plaza guidelines were included in the Zoning Resolution. Unfortunately, even with the revised design standards, the plaza bonus has not resulted in quality open spaces that

encourage public usage. In many cases, plazas have been poorly designed and located in a manner that discourage public use. The plaza erodes the streetwall character of the neighborhoods and also results in the increased heights of the towers. The plaza bonus also competes with the inclusionary housing bonus program which was enacted in 1987.

In order to achieve the goals of the tower-on-a-base building form and to address concerns regarding the use and design of plazas, the Commission has decided to eliminate the residential plaza bonus. Although there has been some testimony requesting that the plaza bonus be maintained, the Commission has concluded that, for predominantly residential buildings, the plaza bonus has not provided sufficient public benefit.

Bulk Regulations

The Commission believes that new zoning controls are needed for certain high density residential zones in Manhattan's traditional residential neighborhoods. The current zoning regulations do not specify a minimum floor size or otherwise regulate height, nor ensure a building form that is compatible with established neighborhood character. Many streetwall frontages have been eroded, by towers that are set back from the streetline and rise without setback. The public perception of the character of the neighborhood has been altered by these new buildings.

The Commission recognizes that there are several interrelated problems with the current regulations which encourage the construction of buildings that are out of context with the scale and character of the neighborhoods. As development sites have become more difficult to assemble, large buildings are increasingly being constructed on small footprints through the use of zoning lot mergers. In the Department's study of residential development on the Upper East Side, it was documented that nearly two-thirds of the additional bulk above the base floor area of the building "footprint" resulted from zoning lot mergers, while the rest was generated by the plaza bonus. The Commission agrees with the findings in the Department's 1989 report that the combination of the tower regulations, the residential

plaza bonus, and zoning lot mergers have resulted in the construction of increasingly taller buildings. The Commission believes that the new regulations effectively address these problems.

During the course of review the Commission heard testimony from groups expressing concern about the proposed regulations which would require a percentage of floor area (55 to 60%) to be located below 150 feet. Concerns were expressed by some architects that this regulation would limit architectural expression by discouraging articulation of street walls. Other concerns were expressed by the development community that this regulation would create inefficient apartments in the base portion of the building and penalize ground floor retail which customarily has higher ceiling heights. The Commission asked the staff to evaluate alternative controls, including those put forward by the architectural and development communities during the last several years, that could achieve the same result.

The Department staff, both during the formal review period as well as in the working groups that the Department had participated in prior to drafting the proposed regulations, has had a continuing dialogue with professional groups, the development community and the community and civic groups interested in this issue. The DCP staff has studied alternatives to the proposed floor area distribution controls, including minimum coverage regulations, height limits, restriction on zoning lot mergers, and more defined streetwall controls. The Department's analysis of these alternatives indicates that individually they do not provide the same level of predictability in regard to building height, nor do they establish as strong a streetwall context as the proposed floor area distribution controls.

Articulation credits

In order to respond to the concern that articulation of street walls would be discouraged by the floor area distribution control, the Department developed an incentive regulation to encourage articulation in the buildings by giving credit in the form of a lower coverage tower and reduced floor area distribution requirements. The articulation could take the

form of enhanced recesses and/or dormers. The Commission believes that these articulation credits would provide sufficient incentive to provide articulation and has received positive responses from both the architectural and development communities in this regard.

Apartment layouts

The Department also examined the impact on apartment layouts in the bases of the resulting buildings, in response to concerns from the development community. The Department documented many examples of existing buildings in the city which have achieved successful apartment layouts in streetwall type buildings.

Community facility use of plaza bonus

The Commission notes the concern of the Manhattan Borough President and community boards that most community facilities would continue to be eligible for a plaza bonus. The proposed text more strictly defines community facility buildings so that a building that is more than 25 percent residential is not eligible for a plaza bonus and must utilize the tower-on-a-base regulations. In addition, the Department intends as part of the Community Facility Zoning Study to recommend that the plaza bonus be eliminated for college dormitories and staff dwellings which are similar to residential buildings.

Post approval monitoring

The Department has proposed to undertake a program of monitoring buildings as they are approved by the Department of Buildings in order to assess the effectiveness of the new regulations and to refine the regulations if necessary. The approach would be similar to the followup evaluation that was undertaken after new bulk regulations were adopted for Midtown. The Department also intends to continue discussions with Oculus and REBNY to further develop the concepts that have been suggested since the public hearing. The Department will initiate this monitoring effort beginning with the first building by providing the Commission with a verbal report. After five buildings have been built under the new regulations the Department will prepare a written summary of the effectiveness of

the tower-on-a-base controls and, if needed, propose changes or refinements.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by the modifications of various sections as follows:

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter in italics or within # # is defined in Section 12-10;

*** indicate where unchanged text appears in the Zoning Resolution.

23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-15

Maximum Floor Area Ratio in R10 Districts

* * *

In R10 Districts, except in R10 equivalent C4, C5 or C6 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza-Connected Open Area) or 23-18 (Floor Area Bonus for Arcades), shall not apply to any #development# or #enlargement# with more than 25 percent of its total floor area in #residential use# after (the effective date of this amendment).

In R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

24-10 FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

24-11

Maximum Floor Area Ratio and Percentage of Lot Coverage

* * *

In R9 or R10 Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-Connected Open Area) or 24-16 (Floor Area Bonus for Arcades), shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after (the effective date of this amendment).

In R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

Chapter 7 Special Urban Design Guidelines - Residential Plazas

* * *

27-01

Applicability of this Chapter

The provisions of this Chapter shall apply to all ~~#developments#~~ constructed after April 21, 1977 containing a ~~#plaza#~~ ~~which~~ that qualifies for a ~~#floor area#~~ bonus under the provisions of Sections 23-16 (Floor Area Bonus for a Plaza) and 24-14 (Floor Area Bonus for a Plaza), except that after (the effective date of this amendment), these provisions shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# located in R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts.

A #development# that contains a #residential plaza# and that has been granted a special permit by the City Planning Commission prior to (the effective date of this amendment), may be started or continued pursuant to that special permit.

* * *

34-11 General Provisions

* * *

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-Connected Open Area) or

24-16 (Floor Area Bonus for Arcades), shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after (the effective date of this amendment).

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

35-30 APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

* * *

35-35
Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings.

* * *

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza-Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-connected Open Area) or 24-16 (Floor Area Bonus for Arcades), shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after (the effective date of this amendment).

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

Chapter 7 Special Regulations

37-02

Applicability of Article II, Chapter 7 - Special Urban Design Guidelines - Residential Plazas

In ~~C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5 and C6-8 districts and C1 or C2 districts, mapped within an R10 district,~~ the regulations of ARTICLE II, CHAPTER 7 (SPECIAL URBAN DESIGN GUIDELINES - RESIDENTIAL PLAZAS) shall apply to any #residential development# or to any #development# occupied by #predominantly residential use# which obtains a #floor area# bonus pursuant to Section 23-16 (Floor Area Bonus for a Plaza) or 24-14 (Floor Area Bonus for a Plaza), except as modified by the provisions of Section 37-021 to 37-026, inclusive, relating to Modifications to Applicability of ARTICLE II, CHAPTER 7.

In C1-8, C1-9, C2-7, or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of this Section shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after (the effective date of this amendment).

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

In the #Special Midtown District# (Article VIII, Chapter 1), the provisions of this section shall not apply.

* * *

23-60 HEIGHT AND SETBACK REGULATIONS

* * *

23-64 Alternate Front Setbacks

* * *

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use#.

* * *

Supplementary Regulations

23-65
Tower Regulations
R9, R10

In the districts indicated, any #building# or #buildings# or portions thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in Section 23-651 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower).

At all levels, such tower shall be located not less than 15 feet from the #street line# of a #narrow street#, and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any #building#, located wholly or partly in a #Residence District#, that ~~which~~ is within 100 feet of (a) a #public park# with an area of one acre or more, or (b) a #street line# opposite such a #public park#.

Furthermore, the provisions of this Section shall not apply to any #development# or #enlargement# that:

- (a) is located on a #wide street# and either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and

(b) contains more than 25 percent of its total #floor area# in #residential use#.

If a portion of such #development# or #enlargement# is developed as a tower the entire #development# or #enlargement# shall be subject to the provisions of Section 23-652 (Tower-on-a-base).

23-651
Towers on small lots
R9, R10

* * *

23-652
Tower-on-a-base
R9, R10

In the districts indicated, any #development# or #enlargement# that will contain more than 25 per cent of the total #floor area# for #residential use# may be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Tower regulations

(1) At any level above a building base (referred to hereinafter as a "base"), any

portion of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:

- (i) not more than 40 percent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the percentage set forth in Section 23-651 (Towers on small lots); and
 - (ii) not less than 30 percent of the #lot area# of a #zoning lot#. However, the highest four stories of the tower or 40 feet, whichever is less, may cover less than 30 percent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 percent of the gross area of that #story# directly below it.
- (2) Any tower located above a base shall not be subject to the provisions of Sections 23-63 (Maximum Height of Walls and Required Setbacks).
- (3) Within any #building# that includes a tower, at least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

When the #lot coverage# of the tower portion is less than 40 percent, the required 55 percent of the total #floor area# distribution, within a height of 150 feet shall be increased in accordance with the requirement set forth below:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total building #floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>55.0</u>
<u>39.0 to 39.9</u>	<u>55.5</u>
<u>38.0 to 38.9</u>	<u>56.0</u>
<u>37.0 to 37.9</u>	<u>56.5</u>
<u>36.0 to 36.9</u>	<u>57.0</u>
<u>35.0 to 35.9</u>	<u>57.5</u>
<u>34.0 to 34.9</u>	<u>58.0</u>
<u>33.0 to 33.9</u>	<u>58.5</u>
<u>32.0 to 32.9</u>	<u>59.0</u>
<u>31.0 to 31.9</u>	<u>59.5</u>
<u>30.0 to 30.9</u>	<u>60.0</u>

(4) At all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions shall include the depth of any permitted recesses in the #street wall#.

(5) No tower or portion thereof shall be located on a #narrow street#, at a distance that is more than 100 feet from the intersection with a #wide street#.

Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies) are permitted to

project into or over open areas not occupied by towers.

For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof, that portion of a #development# located within 125 feet from the #wide street# frontage along the short dimension of a #block# shall be treated as if it were a separate #zoning lot#.

A #development# that contains a tower proposed pursuant to Section 23-65 (Tower Regulations) and that has been granted a special permit by the City Planning Commission prior to (the effective date of this amendment) may be started or continued pursuant to that special permit.

(b) Building base regulations

(1) Street wall location

- (i) On a #wide street#, and on a #narrow street# within 125 feet of its intersection with a #wide street#, the #street wall# of the base shall occupy the entire #street frontage# of a #zoning lot# not occupied by existing #buildings#. At any height, at least 70 percent of the length of such #street wall# shall be located within eight feet of the #street line#, and the remaining 30 percent of such #street wall# may be recessed beyond eight feet of the #street line# to provide #outer courts# or

balconies. However, no such recesses shall be permitted within 20 feet of an adjacent #building# fronting on the same #street line#, or within 30 feet of the intersection of two #street lines#.

- (ii) On a #narrow street# beyond 125 feet from its intersection with a #wide street#, no #street wall# of a base is required nor shall any #street wall# provided beyond 125 feet count toward the computation of any permitted recesses on such wall.
- (iii) For #outer courts#, the provisions of Section 23-84 (Outer Court Regulations) shall not apply. In lieu thereof, the width of any such #court# shall be at least one and one third times its depth.
- (iv) Where the #street wall# of an adjacent #building# fronting on the same #street line# is located within 10 feet of the #street line#, the #street wall# of the base shall be either located at the #street line# or aligned with the #street wall# of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such existing #building#.

(2) Height of Street Wall

All #street walls# of a base shall rise vertically without setback to a height of not less than 60 feet nor more than 85 feet except as provided below:

- (i) On a #wide street#, if the height of the #street wall# of an adjacent #building# fronting on the same #street line# exceeds 60 feet and if such

#street wall# is located within 10 feet of the #street line#, the #street wall# of the base shall match the height of the #street wall# of the adjacent #building# to a maximum height of 100 feet by either of three alternatives:

- (a) the #street wall# of the base shall be extended vertically to the height of the adjacent #building# for a distance of not less than 20 feet measured horizontally from the side wall of such adjacent #building#;
- (b) at least 50 percent of the width of the #street wall# of the base shall be extended vertically to the height of the adjacent #building#; or
- (c) a dormer shall be provided pursuant to paragraph (3) of this Section. Such dormer shall match the height of the adjacent #building#.

Such #street wall# of the base fronting on a #wide street# may be extended along a #narrow street# within 70 feet of its intersection with the #wide street#.

- (ii) On a #narrow street# beyond 100 feet of its intersection with a #wide street#, the #street wall# of a base shall rise vertically to a height of at least 60 feet when the adjacent #building# is either less than 60 feet or greater than 85

feet, or match the height of the adjacent #building# when the height of such #building# is between 60 feet and 85 feet.

For the purposes of this paragraph (2), the height of an adjacent #building# shall be the height of a #street wall#, before setback, if applicable, of that portion of an existing #building# nearest the new #development# or #enlargement#, fronting on the same #street line#, and located on the same or an adjoining #zoning lot#.

(3) Dormer

For the purposes of this Section, a dormer shall be a vertical extension of the #street wall# of a base allowed as a permitted obstruction within a required front setback area. A dormer may be located anywhere on a #wide street#, and on a #narrow street# within 70 feet of its intersection with a #wide street#.

On any #street# frontage the aggregate width of all dormers at the required initial setback level shall not exceed 60 percent of the width of the #street wall# of the highest #story# of the base. For each foot of height above the base, the aggregate width of all dormers at that height shall be decreased by one percent of the #street wall# width of the highest #story# of the base.

Such dormer shall count as #floor area# but not as tower #lot coverage#.

(4) Open areas

All open areas at ground level, located between the #street line# and the #street wall# of a base shall be landscaped except in front of entrances and exits to the #building#.

(c) Modification of tower coverage and #floor area# distribution requirements

The tower #lot coverage# and #floor area# distribution requirements set forth in paragraph (a)(3) of this Section shall be modified for #buildings# that provide articulation of a base in accordance with the following provisions:

(1) Recesses

Recesses shall occupy, in the aggregate, between 30 and 50 percent of the width of each eligible #story# of the base, and measure at least two feet in depth. In addition, the width of any individual recess provided within eight feet of the #street line# shall not exceed 25 percent of the width of the #street wall# of the base, unless such recess is provided in combination with an additional recess located beyond eight feet of the #street line#. Furthermore, all recesses shall comply with the provisions of paragraph (b)(1) of this Section or paragraph (a)(1) of Section 35-63, as applicable. For each #street# frontage of a #building# with recesses provided in accordance with this subparagraph, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total building #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(2) Dormers

For each #street# frontage with dormers provided in accordance with paragraph (b)(3) of this Section that measure, at their lowest level, at least 50 percent of the length of the #street wall# of the highest #story# of the base, and measure, at their highest level, at least 25 percent of the length of the highest #story# of the base, and rise at least 25 feet above the base, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total building #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

(3) Matching Provision

For each #street# frontage that provides an extension of the #street wall# of a base that matches the height of an adjacent #building# in accordance with paragraph (b)(2)(i)(b) of this Section, the percent of #lot coverage# of the tower portion of the #building# may be decreased by 0.5 percent, and the minimum percent of total building #floor area# distribution below a level of 150 feet may be reduced by 0.25 percent.

However, the total percent of #lot coverage# of the tower portion of the #building# shall not be decreased by more than 2.0 percent, nor shall the minimum percent of total building #floor area# distribution below a level of 150 feet be reduced by more than 1.0 percent.

* * *

24-50 HEIGHT AND SETBACK REGULATIONS

* * *

24-53 Alternate Front Setbacks

* * *

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use#.

* * *

Supplementary Regulations

24-54 Tower Regulations R7-2, R8, R9, R10

In the districts indicated, except as set forth herein, any #building# or #buildings# or portions

thereof which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in Section 24-541 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.)

At all levels, such tower shall be located not less than 15 feet from the #street line# of a #narrow street#, and not less than 10 feet from the #street line# of a #wide street#.

Unenclosed balconies, subject to the provisions of Section 24-175 (Balconies) are permitted to project into or over open areas not occupied by towers.

The provisions of this Section shall not apply to any building, located wholly or partly in a #Residence District#, ~~that which~~ is within 100 feet of (a) a #public park# with an area of one acre or more or (b) a #street line# opposite such a public park.

However, in R9 or R10 Districts, the provisions of Section 23-652 (Tower-on-a-base) shall apply to any #development# or #enlargement# that:

- (a) is located on a #wide street# and either within 125 feet from such #wide street# frontage along the short dimension of the #block# or within 100 feet from such #wide street# frontage along the long dimension of the #block#; and
- (b) contains less than 75 percent of its total #floor area# in #community facility use#.

* * *

33-44
Alternate Front Setbacks

* * *

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use#.

* * *

35-60 MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED
BUILDINGS

* * *

35-63
Special Tower Regulations for Mixed Buildings

In the districts as indicated, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the commercial tower regulations of paragraph ~~(b)~~ (c) of this Section shall apply to the entire #building#.

(a) In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7 or C2-8 Districts, a #mixed building# that meets the requirements of a tower-on-a-base set forth in Section 23-65 (Tower Regulations), shall be governed by the provisions of Sections 23-652 (Tower-on-a-base), except that paragraph (b), Section 23-652 (Building base regulations) shall be amended as follows:

- (1) On a #wide street#, and on a #narrow street# within 30 feet of its intersection with a #wide street#, the entire length of the #street wall# of a base shall be located on the #street line#. However, to allow for articulation of corners at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.
- (2) On a #narrow street# beyond 30 feet of its intersection with a #wide street#, the #street wall# of a base shall be located within eight feet of a #street line#.
- (3) On a #wide street#, recesses above the ground floor are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street

wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (1) above.

- (4) On a #narrow street#, recesses are permitted at any level in the #street wall# of a base for #outer courts# or balconies. The aggregate length of such recesses shall not exceed 50 percent of the length of the entire #street wall# at any level. However, not more than 30 percent of the aggregate length of such recesses shall exceed a depth of eight feet. Furthermore, no recesses shall be permitted below a height of 12 feet, within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines#, except for corner articulation as provided for in paragraph (1) above.

- (a)(b) ~~In C1 or C2 Districts mapped within R9 or R10 Districts, or in C1-8, C1-9, C2-7, C2-8, C4-6, C5-1 or C6-3 Districts, the #residential# portion of a #mixed building# which that~~ in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in Section 23-651 (Towers on small lots), may be constructed in conformance with the provisions of

Section 23-65 (Tower Regulations), provided the following conditions are met:

- (1) at least 65 percent of the total allowable #floor area# on a #zoning lot# under the applicable district regulations is occupied by #residential uses#;
- (2) all non-#residential uses# within such #mixed building# shall comply with the provisions of Section 32-42 (Location within Buildings); and
- (3) no non-#residential# portion of a #mixed building# penetrates the #sky exposure plane# as set forth in ~~Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks) or 33-44 (Alternate Front Setbacks)~~ Sections 33-432 (In other Commercial Districts) or 33-442 (In other Commercial Districts).

~~(c)(b)~~ In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45 (Tower Regulations).

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by the provisions of Sections 23-65 (Tower Regulations) or 23-651 (Towers on small lots).

All non #residential uses# within such #mixed building# shall comply with the provisions of Section 32-42 (Location Within Buildings):

* * *

~~74-88~~

~~Special Tower Regulations~~

~~[Delete the entire text of Section 74-88]~~

74-88

Modification of Height and Setback and Street Wall Regulations

Upon application, the City Planning Commission may permit the modification of height and setback and #street wall# regulations of Sections 23-652 (Tower-on-a-base), paragraph (b) of Section 24-54 (Tower Regulations) and paragraph (a) of Section 35-63 (Special Tower Regulations for Mixed Buildings), except for the permitted tower coverage or the required #floor area# distribution below a height of 150 feet, provided the Commission makes the following findings:

- (a) that such modification will enhance the contextual relationship of the new #building# to nearby #buildings# and improve the overall scale, site design and architectural harmony among #buildings# in the neighborhood; and
- (b) that such modification will not unduly obstruct access of light and air to the detriment of the occupants or users of the #buildings# in the #block# or nearby #blocks# or of people

using the public #street#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the scale and character of the surrounding area.

* * *

74-96

Special Urban Design Guidelines - Residential Plaza Modifications

In R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating the effective date of this amendment, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

78-31

Location of Buildings, Distribution of Bulk and Open Space, and Modification of Height and Setbacks.

* * *

(e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza-Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-Connected Open Area), 24-16 (Floor Area Bonus for Arcades) or 27-00 (GENERAL PURPOSES) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after (the effective date of this amendment).

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

79-21
General Provisions

* * *

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza-Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-Connected Open Area), 24-16 (Floor Area Bonus for Arcades), or 27-00 (GENERAL PURPOSES) shall not apply to any #development or #enlargement# with more than 25 percent of its total floor area in #residential use# after (the effective date of this amendment).

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, plaza-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating (the effective date of this amendment), shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

The above resolution, duly adopted by the City Planning Commission on December 20, 1993 (Calendar No. 7), is filed with the Office of the Speaker, City Council and the Borough President, together with a copy of the plans of the development, in accordance with the requirements of Section 197-d and 200 of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, A.I.C.P., ANTHONY I. GIACOBBE, ESQ., MAXINE GRIFFITH, JAMES C. JAO, R.A., BRENDA LEVIN, JOEL A. MIELE, SR, P.E., EDWARD T. ROGOWSKY, RONALD SHIFFMAN, A.I.C.P., ANALISA TORRES, ESQ., JACOB B. WARD, ESQ., Commissioners



CITY OF NEW YORK
COMMUNITY BOARD NO. 2, MANHATTAN

3 Washington Square Village • New York, New York 10012-1899 • (212) 979-2272 • FAX 212-254-5102
Greenwich Village • Little Italy • Soho • Noho

rol Feinman
dr

October 25, 1993

in Lee
ndst Manager

Gold
njank B. Green
- Chair

car Gonzalez
retary

wald Cohn
distict Secretary

an Gerson
ndst

Richard Shaffer
Director
Department of City Planning
22 Reade Street
New York, New York 10007

Dear Director Shaffer:

At its full Board meeting held on October 21, 1993,
Community Board #2, Manhattan adopted the following
resolution:

"Tower-on-a-Base" Zoning Text Change.

WHEREAS this is an amendment to the Zoning Resolution
regarding development in High Density Residential District;
and

WHEREAS these changes include new setback and tower
regulations, new urban design guidelines for building bases,
modified bulk and use regulations and the elimination of plaza
bonuses for residential buildings, the change would affect R10
and C2-7 zones in our Community Board district; and

WHEREAS although the problem of plaza bonuses has been
addressed, our Community Board has many serious concerns
related to tower development not addressed in the present text
proposal;

THEREFORE BE IT RESOLVED that Community Board #2, Manhattan
applauds the Department of City Planning for eliminating the
20% plaza bonuses in residential buildings. Community Board
#2, Manhattan also endorses the provisions which would require
that, where a building has received a 20% bonus for a plaza or
an arcade, if such plaza or arcade is reduced or eliminated,
there must be a corresponding reduction in the floor area of
the building which received the bonus.

We recommend approval of the concept in the zoning text
change but with the proviso that the following concerns be
addressed:

1. The zoning text continues to permit the transfer of
development rights that will produce buildings entirely
too tall for many of the city's neighborhoods;
2. The "tower-on-the-bas" proposal has not achieved its
goal of a uniform street wall. Front wall recesses
permitted will break the street wall and depending on
their placement could lead to the tower wall, rather than
the street wall, being seen by the public;

3. From the diagrams and sketches submitted, it appears that the small setbacks required would not adequately mask the tower (without the 20% bonus) from view;

4. The proposal introduces peculiar building designs with many indentations that may not be in keeping with the historic quality of communities;

5. The text only addresses residential buildings and not community facilities that continue to be vulnerable to tower construction and bonuses.

Vote: Passed Unanimously; 35 in favor.

Please advise us of your decision and any action taken in response to this proposal.

Sincerely,

Carol Feinman

Carol Feinman
Chair
Community Board #2, Manhattan

Marie Dormuth

Marie Dormuth
Chair
Zoning Committee

cc: Mayor David N. Dinkins
Man. Borough President Ruth W. Messinger
Council Speaker Peter Vallone
Councilmember Kathryn Freed
Attorney General Robert Abraham
Executive Deputy Commissioner, Stewart D. O'Brien,
Dept. of Buildings
Susan Shepard, Commissioner, Dept. of Investigation
Lawrence Parnes, Technical Review Unit, CPC



CITY OF NEW YORK

COMMUNITY BOARD NO. 4

330 WEST 42ND STREET • NEW YORK, N.Y. 10036

TEL. 738-4536

JOSS GRAHAM

CHAIR

JULIA FITZGERALD

DISTRICT MANAGER

October 15, 1993

**Hon. Richard Schaffer
Commissioner
Dept. of City Planning
22 Reade Street
New York, NY 10007-1216**

**RE: N940013ZRM ZONING TEXT CHANGE GOVERNING NEW TOWER DEVELOPMENT
IN HIGH DENSITY RESIDENTIAL ZONING DISTRICTS**

Dear Commissioner Schaffer:

Vote 28-0-1

**Whereas, a zoning text change governing new tower development impacts the following
zoning districts and areas of Manhattan Community Board No. 4:**

**Zoning District C2-7: 10th Avenue - on the west side of the Avenue from
the north side of West 55th Street up to and including the south side of 58th
Street, and on the east side of the Avenue from the north side of West 56th
Street up to and including the south side of West 58th Street;**

**Zoning District R-9: 10th Avenue - on the west side of the Avenue from the
north side of West 54th Street up to and including the south side of 55th
Street; 11th Avenue - on the east side of the Avenue from the north side of
West 54th Street up to and including the south side of 55th Street; and**

**Whereas, the goal of the text change is to bring future "tower" buildings more into
character with existing neighborhood buildings; and**

**Whereas, it will accomplish this goal by (1) lowering the maximum height of any new
residential building in an R9 or C2-7 zoning district from 57 stories down to 17-20 stories**

Hon. Richard Schaffer

October 15, 1993

Page 2

(by eliminating the residential plaza bonus as well as increasing the mandated-minimum size "floor footprint" for tower floors); and (ii) mandating a street wall base of 60 to 85 feet, with requisite tower set back requirement above that height; and

Whereas, since the elimination of plaza bonus would not apply to a predominantly community facility building, there is a potential for abuse if, in the future, a community facility building were to be converted to residential use, or if part of the building were to be for high-rise, high cost residential use; now, therefore, be it

Resolved, that Manhattan Community Board No. 4 supports the New Tower Regulations zoning text change (No. N940013RZM) with the condition that the plaza bonus also be eliminated for community facility buildings, or, at the least, not be as-of-right but available only by special permit on findings that require a demonstration of the usefulness of the plaza to the residents of the buildings or to the sponsoring institution.

Sincerely,



Ross Graham
Chair
Community Board No. 4

cc: Hon. Ruth Messinger, Manhattan Borough President
Hon. Ronnie Eldridge, City Councilmember
Hon. Tom Duane, City Councilmember
Manhattan Community Boards Nos. 6 & 8

CITY OF NEW YORK COMMUNITY BOARD NO. 6 MANHATTAN

330 East 26th Street, New York, N.Y. 10010-1997 (212) 679-0907 Fax 683-3749

OCTOBER 1993

RE - ZONING TEXT AMENDMENT TO CLARIFY THE APPLICABILITY OF THE RESIDENTIAL PLAZA PROVISIONS TO CERTAIN BUILDINGS OCCUPIED BY RESIDENTIAL USES, AND TO REQUIRE TOWERS WITH SPECIFIC BASE HEIGHTS IN CERTAIN DISTRICTS

WHEREAS, the text amendment will include new setback and tower regulations, new urban design guidelines for building bases, modified bulk and use regulations and the elimination of plaza and arcade bonuses for residential buildings, and

WHEREAS, the text changes are meant to relate new buildings to established neighborhood character, and

WHEREAS, the plaza bonus available since 1961 has resulted in many undesirable and underutilized public plazas, and

WHEREAS, public bonused plazas have not been viewed as public by new condo and co-op boards which are now responsible for the maintenance of many of the bonused plazas, and

WHEREAS, the extra floor area generated by the plaza bonus has usually resulted in tall towers which do not relate well to its urban context, and

WHEREAS, the ability to merge zoning lots and the tower provisions of the Zoning Resolution have created buildings that are totally out of scale with neighborhood contexts and are a cause for alarm in affected neighborhoods, particularly on the east side of Manhattan, and

WHEREAS, the tower on a base text will help reduce the excessive transfer of floor area to receiving sites, a goal long sought by CB6, and

WHEREAS, Community Board 6 has supported Community Board 8 in a 197-C application to re-map avenue setbacks from 125' to 100' in order to stop the proliferation of tall, inappropriate avenue buildings, and

WHEREAS, the proposed 14th St. to 34th St. re-zoning proposal sponsored by the East Side Re-zoning Alliance (ESRA) will contain opportunities for tower on a base zoning along portions of avenues and East 23rd St. and East 34th St., and

WHEREAS, towers are permitted in the zoning resolution, with the maximum allowable tower coverage of 40%. However, many of the tower buildings constructed in the 1980s were built as small as 21%, thus creating extremely tall inappropriate buildings, and

WHEREAS, community facilities are not covered under the proposed text amendment and still retain the plaza bonus, and

WHEREAS, because there are no provisions which will prevent community facility buildings constructed as towers with plazas from converting to residential uses, there exists a potential loophole in the proposed text's intent, and

WHEREAS, the Department of City Planning is currently working on text revisions regarding community facilities, and it is unclear how the community facility text changes will affect the retention of tower zoning for community facilities, and

WHEREAS, the "Oculus" design recommendations seem to allow for more design creativity and flexibility than the text proposed by DCP,

WHEREAS, the design implication of the tower on a base text change is untested and unknown at this time, and

WHEREAS, the proposed text changes do not have provisions for an assessment of the text changes, and

WHEREAS, there is no inducement for allowing developers more opportunity to articulate the base building since it could result in losing floor area, i.e., eroding the building form, now

THEREFORE BE IT

RESOLVED, that Community Board 6 supports the proposed zoning text changes with the following recommendations:

1. that the 125' avenue zoning lot depth be reduced to 100' at all locations.
2. that in order to limit the excessive height of tower development, the City Planning Commission limit towers to a suggested range of 30-40% of lot size.
3. that the City Planning Commission expedite the completion of the community facility text changes, and develop regulations that will bring community facility buildings into a compatible urban design context with buildings generated by the new tower on a base zoning, including eliminating additional floor area for community facility buildings.

4. that th City Planning Commission develop rules that will prevent tower and plaza community facility buildings from being easily converted to residential buildings soon after construction.
5. that the City Planning Commission review the Oculus design recommendations in order to incorporate more flexibility and creativity into the design of tower-on-a-base buildings.

and be it further

RESOLVED, that the City Planning Commission provide for an assessment of the text changes in two years and five years, and be it further

RESOLVED, that the City Planning Commission develop rules to allow for greater articulation and design flexibility by permitting a lower percentage of floor area below 150' for increased articulation of the building, and be it further

RESOLVED, that the City Planning Commission amend the community facility use group, and classify buildings having more than 75% of th ir floor area used as apartments, from a community facility to a residential use. This change would result in such buildings being constructed as tower on a base type buildings and be more harmonious with existing neighborhoods. All other community facility uses can still utilize plaza type buildings with public plazas available to workers and clients of community facilities.

PASSED: 27 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS, 0 ABSTENTIONS FOR CAUSE, 1 PRESENT AND NOT VOTING

ARRIE L. PRICE
Chairperson

HOWARD BENSON
District Manager



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 8

309 EAST 94 STREET
MAIN FLOOR
NEW YORK, N.Y. 10128
212-427-4840/41
FAX #
212-410-9738

OCTOBER 14, 1993

Mr. Richard Schaffer
Chairman
City Planning Commission
22 Reade Street
New York, NY. 10007

RE: ZONING TEXT AMENDMENT GOVERNING TOWER DEVELOPMENT
DCP #N940013ZRM

At the October 13, 1993 Land Use Meeting of Community Board #8M, the following resolution was adopted by a vote of 23 in favor; 0 opposed; 3 abstentions:

WHEREAS, Community Board 8M and the Upper Eastside community has repeatedly requested the elimination of the plaza bonus, which has produced many "poorly located, ill designed and underutilized" plazas in our district;

WHEREAS, expansion of major community facilities generates significant community concern and the proposed text changes continue to allow the plaza bonus for community facilities;

WHEREAS, DCP is currently completing a study of community facilities to determine new zoning regulations;

WHEREAS, the proposed text changes retain the Inclusionary Housing bonus;

WHEREAS, Community Board 8M has stressed its concern for preservation of neighborhood character and contextual building height;

WHEREAS, the proposed text changes address the relationship between the avenue buildings' base and the neighboring mid-block and the street wall height;

WHEREAS, the proposed text changes recommend urban design rules and guidelines to create a compatible street wall integration using the following elements:

- street wall height and match up
- street wall length and recesses
- street wall location (for landscape set back)
- street wall line up;

PAGE TWO

RESOLUTION RE: Supplemental Zoning Regulations Governing New Tower Development in High Density Residential Zoning Districts.

WHEREAS, Community Board 8M supports the DCP text changes only in conjunction with the 197(c) ULURP #C930136ZMM;

WHEREAS, the proposed text changes recommend new tower regulations to regulate zoning lot mergers, and tower height and to encourage building articulation;

WHEREAS, the proposed text changes incorporate provisions for dormers, recesses and penthouses.

WHEREAS, Community Board 8M wants to encourage an improved architectural relationship between the tower and the base including tower fenestration (windows) on all four sides of the tower;

THEREFORE BE IT RESOLVED, that Community Board 8M supports the elimination of the plaza bonus in residential zones and finds it troubling that the plaza bonus is still permitted for community facilities;

FURTHER RESOLVED, that Community Board 8M recommends that the street wall height of the avenue buildings must match the average height of the mid-block buildings for 100 adjacent feet;

FURTHER RESOLVED, that Community Board 8M supports the Real Estate Board of New York's desire to incorporate landscape details in the street line setbacks;

FURTHER RESOLVED, that Community Board 8M supports the DCP guidelines to regulate tower height, zoning lot mergers and encourage building articulation with the requirement of a minimum 70% street wall length, minimum 30% coverage for the tower, and incentives for surface articulation with use of dormers, recesses and penthouses and additionally supports OCULUS's suggestion to encourage windows on all four sides of the tower.

FURTHER RESOLVED, that Community Board 8M believes that these text changes should be approved only in conjunction with the 197(c) application ULURP #C930136ZMM.

Sincerely,

Warrie L. Price
Warrie L. Price,
Chairperson

cc: Ruth Messinger, Manhattan Borough President
Victor G. Alicea, City Planning Commissioner
Maxine Griffith, City Planning Commissioner
Edward T. Rogowsky, City Planning Commissioner

PAGE THREE

RESOLUTION RE: Supplemental Zoning Regulations Governing New Tower Development in High Density Residential Zoning Districts.

cc: James C. Jao, R.A., City Planning Commissioner
Joel A. Miele, Sr. P.E., City Planning Commissioner
Deborah C. Wright, City Planning Commissioner
Brenda Levin, City Planning Commissioner
Eugenie L. Birch, City Planning Commissioner
Jacob B. Ward, City Planning Commissioner
Amanda W. Burden, City Planning Commissioner
Ronald Shiffman, City Planning Commissioner
Anthony I. Giacobbe, City Planning Commissioner
Robert Flahive, Director, Department of City Planning,
Manhattan Office
Congresswoman Carolyn Maloney
State Senator Roy Goodman
Assemblyman Alexander B. Grannis
Assemblyman John Ravitz
Councilman Charles Millard
Councilman Andrew Eristoff
Genie Rice, CIVITAS
Michael Slattery, Real Estate Board of New York
Bruce Fowle, OCULUS
Craig Whitaker
Community Boards - Citywide

**Borough Board Resolution
regarding the
Proposed Zoning Text Amendment Governing Development
in High-Density Residential Districts
(a.k.a. Tower & Plaza Text Change) N 940013 ZRM**

WHEREAS, the New Tower Regulations to the Zoning Resolution affects development in High-Density Residential Districts in Manhattan Community Districts 2, 4, 6, 7, 8, 10 and 11; and

WHEREAS, the text amendment will include new tower regulations, new urban design guidelines for buildings' base, provisions for building articulation, modified bulk, use regulations and the elimination of plaza and arcade bonuses for residential buildings; and

WHEREAS, the goal of the text change is to adopt new rules for future "tower" buildings to be in character with existing prevailing neighborhood context; and

WHEREAS, the text amendment recognizes the relationship between the avenue buildings' base, the mid-block streetwall height and established neighborhood character; and

WHEREAS, the ability to merge zoning lots and the existing tower regulations of the Zoning Resolution have created buildings that are out of scale and destroy neighborhood character; and

WHEREAS, the proposed text changes recommend new tower regulations that limit zoning lot mergers; and

WHEREAS, the bonus available since 1961 has resulted in many undesirable and underutilized public plazas and the extra floor area generated by the plaza bonus has resulted in tall towers which do not relate to its urban context; and

WHEREAS, community facilities are not covered under the proposed text amendment and still retain the plaza bonus; and

WHEREAS, expansion of major community facilities generates significant community concern; and

WHEREAS, the Department of City Planning is currently working on text changes to amend community facility regulations, and it is unclear how the community facility text changes will affect the retention of tower and plaza zoning for community facilities; and

WHEREAS, the proposed text changes retain the Inclusionary Housing bonus; and

WHEREAS, other concerns have been raised which include:

- the maintenance of existing plazas
- allowable tower coverage under existing regulations
- new tower regulations are untested
- no provisions have been proposed to assess proposed regulations
- proposed text does address other issues regarding tower development.

WHEREAS, Manhattan Community Boards 6, 8, 10 and 11 support the proposed text change only in conjunction with zoning map amendment to reduce the high-density zoning depth in Community District 8 from 125 feet to 100 feet, ULURP No. C 930136 ZMM.

THEREFORE BE IT RESOLVED, that Manhattan Borough Board applauds the Department of City Planning for eliminating the 20% plaza bonus in high-density residential districts and supports the proposed text amendment with the following recommendations:

That the City Planning Commission expedite the completion of the community facility text changes and develop regulations that bring community facility buildings into a compatible urban design context with buildings generated by new tower on a base zoning, including the elimination of additional floor area for community facility buildings.

That the City Planning Commission develop rules that will prevent tower and plaza community facility buildings from being easily converted to residential buildings.

That the City Planning Commission review the Oculus design recommendations in order to incorporate more flexibility and creativity into the design of tower-on-a-base buildings.

FURTHER RESOLVED, that the 125-foot avenue zoning depth be reduced to 100 feet in Community District 8 as described in ULURP No. C 930136 ZMM be approved in conjunction with the text change.



**THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
OF THE
BOROUGH OF MANHATTAN**

**MUNICIPAL BUILDING
NEW YORK, N.Y. 10007
(212) 669-8300**

**RUTH W. MESSINGER
BOROUGH PRESIDENT**

November 24, 1993

ULURP NOS.

**C 930136 ZMM (Zoning Map Amendment)
N 940013 ZRM (Text Amendment #1)
N 920663 ZRM (Text Amendment #2)**

APPLICANTS

Zoning Map Amendment:

**Manhattan Community Board 8
Manhattan Borough President Ruth W. Messinger**

• Text Amendment #1:

Department of City Planning (DCP)

Text Amendment #2:

**Carnegie Hill Neighbors, Inc.
Manhattan Community Board 8**

REQUESTS

Zoning Map Amendment (Upper East Side Rezoning):

To reduce the mapped zoning depth along the avenues located within the eastern portion of Manhattan Community Board 8, from 125 feet to 100 feet.

Text Amendment #1 (Residential Tower and Plaza Text Change):

To introduce supplemental regulations governing new tower development in high-density residential zoning districts.

Text Amendment #2 (Madison Avenue Text Change):

To amend Section 99-00 of the Zoning Resolution with more restrictive regulations which would include a height limit.

PROJECT DESCRIPTIONS

■ Zoning Map Amendment: Upper East Side Rezoning (C 930136 ZMM)

The zoning map amendment (the "rezoning") involves a total of 143 blocks. The area proposed to be rezoned is located between 59th and 96th Streets and between East End and Third Avenues, inclusive (the "project area"), within Community District 8 of Manhattan. There are seventeen zoning designations and two special districts mapped within the project area. Residential zones include R8, R8B, R10 and R10A; commercial zones include C1-5 and C2-5 (commercial overlays), C1-7, C5-1, C5-2, C2-8, C2-8A, C4-6, C6-2, C6-3 and C8-4; manufacturing zones include M1-4 and M3-2; and special zoning districts include the Special Transit Land Use District (TA) and the Limited Height District (LH-1A). Eight locations have Restrictive Declarations placed on development sites as part of previous City Planning Commission actions. These covenants include D-88, D-116, D-97, D-105, D-106, D-126, D-83 and E-34, which are all located east of First Avenue.

Of the seventeen zoning designations mapped in the project area, seven of the avenue zoning districts (R10, R10A, C1-9, C2-8, C2-8A, C5-2 and C8-4) would be decreased by 25 feet and eight mid-block zones (R8, R8B, C1-5 and C2-5 overlays, C1-7, C6-2, C6-3, C8-4) would be increased by 25 feet. None of the manufacturing zones would be increased. The predominate mid-block zoning designation requested for the majority of the project area is R8B (122 blocks).

■ Text Amendment: Tower and Plaza Text Change (N 940113ZRM)

The Department of City Planning proposes to amend the Zoning Resolution provisions (the "text change") affecting new buildings that are partially or predominately residential in high-density zones (R9, R10, C1-8, C1-9, C2-7 and C2-8 zoning districts). C1 and C2 overlay districts would also be covered, to the extent that they are mapped within R9 and R10 zoning districts. Although the text would be applicable citywide, these high-density residential districts are currently mapped in Manhattan Community Boards 2, 4, 6, 7, 8, 10 and 11.

The proposed text would retain the Inclusionary Housing bonus, but would eliminate the plaza bonus for new buildings that are predominantly residential.¹ The plaza bonus would continue to be available for buildings predominantly comprised of community facility uses.

The essence of the new regulations would be the introduction of a "tower-on-the-base" concept, a departure from the existing tower-in-the-plaza building form. The text change proposes a series of control elements to mandate the new building type. These include regulations for a required base, tower, building articulation and a transition zone. DCP anticipates that the new regulations would "achieve the urban design objective of relating new buildings to established neighborhood character and eliminate plaza and arcade bonuses for residential buildings."

¹ The Department of City Planning defines "predominantly" as including 75% more of a use located in the building.

Architectural Controls

Base

The new streetwall would be required to rise to a minimum height of 60 feet and would generally be limited to a maximum of 85 feet.

- The new streetwall would be required to match the streetwall height of any existing building located on a wide street, where that height exceeds 85 feet. The maximum height which the new streetwall would be required to match would be set at 100 feet.
- In a commercial district, the streetwall would be required to extend out to the street line for the entire length of the building, except for a 15-foot permitted (but not required) corner cut.
- In commercial districts, recesses would be permitted above the first story, up to 30% of the building length.
- The new streetwall would be required to align with, i.e., match the location of, the streetwall of the any existing building abutting the site, for a minimum distance of 20 feet measured from the side wall of the existing building.
- In residential zones, the new streetwall could set back up to a distance of eight feet of the existing street line, for at least 70% of the building lot line length. The remaining 30% would be permitted to recess beyond eight feet of the streetline in order to provide outer courts, balconies or corner cuts (up to 15 feet in width).
- "Dormers"² would be permitted to extend above the streetwall height.

Tower

- A measuring or "packing" line would be established at 150 feet above street level. At least 60% of the total floor area to built on the zoning lot would be required to be located below the packing line. The required 60% of floor area below that packing line could be reduced to 55% under certain conditions.
- The tower would be required to cover a minimum of 30%, and would be limited to a maximum of 50%, of the zoning lot area, under certain conditions.

² A "dormer" is an architectural promontory devised to provide articulation above a building's base.

The portion of the building located above the base would be required to set back at least 10 feet from a wide street and 15 feet from a narrow street, measured from the streetwall of the base.

- The height, shape, width and fenestration of the building above the maximum streetwall height would not be regulated.
- A penthouse (the top four stories or top 40 feet of the tower) would be permitted. Each story of the penthouse would be required to cover no more than 80% of the floor area of the story below.

A "transition zone" is also proposed, to control building height within the portion of the avenue zoning lot extending beyond 100 feet of the avenue, i.e. the 25-foot strip. The height of any new building located within that 25-foot strip would be required to match the adjacent building on the narrow street within a range of a minimum of 60 feet to a maximum of 85 feet. No tower portion of the new building could be located within this area. The unused floor area from 25-foot could be shifted to the portion of the zoning lot closer to the avenue.

■ Text Amendment: Madison Avenue Text Change (N 920663 ZRM)

The proposed text would replace existing sliver building regulations of Section 99-00 (Special Madison Avenue Preservation District) with the more restrictive citywide rules, and would replace the special district's variable sky exposure plane formula with a height limit. The amendments would also include new provisions for building articulation, such as recesses, dormers and penthouses. Finally, the existing parking regulations and grandfather clauses would be eliminated and would be superseded by Section 13-00 of the Zoning Resolution.

The significant changes include:

Streetwalls

Recesses

- Along Madison Avenue, at least 70% of the streetwall would be required to be located at the street line. The remaining 30% could be recessed to provide outer courts, balconies or corner cutouts (15 feet or less in width).
- Along Madison Avenue, any building having more than 85 feet frontage would be required to recess above the height of twenty feet or at the second story, whichever is lower.

Dormers

- A dormer would be allowed within the required setback area above a height of 120 feet.

Height

The streetwall height of any new building fronting on Madison would be required to extend along a side street for a distance of 70 feet from Madison Avenue.

Building Height

Height limit

A 170-foot height limit would be established.

Penthouse

A penthouse (defined as the top four stories or 40 feet of a building) would be permitted to exceed the 170-foot height limit and rise to a height of 210 feet, so long as the floor area of each story above 170 feet totalled no more than 80% of the floor area of the story directly below.

BACKGROUND

The traditional pattern of development established on the Upper East Side dates back to the early nineteenth century. The Commissioners' Map of 1811 platted most of Manhattan north of Greenwich Village, which included the Upper East Side. Typically, the map laid out 100-foot-wide avenues running north-south and 60-foot-wide streets running east-west. The map delineated blocks approximately 200 feet deep and 600 or 800 feet long, with the longer dimension running east-west. Each building lot was plotted as a 25-foot-wide by 100-foot-deep parcel. The orthogonal plat encouraged the back yards of the 25-by-100-foot lots to face each other. However, at each end of a block, lots were turned perpendicular to the avenue, resulting in eight 25-foot-wide lots within a 200-foot dimension. This plat provides New York City with a character quite different from Boston's Back Bay, where all parcels face north-south with an alley in between, or Baltimore, where lots on a typical downtown block are oriented like Manhattan's, but with the blocks cut by an H-shaped alley behind the lots, which creates a very different streetscape. In short, each city remains largely a product of its original plat.

In Manhattan, each mid-block had a boundary line between parcels that faced the avenue and those that faced the mid-block. This boundary line created a "seam," a line 100 feet from the avenue running parallel through the block. On the avenue side of the seam there tended to be fewer front doors facing the narrow side streets, because merchants wanted the front door to face the avenue where pedestrian traffic potentially offered more customers. As bigger residential buildings began to appear on the avenues, the owners of these buildings often gave the ground floor frontage on the avenue to higher paying retail tenants and located the apartment front doors and lobbies on the side streets, at the rear of the lot behind the retail space.

When the City of New York passed its first zoning resolution in 1916, it provided for higher density development along the avenues and less density on the side streets. The line of

demarcation between the higher density and lower density districts developed along the seam, 100 feet from the avenue. Manhattan blocks began to take on what we now think of as their intrinsic character, with typically larger buildings at both ends of the block facing the avenue and lower mid-block buildings in between. This pattern tended to reinforce the seams between parcels facing the avenue and those within the mid-block.

In 1961, the Zoning Resolution was amended and high-density zoning was established along major East Side avenues at depths of 125 feet. The new zoning recognized the traditional development pattern that had occurred as a result of the Commissioners' Plat of 1811 and mapped most Manhattan avenues at zoning depths of 100 feet, except on the Upper East Side. The 1961 zoning targeted areas for growth and mapped them as high density zones, e.g., the Upper East Side; this substantially altered development patterns from what had occurred under the 1916 zoning. Generally, this increase of 25 feet in the depth permitted developers to build at higher densities. To increase development potential, developers often purchased or merged lots that included the additional 25 feet. The increase in zoning depth also encouraged the demolition of mid-block low-rise buildings within the additional 25-foot strip. The intrusion of larger buildings into the mid-block and the threat to neighborhood preservation ensued.

The impacts of the 125-foot wide zoning depth were further exacerbated when the City offered bonuses to developers for buildings within high-density residential areas. The most frequently used bonus, the plaza bonus, offered developers an additional 20% density for a relatively inexpensive-to-produce amenity.

During the past 32 years since the 1961 Resolution was adopted, additional bonuses have emerged, including those for subway improvements, pedestrian arcades and affordable housing. With such a menu of bonuses, the underlying principle, particularly on the Upper East Side, has remained the same: simply, that the area could accommodate greater density.

It is estimated that over 100 lots within the 25-foot strip were redeveloped over the past 30 years. The 25-foot increase in the avenue zoning depth made available 10,000 square feet of lot area (4 lots @ 2,500 square feet) of high-density development for each city block. At a maximum 12 FAR (which includes the bonus) an additional 120,000 square feet of floor area could thus be obtained from each city block within the project area, from the extra 25 feet alone.

When the new zoning regulations were enacted in 1961, many large sites were available on the Upper East Side. As time passed, most such sites became built up. Developers adapted development patterns creatively and introduced tower buildings with small floor plates on merged lots. Some towers covered less than 30% of the zoning lot area. For example, the Lucerne on 79th Street and First Avenue covers 21% of the zoning lot and Trump Plaza on 68th and Third Avenue covers 22%. Today, the continuation of tower development is partly due to the changing housing market. According to a New York Times article, "Some specialists say the zoning issue is barely relevant to the already deteriorating rental housing industry. Condominium builders for the most part have depended on high-floor apartments in high land-cost areas to provide them with a profitability to justify construction. They are unlikely to

launch avenue projects with costly and lengthy assemblage and relocation problems without the potential of higher average prices for high floors."³

Together, these two changes, zoning depth expansion and plaza bonus, have significantly increased the density on the Upper East Side over the densities that existed before 1961. The combination of the smaller floor plates and the generous plaza bonus caused a new building form to emerge, the "tower-in-the-plaza." The root of the new building form can be traced to the Seagram Building on Park Avenue, built in 1957. The Seagram Building, set back from the street with a plaza, influenced the drafters of the 1961 resolution. Planners and urban designers embraced the concept, in part because the plaza was viewed as a public amenity and the City's obligation to provide and maintain open space could thus be shifted to the private sector. It was also believed that the plaza would assure light and air to the street level. Thus, the "incentive zoning" of the 1961 Zoning Resolution encouraged towers-in-plazas. Although the Seagram Building was an architectural success at its Park Avenue central business district location, when the same building type was developed in residential districts, serious urban design problems began to emerge. Residential buildings towered over the surrounding neighborhood and offered no relationship to the existing urban fabric. Building setbacks and plazas began to erode the unique neighborhood character that had existed on the Upper East Side.

The demolition of low-rise buildings along the traditional seam brought on the advent of "*scar tissue*," a term that refers to the party wall of a building that would normally be covered by an abutting building but then becomes exposed once that structure is demolished. Throughout the Upper East Side, evidence of such scar tissue exists, framing many of the area's plazas. Some attempts have been made to cover up these walls with mortar and paint, but, at best, the condition remains unsightly.

Since the adoption of the 1961 Zoning Resolution, issues related to high-density residential development have generated considerable community concern. Although the tower regulations and plaza bonuses are citywide regulations, the high-density zones are extensively mapped within Community District 8 (Upper East Side). The post-1961 zoning has had a dramatic effect on the quality of life in the Upper East Side community. One measure of this is the number of civic groups that have formed on the Upper East Side to address concerns related to over-development. In the mid-1980's, the civic groups began to urge DCP to reduce the 125-foot avenue depth to 100 feet. One organization, CIVITAS, in 1986, prepared a 10-minute documentary and a publication by the same name called, "No More Tall Buildings," which illustrated the impact of tall buildings on the Upper East Side.

In response to the emerging urban design and community concerns, the City Planning Commission approved several zoning actions during the past decade to address development issues on the Upper East Side. These include revisions to the Special Park Improvement District and to the Special Madison Avenue Preservation District in 1982; special regulations to decrease the development potential on Lexington Avenue in 1983; the mapping of contextual zones

³ Oser, Alan. "Perspectives: East Side Housing. Zoning's Potent Impact on Development." The New York Times, 30 September 1990.

throughout the Upper East Side, which included the rezoning of the mid-blocks to R8B in 1984; and in 1990, the rezoning of all major cross streets to R10A contextual zoning.

DCP recognized that the problems of tower buildings and plazas had to be addressed, and in 1989 the Department undertook a study, "Regulating Residential Towers and Plazas: Issues and Options." The purpose of the study was to "resolve these problems in an integrated manner and to offer a comprehensive planning framework for guiding future development." Additionally, the study presented alternatives for public discussion of potential zoning text amendments that addressed the problems with high-density development, zoning lot mergers and the residential plaza bonus. The Department presented six alternatives for public discussion:

- Extend R10A contextual zoning;
- Eliminate tower regulations;
- Modify tower regulations;
- Introduce absolute height limits;
- Regulate zoning lot mergers; and
- Modify or eliminate the plaza bonus.

While civic groups applauded the Department's effort to address the issues, many in the community felt that the study was not comprehensive, because it did not consider the zoning depth issue. The 25 feet thus became an extremely sensitive issue. The civic groups asked DCP to consider reducing the avenue zoning depth, but DCP staff stated that better designed buildings had been built on 125-foot deep sites and that the extra 25 feet was needed for garage entrances. Community Board 8 conducted a survey of buildings with garages and found that DCP's rationale was not supported. Realizing that DCP did not plan to address this issue, in January 1991, Community Board 8 passed a resolution (30-0-1) to file an application on its own behalf for a reduction in the avenue zoning depth along East End, York, First, Second and Third Avenues. Community Board 8 and the civic groups assisted in preparing the application and the Manhattan Borough President provided staff technical assistance and some funding.

Also in 1991, the Department of City Planning assembled a working group of design professionals, community and development industry representatives in an attempt to reach consensus on various elements of the tower and plazas issues. Participants included representatives from DCP, Oculus (a sub-committee of the New York City Chapter of the American Institute of Architects), the Real Estate Board of New York (REBNY) and CIVITAS. Community Board 8 and the Manhattan Borough President's Office also participated as observers. The working group decided to test its ideas on a computer simulation tool at the New School's Environmental Simulation Center, known as "Simlab," for short. Funding for this effort was raised by CIVITAS and REBNY. Design criteria were established for specific soft sites and for over a year, the participants tested their ideas in the Simlab and in October of 1992, each group presented its proposal at a public forum at the Dalton School. Soon after, the Simlab sessions ended.

Several weeks before the Dalton School presentation, Community Board 8 and the Manhattan Borough President filed the ULURP application to reduce the avenue zoning depth on the Upper East Side. During 1993, DCP reviewed the rezoning application and also finalized its own

proposed text amendments for towers and plazas; on August 16, 1993, the City Planning Commission certified both applications for public review. It is noteworthy to point out that in its proposed text, DCP included a provision it called a "transition zone," that addressed the 25-foot strip. The proposed transition zone would protect the lower streetwall for the portion of the zoning lot extending beyond 100 feet of the avenue, but would still allow the bulk from that area to be shifted to the high-density portion of the lot.

Meanwhile, along Madison Avenue, the construction of a 28-story apartment building on 85th Street, caused a number of community groups to re-examine the Special Madison Avenue Preservation District text. A study in 1988 by Buckhurst Fish Hutton Katz & Jacquemart Inc., found that two loopholes in the current regulations were inconsistent with city policies and could produce developments that were out of character with what the Special District regulations had intended. The first inconsistency stemmed from a 1982 Madison Avenue text change that removed the "19-story or 210 foot height limit" and replaced it with a variable sky exposure plane formula. The second inconsistency occurred in the sliver regulations. The provisions for sliver buildings within the Special Madison Avenue Preservation District preceded the adoption of the citywide sliver regulations, which are now more restrictive. DCP recognized these inconsistencies. After months of consultations, Carnegie Hill Neighbors and Community Board 8 filed an application to amend the text. As consultations continued, DCP introduced new architectural elements to accompany the text change.

SUMMARY OF COMMUNITY BOARD ACTIONS

Community Board 8 held a public hearing on the applications on September 21, 1993, and on October 13, 1993 voted 23 in favor to 3 with 0 abstentions to support the rezoning application. By a similar vote (23-0-3), the Board voted to support the text change, on condition that it be approved simultaneously with the rezoning application. The Board stressed its desire to reduce the avenue depth, emphasizing its view that fairness dictated that zoning depths in Community Board 8 should conform to the standards applied in other residential districts in the borough.

On Text Amendment #1, the Board requested modifications to the match-up rules and streetline setbacks, to allow landscaping and address some of REBNY's concerns. Also, the Board supported an Oculus suggestion to encourage windows on all sides of towers, through a transition zone below the tower. The Board highlighted other concerns regarding the plaza bonus, institutional expansion and bonuses for community facilities; it re-emphasized its concern for preserving affordable housing, neighborhood context and mid-block contextual zoning.

Regarding Text Amendment #2, the Board adopted a resolution (27-0-4) supporting the amendments, including a height limit identical to the restriction under the Special Park Improvement District, i.e., 19 stories or 210 feet, whichever is less. The Board pointed out that the predominant character along Madison Avenue is a mixture of buildings that are 6-stories or less and pre-war apartment buildings that are 18-stories or less, and that only six buildings exceed the 18 stories. Furthermore, the Board emphasized that the existing text easily permits buildings to exceed the existing 18-story context, as had occurred with the 28-story building at 30 East 85th Street. The Board strongly urged the Commission to act on the item expeditiously.

Community Board 11 adopted a resolution recommending approval of Text Amendment #1, on the condition that the zoning map amendment be simultaneously approved. The Board essentially concurred with the concerns and recommendations adopted by the Manhattan Borough Board (see below).

Community 7 and 10 discussed the proposed tower and plaza text change but did not take any action. However, Board 10 has voted to send a letter supporting the zoning map amendment.

Community Board 6 supported the proposed applications (i.e., the zoning map amendment and Text Amendment #1) and made several other recommendations: the 125-foot zoning depth should be reduced to 100 feet; tower coverage should range from 30 to 40% of lot size; DCP should expedite its planned changes to the community facility zoning regulations, especially amendments to eliminate additional floor area and require community facilities to be compatible with existing neighborhood character; the Planning Commission should explore regulations that would prevent the conversion of community facility buildings to residential buildings; and the Commission should consider the design recommendations developed by Oculus. Board 6 added that the Commission should re-evaluate the text change in the future and should then modify the text to allow greater articulation and design flexibility by permitting a lower percentage of floor area below the 150-foot packing line. Finally, the Board requested that the Commission amend the community facility use group classification.

Community Board 4 adopted a resolution supporting Text Amendment #1, on condition that the community facility plaza bonus be made discretionary or eliminated altogether. The Board raised concerns over the possible abuse of converting community facilities to residential use.

Community Board 2 adopted a resolution recommending approval of Text Amendment #1, on the condition that several concerns be addressed: the proposal as framed would continue to allow unlimited transfer of development rights, which the Board questioned; the Board also urged that the new regulations not be designed to promote streetwall recesses in that building base recesses could alter historic neighborhood character; the Board commented that the proposed small setbacks might not be sufficient to mask the size of towers; and the Board protested that the proposed text does not fully address community facility buildings. The Board applauded DCP for recommending the elimination of the plaza bonus, but emphasized that its outstanding concerns with tower development had still not been addressed.

SUMMARY OF BOROUGH BOARD ACTION

On November 18, 1993 the Manhattan Borough Board unanimously adopted a resolution supporting Text Amendment #1, on condition that the zoning map amendment would also be approved. The Borough Board basically concurred with the resolutions adopted by Community Boards 2, 4, 6 and 8 and resolved that the City Planning Commission should: expedite the completion of the community facility text change; develop bulk regulations to address tower-on-a-base zoning for community facilities, including the elimination of excess additional floor area; develop rules that will prevent new tower and plaza buildings from being converted to residential buildings; and review the Oculus recommendations to encourage more design flexibility.

SUMMARY OF BOROUGH PRESIDENT PUBLIC HEARING

On November 18, 1993, the Borough President held a public hearing at the Urban Center on the zoning map amendment and the tower and plaza text change.

Councilmember Andrew Eristoff, as well as the representatives of other elected officials of the Upper East Side, strongly supported the zoning text amendment and the proposed tower and plaza text change. Among those testifying were: Margaret Newberry from Senator Roy Goodman's office; Donelle Gladwin from Assemblyman Pete Grannis' office; Jeanne Walker from Congresswoman Carolyn Maloney's office; Judy Marcus from Councilmember Charles Millard's office and Lisa Robin Guido from Assemblyman John Ravitz's office.

Michael Slattery, Senior Vice-President of the Real Estate Board of New York, stated that the zoning map amendment, while ostensibly designed to preserve mid-blocks and affordable housing, was in reality an attempt to reduce density. Mr. Slattery stated that the previous zoning actions and lot assemblage constraints already protect the mid-block areas and added that the transition zone proposed by DCP would further ensure neighborhood preservation. He stated that the effort to reduce zoning depth to control density was directed at the wrong target, because, while the number of housing units had increased by 82% over the past 40 years, the area's population has increased by only 2,000 people. He added that the perception of overcrowdedness may be due to daytime workers.

Warrie Price, Chair of Community Board 8, discussed the community-based process and praised the involvement and technical assistance from the office of the Borough President and CIVITAS. She expressed the Board's support for the tower and plaza text change and articulated the elements it strongly supported, as well as those it found problematic. She closed her remarks by emphasizing that the text change should only be approved in conjunction with the zoning map amendment, to ensure preservation of the neighborhood character within the 25-foot strip.

Ken Lowenstein from the law firm of Rosenman and Colin, testified on behalf of Leonard Litwin, the principal owner of the ASPCA site. He testified that the proposed text change and rezoning would adversely affect the project. Mr. Lowenstein requested that the grandfather provisions proposed by DCP for previously approved special permits be retained and the map change terminate at East 91st on York Avenue, to exclude the ASPCA site.

Jim Gauer, a representative of Oculus, commended DCP for its efforts and summarized the working group sessions. He disagreed with the packing the bulk tool and questioned the use of dormers and penthouses to achieve building articulation. He testified that Oculus supports the zoning map amendment and is finalizing further recommendations for the tower regulations.

Costos Kondylis, an architect, testified that the text change was a radical change which would take the zoning from one extreme to another. He was concerned that the elimination of the plaza bonus would eliminate open spaces along the avenues, thereby reducing the amount of sunlight. He also stated that the streetwall context along Third, Second and First Avenues is difficult to define, and added that matching the height of an existing streetwall could be

problematic. He further stated that the discussions regarding the text change had not fully addressed building interior issues, with the consequence of the proposal potentially being apartments with deeper and darker interiors. He suggested that the streetwall be limited to 60 feet to minimize the number of deep apartments.

Linda Davidoff, President of the Parks Council, expressed her concern that the zoning ordinance had not been used effectively as a means of controlling density. She cited a Women's City Club statement that called for the reevaluation of floor area ratios throughout the city that could be used to channel opportunities for growth in appropriate areas. She added that mandated public open spaces should accompany new developments, rather than bonused plazas.

Robert Flahive, Director of the Manhattan Office at the Department of City Planning, summarized the improvements of the proposed text change. He noted that zoning was a blunt instrument, but said that ongoing discussions would continue to refine the regulations. The Department is completing a study of community facility regulations, which should be released in December. According to Mr. Flahive, that report would probably include recommendations regarding certain community facility uses in high-density residential districts.

Terri Slater, Vice-President of Friends of the Upper East Historic Districts, wholeheartedly urged approval of the rezoning. Ms. Slater described the efforts of the community to improve the zoning on the Upper East Side. She added that the proposed rezoning was a natural extension of those efforts.

Ed Rubin, Land Use Chair of Community Board 6, opened his remarks by stating that the plaza did not work well in Manhattan, even after CPC revised the plaza text. He went on and summarized the major points of the resolution adopted by Community Board 6.

Sherida Paulsen, an architect, participated in the Oculus study group and later as a member of a REBNY tower and plaza subcommittee. Her testimony focused on the design implications of the rezoning and packing the bulk concept. She stressed that the rezoning would diminish the site area for tower footprints and should be re-visited. Ms. Paulsen added that the concept of packing the bulk would negatively affect a developer's ability to provide efficient apartment layouts and create alternative spaces.

Tom Balsley, a landscape architect, and a member of a group of landscape architects that had reviewed current plaza guidelines and prepared a report, discussed the benefit of plazas and recommended that the plaza guidelines be retained and improved.

Elizabeth Ashby, President of Carnegie Hill Neighbors, supported the rezoning and voiced her concern that the affordable units already lost on the Upper East Side may not be easily replaced. She added that the opportunity to protect existing low and moderate housing was extremely important. She urged the Commission to look into the community facility loopholes and praised the regulations that encourage building articulation. Ms. Ashby explained how additional density could further exacerbate the problems with electrical brown-outs and water supply problems.

Genie Rice, President of CIVITAS, thanked the various participants, sponsors and volunteers involved in addressing high-density residential development and urged that DCP's text change should not move forward until the zoning depth is restored to 100 feet.

Sherry Lourie spoke on behalf of Betty Wallerstein, President of the East 79th Street Neighborhood Association. Ms. Lourie expressed the Association's support for the remapping application and she described the Upper East Side as a community that was overbuilt, undeserved by transportation, sewage and sanitation services.

Reita Cash, representing the 200 East 87th Street Block Association, supported the application. She stressed the need for preserve the quality of life, protect the existing scale and retain existing affordable housing units.

James Neff, Treasurer of the East Side Improvement Society, explained that the mission of his organization was to prevent homelessness by intervening in tenant-landlord disputes and requested that the rezoning be approved to help preserve affordable housing units.

Margaret Parker, representing the 300 East 87-88th Street Block Association, supported the rezoning application. She stated that protection should extend to the working class and large senior citizen population residing in the area.

Lawrence Hickey, President of Joneswood Properties, supported the rezoning application because it would create uniformity and correct past injustices in the area.

Lee Legget, of the York East 89th Street Block Association, talked about the lack of sunlight and the mixed income nature of the neighborhood. He commended DCP for its work, but he requested that the avenue depth be reduced.

Nan Weir, a member of 84th Street Association who lives next to a vacant lot, expressed her concern about the vanishing low-rise character and loss of brownstones on the Upper East Side.

Dawn Sullivan, Eastside Tenants Coalition, supported the reduction of the avenue depth. She expressed concern about losing additional affordable housing units. She had thought that the enactment of inclusionary housing regulations would help ensure a mixed income community, but stated that it had not, because people who were displaced had not been able to return to Upper East Side. She added that many of the older buildings located along the side streets are affordable and should be preserved.

Roberta and Raphael Hodgeson submitted written testimony that stated their support for the rezoning and the positive affects it would have on light and air.

BOROUGH PRESIDENT ACTION (ULURP No. C 930136 ZMM)



The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

The Manhattan Borough President recommends approval, subject to the conditions detailed below.

The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS

Zoning Map Amendment

Along with the Manhattan Borough Board, Community Boards 6, 8, 10 and 11 and Oculus, the Borough President strongly supports the rezoning application to reduce the avenue zoning depth from 125 to 100 feet. The rezoning does raise certain issues, e.g., a reduction in bulk on the existing soft sites, a reduction in potential dwelling units, a reduction in commercial space and various impacts on previously approved special permits. However, the rezoning application comports fully with sound planning principles and is compatible with zoning patterns throughout Manhattan. The proposed rezoning would protect neighborhood character and preserve affordable housing units located within the 25-foot strip. The proposed zoning map amendment would also be consistent with the trend elsewhere in New York City during the past four years, where ten ULURP applications have been submitted seeking a reduction in the avenue depth from 125 to 100 feet; seven were approved, three are pending.

• Compliance

At this point in time, about 65% of the streetwalls within the 25-foot strip would comply with the zoning requested. This level of compliance exceeds the percentage of compliance existing at the time the R10A wide street rezoning (a DCP-sponsored action) was approved in 1990. Under that application, streetwall compliance ranged from 49% to 54%.

Conformance

Analysis of the project area revealed that within the 25-foot strip, 83.4% of the land uses conform to the proposed zoning. Of the 16.6% of the land uses that do not, a substantial amount are either buildings built on 125-foot-deep lots with ground floor commercial uses or smaller existing buildings with ground floor commercial uses.

Density and Development Potential

The Borough President recognizes that the Upper East Side's population has increased in the past 40 years by only 2,000 residents. Although the overall density has thus increased by only one

percent since 1950, Community District 8 ranks first in New York City in population density (166 people per acre) and ranks first in housing density (108 units per acre). Census data shows that 58,000 units were developed on the Upper East Side after the 1961 zoning was passed, which accounts for almost half (43%) of the existing housing stock in the district. Most of the new apartments constructed have been studios and one bedroom units, and as a result, the average number of persons per households dropped to 1.7. Furthermore, the demographic shift during the same time period has been significant; large households and families no longer make up the majority of the Upper East Side. As of 1990, 60% of the adult population (15 years and older) are either separated, widowed, divorced or have never been married.⁴ It is very likely that the overcrowdedness that the community perceives, may be caused by the high number of pedestrian trips generated by the large single population, especially at peak hours.

According to the Metropolitan Transportation Authority (MTA), the Lexington Avenue subway is one of the most heavily taxed routes in the entire subway system and is actually operating in excess of capacity during the morning rush hour. Above ground, substantial increases in vehicular traffic also attest to the conditions of congestion.

To determine development potential on the Upper East Side potential soft sites were identified. The criteria⁵ identified a total of 58 soft sites within the project area. About half (26 sites) of these soft sites include lots within the 25-foot strip. However, many community residents and civic groups believe that additional soft sites exist. Throughout the study area, five- and six-story buildings flank the avenues; DCP criteria disqualify these sites as "soft", because of the State regulations protecting rental occupancy in residential buildings with at least four occupied dwelling units. Notwithstanding, history shows that there remains a significant possibility for such buildings to be vacated and sites to be assembled that include mid-block buildings within the 25-foot strip. Thus, any list of existing soft sites is but a snapshot in time and can increase or decrease depending on a number of factors. This proposed rezoning would better protect the mid-block buildings from this type of development pressure.

Under existing zoning, there is a potential for 2,596 dwelling units on the 26 soft sites that include portion of the 25-foot strip. The zoning map amendment would reduce this to 1,746 -- a loss of potentially 850 dwelling units. The proposed rezoning would also reduce the maximum potential floor area on these sites, except if the split lot provisions apply (see page 17). When compared to the existing residential high-density zoning, the additional 25-foot by 100-foot area represents a potential 25,000 square foot (at 10 FAR) or 30,000 square feet (at 10 FAR with a

⁴ The figures cited were obtained from the Department of City Planning's Demographic Profiles (August 1992) and Socioeconomic Profiles (March 1993).

⁵ A "soft site" is a lot or an assemblage of lots that can be considered as likely to be developed, based on certain criteria. The Department of City Planning sets the following criteria for soft sites: vacant lot; underbulk institutional structures, underbulk "taxpayer" structures, underbulk predominantly commercial buildings; underbulk residential buildings on a frontage greater than forty-five feet; and residential buildings with less than five occupied units. An "underbulk" buildings represents 60% or less of the floor area permitted by zoning.

2 FAR bonus) of additional floor area. Based upon an average floor plate of 4,500 square feet, the rezoning could thus reduce the potential height of a building by about 5 to 7 stories.

The Upper East Side cannot continue to absorb a significant amount of development without some further attention to issues of infrastructure capacity. According to DCP, its proposal assumes that the Second Avenue subway will eventually be built to handle the additional density. In fact, while federal funds have been allocated to the MTA to study the feasibility of the Second Avenue subway, the MTA's 20-year plan does not include funds for such a project. In light of the fact that the Upper East Side is the most dense community in New York City, the 58,000 units that have been developed there during the past 30 years, and the potential for thousands more, this proposed reduction in development potential appears be reasonable.

Light and Air

Another significant impact that is caused by high-density zoning is the reduction in light and air. CIVITAS, in its film, "No More Tall Stories," first illustrated the effect of tall buildings in low-rise residential neighborhoods. The analysis was performed by the Simulation Laboratory at the University of California, Berkeley and the Project for Public Spaces. Simulation studies explored the impacts of tall buildings, such as the down draft of wind patterns (called the "Monroe Affect," named after Marilyn Monroe) and the reduction of light and air. The Manhattan Borough President has advocated for increased attention to "light and air" in the environmental review process. The issue was raised by the Borough President during the review of Hospital for Special Surgery's and New York Hospital's proposals to expand over the FDR Drive, adjacent to the East River Esplanade. Although the esplanade itself would not be in shadow, the Manhattan Borough President's ULURP report articulated the impact of a 70 to 100-foot high building, 700 feet long, adjacent to a 16-foot-wide esplanade. In 1993 when commenting on the Draft City Environmental Quality Review Manual, the Manhattan Borough President specifically recommended the inclusion of "light and air" as a visual resource to be studied.

The best illustration of this issue came from a representative of an Upper East Side elected official, who stated that when neighborhood residents had complained about the noise generated from a motorized traffic directional sign on York Avenue, the Department of Transportation had proposed the installation of a solar-powered sign. Unfortunately, the sign proved to be inoperable because of the lack of sunlight.

Affordable Housing

The Borough President supports retention of the Inclusionary Housing Bonus and supports the preservation of existing affordable housing units within the 25-foot strip. The Upper East Side, specifically the area within the boundaries of Manhattan's Community Board 8, extending from Fifth Avenue to the East River and from 59th Street to 96th Street, is generally regarded as the most affluent neighborhood of New York City. The high-rise luxury apartments facing Central Park, the luxury apartments on Madison and Park Avenues, the townhouses on the mid-blocks extending from Fifth Avenue to Lexington Avenue, and the high rise apartments facing the East River, all give credence to this perception.

During the 1980's, the Upper East Side became more affluent. For example, approximately 15,000 units were constructed between 1980-1990. During the same 10-year period, 2,317 units that had been in structures containing 10 to 19 units were lost, over 5,000 units that were built before 1949 were demolished, the number of renter occupied units decreased by 13.4%, female-headed households decreased by 26.9%, persons and families in poverty decreased by an average of 25%. In contrast there was a 40% increase in median income for households and families and a 64% increase in median income for nonfamily households. By 1990, tenements and townhouses represented 18% of the districts housing stock.⁶

The loss of tenement units does not begin to describe the social consequence of those changes. Because of the scarcity of available sites within Board 8 for off-site affordable housing, it is likely that most of the bonused affordable housing sites would be selected outside the district. Rather than strengthening the heterogeneity of the community, the affordable housing program, when used, thus sometimes further segregates neighborhoods by income and by relocating poorer households outside of the Upper East Side. Meanwhile, as of 1989, the 25-foot strip contained approximately 1,800 dwelling units.⁷ The Borough President strongly supports the zoning map amendment as one further tool for the preservation of affordable units within this area.

The Borough President is concerned about one previously approved special permit that has been brought to her attention as potentially affected by the zoning map amendment. The site, the location of the former ASPCA building, is located between East 92nd and 93rd Streets on York Avenue; it falls partially within an R10 zone and partially within an R8 zone. The developer proposes to construct 272 dwelling units as an 80/20 project, meaning that 55 units would be designated for low income households. Other project components would include ground floor commercial space, a plaza and an attended 137-space parking garage. Additionally, the developer plans to reconstruct a portion of the East River Esplanade and contribute to its maintenance fund. DCP has proposed to "grandfather" this permit against any loss of the plaza bonus; if the site is now rezoned as proposed in the zoning map amendment, 40 market rate units would be lost, along with some ten low-income units.

The Borough President is concerned about the preservation of the neighborhood context as well as affordable housing in the Upper East Side and, therefore, requests that the ASPCA site be studied further during the course of the remaining ULURP period.

Split lot provisions

Chapter 7 of the Zoning Resolution (Special Provisions for Zoning Lots Divided by District Boundaries), proscribes special conditions for any zoning lot located in two or more districts. Under certain lot size conditions, the provisions under § 77-211 could exempt a developer from complying with the bulk regulations of any new zoning designation, such as the proposed zoning

⁶ See footnote 4.

⁷ CIVITAS Committee, Craig Whitaker Architects, Buckhurst Fish Hutton and Katz, Professor Willard Hansen and Gerard Haizel of New York University Graduate School of Public Administration. "Upper East Side Study: A Draft for Discussion," October 1989.

map amendment, if the regulations are approved *after* the zoning lot was created. In other words, it is possible that this rezoning, if approved, would have little or no effect on certain soft sites. There are about nine split lot buildings (R10/R8) that were constructed between 1978-1987 and, although the R8B contextual zone was mapped in the mid-blocks during 1984, the split lot provisions continued to permit developers to intrude into the mid-block. Examples of split lot buildings include the 50-story Bristol on East 65th Street and the 40-story Saratoga on East 75th Street. It is unclear how many of the 26 soft sites within the project area would be exempt, because the split lot provision is based on ownership records and other zoning lot arrangements that are difficult to identify. Therefore, the Borough President urges the Commission to study the appropriateness of the split lot provisions and consider amending the Zoning Resolution to limit or eliminate these preferences.

Commercial floor area

The proposed rezoning would reduce the potential of commercial development by approximately 79,553 square feet. This reduction, which would affect the 25-foot-strip between 100 and 125 feet of the avenue, would not adversely affect retail continuity on the Upper East Side. Existing stores would be grandfathered as existing non-complying uses. New stores could easily be accommodated on avenue frontages where pedestrian traffic is greater, leaving side street frontages for residential entrances.

Text Amendment #1 (Tower and Plaza Text Change)

The Borough President generally supports this text change and applauds the Department of City Planning for recognizing the problems created by the existing tower and plaza regulations and for putting forth amendments addressing these issues. The Department should also be commended for reaching out to the civic, design and development communities to formulate the text changes. The Borough President is further pleased that all provisions for tower regulations for R7-2 and R8 zones were removed from the draft text, as a result of the concerns she had expressed prior to certification.

Architectural Controls

Members of the design and development community have stated that the proposed text amendments would constrain interior layout, force developers to waste floor area, and force articulation to be lumped at the top or base of the building. According to REBNY, the packing the bulk concept would drive the floor to ceiling heights of a building's lower floors to be lower and it would restrict the floor to ceiling heights of retail space. The Borough President agrees that the "packing the bulk" requirement would discourage design flexibility.

The Commission should consider substituting a minimum coverage requirement for the packing requirement, because packing the bulk continues to be a problematic tool to control zoning lot mergers. The Commission should also consider the Oculus recommendations, such as the "building transition zone" to encourage windows on all four sides of the tower (the proposed tower-on-the-base concept does not sufficiently encourage legal lot line windows) and new provisions to allow articulation to be applied throughout the buildings' surface (rather than being limited to the base and top).

Residential Plaza Bonus

As of 1990, plazas accounted for 20% of the open space on Upper East Side. Although plaza zoning regulations were revised and improved in 1977, area residents and civic groups continue to raise concerns regarding plazas that are poorly-located, underutilized and fail to meet the original intention of ensuring adequate light and air at the street level. Thus, the estimated five acres of residential plazas in Community District 8, taken in combination with the permitted additional density, has done very little to mitigate the area's severe open space shortage. Moreover, these problems with plazas are not isolated just on the Upper East Side. Several other Community Boards have complained of similar problems and have also indicated that the plaza bonus competes inappropriately with the Inclusionary Housing bonus.

The Borough President has long favored the elimination of the plaza bonus. Recognizing the severe open space needs of dense residential communities throughout the Borough of Manhattan, the Borough President believes that development should address such needs on a mandatory basis --either by creating new public open space, where feasible and appropriate, or by providing meaningful enhancements to increase public use and enjoyment of existing (often sadly neglected) open spaces.

The Borough President agrees with the Manhattan Borough Board and these various Community Boards that the elimination of the residential plaza bonus is long overdue. Making Inclusionary Housing the only floor area bonus available should ensure the construction of more affordable housing units. Also, the elimination of the plaza bonus would reinforce retail continuity, maintain streetwalls and reduce the potential exposure of "scar tissue."

Transition zone

The Borough President agrees with Community Board 8 and believes the 25-foot strip transition zone would be an effective tool to protect the height beyond the high-density avenue zoning depth, but only if the zoning map amendment is also approved. The transition zone and the zoning map amendment together would reduce the potential negative impacts of such quirks in the Zoning Resolution as the split lot provision. Approval of the transition zone alone, by contrast, would not discourage the demolition of buildings located beyond 100 feet of the avenue.

Community facilities

The significant change proposed under Text Amendment #1 would be the elimination of bonuses for plaza and arcade buildings that are "predominantly" occupied by residential use. Buildings that are "predominantly" occupied by community facility uses could continue to utilize the plaza and arcade bonuses. Since the text change primarily affects Community Districts 6 and 8, hospitals, health-related facilities, nursing homes and dormitories would benefit most from these provisions.

Failure to eliminate or restrict the plaza bonus for community facilities is troublesome. The existing regulations already allow community facilities to be built larger than residential buildings in many zones. Allowing plaza bonuses for community facilities in residential areas

in exchange for plazas does not appear to further sound planning; indeed, DCP itself acknowledges that these are typically "poorly located, ill-designed and underutilized." Furthermore, the liberal zoning regulations will be most problematic in Community Districts 6 and 8, where land use impacts associated from the expansion of institutions remain major policy issues. This proposed text change would thus perpetuate the problem of excess bulk for community facilities.

The Borough President agrees with the Manhattan Borough Board and urges the Commission to examine the impact of the plaza bonus for community facility buildings. At a minimum, the Commission should ensure that community facility buildings cannot be easily converted to residential buildings.

Text Amendment #2 (Madison Avenue Text Change)

The Borough President compliments Carnegie Hill Neighbors and Community Board 8 for their diligence in pursuing this text change proposal. The Borough President recognizes that there remains some disagreement regarding the language proposed for Section 99-055 (Maximum Building Height) of the text. The applicants' preferred language ("19 stories or 210 feet, whichever is less") would in many cases, decrease the potential height of penthouses from 40 to 20 feet. But "19 stories or 210 feet" was the height limit that was previously part of the Special Madison Avenue Preservation District prior to 1982 and is currently the applicable height limit for the Special Park Improvement District, which covers Fifth Avenue. The Borough President believes the applicants' request is reasonable and agrees with Community Board 8 that the Commission should adopt the alternative provision, i.e., a height limit which would also be identical to the Special Park Improvement District.

CONCLUSION

A significant amount of advocacy, analysis and organizing effort resulted in the development of these various proposals. In particular, the Borough President congratulates the Department of City Planning, Community Board 8, CIVITAS, the Real Estate Board of New York, Craig Whitaker Architects and Oculus for their outstanding commitment to this process for addressing the issues related to high-density development and residential plazas, and commends Carnegie Hill Neighbors for its similar commitment with regard to Madison Avenue.

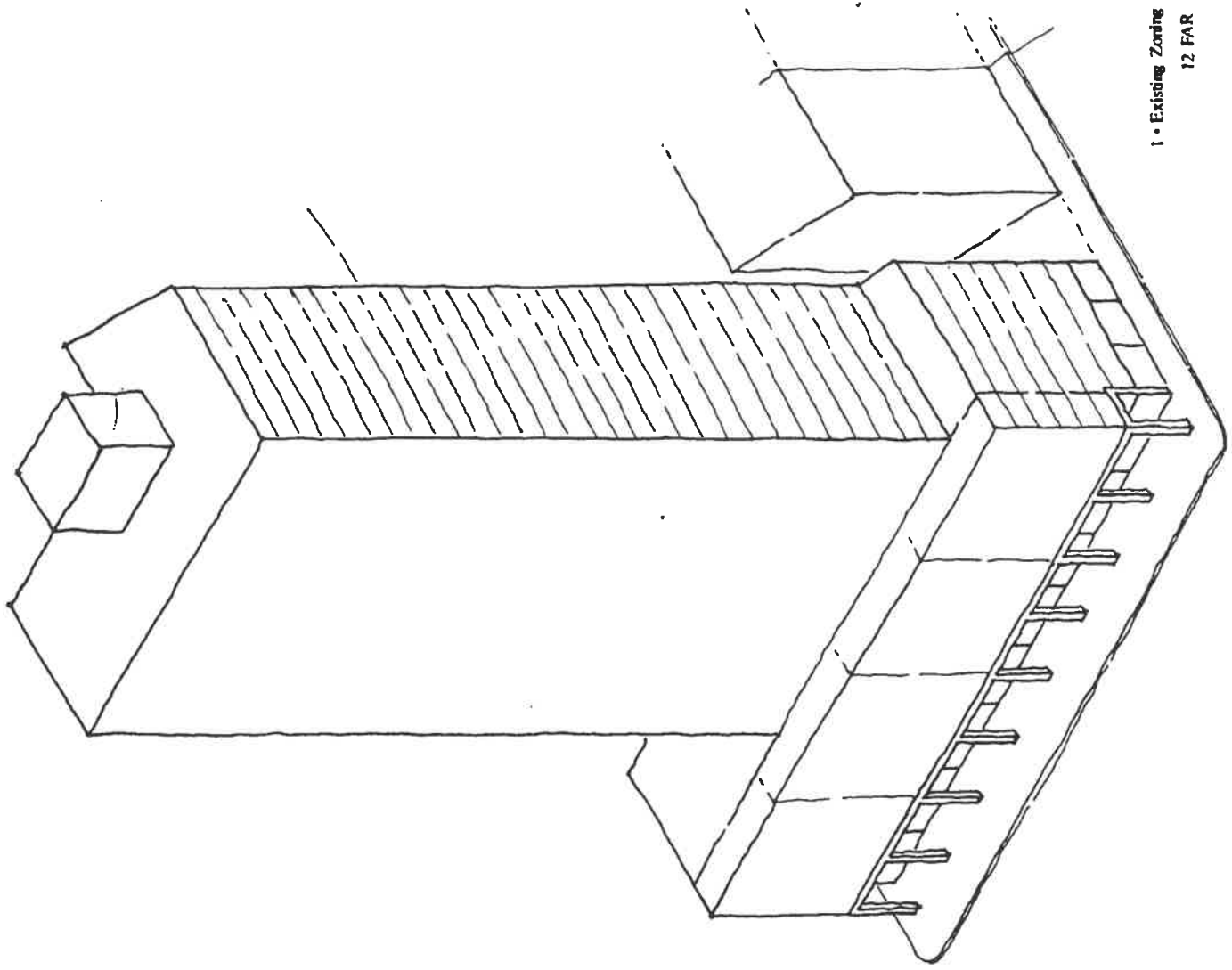
From the film produced by CIVITAS to the discussion document prepared by the Department of City Planning to the Simlab working sessions, these proposals were produced by a process that effectively utilized many tools to explore the best solutions for the high-density residential districts. This planning process exemplifies how the civic, design and development communities can come together and tackle a very complicated set of issues and should serve as a model for future initiatives.

Taken in sum, these proposals provide an opportunity to preserve the neighborhood character and urban fabric of the Upper East Side and similar high-density residential areas. The Borough President strongly supports all three proposals.

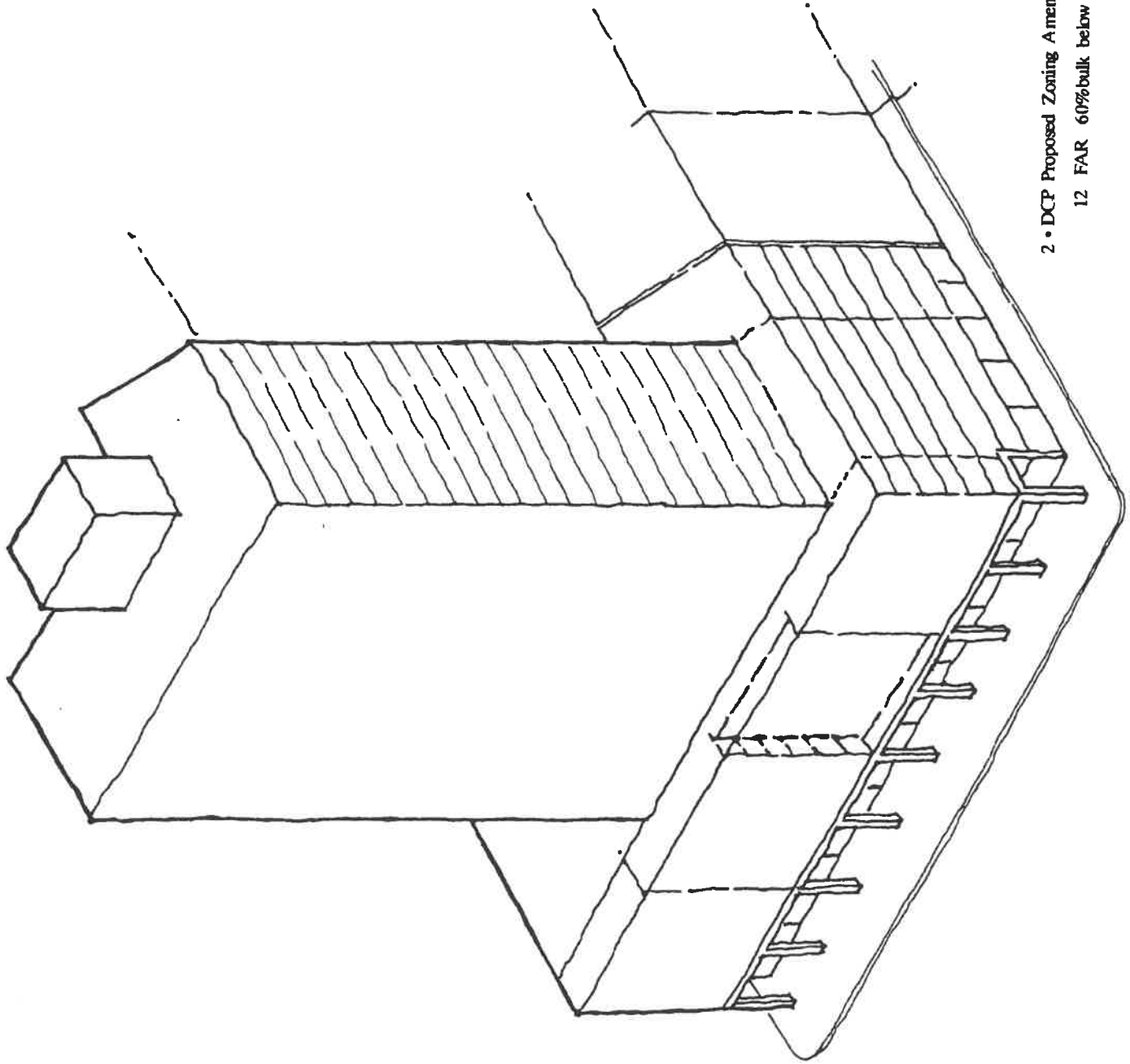
Report and Recommendation Accepted:

A handwritten signature in dark ink, appearing to read 'Ruth W. Messinger', is written over a horizontal line.

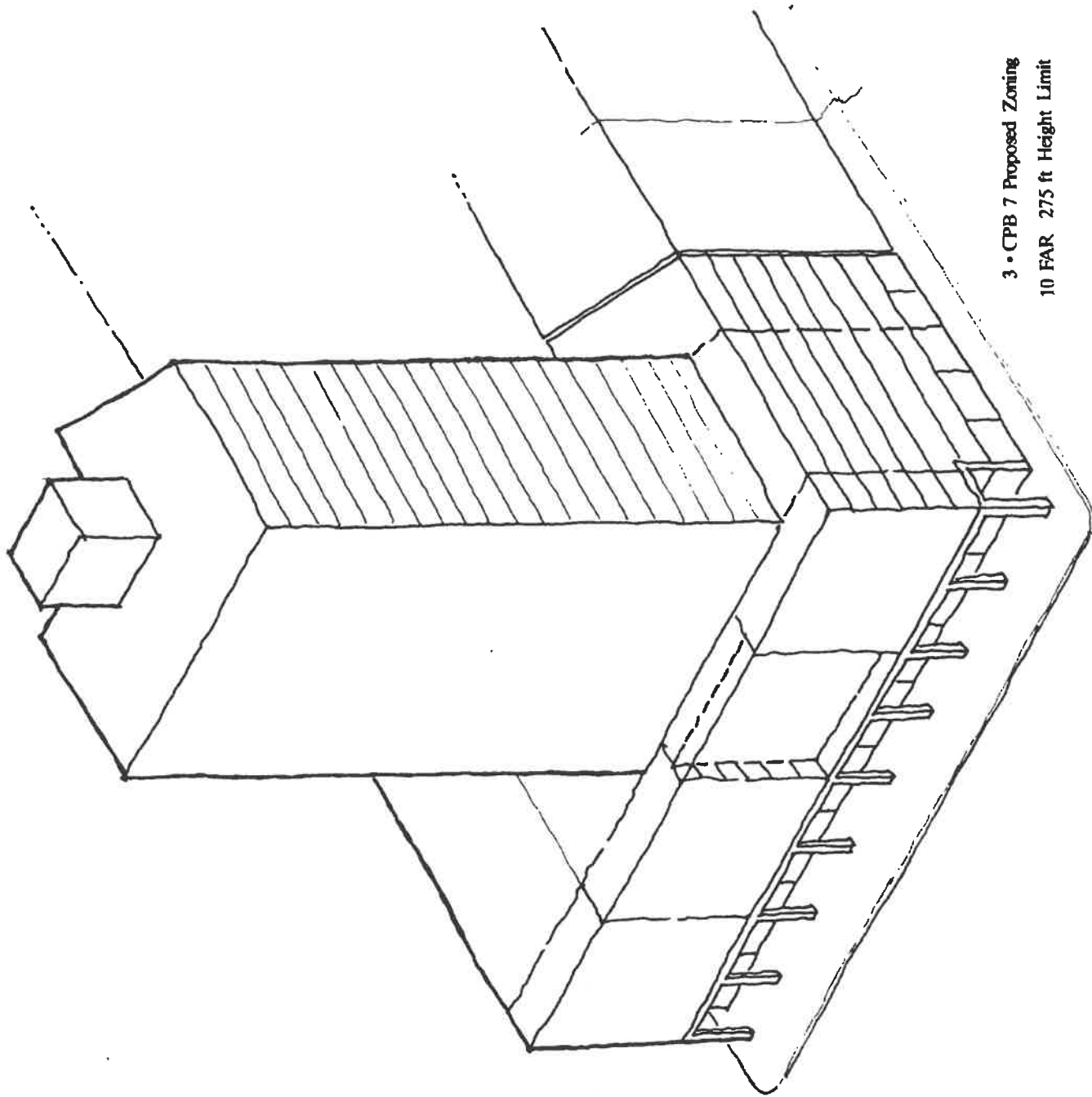
Ruth W. Messinger
Borough President



1 - Existing Zoning
12 FAR

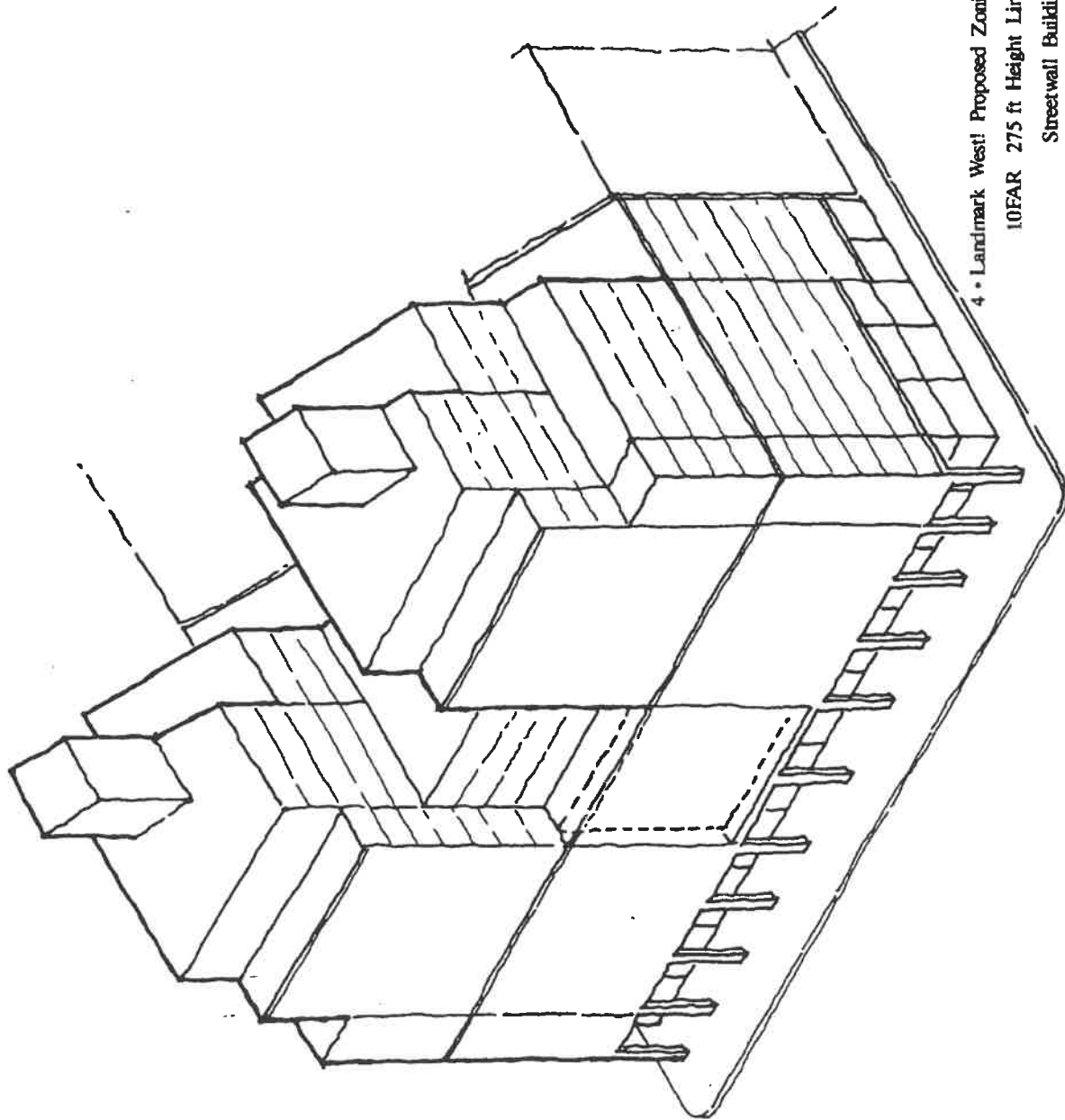


2 • DCP Proposed Zoning Amendment
12 FAR 60% bulk below 150 ft



3 • CPB 7 Proposed Zoning
10 FAR 275 ft Height Limit

SPECIAL LINCOLN SQUARE ZONING DISTRICT PROPOSED ZONING CONTROLS November 1993



4 • Landmark West! Proposed Zoning
10FEAR 275 ft Height Limit
Streetwall Building

SPECIAL LINCOLN SQUARE ZONING DISTRICT PROPOSED ZONING CONTROLS November 1993